

VERDICT
IN THE NAME OF THE REPUBLIC OF ARMENIA

COMMON JURISDICTION COURT OF FIRST INSTANCE
IN MALATIA-SEBASTIA ADMINISTRATIVE DISTRICT OF YEREVAN

Presided by: Judge, Mikayel Vakhtang Grigoryan
Assisted by: Svetlana Martiros Nersesyan
Participated by: Prosecutor, Artur Davtyan;
Accused, Amalya Stepan Matulyan
Counsel, Razmik Tovmasyan
Victims, Marine Harutyun Nalbandyan, Gayane Artashes
Ghandilyan, Karine Khachatur Avdalyan, Lusine Vagharshak
Harutyunyan

Held an open court hearing of the case on charges pressed against:

Amalya Stepan Matulyan: born on December 11, 1964 in Yerevan, Armenia; Armenian by nationality; citizen of the Republic of Armenia; with secondary education; unemployed; married; with a criminal record of 5 previous convictions: December 14, 1987, pursuant to Part 2, Articles 15-143 and Part 2, Article 205 of the Criminal Code of the Republic of Armenia in force from 1961; September 8, 1989, pursuant to Part 2, Article 143 of the Criminal Code of the Republic of Armenia in force from 1961; February 24, 1993, pursuant to Part 5, Article 229 of the Criminal Code of the Republic of Armenia in force from 1961; August 16, 2000, pursuant to Part 1, Article 226 of the Criminal Code of the Republic of Armenia in force from 1961; August 25, 2004, pursuant to Part 2, Article 325; Article 262; Articles 34-262; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia; with punishments still outstanding; registered at 10/1 Andranik Str., Apt. 5, Yerevan, Republic of Armenia; resided at 1 H. Hakobyan Str., Apt. 63, Yerevan, Republic of Armenia.

The criminal case was instigated on April 12, 2007 by the Division against Human Trafficking and Illegal Migration of the Department of Investigations of the General Prosecutor's Office in the Republic of Armenia.

On June 6, 2007, Amalya Stepan Matulyan was accused of crimes stipulated under Clause 4, Part 2, Article 1321 of the Criminal Code of the Republic of Armenia.

On June 6, 2007, Amalya Stepan Matulyan was declared wanted for criminal prosecution purposes, and a provisional measure in the form of detention was imposed.

On June 12, 2007, the examination of criminal case No. 62202607 was suspended by the initial investigation authority until discovering the location of the accused, Amalya Stepan Matulyan.

On December 11, 2007, criminal case No. 62202607 was taken under the examination of the investigator from the Department of Investigations for Cases of Special Importance under the General Department of Investigations of the Police in the Republic of Armenia, and an initial investigation was conducted.

On September 16, 2008, the charges pressed against Amalya Stepan Matulyan were amended and supplemented.

On September 16, 2008, part of the charges, where Amalya Stepan Matulyan was accused of (based on the corresponding decision from June 6, 2007) crimes stipulated under Clause 4, Part 2, Article 1321 of the Criminal Code of the Republic of Armenia, were withdrawn from the total volume of charges pressed against her.

On September 16, 2008, Amalya Stepan Matulyan was accused of crimes stipulated under Clause 2, Part 1, Article 132 of the Criminal Code of the Republic of Armenia. The provisional measure in the form of detention imposed on Amalya Stepan Matulyan was maintained.

On September 30, 2008, the examination of criminal case No. 62202607 was suspended by the initial investigation authority until discovering the location of the accused, Amalya Stepan Matulyan, A. Nadiryan, K. Melkonyan, while a decision was made to examine the case of forging a passport by A. Matulyan until discovering the location of Amalya Stepan Matulyan and Alla Albert Sedrakyan.

On February 13, 2009, Amalya Stepan Matulyan was brought to the First Division of the Fourth Department under the General Department against Organized Crime of the Police in the Republic of Armenia.

On February 13, 2009, the examination of criminal case No. 62202607 was re-opened.

Since February 13, 2009, the accused, Amalya Stepan Matulyan, has been in detention at the penitentiary institution "Abovyan" under the Ministry of Justice of the Republic of Armenia, and the date of February 13, 2009 was considered the first day for counting the term of the detention.

On June 17, 2009, Amalya Stepan Matulyan was accused of crimes stipulated under Clauses 1 and 2, Part 3, Article 132 and Clauses 3 and 4, Part 2, Article 1321 of the Criminal Code of the Republic of Armenia.

On July 21, 2009, the charges pressed against Amalya Stepan Matulyan were amended and supplemented, and new charges were pressed against her, pursuant to Clauses 1 and

2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

On July 21, 2009 Amalya Stepan Matulyan was accused of crimes stipulated under Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

On July 21, 2009, the initial investigation authority made a decision to discontinue the investigation of part of the criminal case No. 62202607, which related to Amalya Stepan Matulyan assisting Alla Albert Sedrakyan to commit acts of prostitution, and not to press criminal prosecution for the same indictment that has resulted in a court verdict in force.

Thus, Amalya Stepan Matulyan is accused of crimes stipulated under Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

On August 4, 2009, the criminal case was filed with an indictment to the Common Jurisdiction Court of Malatia-Sebastia Administrative District of Yerevan.

