

**Court Case No: EKD/0252/01/11**

<b>When the case was received</b>	14-12-2011
<b>Criminal case number</b>	0252/01/11
<b>How the case was received</b>	First time
<b>Where from the case was received</b>	
<b>Prosecutor</b>	General Prosecutor's Office
<b>Preliminary investigation case number</b>	58214011
<b>Brief contents of indictment</b>	An indictment is brought against the accused, Dragosh Botezatu, on the following matter: in August 2008 he met a countryman with the nickname "Kishtrulya" who, according to unverified data, was a Romanian citizen Konstel Sherban. At that time, D. Botezatu learned that he intended to commit theft of funds by means of using counterfeit copies of bank cards in automated teller machines of the banks operating in the territory of Armenia, and agreed to take part in the theft by involving in the standing criminal group organized by "Kishtrulya" and Marius Lupu – the husband of his wife's sister, a Romanian citizen born in Bacau county and residing in London at the time – on the principles of ethnicity and nationality. According to the role distribution, "Kishtrulya" and Marius Lupu were responsible for organization and coordination of activities of the group members, provision of counterfeit copies of bank cards required for committing theft, whereas the accused and Katalin Ionuc Apetri Furdy assumed responsibility for the immediate commitment of theft from automated teller machines, as well as for conversion of the Armenian dram-denominated proceeds of theft into foreign currency, and remittance of the funds to the organizer by means of bank transfers for the benefit of other persons.
<b>Accused person</b>	
Name	Dragosh
Surname	Ionut
Patronymic	Botezatu
Address	London, Great Britain
Birthdate	19-06-1978
Other	Passport is attached to the criminal case
<b>Article 1</b>	
Article	Clauses 1 and 2, Part 3 of Article 177
<b>Article 2</b>	
Article	Clause 1, Part 3 of Article 190
<b>Prior Convictions</b>	
<b>Counsel</b>	
Name	
Surname	
Address	
<b>Provisional measure</b>	Detention
<b>Adult</b>	Yes
<b>When</b>	14-12-2011
<b>Presiding Judge</b>	
Court	Kentron and Nork-Marash
Judge	Gagik Kolya Poghosyan
<b>Judge</b>	
Court	Kentron and Nork-Marash
Judge	

<b>When</b>	16-12-2011
<b>Verdict was sent to the parties</b>	19-12-2011
<b>Notification/ verdict was sent</b>	19-12-2011
<b>Other notes</b>	
<b>When</b>	10-01-2012
<b>Parties to court trial</b>	Accused
<b>Parties to court trial</b>	Counsel
<b>Parties to court trial</b>	Prosecutor
<b>Parties to court trial</b>	
Name	Dragosh
Surname	Botezatu
Address	"Yerevan-Kentron" Penitentiary Institution of the Ministry of Justice
<b>Parties to court trial</b>	
Name	Kamo
Surname	Petrosyan
Address	46 Nalbandyan Street, Yerevan
<b>Parties to court trial</b>	
Name	Ani
Surname	Movsisyan
Address	39/12 Mashtotz Avenue, apt. 44, Yerevan
<b>Parties to court trial</b>	
Name	Hayk
Surname	Harutyunyan
Address	50 Khanjyan Street, Yerevan
<b>Parties to court trial</b>	
Name	Levon
Surname	Mnatzakanyan
Address	Avan 12 <sup>th</sup> Street, building 1, Yerevan
<b>Parties to court trial</b>	
Name	Sargis
Surname	Aslanyan
Address	20 Aharonyan Street, apt. 49, Yerevan
<b>Other notes</b>	
<b>Hour</b>	12:00
<b>Parties to court trial</b>	
Name	General Prosecutor's Office
Address	5 V. Sargsyan Street, Yerevan
Type	General Prosecutor's Office and other procuracies
<b>When</b>	25-01-2012, 20-02-2012,14-03-2012,10-04-2012, 30-04-2012,28-04-2012,19-06-2012,12-07-2012, 07-09-2012, 27-09-2012,17-10-2012,05-11-2012, 20-11-2012
<b>Hour</b>	12:00
<b>Session room number</b>	1
<b>Other notes</b>	
<b>Session</b>	Completed
<b>Reason</b>	
<b>Other notes</b>	
<b>Accused</b>	
Name	Dragosh
Surname	Botezatu

Patronymic	Ionut
Address	Hay Street Stratford, Central House, apt. 14; London, Great Britain
Other	"Yerevan-Kentron" Penitentiary Institution of the Ministry of Justice
Date	20-11-2012
<b>Article for the gravest offense</b>	
Article	Clause 1, Part 3 of Article 190
Status	Convicted
<b>Articles for other offenses</b>	
Article	Clause 1, Part 3 of Article 177
<b>Articles for other offenses</b>	
Article	Clause 2, Part 3 of Article 177
Status	Convicted
Main sanction	Fixed term imprisonment
Additional sanction	Confiscation of property
Other sanctions	
Released from imposition of sanction (grounds)	
Amount of confiscated property	Equivalent of AMD 11.983.494
Code	
<b>Contents of judicial act</b>	<p style="text-align: center;"><b>EKD/0252/01/11</b></p> <p style="text-align: center;"><b>VERDICT</b> <b>IN THE NAME OF THE REPUBLIC OF ARMENIA</b></p> <p style="text-align: center;">November 20, 2012, Yerevan</p> <p>Common jurisdiction court of first instance in Kentron and Nork-Marash Administrative Districts of Yerevan:</p> <p>Presided by: Judge, G. Poghosyan; Assisted by: Assistants, A. Martirosyan and A. Hovhannisyan; Participated by: Prosecutor, H. Sargsyan; Representatives of victims, K. Petrosyan, A. Movsisyan, H. Harutyunyan, L. Mnatzakanyan; Accused, D. Botezatu; Counsel, S. Aslanyan; Interpreter, I. Anisimov;</p> <p>Held an open court hearing of the case on charges pressed against:</p> <p>Dragosh Ionut Botezatu: born on June 19, 1978 in Onesht, Romania; Romanian by nationality; Romanian citizen; single; with incomplete higher education according to his verbal statement; with normal health status; previously not convicted; registered at Leontinesht Village, Ardeoan County, Bacau Region, Romania; factually resided in Hay Street Stratford, Central House, apt. 14; London, Great Britain; under detention since January 7, 2011;</p> <p>For the crimes stipulated under Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia.</p> <p><b>Judicial background of the case</b></p> <p>On August 27, 2008 A. Grigoryan, a senior investigator of the Department of Investigations of the National Security Service of the Republic of Armenia made a decision on instigating the criminal case No 58207208 pursuant to Clause 1, Part 2 of Article 177 of the Criminal Code of the Republic of Armenia.</p> <p>Under this decision of the investigator, D. Botezatu was involved as the person accused for the crimes specified under Clauses 1 and 2, Part 3 of Article 177</p>

and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia. On the same day, another decision of the investigator declared D. Botezatu wanted for criminal prosecution purposes.

