

**THE RESPONSES PROVIDED BY THE GOVERNMENT OF THE
REPUBLIC OF ARMENIA TO THE QUESTIONNAIRE OF THE CHAIR
RAPPORTEUR OF THE UN WORKING GROUP ON THE ARBITRARY
DETENTION**

- 1. Please provide information concerning the number of people held in pre-trial detention as well as the number of those who are imprisoned pursuant to a conviction for drug-related offences. Please indicate what percentage of the total pre-trial detention population is being held for drug-related offences. Please identify the percentage of the total prison population who have been convicted and imprisoned for drug-related offences. For those convicted of drug-related offences, what percentage of this group have been imprisoned for acquisition, use or possession of drugs for personal use? How many people convicted of drug use belong to disadvantaged groups (e.g. women, pregnant women, children and youth, indigenous people, sex workers, lesbian, gay, bisexual, transgender (LGBT) persons, homeless people, people with HIV/AIDS, persons with disabilities, ethnic minorities, migrant communities?)**

According to the information provided by the Special Investigation Service of the Republic of Armenia, 5 persons charged with 4 criminal cases for illegal drug trafficking were arrested in 2019. One of the aforementioned criminal cases was sent to the court in 2019 and two with the indictments were sent to the court for the substantive examination in 2020. The National Security Service has arrested 2 people suspected of illicit drug trafficking in 2019, and 33 people were arrested for smuggling narcotic drugs, psychotropic substances and/or their precursors. 14 people were deprived of their liberty.

In 2019, the Investigation Committee and the Investigation Department of the State Revenue Committee of the Republic of Armenia used detention as a precautionary measure against 157 people charged with the illicit drug trafficking. 71 of these individuals were charged with illicit drug trafficking, 80 for smuggling narcotic drugs or psychotropic substances into the territory of the Republic of Armenia, and 6 for illicitly obtaining or storing drugs without a purpose to sell them.

There were no juveniles, representatives of the refugee community, or persons with HIV/AIDS and pregnant women among detainees. Eight of the detainees were women. No registration is conducted for the identification of LGBT community representatives or prostitutes among detainees. The age of detainees is not possible to identify due to the uncertainty of the requested information. In 2019, two juveniles were sentenced to imprisonment during the same period, charged with committing the crimes provided for in the Article 266 (1) and Article 268 (2)(2) respectively. During the same period, four women were sentenced to the imprisonment for the

offenses set forth in Article 267.1 (4), Article 268 (2) and Article 273 (2) respectively. Immigrant women, women with HIV/AIDS or pregnant women have not been sentenced to prison.

According to the information provided by the Police of the Republic of Armenia, in 2018 485 people, charged with the crimes of illicit drug, psychotropic substances and/or their precursors trafficking, were subject to the criminal liability, 19 out of them were women, 29 were foreigners, 17 were previously convicted and 3 were juveniles. In 2019 510 people, charged with the same crimes, were subject to the criminal liability, 30 out of them were women, 46 were foreigners, 10 were previously convicted and 10 were juveniles.

As for March 12, 2020 there are 2250 persons held in penitentiaries of the Ministry of Justice of the Republic of Armenia, out of which 1081 are detainees and 1169 convicts. 245 out of 1081 detainees (22,7%) were arrested for the crimes prescribed by the Articles 266-274 of the Criminal Code of the Republic of Armenia. 69 out of 245 (28,2%) detainees were arrested for the crime prescribed by the Article 268 of the Criminal Code of the Republic of Armenia. 238 out of 1169 (20,4%) convicts were convicted for the crimes prescribed by the Articles 266-274 of the Criminal Code of the Republic of Armenia. 139 out of 238 (58,4%) were convicted for the crime prescribed the Article 268 of the Criminal Code of the Republic of Armenia.