Based on the court examination of the case and the information presented in the case, the Court established and proved the following:

In the period from 1997 to 2002, Amalya Stepan Matulyan was engaged in pandering in the United Arab Emirates, a crime for which she was previously convicted.

In August of 2001, being in Yerevan at that time, Amalya Stepan Matulyan met Alla Albert Sedrakyan, who had worked as a prostitute in the United Arab Emirates. Amalya Stepan Matulyan learned that Alla Albert Sedrakyan had an intention to return back to Dubai of the United Arab Emirates in order to work as a prostitute again, but she could not do that with her passport, since she had been deported from that country. Amalya Stepan Matulyan offered her help, promising to cover the costs associated with getting a passport and leaving for Dubai. She took Alla Albert Sedrakyan's photos, attached them into a passport belonging to (which she had obtained in unknown conditions) a person named Arinka Atanesyan and provided this passport to Alla Albert Sedrakyan. The latter crossed the border of the Republic of Armenia with the fake passport given to her by Amalya Stepan Matulyan and arrived in Dubai.

Amalya Stepan Matulyan resided in Dubai and continued her activities. She reached initial agreements on recruitment and transportation of Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan from Gyumri, and in September of 2003, under false promises of offering a highly paid job as a waitress, she recruited and transported Armenian ladies to Moscow of the Russian Federation. Sevak Nver Simonyan and Avetik Khachatryan met these ladies in Moscow and transported them to Dubai of the United Arab Emirates.

In August of 2003, Armenian citizen Lusine Vagharshak Harutyunyan got acquaint in Gyumri with Gayane Vazgen Melkonyan, who promised her a highly paid job as a waitress in Dubai of the United Arab Emirates. Lusine Vagharshak Harutyunyan accepted the offer of Gayane Vazgen Melkonyan and gave her passport of an Armenian citizen. Through Sevak Nver Simonyan and Avetik Khachatryan in Moscow of the Russian

Federation, Lusine Vagharshak Harutyunyan was transported to Dubai, where she was taken to Amalya Stepan Matulyan, who took her passport and kept it away from her. Amalya Stepan Matulyan exploited the fact that Lusine Vagharshak Harutyunyan did not speak a foreign language, was limited in relocating in a foreign country without a passport and was in a vulnerable situation since she could not return the debt for her travel expenses. Furthermore, under the threats of force not dangerous for health and of rape by Arabs in case Lusine Vagharshak Harutyunyan would refuse to obey, Amalya Stepan Matulyan retracted the latter into prostitution and kept her under sexual exploitation for about six months. Amalya Stepan Matulyan collected all the money that Lusine Vagharshak Harutyunyan earned by prostitution.

In October of 2003, Armenian citizen Gayane Artashes Ghandilyan got acquainted in Gyumri with Gayane Vazgen Melkonyan, who offered her to leave for India to work in a highly paid job as a cashier in a Patisserie and said that the travel expenses would be covered by the employer, on a condition that it would be repaid later. Gayane Artashes Ghandilyan accepted the offer. Through Sevak Nver Simonyan and Avetik Khachatryan in Moscow of the Russian Federation, Gayane Artashes Ghandilyan was transported to Dubai, where she was taken to Amalya Stepan Matulyan, who took her passport and kept it away from her. Amalya Stepan Matulyan exploited the fact that Gayane Artashes Ghandilyan did not speak a foreign language, was limited in relocating in a foreign country without a passport and was in a vulnerable situation since she could not return the debt for her travel expenses. Furthermore, under the threats of force not dangerous for health and of rape by Arabs in case Gayane Artashes Ghandilyan would refuse to obey, Amalya Stepan Matulyan retracted the latter into prostitution and kept her under sexual exploitation for about five months.

With an intention of recruitment, transportation, receipt and sexual exploitation of a person, Amalya Stepan Matulyan reached an initial agreement with Ruzanna Sokrat Harutyunyan, who resided in the United Arab Emirates. For that purpose, in July of 2006, deceitfully promising to earn money by prostitution in Dubai, Amalya Stepan Matulyan recruited Armenuhi Ashot Asatryan in Yerevan. Amalya Stepan Matulyan sent a visa invitation to Armenuhi Ashot Asatryan for the United Arab Emirates, provided an air ticket Yerevan-Moscow-Dubai, and transported her to Dubai on July 29, 2006. According to the initial agreement, Ruzanna Sokrat Harutyunyan took Armenuhi Ashot Asatryan's passport and kept it away from her. Furthermore, exploiting the fact that the latter had neither money nor a passport with her, was unfamiliar with the laws of foreign country, and was in a vulnerable situation since she could not return the debt for the travel and visa expenses, they controlled her movements and kept her under sexual exploitation until February of 2007, while collecting all the money she earned by prostitution.

With an intention of recruitment, transportation, receipt and sexual exploitation of a person, Amalya Stepan Matulyan reached an initial agreement with Ruzanna Sokrat Harutyunyan. For that purpose, in August of 2006, deceitfully promising to earn money by prostitution in Dubai, Amalya Stepan Matulyan recruited Karine Khachatur Avdalyan in the Republic of Armenia. Amalya Stepan Matulyan sent a visa invitation to Karine Khachatur Avdalyan for the United Arab Emirates, provided an air ticket Yerevan-Moscow-Dubai, and transported her to Dubai on August 16, 2006. According to the initial agreement, Ruzanna Sokrat Harutyunyan took Karine Khachatur Avdalyan's passport and kept it away from her. Furthermore, exploiting the fact that the latter did had neither

money nor a passport with her, was unfamiliar with the laws of the foreign country, and was in a vulnerable situation since she could not return the debt for the travel and visa expenses, they controlled her movements and kept her under sexual exploitation until October of 2006, while collecting all the money she earned by prostitution. Ruzanna Sokrat Avdalyan demanded 6,000 US dollars from Karine Khachatur Avdalyan in exchange for her passport, and returned it to her after receiving this price.