With the verdict from February 4, 2009 by the Common Jurisdiction Court in Kentron and Nork-Marash Administrative Districts of Yerevan, a provisional measure in the form of detention was imposed on D. Botezatu.

With the decision of the investigator A. Grigoryan from April 25, 2011, the examination of criminal case No 58207208 was suspended until discovering the location of D. Botezatu. On January 7, 2011 D. Botezatu was discovered, and the suspended examination of the criminal case No 58207208 was re-opened with the decision of the investigator from June 21, 2011.

With the verdict from June 23, 2011 by the Common Jurisdiction Court in Kentron and Nork-Marash Administrative Districts of Yerevan, the detention for a term of two months imposed on D. Botezatu by the previous verdict of the court from February 4, 2009 was reconsidered and maintained, determining January 7, 2011 as the first day for counting the term of detention.

With the decision of the investigator from November 21, 2011, the charges previously pressed against D. Botezatu were changed, and new charges were pressed against him pursuant to Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia. The same decision separated the part of the criminal case No 58207208 related to D. Botezatu and assigned to continue preliminary investigation under the new criminal case No 58214011.

On December 13, 2011, the criminal case No 58207208 was filed with an indictment to the Common Jurisdiction Court in Kentron and Nork-Marash Administrative Districts of Yerevan for consideration of the merits.

With the verdict from December 16, 2011 by the Common Jurisdiction Court in Kentron and Nork-Marash Administrative Districts of Yerevan (Judge G. Poghosyan) the criminal case pressing charges against Dragosh Ionut Botezatu pursuant to Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia was accepted for consideration, and the verdict from December 29, 2011 decided to initiate court trial of the case.

During the court trial, the charges previously pressed against D. Botezatu were changed and supplemented by the decision from November 7, 2012, and new charges were pressed against him, pursuant to Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia on the matter that he, as a member of an organized group, thieved assets, participated in the theft and legalized the proceeds of crime.

#### **Circumstances proven by the court**

The court examination revealed that the accused Dragosh Botezatu, having moved for residence to London, Great Britain, in the summer of 2008 met a countryman and in August 2008, having learned from him that he intended to commit theft of funds by means of using counterfeit copies of bank cards in automated teller machines of the banks operating in the territory of Armenia, agreed to take part in the theft and, together with another person currently wanted for criminal prosecution purposes and with Marius Lupu – yet another countryman residing at that time in London and currently convicted in Armenia – was involved in the standing criminal group organized on the principles of ethnicity and nationality. According to the role distribution, the organizers of the criminal group were responsible for organization and coordination of activities of the group members, provision of counterfeit copies of bank cards required for committing theft, whereas the accused and the person currently wanted for

criminal prosecution purposes assumed responsibility for the immediate commitment of theft, conversion of the Armenian dram-denominated proceeds of theft into foreign currency, and remittance of the funds to the organizer by means of bank transfers for the benefit of other persons. Following the instructions of the countryman, who was the organizer of the criminal group, the accused went to the Embassy of the Republic of Armenia in London to apply for a visa, met as per a prior agreement with the person currently wanted for criminal prosecution purposes, entered the Embassy together with him, and they received their visas. Thereafter, having received from the organizers counterfeit copies of bank cards, they arrived in Armenia on the flight London-Yerevan on August 9, 2008, settled in the same rooms of the hotels "Aviatrans" and "Ani Plaza" and, until August 23, 2008 thieved funds by means of using counterfeit copies of bank cards in automated teller machines of the banks "VTB-Armenia Bank" CJSC, "HSBC Armenia Bank" CJSC, "Anelik Bank" CJSC, and "Converse Bank" CJSC totaling 29.825.000 Armenian drams, of which the accused D. Botezatu personally thieved 10.990.000 Armenian drams. Particularly:

1. On August 9, 2008, in the period from 17:40 to 17:54 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes thieved a total of 400.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 19 Kievyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539786023381284, 4539780327727201, 4539793851968406 and 4539780096806111, of which the accused personally thieved 150.000 Armenian drams by means of using a counterfeit copy of the card No 4539793851968406;

2. On August 9, 2008, in the period from 18:47 to 18:49 o'clock, the accused thieved 200.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using a counterfeit copy of the bank card No 4929424506355009;

3. On August 9, 2008, in the period from 22:08 to 22:09 o'clock, the accused thieved 175 00.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 19 Kievyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539793393338118;

4. On August 9, 2008, in the period from 22:11 to 22:12 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 19 Kievyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4462788168581349;

5. On August 9, 2008, in the period from 23:37 to 23:42 o'clock, the accused thieved a total of 150.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using counterfeit copies of the bank cards No 4921819676013528 and 4658580053345029, while K. Furduy watched over the territory nearby;

6. On August 10, 2008, in the period from 10:56 to 11:01 o'clock, the accused thieved a total of 450.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at Nalbandyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4659020611238001 and 4539793393338118;

7. On August 10, 2008, in the period from 13:47 to 13:48 o'clock, the accused thieved 200.000 Armenian drams from the automated teller machine A805 of "Komitas" branch of "HSBC Armenia Bank" CJSC, by means of using a counterfeit copy of the bank card No 4929424506355009;

8. On August 10, 2008, in the period from 17:24 to 17:36 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes thieved a total of 1.275.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 7 Argishti Street, Yerevan, by means of using counterfeit copies of the bank cards

No 4539794787222132, 4539782383034100, 4539785013103708, 4659011151551010, 4539789672176302, 4659220064140015, 4659220064134000 and 4658581872799008, of which the accused personally thieved 525.000 Armenian drams by means of using counterfeit copies of the cards No 4659220064140015 and 4659220064134000;