- 2. Does your State consider the acquisition, use or possession of drugs for personal use a minor offence within the meaning of this term as set out in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (article 3, paragraph 4(c))? If so, what percentage of people arrested for the acquisition, use or possession for personal use of drugs are diverted out of the criminal justice system, and what alternative measures, if any, are such people subjected to?**

The crime of the drug use in the Republic of Armenia has been decriminalized since 2008 (by the Law of the Republic of Armenia “On Making Amendments and Addenda to the Criminal Code of the Republic of Armenia” No. 76-N of May 26, 2008).

With regard to the acquisition and possession of narcotic drugs or psychotropic materials for personal use, the Article 268 of the Criminal Code of the Republic of Armenia stipulates that the unlawful manufacture, processing, procurement, keeping, delivery or supply of narcotic drugs or psychotropic substances to a significant extent is not possible and is punished with arrest for the term of up to 2 months or with imprisonment for the term of up to 1 year.

As refers to the alternative measures, according to the Article 54 of the Criminal Code of the Republic of Armenia, public work is the execution of free socially useful, authorized work by the convict at the expense of his leisure time after basic work or classes, as determined by the court.

Public works may be imposed on persons convicted for the offenses of minor or moderate gravity or sentenced to the imprisonment for a maximum of two years.

In this context, when the conviction of a person does not exceed two years, public works may be assigned as an alternative punishment to the imprisonment. Moreover, the Article 21 of the Code of the Administrative violations of the Republic of Armenia considers the possibility of removing administrative liability if the person committed a minor crime, whereby if the administrative offense committed is of less importance, the body authorized to adjudicate the case (the official) may remove the administrative liability from the offender.

3. Has your State decriminalized the acquisition, use or possession of illegal drugs for personal use? If so, to what drugs does this apply and what are the amounts considered to be for personal use? What is the legislative or judicial basis for such decriminalization? If decriminalization has not taken place, what penalties apply to the acquisition, use or possession of illegal drugs for personal use?

As it is already stated, the crime of the drug use in the Republic of Armenia has been decriminalized since 2008.

Based on the Articles 266, 273 and 275 of the Criminal Code of the Republic of Armenia and the Articles 44.1 and 110.2 of the Code on the Administrative violations of the Republic of Armenia, the Government of the Republic of Armenia adopted the 707-N Decree on June 27, 2018 entitled “The circulation of small, significant, large and particularly large amounts of narcotic drugs, psychotropic substances, plants that contain highly active or toxic substances and its small, significant, large and particularly large amounts, as well as its precursors, is prohibited.”

According to the Article 268 of the Criminal Code of the Republic of Armenia on the Illegal turnover of narcotic drugs or psychotropic materials without the purpose of sale:

1. Illegal manufacture, processing, procurement, keeping, delivery or supply of narcotic drugs or psychotropic materials without the purpose of sale, is punished with arrest for the term of up to 2 months or with imprisonment for the term of up to 1 year.
2. The same action committed in large amount is punished with imprisonment for the term of up to 3 years.
3. The same action committed in particularly large amount is punished with imprisonment for the term of 2 to 6 years.

According to the Article 44.2 of the Code of the Administrative violations of the Republic of Armenia, the liability is prescribed for the use of narcotic drugs or psychotropic substances without prescription. Particularly: without using prescription drugs or psychotropic substances, a

fine equal to the amount of twenty hundred times the minimum wage, the same action again, doing time in a year, a fine equal to the amount of two hundred times the minimum wage, a person who without the medical use of narcotic drugs or psychotropic substances prescription voluntarily apply for the relevant medical organization, shall be exempt from administrative liability for an offense under this Article.

4. What types of circumstances have led to unlawful and arbitrary arrest of people in your State for drug-related offences? What structures/ institutions are in place so that people who are arrested for a drug-related offence can make a complaint about unlawful and arbitrary arrest and detention, or the threat thereof?

There were no cases registered for the unlawful and arbitrary arrest and illicit drug trafficking in the Republic of Armenia from 2018 to 2019. However, in case of unlawful and arbitrary arrest, a person may submit a report to the law enforcement bodies of the Republic of Armenia.

