

LAW OF THE REPUBLIC OF ARMENIA

*Adopted on 20 November, 2001
Entered into force on 25 December 2001*

ON BORDER GUARD TROOPS

The law herein determines the definition of Border guard troops of the Republic of Armenia, the legal basis of their activities, principles, rights and responsibilities, legal and social protection of the staff of border guard troops and citizens and their families participating in the protection of the State Border, as well as financial and technical provision of border guard troops.

CHAPTER 1

GENERAL STATEMENTS

Article 1. Border guard troops of the Republic of Armenia

Border guard troops of the Republic of Armenia (hereinafter – border guard troops) shall protect the State Border of the Republic of Armenia (hereinafter – state border), ensure the security and independence of the Republic of Armenia at the State border, maintain border control at state border crossing points, implement state border regime and border regime.

In case of military situation the border guard troops may be involved in the protection of the Republic of Armenia.

Unions and military section have special military flags.

Border guard troopers and military equipment carry special signs defined by the Government of the Republic of Armenia.

Article 2. The legal basis of the activities of border guard troops

The legal basis of the activities of border guard troops are the Constitution of the Republic of Armenia, international agreement of the Republic of Armenia, the law herein, other laws and legal acts of the Republic of Armenia.

Article 3. Principles of the activity of the Republic of Armenia

The border guard troops shall act based on principles of legality, humanity, protection of human and citizens' rights, one-person governing, united system of national security, co-operation with state bodies, legal entities and physical persons.

Article 4. Management of border guard troops

Border guard troops operate within the structure of state governmental body (hereinafter – authorized body) in the sphere of national security.

The commander of border guard troops who is appointed and retired by the President of the Republic of Armenia, directly supervises border guard troops.

Article 5. The staff and structure of border guard troops

The central governing body of border guard troops is the general administration of state border protection, which consists of unions and military sections, military sections and sub-divisions of border control, educational military sections and sub-divisions.

The Government of the Republic of Armenia defines the number of border guard troops upon the presentation of the authorized body.

Article 6. Allocation of unions and military sections of border guard troops

The allocation of the unions and military sections of border guard troops (re-allocation) shall be done by the head of the authorized body upon the presentation of the commander of border guard troops.

CHAPTER 2

RIGHTS AND RESPONSIBILITIES OF BORDER GUARD TROOPS

Article 7. Rights of Border Guard Troops

In the borderline and border crossing points, the Border guard troops have the right to:

1. allocate border guard points and implement operational-investigating measures in any part of the territory;
2. in compliance with the order determined by the law of the Republic of Armenia, require the right of temporary usage from the owners of territories in order to fulfill their tasks (creation and provision with corridors through border patrols and roads for transportation, as well as fences and other obstacles);
3. accompany trains with passengers and luggage, as well as other vehicles by means of border patrols;
4. in a manner prescribed by the law, check the documents of persons and vehicles, examine the means of transportation and the luggage. During the examination the loss occurred as a result of examination by border guard troops to the legal entities and natural persons shall be compensated from the state budget and the person who has harmed shall undertake a responsibility in the manner stipulated by the legislation of the Republic of Armenia;
5. in accordance with the order stipulated by the law, build houses, constructions, engineering-technical structures, training centers install and use equipment and armament;
6. implement the border crossing regime, border regime and put under administrative arrest citizens of the Republic of Armenia, foreign citizens or stateless persons who have violated the border regime border regime and state border crossing points regime;
7. examine and confiscate if necessary the belongings and documents of arrested people. A protocol shall be prepared for each case of administrative arrest and confiscation of belonging of arrested person;
8. hold apprehended people or people suspected in crime, people who should be questioned by authorized persons in special constructions equipped by border guard troops. In case of

