

VERDICT
IN THE NAME OF THE REPUBLIC OF ARMENIA
GENERAL JURISDICTION COURT OF YEREVAN CITY

Presiding judge: V. A. Grigoryan

Secretary: A. Hakobyan

Prosecutor: A. Manukyan

Victims: I. Babayan

E. Babayan

H. Karapetyan

M. Jilavyan

R. Dovlatyan

A. Hovhannisyan

Counsels: V. Davtyan

A. Juvanova

On June 24, 2020 in the Court of General Jurisdiction of the city of Yerevan considered by way of an expedited trial at an open court session the case on charges against:

1. Armenuhi Robert Tumanyan, born on August 28, 1988 in Kapan, Armenian, national of the Republic of Armenia, with higher education, not married, with no person in care, previously not convicted, in good physical health, works as a supplier in “Forsa-Shin” LLC, is registered at Verin District, building 4, apartment 3, Kapan, Syunik region, factually lives at Shinararner Street, building 8, apartment 27, Kapan, own recognizance chosen as a preventive measure, charged with Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code, pleaded guilty;

2. Sergey Armen Askaryan, born on January 23, 1988 in Kapan, Armenian, national of the Republic of Armenia, with secondary education, married, with two young children in care, previously not convicted, in good physical health, served in military unit 50869 of the Republic of Armenia Ministry of Defense as a contract soldier – frontline frontier guard, currently works at Kapan Copper and Molybdenum factory as a miner, is registered and lives at Shinararner Street, building 8, apartment 35, Kapan, own recognizance chosen as a preventive measure, charged with Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code, pleaded guilty.

Judicial background of the case

The preliminary investigation body charged the defendants Armenuhi Tumanyan and Sergey Askaryan with Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code for the following: living next door in the apartments 27 and 35 of the building 8 on Shinararner Street in Kapan, Syunik region, they were relatives and also friends. In the course of 2017, Armenuhi Tumanyan had no employment and lived in Yerevan at a rented apartment, and Sergey Askaryan since May 2017 served on a contract basis in the respective military unit of the Ministry of Defense located in Syunik region.

During the same period, exploring the Internet they obtained information about the ways of committing theft from card accounts of other people using computer equipment, and decided to steal large amounts of money in such a criminal way to take care of their personal needs.

In order to carry out the criminal intentions, A. Tumanyan used in Kapan and Yerevan computer equipment owned by her, particularly the laptop computers “Toshiba Satellite C850-13906” and “Acer N-16C1, as well as the routers “Huawei” with the serial numbers 866162025958050 and 863981031473645, which had the phone cards, respectively, +37494024950 and +37477528889 installed in them.

For the same purpose, Sergey Askaryan used in Kapan and in the territory of the respective military unit in Syunik region the computer equipment owned by him, particularly the laptop computer “Acer” with the serial number NXEF1ER0265170ED356600, the desktop “LG”, as well as the router “Ucom”, which had the phone card +37441650026 installed in it. In some cases, S. Askaryan also gained access to the Internet with the mentioned computer equipment of A. Tumanyan, by using Internet access services available to his acquaintances, in particular the router “MTC” with the phone card +37498806902 installed in it owned by David Edik Ghazaryan, who served with him in the same military unit.

Within the period from April 7, 2017 to March 12, 2018 A. Tumanyan and S. Askaryan stole large amounts of money from the card accounts of a number of people using the above-mentioned computer equipment, after which they transferred and converted it into other accounts factually used by them, with the aim of concealing the criminal origin and the movement of the stolen money.

In order to commit crimes, they rented on the website “sms-reg.com” disposable virtual phone cards for receiving short messages from various websites, through which they registered in electronic payment systems operating in Armenia and Russia wallet accounts with the data of fictitious persons, as well as individual profiles on the website “ok.ru”, which they brought into resemblance with the real profiles of different users of the same website by uploading photos and personal data of such real profiles. Then, using these duplicate profiles on ok.ru on behalf of the users of the real profiles, they communicated with the persons in the “Friends” section of their profiles in order to steal money from their card accounts by means of fraud, under the pretext of transferring money to their card accounts, asking and receiving from them the data

of the bank cards (card requisites) owned by them or their relatives, as well as the passwords sent to the phone cards attached to the card accounts for the purpose of confirming money transfers, as a result of which they got control of the card accounts to withdraw and deposit money.

In the course of the communication on “ok.ru” with the purpose of obtaining card information, Sergey Askaryan mainly acted under the pretext of not losing the bonus money accumulated after the expiration of his bank card and promised to transfer it to the victims, and Armenuhi Tumanyan acted under the pretext of providing financial assistance.

Using the above-mentioned data by their computer equipment connected to the Internet, A. Tumanyan and S. Askaryan withdrew large amounts of money from the cardholders' card accounts and transferred them to their accounts previously registered in the payment system of “Idram” LLC in Armenia, which were identified by the data of other bank cards acquired in the same way.