9. On August 10, 2008, at 20:07 o'clock, the accused thieved 50.000 Armenian drams from the automated teller machine A815 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using a counterfeit copy of the bank card No 4659110039668010;

10. On August 10, 2008, at 20:45 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4539781371504207;

11. On August 11, 2008, the accused thieved a total of 225.000 Armenian drams from the automated teller machine No 54 of "Converse Bank" CJSC located at Tumanyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4659220064134000 and 4921819676013528;

12. On August 12, 2008, in the period from 15:32 to 15:33 o'clock, the accused thieved 225.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 10 Mashtotz Street, Yerevan, by means of using a counterfeit copy of the bank card No 4929424506355009;

13. On August 12, 2008, at 15:25 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using a counterfeit copy of the bank card No 4921819676013528;

14. On August 12, 2008, at 15:54 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4543132353101329;

15. On August 12, 2008, in the period from 20:20 to 20:29 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes thieved a total of 600.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 7 Argishti Street, Yerevan, by means of using counterfeit copies of the bank cards No 4658581808997007, 4539788999991302, 4539782029451031, 4917543431684441, 4539789519254106, 6767104721679520, 4658581631070030, 4917487545734009 and 4658582141568000, of which the accused personally thieved 400.000 Armenian drams by means of using counterfeit copies of the cards No 4539789519254106, 4658581631070030 and 4658582141568000;

16. On August 12, 2008, at 20:48 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4929480959695002;

17. On August 12, 2008, at 20:53 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4539789482002235, while the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes watched over the territory nearby;

18. On August 12, 2008, at 20:55 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4658590561799047;

19. On August 12, 2008, in the period from 21:34 to 21:35 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at Koryun Street, Yerevan, by means of using a counterfeit copy of the bank card No 4659220058600008;

20. On August 13, 2008, in the period from 17:47 to 17:53 o'clock, the

accused thieved a total of 325.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using counterfeit copies of the bank cards No 4539789482002235 and 4659010055798032;

21. On August 13, 2008, in the period from 17:58 to 17:59 o'clock, the accused thieved 175.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using a counterfeit copy of the bank card No 4658590561799047;

22. On August 13, 2008, at 18:54 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4921819676013528;

23. On August 13, 2008, within the period from 20:30 to 20:31 o'clock, the accused thieved 175.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4658581631070030;

24. On August 14, 2008, at 12:19 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A808 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4658581631070030;

25. On August 14, 2008, within the period from 17:47 to 17:48 o'clock, the accused thieved 175.000 Armenian drams from the automated teller machine A813 of "HSBC Armenia Bank" CJSC located near the Puppet Theatre, Yerevan, by means of using a counterfeit copy of the bank card No 4539789040892309;

26. On August 14, 2008, at 18:01 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine A805 of "Komitas" branch of "HSBC Armenia Bank" CJSC, by means of using a counterfeit copy of the bank card No 4539787547999239;

27. On August 14, 2008, at 18:02 o'clock, the accused thieved 70.000 Armenian drams from the automated teller machine A805 of "Komitas" branch of "HSBC Armenia Bank" CJSC, by means of using a counterfeit copy of the bank card No 4539787547999239;

28. On August 14, 2008, at 18:04 o'clock, the accused thieved 50.000 Armenian drams from the automated teller machine A805 of "Komitas" branch of "HSBC Armenia Bank" CJSC, by means of using a counterfeit copy of the bank card No 4659010964862051;

29. On August 14, 2008, in the period from 18:24 to 18:29 o'clock, the accused thieved a total of 550.000 Armenian drams from the automated teller machine A829 of "HSBC Armenia Bank" CJSC located at A. Manukyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4658580274960036, 4659010194328022, 4539783169762005 and 4539792055417608;

30. On August 14, 2008, in the period from 18:37 to 18:39 o'clock, the accused thieved a total of 200.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at Khanjyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539792055417608 and 4539782217901029;

31. On August 14, 2008, in the period from 19:15 to 19:20 o'clock, the accused thieved a total of 375.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539796178764085, 4539789339862088, 4659220039955000 and 4539789170288161;

32. On August 14, 2008, the accused thieved a total of 245.000 Armenian drams from the automated teller machine No 54 of "Converse Bank" CJSC located at Tumanyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539789482002235, 4929424506355009 and

4658590561799047;

33. On August 15, 2008, within the period from 16:19 to 16:22 o'clock, the accused thieved a total of 125.000 Armenian drams from the automated teller machine A813 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using counterfeit copies of the bank cards No 4659010964862051 and 4539787547999239;

34. On August 15, 2008, within the period from 16:34 to 16:36 o'clock, the accused thieved a total of 250.000 Armenian drams from the automated teller machine A836 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using counterfeit copies of the bank cards No 4539789170288161 and 4539794575501176;

35. On August 15, 2008, in the period from 17:00 to 17:01 o'clock, the accused thieved 170.000 Armenian drams from the automated teller machine A805 of "Komitas" branch of "HSBC Armenia Bank" CJSC, by means of using a counterfeit copy of the bank card No 4539789040892309;

36. On August 15, 2008, in the period from 21:49 to 21:56 o'clock, the accused thieved a total of 300.000 Armenian drams from the automated teller machine A829 of "HSBC Armenia Bank" CJSC located at A. Manukyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4658580274960036 and 4539789874126162;

37. On August 15, 2008, within the period from 22:29 to 22:30 o'clock, the accused thieved 170.000 Armenian drams from the automated teller machine A813 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using counterfeit copies of the bank cards No 4539785775743527;

38. On August 15, 2008, the accused thieved 150.000 Armenian drams from the automated teller machine No 2 of "Converse Bank" CJSC located at Mamikonyantz Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539792055417608;

39. On August 16, 2008, at 19:45 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at Khanjyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4658580274960036;

40. On August 16, 2008, at 19:46 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine A829 of "HSBC Armenia Bank" CJSC located at A. Manukyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539785209876505;

41. On August 16, 2008, at 19:55 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at Khanjyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539789698637139;