With an intention of recruitment, transportation, receipt and sexual exploitation of a person, Amalya Stepan Matulyan reached an initial agreement with Ruzanna Sokrat Harutyunyan. For that purpose, in November of 2006, deceitfully promising to earn money by prostitution in Dubai, Amalya Stepan Matulyan recruited Marine Harutyun Nalbandyan in Yerevan. Amalya Stepan Matulyan sent a visa invitation to Marine Harutyun Nalbandyan for the United Arab Emirates, provided an air ticket Yerevan-Moscow-Dubai, and transported her to Dubai on November 9, 2006. According to the initial agreement, Ruzanna Sokrat Harutyunyan took Marine Harutyun Nalbandyan's passport and kept it away from her. Furthermore, exploiting the fact that the latter had neither money nor a passport with her, was unfamiliar with the laws of the foreign country, and was in a vulnerable situation since she could not return the debt for the travel and visa expenses, they controlled her movements and kept her under sexual exploitation until February of 2007, while collecting all the money she earned by prostitution.

With an intention to conceal and disguise the origin of illicit proceeds gained through sexual exploitation of a group of persons, Amalya Stepan Matulyan transformed the proceeds into another asset by means of purchasing gold jewellery equivalent to 4,769,500 Armenian drams. In the period from June of 2008 to February of 2009, Amalya Stepan Matulyan pledged this gold as collateral with different pawnshops in Yerevan. In the period from February to March of 2004, Amalya Stepan Matulyan transferred 3,600 US dollars (equivalent to 2,028,996 Armenian drams) via Western Union from Dubai of the United Arab Emirates to Sevak Nver Simonyan in the Russian Federation and made money transfers to Susanna Boris Nikoghosyan and Agnesa Martirosyan in the Republic of Armenia. Amalya Stepan Matulyan legalized illicit proceeds of 6,798,496 Armenian drams through money transfers.

Amalya Stepan Matulyan was accused of the crimes above, as stipulated under: Clauses 1 and 2, Article 132 of the Criminal Code of the Republic of Armenia, which criminalizes the recruitment, transportation, transfer, harbouring, and receipt of persons for the purpose of exploitation, as was committed in initial agreement with a group of persons by means of the threat or use of force not dangerous for the life or health; Clauses 1 and 2, Article 132 of the Criminal Code of the Republic of Armenia, which criminalizes the retraction of a person into prostitution or other forms of sexual exploitation, compulsory labor or services, as was committed by a group of people in initial agreement against two or more persons; Clause 1, Part 2, Article 190 of the Criminal Code of the Republic of Armenia, which criminalizes the legalization of illicit proceeds (money laundering), as was committed in large amounts; Part 1, Article 325 of the Criminal Code of the Republic of Armenia, which criminalizes the use of fake documents; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia, which criminalizes the assistance in illegal crossing of a the state border. A provisional measure in the form of detention was imposed on Amalya Stepan Matulyan.

On June 17, 2009, the initial investigation authority pressed charges against Ruzanna Sokrat Harutyunyan, pursuant to Clauses 1 and 2, Part 3, Article 132 and Clauses 3 and 4, Part 2, Article 1321 of the Criminal Code of the Republic of Armenia. Ruzanna Sokrat Harutyunyan was declared wanted for criminal prosecution purposes, and a provisional measure in the form of detention was imposed.

With the decision of the initial investigation authority from July 22, 2009, the part relating to Ruzanna Sokrat Harutyunyan was separated from criminal case No. 62202607; it was then considered in a separate examination and assigned the previous number of 69102809.

Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan were accused of crimes stipulated under Clause 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia and were sentenced to imprisonment with by verdict No. EKRD/0045/01/08 issued on March 7, 2008 by the Criminal Court of Yerevan.

The accused, Amalya Stepan Matulyan pleaded partially guilty in the charges pressed against her, pursuant to Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia, and testified that she was in Dubai in 2003. One of her friends called her and told about a few ladies who wanted to come to Dubai. She helped them to leave for Dubai, and hence, Lusine Vagharshak Harutyunyan and Gayane Artashes Ghandilyan arrived in Dubai. They knew where they were going and what they were going to do for living. These ladies went to Dubai wilfully, she did not force them, did not deprive of their freedoms, did not beat them, and, in fact, these ladies kept contact with their parents and were in hold of their own passports. She did not use force against them. After her arrest, these ladies stayed in Dubai for several years, enjoyed their time, and have thus appeared to complain about her to the Police. She recruited these ladies and transported them to Dubai, but she did not force anybody, since they knew that they were going to be engaged in prostitution and keep half of their earnings for themselves. In 2006, she was approached again for help to go to Dubai to earn money; and she did not do anything wrong. She made a mistake that she should not have made, but she made it anyway. Amalya Stepan Matulyan did not plead guilty in charges pressed against her pursuant to Clauses 3 and 4, Part 2, Article 1321 and Clause 1, Part 2, Article 190 of the Criminal Code of the Republic of Armenia, since she declared that the gold jewellery were her own assets, part of which she had got as a present and part of which she had purchased; besides, she did not exploit anybody, did not threaten, did not deprive of freedom, did not beat, there was no physical violence, and all the ladies had come to Dubai wilfully. She committed a crime and she should be convicted for what she did and not for things she did not do. She did not accept the civil petition filed by Gayane Artashes Ghandilyan, since the latter had not lent her any money, she had no information about these funds, and the latter was just a blackmailer who wanted to get extra money.