After that, in order to legalize the stolen money and to conceal their criminal origin and movement, they transferred the money several times to other “Idram” and card accounts controlled by them, then to the payment system of “Qivi Bank” in Russia. As a result, the currency was converted from Armenian drams to Russian rubles. Commissions were charged for the transfers by the card and electronic account servicing companies, and also exchange commissions were charged for the currency conversion.

In addition to the mentioned method of legalizing the stolen money by means of transfers and conversions, S. Askaryan also involved other cardholders in good faith, who did not have money on their card accounts, particularly by transferring the stolen money to their card accounts, asking to cash it out and transfer it to his Qivi accounts through payment terminals, which the latter did.

In the way described above, within the period from April 7 to November 21, 2017 A. Tumanyan stole a large amount of AMD 1,742,540, legalized it, and then transferred it to the account of her card 4355 0639 2360 9284 issued by “ACBA-Credit Agricole Bank” CJSC.

In the same way, within the period from October 2, 2017 to March 12, 2018, S. Askaryan stole a large amount of AMD 1,797,910, legalized it, and then transferred it to account of the card 4033 1001 0045 3174 issued by “Ameriabank” CJSC, which was registered in her mother's name, but was actually used by him.

In particular:

On April 7, 2018 the defendant A. Tumanyan used the duplicate profile on the website “ok.ru” created with the data of Ararat Koryun Tadosyan to communicate with latter's friend, Harutyun Nerses Chteyan, obtained the data of his bank cards 4033 1700 0360 6088 and 4033 1700 0336 9224 issued by “VTB Armenia Bank” CJSC, after which she stole a total of AMD 126,500 from those card accounts, transferred it to the account 724308393 registered under the name of “Martin Garikyan” in the “Idram” system. On the same day, i.e. on April 7, 2017 she used the

“Idram” account 724308393 registered under the name of “Martin Garikyan” to transfer the amount of AMD 126,500 stolen from the card accounts of Harutyun Chteyan to her “Qivi” accounts 79697658368 and 79683275657, as well as to the “Yandex” account 410014999751465, as a result of which the money was converted into Russian rubles. After that, she transferred RUB 17,567 from the “Qivi” account 79683275657 to the “Qivi” account 79687529025, and RUB 532.78 from the “Qivi” account 79697658368 to the account 226535 of “Nika” company, after which she transferred RUB 3,730 equivalent to AMD 31,461.30 from “Qivi” accounts to the bank account of her card 4355 0639 2360 9284.

In furtherance of the criminal activity, on October 1, 2017 A. Tumanyan used the duplicate profile on the website “ok.ru” created with the data of Balabek Khachatur Barsamyan to communicate with the latter’s relative Hrachik Tigran Karapetyan, obtained the data of the of the bank card 4847 0400 0097 4530 issued by “Converse Bank” CJSC in the name of the latter’s friend, Samvel Sargis Safoyan, after which she stole a total of AMD 876,500 from that card account, transferred it to the account 525374755 registered under the name of “Samvel Petoyan” in the “Idram” system. On the same day, i.e. on October 1, 2017 she used the “Idram” account 525374755 registered under the name of “Samvel Petoyan” to transfer the amount of AMD 868,000 stolen from the card account of Samvel Safoyan to the bank account of the card 9051 3402 0914 2677 issued by “ACBA Credit Agricole Bank” CJSC in the name of Lala Yurik Hakobyan, then transferred it to the account 526637215 registered under the name of “Harut Sargsyan” in the “Idram” system, with further transfers to other unidentified card and “Qivi” accounts, as a result of which the money was converted into Russian rubles. After that, on October 2, 2017 she transferred from those amounts RUB 94,730 equivalent to AMD 774,946.1 from “Qivi” accounts to the bank account of her card 4355 0639 2360 9284.

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Armenuhi Robert Tumanyan and Sergey Armen Askaryan were charged for the committed acts under Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code.

Expedited trial

The defendants Armenuhi Tumanyan and Sergey Askaryan pleaded guilty to the charges and, before the trial started, petitioned the court to conduct an expedited trial announcing that they submit the motion voluntarily, in consultation with counsels V. Davtyan and A. Juvanova, realize the legal consequences of conducting an expedited trial, are clear about the charges against them, agree with the charges, and plead guilty.

The prosecutor A. Manukyan, the victims Inga Babayan, Elmira Babayan, Hrachik Karapetyan, Margarita Jilavyan, Ruben Dovlatyan and Aghasi Hovhannisyan did not object to the motion of the defendants A. Tumanyan and A. Askaryan and of the counsels V. Davtyan and A. Juvanova for an expedited trial.

Legal analysis of the court

During the expedited trial, the court examined the data characterizing the personality of the defendants, the circumstances mitigating and aggravating the liability and the punishment, took into account the fact that the defendants A. Tumanyan and S. Askaryan agreed with the charges, and found that the defendants A. Tumanyan and S. Askaryan committed the offenses stipulated by Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code, for which they should be prosecuted under the mentioned articles.