42. On August 16, 2008, in the period from 21:13 to 21:21 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes thieved a total of 450.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539791172011336, 4539791313259414, 4539797993802050, 6759684725825203, 4539791521675401, 4539794575501176, 4539789040892309, 4539789170288161, 6759684424505130, and 4929407733128000, of which the accused personally thieved 200.000 Armenian drams;

43. On August 16, 2008, in the period from 21:58 to 22:00 o'clock, the accused thieved a total of 225.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using a counterfeit copy of the bank card No 4659220211818000;

44. On August 16, 2008, at 22:28 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine A825 of "HSBC Armenia Bank" CJSC located near the trading hall "AG Electronics" in Yerevan, by means of using a counterfeit copy of the bank card No 4539787547999239;

45. On August 16, 2008, the accused thieved 150.000 Armenian drams



from the automated teller machine No 15 of "Converse Bank" CJSC located at Bagratunyatz Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539785775743527;

46. On August 17, 2008, in the period from 14:01 to 14:06 o'clock, the accused thieved a total of 375.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 18 Erebuni Street, Yerevan, by means of using counterfeit copies of the bank cards No 4921816975464527 and 4659220211818000;

47. On August 17, 2008, in the period from 15:10 to 15:13 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539785775743527;

48. On August 17, 2008, in the period from 15:51 to 15:56 o'clock, the accused thieved a total of 450.000 Armenian drams from the automated teller machine A829 of "HSBC Armenia Bank" CJSC located at A. Manukyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4462783322901566, 4539786043376512 and 4539785450801525;

49. On August 17, 2008, at 21:18 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at V. Sargsyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539792213547601;

50. On August 18, 2008, at 15:40 o'clock, the accused thieved 100.000 Armenian drams from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using a counterfeit copy of the bank card No 4539792213547601;

51. On August 18, 2008, the accused thieved 150.000 Armenian drams from the automated teller machine No 12/10 of "Converse Bank" CJSC located at Gai Avenue, Yerevan, by means of using a counterfeit copy of the bank card No 4462783322901566;

52. On August 19, 2008, in the period from 16:38 to 16:39 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine A832 of "HSBC Armenia Bank" CJSC located at G. Lusavorich Street, Yerevan, by means of using a counterfeit copy of the bank card No 4462783322901566;

53. On August 19, 2008, at 17:08 o'clock, the accused thieved 10.000 Armenian drams from the automated teller machine A837 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using a counterfeit copy of the bank card No 4539789984357145;

54. On August 19, 2008, in the period from 17:32 to 17:40 o'clock, the accused thieved a total of 250.000 Armenian drams from the automated teller machine A828 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using counterfeit copies of the bank cards No 4539796463422068 and 4539789984357145;

55. On August 19, 2008, the accused thieved 100.000 Armenian drams from the automated teller machine No 49 of "Converse Bank" CJSC located at Komitas Avenue, Yerevan, by means of using a counterfeit copy of the bank card No 4539792213547601;

56. On August 19, 2008, in the period from 18:43 to 18:49 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes attempted to commit theft from the automated teller machines of "VTB-Armenia Bank" located at 8 Nzhdeh Street and 21 Azatutyan Street, Yerevan, by means of using counterfeit copies of the bank cards No 4539786905542508, 6767104722491859, 4462784430752586, 4659011217980005, 4658590847140016, 4658590459745029, 4659210191045005, 4539782794872007 and 4658590901127008; however, only the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes managed to thieve 100.000 Armenian drams by means of using a counterfeit copy of the bank card No 4539786905542508;

57. On August 20, 2008, in the period from 10:27 to 10:28 o'clock, the accused thieved 150.000 Armenian drams from the automated teller machine

A826 of "HSBC Armenia Bank" CJSC in Yerevan, by means of using a counterfeit copy of the bank card No 4462783322901566;

58. On August 20, 2008, in the period from 10:36 to 10:56 o'clock, the accused and the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes attempted to commit theft from the automated teller machine of "VTB-Armenia Bank" located at 8 Nzhdeh Street, Yerevan, by means of using counterfeit copies of the bank cards No 4921818334456913, 4539789984357145, 4539792213547601, 4659010310545103, 4462788325603663, 4539791313259414, 4539786905542508 and 4658590901127008; however, only the person having arrived with him in Armenia and currently wanted for criminal prosecution purposes managed to steal 150.000 Armenian drams by means of using a counterfeit copy of the bank card No 4462788325603663;

59. On August 21, 2008, at 7:55 o'clock, the accused stole 150.000 Armenian drams from the automated teller machine A840 of "HSBC Armenia Bank" CJSC located at Northern avenue, Yerevan, by means of using a counterfeit copy of the bank card No 4462788325603663;

60. On August 21, 2008, the accused stole a total of 75.000 Armenian drams from the automated teller machine No 54 of "Converse Bank" CJSC located at Tumanyan Street, Yerevan, by means of using a counterfeit copy of the bank card No 4462783322901566.

In addition to thefts committed as described above, out of a total of 29.570.000 Armenian drams the accused exchanged at different banks 7.211.000 Armenian drams into 23.813 US dollars, exchanged with unidentified persons 5.980.494 Armenian drams into 19.851 US dollars; then, within the period from August 11 to 20, 2008 he transferred 39.664 US dollars equivalent to 11.983.494 Armenian drams to Great Britain via "Western Union" and "Moneygram" systems.

Particularly:

1. On August 11, 2008 he transferred at the branch "Abovyan 18" of "Inecobank" CJSC 4.957 US dollars to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

2. On August 12, 2008 he transferred at the branch "Amiryan" of "Ararat Bank" CJSC 4.928 US dollars to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

3. On August 12, 2008 he transferred at the branch "Tumanyan 17" of "Inecobank" CJSC 4.966 US dollars to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

4. On August 14, 2008 he exchanged at the branch of "Ameriabank" CJSC located at 2 V. Sargsyan, Yerevan, 1.520.000 Armenian drams into 5.000 US dollars and on the same day transferred it to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

5. On August 16, 2008 he exchanged at the branch of "Ameriabank" CJSC located at 2 V. Sargsyan, Yerevan, 1.458.000 Armenian drams into 4.813,73 US dollars and on the same day transferred it to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

6. On August 16, 2008 he transferred at the branch "Abovyan 18" of "Inecobank" CJSC 5.000 US dollars to Great Britain via the "Western Union" system for the benefit of Laurentiu Kamparey;

7. On August 19, 2008 he exchanged at the branch "Yerevan" of "Ardshininvestbank" CJSC 1.515.000 Armenian drams into 5.000 US dollars and on the same day transferred it to Great Britain via the "Moneygram" system for the benefit of Laurentiu Kamparey;

8. On August 20, 2008 he exchanged at the branch "Tigran Mets" of "Ardshininvestbank" CJSC 1.208.000 Armenian drams into 4.000 US dollars and on the same day transferred 5.000 US dollars to Great Britain via the "Moneygram" system for the benefit of Laurentiu Kamparey.