5. Does your State differentiate in its criminal procedures for persons alleged to have committed drug-related offences compared to those who have been arrested for other types of criminal offences? For example, are persons arrested for drug-related offences held in custody longer than persons arrested for other offences before being charged or before being brought before a judge to determine the legality of their arrest? Are persons charged with drug-related offences automatically held in pre-trial detention until trial? Is legal aid available for persons charged with drug-related offences in similar circumstances to which it would be available for other criminal offences? Does your State allow persons convicted of drug-related offences to be considered for suspended sentence, sentence reduction, parole, release on compassionate grounds, pardon or amnesty that are available to those who are convicted of other crimes? Are legal presumptions used so that persons found with amounts of drugs above specified thresholds, or in possession of keys to a building or vehicle where drugs are found, are presumed to have committed an offence?

In the Republic of Armenia, the criminal prosecution makes no distinction as to whether a person is suspected or charged with the illicit drug trafficking or with other offenses. The state provides a uniform approach to all persons who have committed a crime, irrespective of the type of crime committed. Internal legislation allows for persons convicted of drug-related offenses to be exempted from administrative liability or conditional sentence (Article 44.2 and Article 70 of the Code of the Administrative violations of the Republic of Armenia). A person, who uses narcotic drugs or psychotropic substances without the medical prescription and who voluntarily applies for the relevant medical organization, shall be exempt from the administrative liability for an offense under the Article 44.2.

According to the Article 70 when deciding not to apply the conditional sentence, the court may impose on the convict certain obligations not to change his place of permanent residence, to undergo treatment for alcoholism, drug addiction, venereal disease or poisoning, to provide material assistance to the family. The court may, with or without the mediation of the competent body overseeing the convict's behavior, also impose on the convict other duties which eventually will contribute to his correction.

According to the Criminal Procedure Code of the Republic of Armenia, the detention as a measure of restraint may not exceed 6 months in the case of offenses, and up to one year in the case of grave and particularly grave crimes, and does not in any way differentiate the nature of the offense. Due to the legislative need to extend the detention petition, the proceeding authority shall file a petition with the court at least 10 days prior to the expiration of the two-months period of detention, then the latter shall decide whether to grant or deny it.

As refers to the legal aid, according to the Article 64 of the Constitution of the Republic of Armenia, everyone shall have the right to receive legal aid. Legal aid shall be provided at the expense of state funds in the cases prescribed by law. Advocacy based on independence, self-governance and legal equality of advocates shall be guaranteed with a view of ensuring legal aid. The status, rights and responsibilities of advocates shall be prescribed by law.

With regard to the suspended sentence, the general part of the Criminal Code of the Republic of Armenia stipulates the legal provisions on the exemption from the punishment on the parole, amnesty and pardon.

According to the Article 76, the person sentenced to public work, correctional labor, imprisonment or disciplinary battalion can be released on parole with his consent, if the court finds that for his correction there is no need to serve the remaining part of the punishment. Also, the person can be completely or partially exempted from supplementary punishment. When exempting from punishment on parole, the court also takes into account the fact of mitigation of damage to the aggrieved by the convict.

According to the Article 82 of the Criminal Code of the Republic of Armenia the person who committed a crime can be exempted from criminal liability by an act of amnesty adopted by the legislature, and the convict can be completely or partially exempted from the basic, as well as, from the supplementary punishment, and the convict's non-served part of the punishment can be replaced with a softer punishment, or the criminal record can be expunged.

According to the Article 83 of the Criminal Code of the Republic of Armenia the act of pardon can completely or partially exempt the convict from the basic, as well as, from the supplementary punishment, or the convict's non-served part of the punishment can be replaced with a softer punishment, or the criminal record can be expunged.

As the above articles are enshrined in the general part of the Criminal Code of the Republic of Armenia, they are equally applicable to all offenses subject to the conditions contained therein.