- necessity, hold arrested persons in temporary isolation wards or other spaces of bodies of national security and internal affairs designated for that purpose;
9. invite a person to subdivisions of the Border guard troops to clarify the circumstances of violation of the State Border regime, border regime and state border crossing points regime;
 10. check the exit and entry documents of persons, make relevant notes into them, and if necessary temporarily confiscate them and false documents, prevent entry or exit of persons without relevant documentation until a person obtains due papers, or clarification of circumstances in case of citizens of the Republic of Armenia having lost documents during temporary stay abroad;
 11. jointly with interested state bodies and organizations, determine the place and duration of stay of vehicles transporting passengers and luggage at state border crossing points;
 12. confiscate weapon, drugs, currency, valuable items and goods prohibited for import or export, as well as smuggled goods being transferred across the State Border, as stipulated by the law;
 13. while maintaining border searching and operational-inspection activities, in order to protect people's health and lives, temporarily limit or prohibit the movement of people and vehicles, as well as citizens' entry to separate parts of the territory, force them to stay there or leave, immediately informing about it the commander of border guard troops;
 14. in case of real danger to interests of the Republic of Armenia at the State border to inform territorial administration and local self-governing bodies, interested organizations, temporarily restrict the activities of organizations, except activities done in accordance with international agreements of the Republic of Armenia, defending works and other measures, which relate to the prevention of consequences of natural disasters and extremely dangerous infecting illnesses;
 15. while persecuting people violating the state border regime, penetrate into apartments, buildings, territories, land-plots of citizens, by means of overcoming the obstacles, following the order stipulated by the law. If the above-mentioned actions have been done against the will of citizens or officials, the commander of border guard unit shall report about it the appropriate prosecutor within 24 hours;
 16. while searching and moving people suspected in crime or other illegal activity to use communication devices for servicing purposes, vehicles of organizations (despite organizational-legal type), citizens, for purpose of driving back incursions to the territory of the Republic of Armenia, with the further compensation from budget funds accordingly with the of the Republic of Armenia;
 17. receive information from state and local self-governing bodies, NGOs and other organizations, except those cases, when a special regulation for collecting information is defined;
 18. for establishing control of State border regime, border regime and state border crossing points regime, to perform people's registration, calculation of factual data, statistics and for those purposes use informational systems, in accordance with the legislation of the Republic of Armenia;
 19. propose to state bodies, organizations to clear up the reasons and conditions, which cause the violation of rules by border guard troops;
 20. encourage citizens, who actively participates in border protection;
 21. use weapons, military equipment, special measures and dogs following the order stipulated by the law;
 22. for the purpose of providing the protection of state border, in frames of their authorization to perform inspection, anti-inspection and operational-inspection activities;

23. control the protection of rules of state border regime, border regime and state border crossing points regime within the population;
24. conduct investigations on cases under their supervision in accordance with the law;
25. prevent those violations, which should be fought under authorization of border guard troops;
26. participate in the activity of border representatives of the Republic of Armenia, organize border search (operation) if necessary;
27. examine planes or other flying machines if it has not replied to the requested signs, has flown outside the air corridors, has violated the order of entry to the air space of the Republic of Armenia or after entry to the air space of the Republic of Armenia has landed not at an international airport. Examination of planes or other flying machines shall include check of documents of the plane or the flying machine, check of documents and luggage of crewmembers and passengers.
28. After examination, the plane or the flying machine may be allowed to continue flight in the air space of the Republic of Armenia observing the set rules, or asked to leave the territory of the Republic of Armenia; they may also be arrested, in accordance with the “Law on State Border” of the Republic of Armenia;
29. Prohibit exit of crewmembers and passengers from the plane or other flying machines in case the latter have violated flight, airport, customs, sanitary or other rules in the territory of the Republic of Armenia;
30. In case there are wanted criminals on the plane or flying machine, arrest them and give to the discretion of investigation or pre-investigation entities, if otherwise not provided by international agreements of the Republic of Armenia.

Border guard troops may also use their rights given by this article outside border zone on the territory of the Republic of Armenia, persecuting border violators jointly with corresponding bodies.