The charges pressed against Amalya Stepan Matulyan and her guilt of the crimes were proven based on the examination of the following evidences within the criminal case:

The victim, Gayane Artashes Ghandilyan, testified that in the beginning of October of 2003 she got acquainted with Gayane Vazgen Melkonyan in Gyumri. The latter offered her to leave for India for three months in order to work in a highly paid job as a cashier in

a patisserie belonging to a lady that the latter had known. She agreed and went to Yerevan, where she stayed at Susanna Boris Nikoghosyan's place for a few days and eventually left for Moscow of the Russian Federation. Sevak Never Simonyan and Avetik Khachatryan met her in Moscow. They took her to their apartment, where she stayed for ten days. Afterwards, they forged a Russian Federation passport with her photo, and she left for Dubai on October 17, 2003. Anzhela and Satenik met her in Dubai and took her to Amalya Stepan Matulyan's (known as Nano) place. The latter took her passport and told her: "Get your rest today, since tomorrow you will dress up, put your makeup on and go to a night club to offer sexual services". On the next day, she earned money by prostitution and gave it to Amalya Stepan Matulyan. Gayane Artashes Ghandilyan stayed with Amalya Stepan Matulyan for about five months and, in fear, worked as a prostitute in the United Arab Emirates. She had no other way but to work as a prostitute, since there was no way out of that situation; she earned about 300 US dollars a day. During that time, Amalya Stepan Matulyan bought herself a gold necklace, a ring, ear rings and clothes at the expense of the money she had earned. After Amalya Stepan Matulyan was arrested in 2004, Anzhela returned their passports and said: "Nano is arrested; now you can work on your own". After that day, they worked without supervision and were in control of the money they earned. She was filing a civil petition for the purpose of claiming 20,000 US dollars from Amalya Stepan Matulyan.

The victim, Marine Harutyun Nalbandyan, testified that in November of 2006 she got acquainted with Amalya Stepan Matulyan, who was known as Nano. Since she was in a financially adverse condition at that time, she asked Amalya Stepan Matulyan to help her to go to Dubai. With the assistance of Amalya Stepan Matulyan, she got a passport and left for Dubai, since she intended to earn some money and return back. Before her departure, Amalya Stepan Matulyan gave some money to the members of her family that they could live on before she could send money herself. She had nothing to declare against or claim from Amalya Stepan Matulyan, since she was thankful to her for "opening her eyes"; besides, she had not yet returned her debt to Amalya Stepan Matulyan. If she had an opportunity at that time, she would leave for Dubai again. Before going to Dubai, she worked as a prostitute in the Republic of Armenia. In Dubai, she serviced one man a day and earned 1,500 UAE dirhams.

The victim, Marine Harutyun Nalbandyan, declared during the court examination (after hearing her testimony given in the course of the initial investigation) that her mistake in the testimony given during the initial investigation was related to the passport, where she indicated as if she had given her passport to Nano; her testimony was correct, except when that she exaggerated the financial part in her testimony given during the initial investigation and that those numbers were not accurate.

The victim, Lusine Vagharshak Harutyunyan, testified that in middle of August of 2003 she got acquainted with Gayane Vazgen Melkonyan at her workplace in Gyumri. The latter offered her a highly paid job as a waitress in Dubai of the United Arab Emirates. She gave her consent and three days later came to Yerevan in company with Gayane Vazgen Melkonyan, whom she later gave her passport. She stayed at Susanna Boris Nikoghosyan's place for four days and then left for Moscow of the Russian Federation, where Armenian nationals Sevak Never Simonyan and Avetik Khachatryan met her and took her to their place, where she stayed for fourteen days. On September 2, 2003, Sevak Never Simonyan and Avetik Khachatryan saw her off to Dubai, where two girls met

her and took her to Amalya Stepan Matulyan's place. The latter met her, there was nobody else in the house, and a few ladies came home in the evening. On the next day, Amalya Stepan Matulyan sent her to a night club. She worked as a prostitute in Dubai and gave all the money she earned to Amalya Stepan Matulyan. She stayed with Amalya Stepan Matulyan until the latter was arrested; after that, their passports were returned to them.