6. Have there been cases of torture or other cruel, inhuman or degrading treatment or punishment for persons arrested and detained on drug-related offences, with the objective, for example, to elicit a confession or to learn information about other alleged criminal actors or networks? Have there been cases where opioid substitution therapy has been withheld from drug dependent detainees in order to elicit a confession, or obtain information concerning other alleged criminal or networks? What procedures exist to prevent torture and other forms of ill treatment of people detained for drug-related offences, and to bring to justice those responsible when it does occur? What monitoring measures are in place to ensure that torture or other cruel, inhuman or degrading treatment or punishment does not take place? What avenues do detainees have for making a formal complaint to an independent authority if such practices occur?

There were 3 criminal cases initiated in 2019 in connection with drug trafficking offenders or inhuman or degrading treatment, in one case the preliminary investigation is still pending and other two criminal prosecutions were suspended due to the lack of corpus delicti.

Persons convicted for drug-related offenses in the Republic of Armenia have not been subjected to torture or inhuman or degrading treatment during the reporting period from 2018 to 2019.

7. Does your State operate compulsory drug treatment centers? If so, what is the legislative basis for such deprivation of liberty? What procedures exist to ensure procedural guarantees are respected prior to confinement in such centers, including whether the detainee has the right to be represented by legal counsel and the right to appeal the decision on compulsory treatment. Is there a medical evaluation of the person's drug dependency prior to confinement? Is treatment in such centers individualized (as opposed to en masse treatment), evidence-based and in conformity with generally accepted medical practices for drug treatment as articulated by World Health Organization (WHO). Is a person detained in such a facility for a specific amount of time, or indefinitely until treatment has been determined successful? Can a person, or by way of his or her legal representative or a family member, file a petition either with an administrative or criminal court for a hearing on his or her release while detained?

It is necessary to state that according to the Article 70 (5) of the Criminal Code of the Republic of Armenia when deciding not to apply the punishment conditionally, the court can oblige the convict to carry out certain duties for example not to change the place of permanent residence without notification of the body in charge of his supervision, to take a treatment course against alcohol, narcotic drugs, VD or toxic mania, to support the family financially. By motion of a

competent body supervising the convict's behavior, or without, the court can also impose other duties on the convict which will promote his correction.

According to the Article 360 of the Criminal Procedure Code of the Republic of Armenia when adopting the verdict the court resolves whether enforced medical treatment for alcoholism or drug addiction must be applied to the defendant who has been convicted for the crime, whether wardship must be appointed.

According to the Article 69 of the Criminal Procedure Code of the Republic of Armenia the participation of the defense attorney in the proceedings of the criminal case is obligatory when an aggravated mental disorder or temporary mental disorder of the suspect or the accused is revealed at the moment of the conduct of the criminal case.

Moreover, the Article 454 stipulates that the participation of the lawyer is mandatory from the moment of initiation of proceedings on application of enforced medical measures.

As refers to the appeal, the Article 376 of the Criminal Procedure Code stipulates that the convict, the acquitted person, their defense lawyers and legal representatives and the prosecutor are entitled to appeal against the verdicts and decisions of the first instance court which have not come into legal force.

According to the Article 150 of the Criminal Procedure Code of the Republic of Armenia the order of the body of criminal persecution about the substitution of a preventive measure may be appealed to the prosecutor by the suspect, accused, his defense counselor, his legal representative or other interested persons involved in the case. The decision of the court about the execution of the preventive measure may be appealed to the court of appeals.

There are no mandatory drug treatment centers in Armenia. If the court prescribes a compulsory treatment as an additional punishment, then these persons should receive a compulsory treatment at the hospital of the penitentiary service of the Ministry of Justice of the Republic of Armenia.

8. Do private drug treatment centers exist in your State? What steps does your State take to ensure that treatment in such facilities is voluntary and not a result of coercion? How is the informed consent for treatment obtained? How regularly do independent inspections of private drug treatment facilities take place to ensure that practices that constitute torture or other cruel, inhuman or degrading treatment or punishment do not occur? Do inspections of such facilities include a determination whether treatment is individualized (as opposed to treatment en masse), evidence-based and in conformity with generally accepted medical practices for drug treatment as elaborated by WHO? What guarantees exist that a person who has either voluntarily sought treatment or who has been coercively confined in a private drug treatment center can freely leave if he

or she so wishes? Can such persons make a complaint to inspectors who monitor such facilities or a competent authority if a person who is seeking to leave a private drug treatment center is prevented from doing so? Are there any criminal or other penalties for failure to complete the treatment?