### **Examination and assessment of evidence**

The accused, Dragosh Botezatu, pleaded fully guilty in the charges pressed against him pursuant to Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia and testified that before coming to Armenia, in London, he met Konstantin Sherban, a countryman with the nickname "Kishtrulya", and agreed to his proposal to commit thefts from automated teller machines in Armenia. Thus, in the beginning of August 2008 he and Katalin Furdud received visas from the Armenian Embassy in London and set off for Armenia. Still in London, K. Sherban gave him 100-120 counterfeit cards for committing theft from automated teller machines and 4.500 UK pounds for traveling expenses. He also said that the proceeds of theft should be converted into foreign currency and be sent to him not directly, but through other persons. According to the agreement with him, 10 percent of the proceeds of theft would be his share as remuneration for his efforts. Having arrived in Yerevan, they settled with K. Furdud in the hotels "Aviatrans" and Ani Plaza and, after having received from K. Sherban by phone PIN-codes of the cards, he both with Furdud and individually committed theft by means of using counterfeit copies of bank cards in automated teller machines of the banks "HSBC Armenia Bank" CJSC, "Converse Bank" CJSC, "Anelik Bank" CJSC and "VTB-Armenia Bank" CJSC. He used around 80 cards under his possession, while the rest he cut into pieces and threw away. Overall he thieved an amount in Armenian drams equivalent to around thirty thousand US dollars, converted it at different banks into US dollars and sent to London for the benefit of his friend, Laurentiu Kamparey, for passing it to K. Sherban. They have indicated incorrect places of residence in the documents filled out at banks in order to avoid being captured later. During his stay in Armenia, he had frequent quarrels with K. Furdud and, in that relation, had phone conversations with Marius Lupu, who recommended that he would rather endure and refrain from quarreling with K. Furdud. He had not had the recognition that he was a member of a criminal group, and that his deeds constituted laundering of money. Everything happened as articulated in the indictment, his rights were never violated, and no pressure was put on him.

According to the similar testimonies of Mihran Khachatryan, Ani Movsisyan and Levon Mnatzakanyan representing the suffered parties "VTB-Armenia Bank" CJSC, "Anelik Bank" CJSC and "Converse Bank" CJSC, within the period August-September, 2008, thefts were committed from automated teller machines of the said banks by means of counterfeit copies of bank cards issued by banks operating in Great Britain.

The witness, Anna Parsamyan, a cashier in payment systems department of "Ameria Bank" CJSC testified that on August 16, 2008, an English-speaking foreigner approached her cash desk and asked to convert an amount in Armenian drams into foreign currency and to transfer 2.500 UK pounds via "Western Union" system to Great Britain for the benefit of Laurentiu Kamparey. She explained that "Western Union" allowed transfers only in US dollars and asked for his passport and the amount to be converted. The foreigner presented a Romanian passport in the name of Dragosh Botezatu, gave her 1.458.560,2 Armenian drams equivalent to 2.500 UK pounds or 4.813,73 US dollars, personally filled out and signed the application for the transfer via "Western Union" system indicating his place of residence and phone number. She compiled the receipt and other documents for currency exchange, the foreigner signed them, and after that 4.813,13 US dollars were transferred via "Western Union" system.

For several times, D. Botezatu and K. Furdud came to make transfers together, thus leaving an impression on her as if they were friends. One of them used her cash desk to make the transfers, and the other used the cash desk of her colleague, Kristina Martirosyan. According to the filled out documents, they resided at hotel "Amrotz".

The witness, Kristina Martirosyan, a cashier in payment systems department of

“Ameria Bank” CJSC, gave a similar testimony stating that the accused D. Botezatu and K. Furduduy made transfers to Great Britain through “Ameria Bank” CJSC via the “Western Union” system.

The witness, Haykuhi Martirosyan, a cashier at the branch “Tigran Mets” of “Ardshininvestbank” CJSC, testified that on August 20, 2008 the accused, D. Botezatu, presented at the bank his Romanian passport and exchanged the amount he had in Armenian drams into 4.000 US dollars.

The witness, Karine Harutyunyan, a cashier at the branch “Erebuni” of “Ardshininvestbank” CJSC, testified that on August 19, 2008 the accused, D. Botezatu, exchanged at the bank 1.510.000 Armenian drams into 5.000 US dollars.

The witness, Masis Isaghulyan, a cashier at the branch “Yerevan” of “Ardshininvestbank” CJSC, testified that on August 19, 2008 the accused, D. Botezatu, exchanged at the bank 1.515.000 Armenian drams into 5.000 US dollars.

The witness, Alina Hakobyan, a chief cashier at the branch “Amiryan” of “Araratbank” CJSC, testified that on August 12, 2008 the accused, D. Botezatu, exchanged at the bank 1.480.720 Armenian drams into 4.928 US dollars.

The witness, Amalya Poghosyan, a cashier at the branch “Tigran Mets” of “Ardshininvestbank” CJSC, testified that on August 20, 2008 the accused, D. Botezatu, exchanged at the bank the amount he had in Armenian drams into 5.000 US dollars, which were transferred to Great Britain for the benefit of Laurentiu Kamparey. To enable the transactions, he presented his Romanian passport and indicated hotel “Dvin” as the place of his residence.

The witness, Susanna Antonyan, an accountant at the branch “Erebuni” of “Ardshininvestbank” CJSC, testified that on August 19, 2008 the accused, D. Botezatu, transferred 5.000 US dollars to Great Britain for the benefit of Laurentiu Kamparey.