The victim, Lusine Vagharshak Harutyunyan, declared during the questions asked to her in the course of the court examination that neither Gayane Vazgen Melkonyan nor Susanna Boris Nikoghosyan had told her clearly that she would be working as a prostitute in Dubai. In Dubai, Agnesa met and took her to Amalya Stepan Matulyan's place. The latter said to her: "You are tired today, take a shower and go to bed". On the next day, the latter sent her to a night club and told her to offer sexual services. She refused and said that she had been offered a job as a waitress. Amalya Stepan Matulyan replied to her: "Forget about that, you have to be a prostitute here, you have not been brought here just because we like you". She had no other choice but to obey, since Nano threatened her by saying: "I will call Ali the "Ponytail", who will come and take you and do all he wants and however he wants to you, and then we will see if you will work or not". She gave the money she earned to Amalya Stepan Matulyan. She sent 100 US dollars to her family members twice, paid for the rent, food and bought clothing. She went to a night club every day and earned from 300 to 500 US dollars a day, despite the fact that there were days when she did not work at all. During the days of no work, Amalya Stepan Matulyan hit her with her hand, a wooden stick, or an extension cord and told her to go to work. Amalya Stepan Matulyan was holding their passports, and if the latter was not arrested, they might well get their money back from her. She had nothing to declare against or claim from Amalya Stepan Matulyan, she did not need anything.

The victim, Karine Khachatur Avdalyan, testified that her parents lived in a village, but she lived in Gyumri and wanted to buy an apartment, since she did not have one. She talked to Gayane, who asked: "Do you want to work as a prostitute in Dubai, earn money and buy an apartment after you return?" She agreed, wrote down Nano's telephone number, called her, reached an agreement with her, went to Yerevan and met her in person. Amalya Stepan Matulyan helped her; she got a visa and left for Dubai. She knew what she was going to do in Dubai upfront and left for Dubai wilfully. Travelling through Moscow of the Russian Federation, she went to Dubai, where Ruzanna Sokrat Harutyunyan met her, took her passport and said: "Get your rest today, since you will be working from tomorrow". However, she went to a nightclub on the same day, did her job, and returned the proceeds to Ruzanna Sokrat Harutyunyan. She worked for about month and a half; during that time, she met a man with whom she went to Abu Dhabi and lived with him there for five months. Afterwards, she returned to the Republic of Armenia and bought an apartment in Gyumri with the assistance of her friend.

The victim, Karine Khachatur Avdalyan, declared during the questions asked to her in the course of the court examination that she had to return her debt for the visa and air ticket to Amalya Stepan Matulyan, a total of around 3,000-4,000 US dollars. She never met with Amalya Stepan Matulyan in Dubai, since she had left to Abu Dhabi with her friend. She stayed at Ruzanna Sokrat Harutyunyan's place for about two months, earned from 500-700 UAE dirhams a day, and returned the money to Ruzanna Sokrat Harutyunyan. The latter had told her that she was responsible for collecting the money before Amalya

Stepan Matulyan would come and settle the financial matters with them. Ruzanna Sokrat Harutyunyan paid for the rent, food and bought clothing for them from the money they earned, and sold these clothes to her for a higher price. She was not limited in leaving the house; she went to stores and did shopping. She asked Ruzanna Sokrat Harutyunyan to return her passport before the arrival of Amalya Stepan Matulyan, since she wanted to leave to Abu Dhabi with her friend; however, Ruzanna Sokrat Harutyunyan replied that her debts were still outstanding that that she would not give her passports back and would tear it apart and so on. She bought her passport from Ruzanna Sokrat Harutyunyan for 20,000 UAE dirhams and left for Abu Dhabi with her friend. He had nothing to claim from Amalya Stepan Matulyan.

The witness, Anahit Vachagan Ghandilyan, testified Gayane Artashes Ghandilyan was her daughter, who lost missing in 2003, and they reported this to the Police. After some time she learned that her daughter was deceitfully taken to Dubai, where she was engaged in the severe work of a prostitute. Her daughter was 17, was not married, and was deceitfully sold to Arab sheiks. Amalya Stepan Matulyan dressed her daughter well, took care of her, and if the latter had to spend any money on her daughter, she would take the money from the proceeds of prostitution earned by her daughter. As a parent, she is asking for the most severe punishment, since she, as a mother, was ashamed to look into the eyes of other people. She talked to her daughter on the phone after her birthday on February 14, 2004. Gayane Artashes Ghandilyan told her: "Mom, I am fine, I am in Dubai, I got married and now I work at a patisserie", and send her some money later. Before talking to her daughter, she received 250 US dollars and some toys. She talked to Amalya Stepan Matulyan on the phone, and the latter said to her: "Gayane is with me, I take care of her like my daughter and she works in a patisserie". They made her daughter become a prostitute; they forced her, took her passport and beat her.

The witness, Sevak Never Simonyan, testified that he was in Moscow and he gave fake Russian Federation passports to persons from the Republic of Armenia so that they could leave for Dubai; he forged a total of 20-30 passports. He was already convicted for his actions. He received calls from Dubai, asking him to meet new persons, give them passport and see them off to Dubai. He talked to them over the phone, did not meet anybody, and the calls were made from ladies named Narine or Nano. The caller paid him for her services and he was earning money this way. He met the ladies, photographed them, gave them passports and saw them off to Dubai. He did not meet anybody, talked and discussed everything over the phone, and was paid from 1,000 to 1,500 US dollars for each passport. The witness, Sevak Never Simonyan, confirmed his testimony given in the course of the initial investigation and declared that he did not remember the details of the case since that was long time ago.

The witness, Ara Stepan Mnatsakanyan, acting upon his judicial rights, refused to testify or answer the questions during the court examination.