There are no private drug treatment centers in the Republic of Armenia.

9. Do drug courts which seek to use treatment as an alternative to imprisonment exist in your State? Please describe their operations, including applicable procedural guarantees for the accused. Does the accused have to plead guilty to the drug-related offence prior to being diverted into treatment? Are only accused persons who are drug dependent on opioids diverted for treatment, or are people who use other drugs that do not cause drug dependence diverted? Can treatment exist for a period that is longer than the period of imprisonment provided for in the offence for which the accused has been charged? Does the accused still have to serve a period of imprisonment if the treatment is not successful? What constitutes successful treatment and does the person in treatment have the right to a hearing before an independent authority and to be represented by legal counsel and present expert medical testimony on the evolution of his or her treatment?

According to the Article 3 of the Judicial Code of the Republic of Armenia (adopted in 07.02.2018) the highest judicial instances of the Republic of Armenia are:

1. The Cassation Court of the Republic of Armenia (hereinafter, “the Cassation Court”),
2. The first instance courts: 1) Courts of universal jurisdiction; and 2) Specialized courts.
4. The specialized courts: 1) Criminal courts; 2) Civil courts; and 3) Administrative courts.
5. The appellate courts: 1) The criminal appellate court; and 2) The civil appellate court.

There are no military courts in the Republic of Armenia. Moreover, there are no specialized drug courts in the Republic of Armenia.

10. Does your State have specialized criminal courts for people accused of drug-related offences that do not have as their focus diversion for drug treatment, but rather operate as specialized criminal courts and normally sentence those charged to prison after conviction? What differences exist between specialized criminal drug courts and regular criminal courts? What is the legislative justification for having specialized criminal courts for drug-related offences? Please describe how such specialized courts conform to the procedural guarantees for detention and fair trial under international norms.

According to the Article 21 of the Judicial Code of the Republic of Armenia, the cases in the First instance courts are conducted by the judges of civil and criminal specialization. The

appellate court is the criminal appellate court of the Republic of Armenia. The Cassation Court shall determine the admissibility of a cassation complaint collectively by a bench comprising the chairman and judges of the relevant chamber of the Cassation Court. The Cassation Court shall examine cassation complaints declared admissible collectively by the bench of the Cassation Court.

There are no specialized criminal courts for people accused of drug-related offences in the Republic of Armenia.

11. Does your State use military courts to try people for drug-related offences? Please describe how such military courts conform to the procedural guarantees for detention and fair trial under international norms. Are military personnel involved in law enforcement operations against individuals or groups suspected of drug-related crimes? If so, are these regular military forces or the military police? Have they received training in human rights standards for law enforcement and the use of force? How is coordination undertaken with civilian law enforcement?

There are no military courts for drug-related crimes in the Republic of Armenia.

12. Does your State have legislation that provides for administrative detention for people who use drugs who are considered a danger to themselves or others? If so, can you please describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony and a right of appeal? Can other legislation such as that aimed at individuals with psycho-social disabilities be used in relation to those who use drugs and are considered a danger to themselves or others? If so, can you describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony, and a right of appeal?

The legislation of the Republic of Armenia does not provide for the administrative detention for the drug use. The Article 31 with the wording of an administrative detention of the Code of the Administrative violations of the Republic of Armenia was repealed on December 16, 2005.

13. Does your State provide for the involuntary detention of pregnant women who use drugs in circumstances where such drug use has been deemed to constitute a danger to the foetus, and where voluntary attempts by health professional to work with the pregnant woman have failed? Please describe the legislative basis and applicable procedural guarantees in case of such an involuntary detention.

According to the legislation of the Republic of Armenia, drug use is not considered as a criminal offense. Therefore, a person, including a pregnant woman, cannot be arrested for such an act.