The witness, Narine Tavaqalyan, a cashier-accountant at the branch “Amiryan” of “Araratbank” CJSC, testified that on August 12, 2008 the accused, D. Botezatu, exchanged at the bank the amount he had in Armenian drams into 4.928 US dollars and transferred to Great Britain for the benefit of Laurentiu Kamparey.

The witness, Armine Adamyan, a cashier at the branch “Tigran Mets” of “Ardshininvestbank” CJSC, testified that on August 19, 2008 the accused, D. Botezatu, transferred 5.000 US dollars to Romania. To enable the transaction, he presented his Romanian passport and indicated hotel “Dvin” as the place of his residence.

The witness, Lilit Atabekyan, a manager at the branch “Kentron” of “Unibank” CJSC, testified that on August 15, 2008 K. Furduduy transferred 3.000 US dollars to Romania. To enable the transaction, he presented his Romanian passport and indicated hotel “Amrotz” as the place of his residence.

The witness, Anahit Movsisyan, a team leader for private transfers of “Inecobank” CJSC, testified that on August 12, 2008 the accused, D. Botezatu, transferred 4.966 US dollars to Great Britain for the benefit of Laurentiu Kamparey. To enable the transaction, he presented his Romanian passport and indicated hotel “Amrotz” as the place of his residence.

On August 16, 2008 K. Furduduy exchanged at the bank 1.346.216 Armenian drams into US dollars and transferred 4.450,3 US dollars to Romania. To enable the transaction, he presented his Romanian passport and indicated hotel “Amrotz” as the place of his residence. On August 20, 2008 the same person exchanged at the bank 1.383.960 Armenian drams into US dollars and transferred 4.560 US dollars to Romania.

According to the decision from November 21, 2011 “On Recognizing as Material Evidence and Attaching to the Criminal Case”, counterfeit copies of bank cards 4659220064134000, 4659220064140015, 4539782217901029, 4539796178764085, 4539789040892309, 4539789698637139 and 4539789482002235 retrieved from automated teller machines of “VTB-Armenia Bank” CJSC, which were used by the accused for committing theft, were

recognized as material evidence.

According to the decisions from December 18, 2008 and November 21, 2011 “On Recognizing Other Documents as Evidence and Attaching to the Criminal Case”, the following were recognized as evidence:

- The application of the accused and the cash deposit receipt No 000138 from August 12, 2008 for making a transfer via the “Western Union” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch “Amiryan” of “Araratbank” CJSC 4.928 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel “Amrotz” as the place of his residence;
- The foreign currency exchange receipt No AAA 153427 from August 16, 2008 (records of seizure and examination from December 11, 2008) revealing that the accused exchanged 1.458.000 Armenian drams into 4.813,73 US dollars at the branch of “Ameriabank” CJSC located at 2 V. Sargsyan, Yerevan;
- The application and the order from August 16, 2008 for making a transfer via the “Western Union” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch of “Ameriabank” CJSC located at 2 V. Sargsyan, Yerevan, 4.813 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel “Amrotz” as the place of his residence;
- The foreign currency exchange receipt No AAA 002093 from August 14, 2008 (records of seizure and examination from December 11, 2008) revealing that the accused exchanged 1.520.000 Armenian drams into 5.000 US dollars at the branch of “Ameriabank” CJSC located at 2 V. Sargsyan, Yerevan, indicating hotel “Amrotz” as the place of his residence;
- The application and the order from August 14, 2008 for making a transfer via the “Western Union” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch of “Ameriabank” CJSC located at 2 V. Sargsyan, Yerevan, 5.000 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel “Amrotz” as the place of his residence;
- The foreign currency exchange receipt No 8082000374509 from August 20, 2008 (records of seizure and examination from December 11, 2008) revealing that the accused exchanged 1.208.000 Armenian drams into 4.000 US dollars at the branch “Tigran Mets” of “Ardshinvestbank”;
- The application and the receipt from August 20, 2008 for making a transfer via the “Moneygram” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch “Tigran Mets” of “Ardshinvestbank” 5.000 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel “Dvin” as the place of his residence;
- The foreign currency exchange receipt No 8081900155189 from August 19, 2008 (records of seizure and examination from December 11, 2008) revealing that the accused exchanged 1.515.000 Armenian drams into 5.000 US dollars at the branch “Yerevan” of “Ardshinvestbank”;
- The application from August 19, 2008 for making a transfer via the “Moneygram” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch “Yerevan” of “Ardshinvestbank” 5.000 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel “Aviatrans” as the place of his residence;
- The foreign currency exchange receipt No 8081900498235 from August 19, 2008 (records of seizure and examination from December 11, 2008) revealing that the accused exchanged 1.510.000 Armenian drams into 5.000 US dollars at the branch “Erebuni” of “Ardshinvestbank”;
- The cash deposit receipt and the order from August 12, 2008 for making a transfer via the “Western Union” system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the