The crimes committed by the accused, Amalya Stepan Matulyan, are also proved by the following evidences from the case:

According to testimony of the witness, Ara Stepan Mnatsakanyan, given during the initial investigation and announced during the court examination, Amalya Stepan Matulyan was his sister. After the late 1990s, Amalya Stepan Matulyan was periodically visiting Dubai, where she resided for a significant period of time. Amalya Stepan Matulyan was

convicted several times, in particular, for pandering as one example. He did not know who had gone to Amalya Stepan Matulyan in Dubai, he had association with those affairs, he did not know that Amalya Stepan Matulyan was wanted for criminal prosecution purposes. Amalya Stepan Matulyan had a large quantity of gold jewellery, the majority of which she had purchased in Dubai and brought to Armenia with her; he did not know when each particular piece was purchased. Amalya Stepan Matulyan was in Yerevan for about two years. She had no job, so she used to pledge her gold jewellery with pawnshops under the name of a friend, Armen Hakobyan. In January or February of 2003, Amalya Stepan Matulyan asked for wife to lend her a gold necklace and a bracelet, which she pledged in a pawnshop; however, he did not know in which pawnshop was the transaction made and how much money was received in exchange (Volume 3, pages 133-134).

According to testimony of the witness, Araksya Gevorg Sahakyan, given during the initial investigation and announced during the court examination, Amalya Stepan Matulyan was the sister of her husband, Ara Stepan Mnatsakanyan and they had a good relationship. Amalya Stepan Matulyan lived outside of the Republic of Armenia for a long period of time, since she resided Dubai of the United Arab Emirates; when in the Republic of Armenia, Amalya Stepan Matulyan lived at different places. She did not know what Amalya Stepan Matulyan was doing in Dubai; she was not associated with her affairs and was unaware that the latter was wanted for criminal prosecution purposes. Amalya Stepan Matulyan was always wearing gold jewellery, which, as far as she knew, the latter had purchased in Dubai and brought together with her. In October of 2008, Amalya Stepan Matulyan came to their place and told them that she needed money; she asked to lend her gold jewellery for a while, so that she could pledge it as collateral at a pawnshop and get some money in return; later on, she would free the jewellery from the pawnshop and return it back to them. She gave her consent and gave her two necklaces to Amalya Stepan Matulyan: one of them weighed around 60 grams with purity of 750, and the other one was 20 grams with purity of 750. She received these pieces as a present from her parents, and that was why she never weighed them and did not know the exact weights and value of these pieces. In February of 2009, she learned that Amalya Stepan Matulyan was arrested and she did not know where her jewellery was (Volume, pages 274-275).

According to testimony of the witness, Alla Albert Sedrakyan, given during the initial investigation and announced during the court examination, she was engaged in prostitution in 1996-1997 under the supervision of Anahit Malkhasyan in the United Arab Emirates, where she got acquainted with Amalya Stepan Matulyan, who was known as Nano of Bangladesh. After her return to the Republic of Armenia and having no permanent job, she returned back to Dubai of United Arab Emirates and got engaged in prostitution again. She met Nano in Yerevan in 2001 and told her about her intentions to leave, saying that she was deported from Dubai and could not go back again. Amalya Stepan Matulyan agreed to organize her departure and took her photograph. A few days later, she got a call from Amalya Stepan Matulyan, who told her that her documents were ready and she could depart to Dubai. In airport "Zvartnots", a lady named Varduhi passed a Republic of Armenian passport with her photo, but under the name of Arinka Atanesyan, and then she flew to Dubai (Volume 1, pages 191-195).

According to testimony of the witness, Avetik Khachatryan, given during the initial investigation and announced during the court examination, he left for Moscow of the Russian Federation in 2001, where he worked at different construction companies for about a year. In July of 2002, Sevak Nver Simonyan introduced him to the cousin of the latter, Arayik Aghajanyan, who was in a close relationship with several Armenian ladies engaged in pandering in Dubai. Since that time, three of them met several ladies arriving in Moscow from the Republic of Armenia; these ladies were to leave from Dubai in order to earn money by prostitution under the supervision of Amalya Stepan Matulyan and others. Sevak Nver Simonyan and he met the ladies arriving from the Republic of Armenia and took them to a rented apartment. He personally did not forge passports for them, but he knew that Sevak Nver Simonyan and Arayik Aghajanyan were engaged in those affairs. After forging Russian Federation passports for these ladies, they took them to the airport, gave them their passports and saw them off to Dubai. He never personally talked to these ladies and was not aware that majority of them were recruited from the Republic of Armenia with false promises of offering a job as a waitress or a salesperson and that these ladies were transported to Moscow and sexually exploited in Dubai after being seen off from Moscow by them. He was already convicted in December of 2006 for the crimes he committed (Volume 1, pages 242-244).

According to testimony of the witness, Never Simonyan, given during the initial investigation and announced during the court examination, in the period from 2002 to 2005 Arayik Aghajanyan, Avetik Khachatryan and he met prostitutes arriving from the Republic of Armenia and saw them off to Dubai; in case a person would be underage, they would forge a Russian Federation passport for her and then see her off to Dubai. They received calls from ladies engaged in pandering in Dubai, including Marieta Musayelyan, Narine Khachatryan, and Anahit Malkhasyan, and gave them information on the prostitutes arriving in Moscow, including the date, time and number of the flights. With is information in hand, they went to the airport, met the prostitutes, and then saw them off to Dubai. Amalya Stepan Matulyan, known as Nano, called them several times with similar issues. They neither knew nor ever met the ladies calling from Dubai and only reached an agreement with them over the phone. The only interaction he had with the prostitutes was to meet them, to take them to a temporary accommodation, to forge a passport for them if needed and to see them off to Dubai (Volume 1, pages 84-85).