The regulation related to the arrest of pregnant women is stated by the part 2 of the Article 57 of the Criminal Code of the Republic of Armenia, which stipulates that the arrest is keeping the convict in a correctional institution in custody in strict isolation from the society. The court assigns arrest for the term of 15 days to 3 months and only in those cases in which arrest was not selected as a measure of restraint, persons under 16 years of age at the time of sentencing, **pregnant women** and persons caring for children less than 8 years of age are not put under arrest.

14. Does your State provide drug treatment to people in custodial or pre-trial detention, or who have been imprisoned following a conviction? Do these drug treatment services include harm reduction services? Please describe what types of drug treatment and harm reduction services are available to detainees and imprisoned people. Please also indicate if such services are available to those in administrative detention such as undocumented migrants or those subject to a deportation order. If no such services are available, does this result in forced confessions or people not being able to participate in their defense?

According to the legislation of the Republic of Armenia, a person under pretrial detention may receive drug treatment solely on a voluntary basis. In the case of conviction of the defendant, when it is established that the latter needs treatment for drug addiction, the issue of the expediency of compulsory drug treatment shall also be decided upon by the court in the indictment.

According to the Article 123 of the Penitentiary Code of the Republic of Armenia the outpatient supervision and compulsory treatment ordered by a psychiatrist with respect to persons who have been sentenced to a certain term or life imprisonment for a crime committed in a state of mental disorder not excluding sanity, and at the same time, need treatment from alcoholism, drug addiction, toxicomania, or mental disorder not excluding sanity, shall be applied in the institutions for serving the sentence in the form of imprisonment, and for those sentenced to other types of punishment in health care institutions which provide outpatient psychiatric assistance.

If the administration of the institution executing the sentence identifies a convict, who is in need of treatment from alcoholism, drug addiction, toxicomania, or mental disorder not excluding sanity, it shall, on the basis of the conclusion of relevant medical commission, file a motion with the court with the purpose of determining the issue concerning the application of medical coercive measure.

According to the Article 97 of the Criminal Code of the Republic of Armenia the court can apply medical enforcement measures in relation to the person who committed a crime and has been recognized as one in need of treatment against alcohol or drug addiction. Medical enforcement

measures in relation to the mentioned persons are assigned only when the mental disorder is related to the danger of inflicting other essential damage or to the danger for other persons or themselves. The court can submit necessary documents to health-care bodies in relation to the persons mentioned in part 1 of this Article whose mental state is not dangerous, to solve the issue of treatment of these people or sending them to neurological institutions.

According to the Article 98 of the Criminal Code of the Republic of Armenia, the types of medical enforcement measures are:

- 1) Outpatient supervision by psychiatrist and enforced treatment;
- 2) Enforced treatment in general psychiatry hospitals;
- 3) Enforced treatment in special psychiatry hospitals;

The court can assign in addition to punishment an outpatient supervision by psychiatrist and enforced treatment for those convicted for committal a crime in the state of mental disorder not ruling out sanity, but who need treatment against alcohol, drugs or mental disorder not ruling out sanity.

Moreover, there is also a “Methadone Replacement Treatment Program” conducted in the Republic of Armenia, within the framework of which persons who commit drug-related offenses receive drug treatment on a voluntary basis. In addition to the prisoners with somatic illnesses who receive treatment in the Medical Units of the Penitentiary Institution of the Ministry of Justice of the Republic of Armenia, detainees and convicts suffering from narcotic drug abuse also receive treatment. The Narcological Department provides medical treatment for the persons who suffer from the drug abuse. The compulsory anti-drug treatment prescribed by the courts of the Republic of Armenia is also conducted in the mentioned department. It should be noted that while organizing the drug treatment process there is no distinction between the citizens of Armenia and foreigners, it is conducted for everyone on an equal basis.