- branch "Tumanyan 17" of "Inecobank" CJSC 4.966 US dollars to Great Britain for the benefit of Laurentiu Kamparey, indicating hotel "Amrotz" as the place of his residence;
- The cash deposit receipt and the order from August 11, 2008 for making a transfer via the "Western Union" system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch "Abovyan 18" of "Inecobank" CJSC 4.957 US dollars to Great Britain for the benefit of Laurentiu Kamparey;
  - The cash deposit receipt and the order from August 16, 2008 for making a transfer via the "Western Union" system (records of seizure and examination from December 11, 2008) revealing that the accused transferred at the branch "Abovyan 18" of "Inecobank" CJSC 5.000 US dollars to Great Britain for the benefit of Laurentiu Kamparey;
  - The official letter No 1796815/08/BCR from October 13, 2008 by the National Central Bureau of Interpol in Romania (delivered in the official letter No N33/A4610 CF/318/5/2008 from October 17, 2008 by the National Central Bureau of Interpol in the Police of the Republic of Armenia) indicating that Marius Lupu, Cornel Constantin Stangaciu, Oliver Raducu Marian, Daniel Florin Feraru, Adi Ioan Blaga, and Dragosh Ionut Botezatu were found in the criminal records of Romania for committing theft from automated teller machines; at that, Marius Lupu, Cornel Constantin Stangaciu, and Oliver Raducu Marian were identified as leaders of different criminal groups. In 2003, Marius Lupu organized a criminal group with his family members, which was responsible for crimes in Romania, Great Britain, France, Italy, Germany, while Dragosh Ionut Botezatu and Andrey Petronel Bursuc were used as "instruments";
  - The official letter No 33/A-1115-CF3/318/05/08 from September 1, 2008 by the National Central Bureau of Interpol in the Police of the Republic of Armenia indicating that, according to the information received from the National Central Bureau of Interpol in Romania, Dragosh Ionut Botezatu, born on June 19, 1978 lived in Oneshti County of Bacau, 4 Mercure Street, apartment 136, was a friend of Laurentiu Kamparey born on April 8, 1984 and residing in Oneshti County of Bacau, 8A/11 Belveder Avenue. Marius Pruteanu (formerly Lupu) was known in the criminal world as a leader of a criminal group specializing in withdrawal of cash from automated teller machines by means of counterfeit copies of bank cards. Together with his family members, he committed similar offenses since 2003 in Great Britain, France, the Netherlands, Italy and Germany;
  - The official letter No 33/A-3437-CF3/318/05/08 from December 14, 2008 by the National Central Bureau of Interpol in the Police of the Republic of Armenia indicating that, according to the information received from the National Central Bureau of Interpol in Great Britain, Laurentiu Kamparey uses the Romanian identity card No 13844538 and had received money transfers;
  - The list of Romanian citizens having crossed the border through airport "Zvartnots" in the period from July to October of 2008 indicating that Catalin Ionut Apetri Furduduy and Dragosh Ionut Botezatu arrived in the Republic of Armenia on the same flight No 965 from August 9, 2008 and, with a difference of several minutes in-between, crossed the border control at 01:52 and 02:03, respectively;
  - The registration cards provided by hotel "Aviatrans" indicating that Dragosh Ionut Botezatu and Catalin Ionut Apetri Furduduy jointly occupied room No 312 of this hotel in the period from August 9 to 10, 2008, then jointly occupied room No 507 of this hotel until August 15, 2008;
  - The letter by hotel "Ani Plaza" indicating that D. Botezatu and C. Furduduy jointly occupied room No 511 of this hotel in the period from August 15 to 22, 2008;
  - An excerpt from the informational system indicating that D. Botezatu and K. Furduduy entered the Republic of Armenia on August 9, 2008 by visas with

- consecutive numbers No 0755732 and 0755731 ;
- The Romanian passport of D. Botezatu with the visa No 0755732 issued by the Republic of Armenia Embassy in London on August 6, 2008;
  - The business card of L. Kamparey found among personal belongings of D. Botezatu;
  - The breakdown of incoming and outgoing calls made by Dragosh Ionut Botezatu on the telephone number 077-346329 provided by "K-Telecom" CJSC indicating that D. Botezatu had been in active phone communication with the members of the organized group; particularly, on the telephone number 077-346329 used by him 140 calls were made to the telephone number 077-346342 used by K. Furdy, and the latter made 143 calls to D. Botezatu;
  - The official letters No E-22-1748 and E-22-1766 by "VTB-Armenia Bank" CJSC providing documentary attachments on transactions and compact discs with the photos made by the cameras on the automated teller machines of this bank, depicting the cases of theft by Dragosh Ionut Botezatu and other Romanians;
  - The official letter No 115-08 by "Armenian Card" CJSC providing the list of transactions conducted with automated teller machines of banks operating in the Republic of Armenia;
  - A list of chargebacks from "Converse Bank" CJSC relating to the transactions conducted with the automated teller machines of this bank in the period from August to September of 2008;
  - Two compact discs (records of seizure from December 05, 2008) containing video recordings made by the cameras on the automated teller machines of "HSBC Bank Armenia" CJSC, depicting the cases of theft committed by D. Botezatu and other Romanians;
  - A list of chargebacks (records of seizure from December 05, 2008) related to the transactions conducted with the automated teller machines of "HSBC Bank Armenia" CJSC in the period from August to September of 2008.
  - A list of chargebacks related to the transactions conducted with the automated teller machines of "VTB-Armenia Bank" CJSC in the period from August to September of 2008, and a compact disc containing photos depicting the transactions conducted with the automated teller machines of this bank.

The documents on transfers and bank transactions conducted by the accused, which had been seized and recognized as evidence, were examined as per the records of seizure and examination from December 11, 2008.

According to the records of examination from December 17, 2008, chargeback requests have been received from Great Britain due to the thefts committed from the automated teller machines of VTB-Armenia Bank" CJSC, "HSBC Armenia Bank" CJSC, "Anelik Bank" CJSC, and "Converse Bank" CJSC.

Personal belongings of the accused were seized and his documents, bank cards, cellular phone and the breakdown of outgoing calls were examined as per the records of examination from July 15, 2011.

According to the records of investigatory experiment from November 10, 2011, the accused D. Botezatu pointed out hotels "Ani Plaza" and "Aviatrans", where they jointly occupied rooms with K. Furdy.

According to the conclusion No. 08-1166 of the computer-technical and fingerprint expert examination from October 22, 2008, the 84 plastic cards found in the automated teller machines of "VTB-Armenia Bank", "Converse Bank" CJSC and "Anelik Bank" CJSC, were ready to be used as bank cards, the information printed on the cards fully or partially failed to correspond to the information contained on the magnetic stripes, the cards failed to correspond to the established samples and were forged by means of rewriting the information on the magnetic stripes.

The 43 plastic cards found in the automated teller machines of “VTB-Armenia Bank” were the counterfeit copies of the following bank cards:  
4659110018040009, 4539781872620049, 4659220064134000,  
4658590570260031, 4659010042649017, 4539795171235200,  
4659220064140015, 4539795163445072, 4539792456667504,  
4462720158230025, 4539798585547020, 4539785053052443,  
4921819624425816, 4539798712295006, 4539780119427135,  
4539787073568317, 4539780094272126, 4658580360158008,  
4658580079088009, 4659110342684001, 4539782217901029,  
4659110306750004, 4658582470799002, 4539785202342604,  
4659230065122003, 4659010372044102, 4539796178764085,  
4539789040892309, 4539789698637139, 4539789726440100,  
4539786140228269, 4921818096628535, 4539781881625104,  
4659010309891104, 4539795898757205, 4539789482002235,  
4462744688362116, 4917487527255007, 4921818442551829,  
4917546309575583, 4917545392918346, 4917542394107853, and  
4921819282764738.