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Guided by Articles 357–360, 365, 369–373, 375.1–375.4 of the Criminal Procedure Code, the court:

DECIDED

To find Armenuhi Robert Tumanyan guilty of committing the offenses stipulated by Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code. To sentence her to 2 (two) years of imprisonment under Part 2(2) of Article 181 of the Criminal Code, and to 2 (two) years and 6 (six) months of imprisonment under Part 1 of Article 190 of the Criminal Code. To determine the final punishment for Armenuhi Robert Tumanyan 4 (four) years of imprisonment by partially summing up the sanctions through cumulation of crimes in accordance with Part 3 of Article 66 of the Criminal Code.

To apply Part 1(1) of Article 2 of the “Law on Declaring Amnesty in Criminal Cases on the Occasion of the 2800th Anniversary of the Establishment of Erebuni-Yerevan and of the 100th Anniversary of the Declaration of Independence of the First Republic of Armenia” from November 1, 2018 and to release Armenuhi Robert Tumanyan from the determined punishment.

To leave own recognizance chosen as a preventive measure for Armenuhi Robert Tumanyan unchanged until the verdict enters into force.

To find Sergey Armen Askaryan guilty of committing the offenses stipulated by Part 2(2) of Article 181 and Part 1 of Article 190 of the Criminal Code. To sentence him to 2 (two) years of imprisonment under Part 2(2) of Article 181 of the Criminal Code, and to 2 (two) years and 6 (six) months of imprisonment under Part 1 of Article 190 of the Criminal Code. To determine the final punishment for Sergey Armen Askaryan 4 (four) years and 6 (six) months of imprisonment by fully summing up the sanctions through cumulation of crimes in accordance with Part 3 of Article 66 of the Criminal Code.

To apply Part 2(4) of Article 2 of the “Law on Declaring Amnesty in Criminal Cases on the Occasion of the 2800th Anniversary of the Establishment of Erebuni-Yerevan and of the 100th Anniversary of the Declaration of Independence of the First Republic of Armenia” from November 1, 2018 and to release Sergey Armen Askaryan from the determined punishment.

To leave own recognizance chosen as a preventive measure for Sergey Armen Askaryan unchanged until the verdict enters into force.

To confiscate for the benefit of the state budget the following items recognized as material evidence and instrumentalities of crime in the criminal case: the laptop computers “Toshiba Satellite C850-13906” with the serial number “1D350271R” and “Acer N-16C1 with the serial number “NXGFTIR0026480753F3400”; the router “Huawei” with the serial number 866162025958050, which has the phone card +37494024950 installed in it; the router “Huawei” with the serial number 863981031473645, which has the phone card +37477528889 installed in it; the laptop computer “Acer” with the serial number NXEF1ER0265170ED356600; the desktop computer “LG”; the router “Ucom”, which has the phone card +37441650026 installed in it; the router “MTC”, which has the phone card +37498806902 installed in it. To keep in the criminal case the documents recognized as other evidence.

To abolish the restrictions applied in the framework of the criminal case 69100219 to the defendants Armenuhi Tumanyan and Sergey Askaryan by the letters of the preliminary investigation body from December 1, 2017 and March 16, 2018 with regards to receiving their passports and leaving the territory of the Republic of Armenia, once the verdict enters into force.

To leave unchanged the seizure applied on the property of the defendants Armenuhi Tumanyan and Sergey Askaryan by the decisions of the preliminary investigation body from December 6, 2017, March 23, 2018 and December 25, 2018, until there is no more need to impose restrictions stemming from the seizure of property.

To confiscate from the defendant Armenuhi Tumanyan AMD 244,000 (two hundred forty four thousand) for the benefit of the victim Elmira Babayan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Armenuhi Tumanyan AMD 126,500 (one hundred twenty six thousand five hundred) for the benefit of the victim Harutyun Chteyan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Armenuhi Tumanyan AMD 267,000 (two hundred sixty seven thousand) for the benefit of the victim Arthur Hayrapetyan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Armenuhi Tumanyan AMD 5,000 (five thousand) for the benefit of the victim Nora Hayrapetyan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Armenuhi Tumanyan AMD 876,500 (eight hundred seventy six thousand five hundred) for the benefit of the victim Hrachik Karapetyan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Sergey Askaryan AMD 662,000 (six hundred sixty two thousand) for the benefit of the victim Inga Babayan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Sergey Askaryan AMD 794,000 (seven hundred ninety four thousand) for the benefit of the victim Margarita Jilavyan, of which AMD 754,000 AMD as compensation for the damage caused to the victim by the crime, and AMD 40,000 as compensation for the provision of legal services.

To confiscate from the defendant Sergey Askaryan AMD 210,000 (two hundred ten thousand) for the benefit of the victim Ruben Dovlatyan, as compensation for the damage caused to the victim by the crime.

To confiscate from the defendant Sergey Askaryan AMD 40,000 (forty thousand) for the benefit of the victim Aghasi Hovhannisyan, as compensation for the damage caused to the victim by the crime.

To leave the civil claims of the victims Harutyun Davit Muradyan and Voski Arsen Gevorgyan without examination, while reserving their right to apply to a court with civil claims in general civil proceedings.

To consider the issue of court costs resolved.

The verdict may be appealed by the participants of the trial to the Criminal Court of Appeal within one month from the moment of its publication.