15. Are juveniles (those under the age of 18) subject to arrest, detention and imprisonment for drug-related crimes? For crimes relating to the acquisition, use or possession for personal use of drugs? If so, are they detained or imprisoned in facilities for children in conflict with the law who are under 18, or are they detained or imprisoned in facilities for adults? Can such juveniles be subjected to compulsory drug treatment or treatment with the consent of their families/ legal guardians?

Juveniles involved in illicit drug trafficking may be arrested or detained. Arrested or detained juveniles are kept in specialized penitentiary establishments not intended for the adults. If a drug offense is punishable by a restriction of liberty, it shall also be applicable to a minor with certain characteristics. /Chapter 14 of the Criminal Code of the Republic of Armenia: Peculiarities of

criminal liability and punishment for minors /. According to the Article 24 of the Criminal Code of the Republic of Armenia, the person who reached the age of 16 before the committal of the crime is subject to criminal liability.

The persons who reached the age of 14 before the committal of the crime are subject to criminal liability for murder (Articles 104-109), for inflicting willful severe or medium damage to health (Articles 112-116), for kidnapping people (Article 131), for rape (Article 138), for violent sexual actions (Article 139), for banditry (Article 179), for theft (Article 177), for robbery (Article 176), for extortion (Article 182), getting hold of a car or other means of transportation without the intention of appropriation (Article 183), for destruction or damage of property in aggravating circumstances (Article 185, parts 2 and 3), for theft or extortion of weapons, ammunition or explosives (Article 238), for theft or extortion of narcotic drugs or psychotropic substances (Article 269), for damaging the means of transportation or communication lines (Article 246), for hooliganism (Article 258).

If the person has reached the age envisaged in parts 1 or 2 of this Article, but due to retarded mental development was not able to understand the nature and significance of one's actions or to control one's actions, then he is not subject to criminal liability.

According to the Article 68 of the Penitentiary Code of the Republic of Armenia, in correctional institutions, the following convicts shall be held separately: men and women, juveniles and adults, with the exception of cases specified in part 1 of Article 109 of this Code. According to the latter a juvenile sentenced to a certain term imprisonment shall serve the sentence in the same correctional institution until the term of the sentence expires, but not more than he or she attains the age of twenty one.

According to the Article 98 of the Criminal Code of the Republic of Armenia, the court can assign in addition to punishment an outpatient supervision by psychiatrist and enforced treatment for those convicted for committal a crime in the state of mental disorder not ruling out sanity, but who need treatment against alcohol, drugs or mental disorder not ruling out sanity.

16. What provision is in place for those drug users and their dependents who are detained in the context of migration in your State?

According to the Article 8 of the Penitentiary Code of the Republic of Armenia the procedure and conditions for the execution of a sentence shall extend to all convicts irrespective of sex, race, color, language, religion, political or other opinion, ethnic or social origin, membership to a national minority, birth, property or other status. This also relates to the persons who migrated to Armenia.

17. Are there any good practices being developed or implemented in your State in relation to drug-related detention and drug policies? If so, please provide examples.

Drug-related offenses are always under the spotlight of the law enforcement agencies of the Republic of Armenia, all necessary measures are taken to detect newly emerging drugs, to comply with the international legal standards and to properly respond to drug-related crimes.

18. Are there any new or emerging trends in drug-related detention and drug policies that could be addressed by this study?

As refers to the questions 17 and 18 of the questionnaire, it should be noted that given the rapidly growing dynamics of illicit drug trafficking cases, as well as the modes of committing crime, particularly, their transfer to the Internet domain, the Investigation Committee of the Republic of Armenia started to give necessary information on the prosecution of criminal cases and on the detention as a precautionary measure in order to reduce the illicit drug trafficking and to raise awareness among citizens and awaken their concern on their own health, because the persons engaged in illicit drug trafficking in addition to causing damage to themselves, they also cause damage to other people's health as well.

Regarding the policy of choosing detention as a precautionary measure, it is worth mentioning that the officers of the Investigation Committee of the Republic of Armenia are now undergoing training in this field, including also trainings abroad, after which the knowledge of the prosecution bodies significantly grows, which makes it possible to avoid the unreasonable detention petitions.

References

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