The 29 plastic cards found in the automated teller machines of “Anelik Bank” were the counterfeit copies of the following bank cards: 4921816400394356,  
6759676150760830, 6759683118544785, 6759647262169467,  
4974927305836718, 4658580125043016, 4921817252767061,  
6759675435674832, 675940341802153858, 675940382431080393,  
6759675748121166, 6767104913517124, 4921817883253911,  
6759686129207441, 6767096815236623, 6759682125713250,  
4539791651421600, 4658580413680008, 4658582059989008,  
4539781060081111, 675940132821223941, 4921816532421119,  
4462740000316517, 4921819624863719, 4917315146734252,  
4547423202356347, 6759692146113612, 4547421101271138, and  
6759684276494607.

The 12 plastic cards found in the automated teller machines of “Converse Bank” were the counterfeit copies of the following bank cards: 4539787823299247,  
4539789250935087, 4659020183202005, 4539782000407101,  
4539782330379103, 4658580348831007, 4775968132056717,  
4539789798713301, 453978967217-6302, 4539782383034100,  
4539794986731149, and 4917496410500106.

#### **Legal analysis by the court**

From the analysis of the charges pressed against the accused and of the combined assessment of evidences examined in court examination, based on an opinion deriving from the comprehensive, complete, and objective investigation of the case, the Court establishes that the totality of interrelated reliable evidences pertaining to this criminal case confirms that the accused, acting as a member of an organized group, in 60 events committed theft of particularly large assets and, in prior agreement with the leader of the criminal group, aiming to conceal the criminal origin of the proceeds of theft, converted it into foreign currency and transferred abroad. Hence, the Court establishes as a proven fact that the accused committed crimes stipulated under Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia, for which he shall be punished by a sentence of imprisonment.

When determining a punishment for the accused, the Court takes into consideration the nature and social ramifications of the offence, the personality of the offender, and the factors mitigating or aggravating the liability and the punishment.

Upon examining the factors mitigating the liability and the punishment of the



accused, the Court takes into consideration that he is being convicted for the first time, pleads guilty for the offense and shows penitence for it. The Court has not identified any factors aggravating the liability and the punishment of the accused.

Upon examining the issue of imposing confiscation of property as an additional punishment for Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia, the Court establishes that for Clauses 1 and 2, Part 3 of Article 177 of the Criminal Code of the Republic of Armenia the accused shall be sentenced to imprisonment without confiscation of property, whereas for Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia confiscation of property equivalent to 11.983.494 Armenian drams shall be imposed on him as stipulated under Part 4 of Article 55 of the Criminal Code of the Republic of Armenia.

In considering the claim of "VTB-Armenia Bank" CJSC against D. Botezatu for confiscation of 4.475.000 (four million four hundred seventy five thousand) Armenian drams as recovery of the loss incurred due to crime, the Court establishes that the claim is well grounded and shall be satisfied.

In considering the claim of "HSBC Bank Armenia" CJSC against D. Botezatu for confiscation of 5.420.000 (five million four hundred twenty thousand) Armenian drams as recovery of the loss incurred due to crime, the Court establishes that the claim should be left unexamined for further consideration under civil proceedings, in view of the fact that no evidence was presented on having transferred chargeback amounts to the respective banks in Great Britain, although the representative of the civil plaintiff confirmed that the transfers have been made but the relevant documents have not been maintained at the bank.

Upon examining the issue of dealing with material evidences, the Court establishes that the 7 counterfeit copies of the bank cards No 4659220064134000, 4659220064140015, 4539782217901029, 45397-96178764085, 4539789040892309, 4539789698637139 and 4539789482002235 found in the automated teller machines of "VTB-Armenia Bank" should be destroyed, the 2 compact discs should be kept in the file of the criminal case, while the 10 counterfeit copies of bank cards used by K. Furduy should be returned to the prosecutor for passing to the preliminary investigation body in charge of the case.

In considering the provisional measure imposed on the accused, the Court establishes that the provisional measure imposed in the form of detention shall be maintained until this verdict has entered into force.

Based on the above-stated, and guided by Articles 119, 357-360, 365, 367 and 369-372 of the Criminal Procedure Code of the Republic of Armenia, the Court:

#### **DECIDES**

To declare Dragosh Ionut Botezatu guilty pursuant to Clauses 1 and 2, Part 3 of Article 177 and Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia, sentencing him to imprisonment for a term of 6 (six) years without confiscation of property for the crimes stipulated under Clauses 1 and 2, Part 3 of Article 177 of the Criminal Code of the Republic of Armenia, and to imprisonment for a term of 8 (eight) years with confiscation of property equivalent to 11.983.494 Armenian drams for the crimes stipulated under Clause 1, Part 3 of Article 190 of the Criminal Code of the Republic of Armenia;

In accordance with Part 4, Article 66 of the Criminal Code of the Republic of Armenia, with partial addition of the main punishment and full addition of the additional punishment, to impose a final punishment in the form of imprisonment for a term of 9 (nine) years with confiscation of property equivalent to

	<p>11.983.494 Armenian drams;</p> <p>To count the term of the punishment from January 7, 2011 to be served at a penitentiary institution of the Ministry of Justice of the Republic of Armenia, and to maintain the provisional measure imposed in the form of detention until this verdict has entered into force;</p> <p>As to the material evidences, to destroy the 7 counterfeit copes of the bank cards found in the automated teller machines of "VTB-Armenia Bank", and to keep the 2 compact discs in the file of the criminal case;</p> <p>To confiscate from D. Botezatu for the benefit of "VTB-Armenia Bank" CJSC 4.475.000 (four million four hundred seventy five thousand) Armenian drams as recovery of the loss incurred due to crime;</p> <p>To leave unexamined the claim of "HSBC Bank Armenia" CJSC against D. Botezatu for confiscation of 5.420.000 (five million four hundred twenty thousand) Armenian drams as recovery of the loss incurred due to crime;</p> <p>This verdict may be appealed to the Criminal Court of Appeals of the Republic of Armenia within a month from the day of its publication.</p> <p><b>JUDGE, G. POGHOSYAN</b></p>
<b>Date of judicial act</b>	20-11-2012
<b>Other notes</b>	

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