According to testimony of the victim, Armenuhi Ashot Asatryan, given during the initial investigation and announced during the court examination, she went to Dubai in 2002 with the assistance of a lady named Vera from Hoktemberyan, and worked as a prostitute under the supervision of another lady named Susanna. In 2003, she returned back to the Republic of Armenia and worked as a salesperson. In 2006, she received a call from Marietta Musayelyan, who told her that Nano from Dubai was in the Republic of Armenia and wanted to talk to her. Since she was in a financially adverse condition, she decided to meet with Nano. She went to Nano's apartment, who offered her to go to Dubai and earn money by prostitution. She asked about how she would travel to and work in Dubai, to which Nano responded that she would take care of the air ticket and that her closest associate, Ruzan, would meet her in Dubai. She would live in Ruzan's place and work as a prostitute until Nano would return to Dubai. The latter told her that the visa and air ticket would cost her 6,000 US dollars and that she would have to repay this debt in order to work on her own after that. According to the agreement, she was

supposed to give her passport and the money earned to Ruzan. Nano also told her that she would come to Dubai after 3 or 4 months and they would live together then. Since she liked these conditions, she gave her consent, arrived in Moscow on July 29, 2006 and thereafter left for Dubai, where Ruzan met and took her to her place. After having a rest for a week, she started to work as a prostitute and gave the money earned to Ruzan, who was running a register of the expenses and the money given to her by the ladies. On average, she earned from 800 to 1,000 UAE dirhams a day, which was equivalent to about 250 US dollars. Ruzan exaggerated her expenses so that her calculations would lead to a situation, where she was earning just enough to cover her expenses, while the debt would never be repaid. She understood that there was no way out of this situation and that she would never be able to repay the debt. She was afraid to speak up, since she was alone in a foreign country, Ruzan was keeping her passport, and there were no prospects for her to repay the debt. In November of 2006, Nano came to Dubai, rented an apartment and lived there with the ladies who had arrived from the Republic of Armenia, including herself; after that, they gave the money they earned to Nano. She told Nano that she had already repaid the debt, but Nano told her that she would do the calculations with Ruzan and solve the problem; however, these calculations were never being done. In April of 2007, Nano was arrested by the Police in Dubai and every one of them went her own way. She bought her passport from Ruzan for 6,000 UAE dirhams (equivalent to 1,500 US dollars) and then returned to the Republic of Armenia (Volume 4, pages 11-16 and 18-22).

According to testimony of the victim, Marine Harutyun Nalbandyan, given during the initial investigation and announced during the court examination, in November of 2006 she decided to go to Dubai to earn money by prostitution. Marine, who was the mother of her friend, Tina, gave her Nano's telephone number and told her that she could go to Dubai with Nano's assistance and that her daughter was very pleased that she had left for Dubai with Nano's assistance. Marine Harutyun Nalbandyan called and later met with Nano, who told her that she would help her to go to Dubai and earn money by prostitution, but she would have to repay the expenses that Nano would have to incur to organize everything and only after that she could work on her own. She gave her consent, got a Republic of Armenia passport with the assistance of Nano, since she had no permanent place to live and could not get a passport on her own. On November 2, 2006, she arrived in Moscow and thereafter left for Dubai on November 9. Before her departure, Nano told her that the total amount of money the latter had spent on her was 2,000 US dollars. In the evening of November 9, 2006, she arrived in Dubai, where Ruzan met her and took her to a rented accommodation. She lived with Ruzan for about twenty days. During that time, she did not leave the apartment, did not work, and it was Ruzan who took care of her. On November 29, 2006, Nano arrived in Dubai. Together with other ladies who were sent to Dubai by Nano from the Republic of Armenia, she moved to a different apartment, and they lived together. After they moved, Nano took her passport, kept it away so that it would not get lost and said that she had to repay her debt of 2,000 US dollars. During the time of living at Nano's place, she worked as a prostitute and gave the money she earned to Nano, in particular paying off her portion of the rent, utilities and other expenses. After Nano was arrested in 2007, they became homeless; Amina and she lived together for a while, after which she went back to Ruzan again. Since she had learned from Nano that her passport was kept by Ruzan, she asked the latter to return her passport, to which the latter replied that the passport would not

be given to her until she would repay the debt. She lived at Ruzan's place for a while and then moved to live with her Arab friend's place. Meanwhile, she was stopped by the Police who asked for her passport. She called Ruzan and told her that she was in the Police and if the latter did not bring her passport, she would tell everything to the Police. Ruzan returned her passport and she never saw the latter again. Before Nano's arrest, she her gave from 150 to 200 US dollars a day. During the time of living with Nano, she sent 300 US dollars and a suitcase of clothing to her mother (Volume 4, pages 31-34).