Article 8. Responsibilities of Border Guard Troops

While protecting the State Border of the Republic of Armenia, Border guard troops shall:

1. Protect the State Border and avert any attempt of illegal change of the State border
2. Repulse armed incursion of military units and organized criminal groups into the Republic of Armenia, avert armed and other provocations on the State Border, protect the population and all forms of ownership from the mentioned encroachments.
3. Control the protection of state border regime, border regime and state border crossing points’ regime.
4. Provide the implementation of duties related to state border regime, which are stipulated in the legislation of the Republic of Armenia and international agreements of the Republic of Armenia.
5. Prevent actions of people violating state border regime, border regime and state border crossing points regime of the Republic of Armenia.
6. Fulfill operational-inspection activity at the State Border, against inspection and illegal actions of special services and organization of foreign countries, criminal groups and individuals.
7. Participate in works of delimitation, demarcation and re-demarcation of the State border.
8. Assist authorized bodies of the Republic of Armenia in their activities at the border zone, taking appropriate measures.
9. Organize and perform border-representation activities jointly with bodies of states bordering the Republic of Armenia.

Article 9. Responsibilities of border guard troops

Border guard troops shall be responsible for not implementation or not proper implementation of their duties as it is stipulated by the legislation of the Republic of Armenia.

The harm caused to organizations and citizens as a consequence of illegal action or non-action of a border guard officer shall be compensated, according the legislation of the Republic of Armenia.

Illegal actions of border guard troops may be appealed to a higher instance or to court.

CHAPTER 3

USE OF ARMS AND MILITARY EQUIPMENT IN DEFENSE OF THE STATE BORDER BY BORDER GUARD TROOPS

Article 10. Use of Arms and Military Equipment

While protecting the State Border the Border guard troops may use arms or military equipment:

- a) to repulse armed attack or incursion into the territory of the Republic of Armenia, to prevent armed provocation on the State Border;
- b) to repulse disarmed attack or incursion into the territory of the Republic of Armenia, to prevent disarmed provocation on the State Border, if there is a serious danger for border guard officers' and citizens' lives, and other means for preventing from that danger are excluded;
- c) violators of state border, trying to hide on the territory of a bordering country or penetrating into the territory of the Republic of Armenia, if there are no other means for preventing from them;
- d) when people, arrested for violating the state border, try to escape, if it is not possible to stop them in other ways;
- e) protecting of all kinds of property of population from armed attack, armed or other encroachments, if other means of protection are useless.

In cases of “b” and “e” points of the article herein, arms and military equipment shall be utilized, when transgressors do not comply with demands of border guard serviceman after the cry “Stop” and a warning gun shot.

Weapons and military equipment shall be utilized without warning, in case of unexpected armed attack on military servants and citizens, attack by means of air and other transportation, armed defense in order to release hostages.

Border guard servicemen have the right to utilize weapons while neutralizing animals dangerous for border servicemen's and citizens' health and lives, as well as signing and calling for help.

Border guard troops shall not use arms:

- a) in dealing with state border transgressors, if those violations of state border are accidental or are related to economical works near the border, as well as swimming in motor-ships, boats or without them;
- b) in case of attempt to escape of people who have violated border regime and state border crossing points regime, if there is no real danger for the state border protection;

- c) upon vehicles, driving along the roads near the state border in border zone, which do not comply with the demand of border guard serviceman to stop, if there is no real danger for the state border;
- d) in dealing with women, obviously disabled people and persons under age, except those cases, when they perform armed provocation or group attack dangerous for people's lives.

Article 11. Use of special devices

While protecting the State Border, border guard troops use special devices (handcuffs or other devices for tying up, raising spade, tearing materials, light-sounding devices attracting attention, devices stopping the vehicles), physical force (including fighting) and dogs in the following cases:

- a) in the protection of the State border, repulsing attacks on citizens and border guard servicemen who perform duties and public obligations, as well as releasing hostages;
- b) preventing from group transgression of the State border or mass demonstrations;
- c) repulsing the attacks on buildings, constructions and vehicles of border guard troops;
- d) arresting transgressors, taking them to sub-divisions of border guard troops, accompanying arrested people with patrols, if they do not obey or reply to servicemen of border guard troops.

Use of special devices, except repulsion of unexpected attacks and releasing hostages, should follow the warning about the intention of usage of those devices, and depending on the situation, enough time should be given in order to stop the transgression.

The type of used devices should be determined according to the current situation, type of the transgression and transgressor. It is necessary to bring the harm for citizens' health to minimum while using special devices.

It is prohibited to use special devices in dealing with women with apparent signs of pregnancy, people with apparent signs of disability and persons under age, except those cases when they perform actions dangerous for people's lives and health.

CHAPTER 4

SERVICE IN BORDER GUARD TROOPS

Article 12. Staff of Border Guard Troops

The staff of the Border guard troops consists of servicemen and civil staff.

The servicemen i.e. called up servicemen and officers have the uniform of armed forces of the Republic of Armenia and military titles, as well as symbols and signs of border guard troops.

Service in Border guard troops and civil staff is regulated by the legislation of the Republic of Armenia.

Article 13. Recruitment of Border Guard Troops

The recruitment of Border guard troops with servicemen called for a fixed period is implemented in accordance with the RA law on "Military service".

The commander of the Border guard troops is responsible for the state and quality of recruitment, allocation of servicemen in Border guard subdivisions, and timely and organized demobilization.

Article 14. Preparation of the staff of border guard troops

The professional preparation of border guards servicemen, their training and qualification shall be organized in the RA in a manner stipulated by the law of the Republic of Armenia “on Education”, as well as in foreign countries.

CHAPTER 5

LEGAL AND SOCIAL PROTECTION OF BORDER GUARD SERVICEMEN AND OTHER CITIZENS PARTICIPATING IN PROTECTION OF STATE BORDER

Article 15. Legal Protection of Border Guard Servicemen and their Family Members Responsible for Protection of State Border

While solving the issues regarding the protection of the State Border the Border guard servicemen are considered representatives of authorities and are under the protection of the state.

Their lawful demands shall be mandatory implemented by all citizens and officials. Nobody, except people authorized by the law, have the right to interfere in their activities.

Any person, who creates obstacles for Border guard servicemen to perform their State Border protection duties, or encroaches on the life, health, honor, dignity or property of the border guard servicemen or their family members, shall be responsible accordingly as it is stipulated by the law.

Article 16. Legal Protection of Citizens Participating in Protection of State Border and their Family Members

Illegal actions against citizens having supported border guard troops, and their family members, will bring about responsibility, as stipulated by the legislation of the Republic of Armenia

Article 17. Social Protection of Border Guard Servicemen and other Citizens Participating in Protection of State Border

Issues related to social protection of Border guard servicemen and other citizens participating in protection of the State border are regulated by the legislation of the Republic of Armenia.

Article 18. Additional guarantees for border guard servicemen and citizens protecting the State border

Additional guarantees and compensations may be determined for border guard servicemen and citizens protecting the State border by the RA legislation.

CHAPTER 6

FINANCIAL, MATERIAL AND TECHNICAL PROVISION OF BORDER GUARD TROOPS

Article 19. Financial Provision of the Border Guard Troops

The Border guard troops are funded from the state budget of the Republic of Armenia.

Article 20. Material and Technical Provision of Border Guard Troops

According to the order established by the Government of Armenia, the Border guard troops shall be provided with military items, materials and equipment required for protection of the State Border. Based on the requests of the designated body, the Government of Armenia shall provide the military and technical needs of the Border guard troops in a centralized manner.

CHAPTER 7

FINAL PROVISIONS

Article 21. Coming into power of the law

The law herein comes into power after its official publication.

President of the Republic of Armenia

R. Kocharyan

Yerevan
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