According to testimony of the victim, Karine Khachatur Avdalyan, given during the initial investigation and announced during the court examination, in July or August of 2006 she met with Amalya Stepan Matulyan, known as Nano. The latter offered her to go to Dubai and earn money by prostitution. Nano also added that she would cover the travel and visa expenses with her own money. According to their initial agreement, she owed from 4,000 to 5,000 US dollars to Nano and she had to repay this debt at the expense of the money she would earn by prostitution. On August 15, 2006, she arrived in Moscow of the Russian Federation, and thereafter left for Dubai. Nano's friend, Ruzan, met her in Dubai and took her to her apartment. Ruzan took her passport on the way to the apartment, saying that she would have to give it to the "sponsor". This was not a surprise for her, because Nano had warned her before leaving for Dubai that Ruzan would take her passport and keep it away from her as a guarantee that she would repay the debt. She started to work as a prostitute from the first day in Dubai and gave the proceeds to Ruzan. She lived in Ruzan's place for about 2.5 months. She went to night clubs with the ladies, found clients, had sexual relations with them for money and gave the proceeds to Ruzan. She earned about 200 US dollars a day and gave it all to Ruzan to repay her debt and work on her won. She repaid her debt and told about this to Ruzan, who replied that the question had to be resolved after Nano would come to Dubai. She asked for her passport from Ruzan several times; however, the latter never returned it and said that it was kept by the sponsor until she would repay her debt. Meanwhile, she got acquainted with an Arab man and decided to move to Abu Dhabi with him and live there together. She told about this to Ruzan, who got angry and replied that she had not repaid her debt and demanded 20,000 UAE dirhams (equivalent to 6,000 US dollars) in exchange for her passport. She replied to Ruzan that she had already repaid her debt long ago and demanded her passport back; however, the latter refused to return the passport without getting the money in exchange. She told about this to her friend, who bought the passport for 20,000 UAE dirhams from Ruzan. In 2.5 months she earned 15,000 US dollars and gave it all to Ruzan and bought her passport back at the end for another 6,000 US dollars. She assumed that Ruzan must had come to an agreement with Nano, since the latter was the one who had sent her to Dubai, and Ruzan would hardly make a decision to return the passport without consulting with Nano (Volume 4, pages 60-62).

According to the records of photo recognition, Lusine Vagharshak Harutyunyan, Gayane Artashes Ghandilyan, and Armenuhi Ashot Asatryan recognized Amalya Stepan Matulyan in the photos presented to them as the one responsible for their sexual exploitation in Dubai of the United Arab Emirates (Volume 1, pages 278 and 297; Volume 4, page 17).

Material evidences attached to the criminal case are: a bracelet (weighing 47.36 grams, with purity of 900 and a value of 440,800 Armenian drams) that was pledged as collateral according to the agreement No. 168244 signed with pawnshop Valge LLC, a necklet (weighing 31,357 grams, with purity of 750 and a value of 444,700 Armenian drams), a

bracelet (weighing 13.856 grams) and a ring (weighing 10.822 grams) that were pledged as collateral according to the agreement No. 107008 signed with pawnshop Fast Credit LLC (Volume 4, pages 106-107).

According to the report No. 10180910 issued on April 27, 2009 as a result of an expert examination on commodities, metals, and gemmology, the total market value of the jewellery (with the current characteristic of the products) submitted to the expert examination could reach 2,086,800 (two million eighty-six thousand eight hundred) Armenian drams as of February 13, 2009, while the breakdown of the value for each piece was presented in section "Examination" of chapter "Commodities" in the report. The total value of the mobile phones (with the current characteristics of the products) submitted to the expert examination could reach 67,500 (sixty-seven thousand five hundred) Armenian drams as of February 13, 2009, while the breakdown of the value for each piece was presented in section "Examination" of chapter "Commodities" in the report (Volume 3, pages 227-231).

According to four Western Union payment slips, Amalya Stepan Matulyan had made money transfers from Dubai of the United Arab Emirates (Volume 2, pages 301-304).

According the verdict issued on August 3, 2007 by the Common Jurisdiction Court of Malatia-Sebastia Administrative District of Yerevan, Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan were declared guilty, pursuant to Clause 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia and were sentenced to imprisonment (Volume 1, pages 253-258).

According to the verdict issued on October 11, 2007 by the Criminal Court of Appeals of the Republic of Armenia, an amendment related to the part on punishment was made to the verdict issued on August 3, 2007 by the Common Jurisdiction Court of Malatia-Sebastia Administrative District of Yerevan against Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan, pursuant to Clause 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia. According to the verdict issued on October 11, 2007 by the Criminal Court of Appeals of the Republic of Armenia, Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan were declared guilty, pursuant to Clause 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia and were sentenced to imprisonment (Volume 1, pages 259-264).

According to the verdict issued on October 24, 2008 by the Criminal Court of Yerevan, Gayane Vazgen Melkonyan and Susanna Boris Nikoghosyan were declared guilty, pursuant Clause 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia (Volume 3, pages 206-212).

The court finds it worth stating the argument brought up by the accused, Amalya Stepan Matulyan and her counsel, Razmik Tovmasyan, according to which Amalya Stepan Matulyan knew that Armenuhi Ashot Asatryan, Marine Harutyun Nalbandyan, and Karine Khachatur Avdalyan were prostitutes, who wanted to go to Dubai; hence, she helped them to get there, but she had no interest in those affairs and did not exploit them, since these ladies knew that they were going to work as prostitutes for half of the proceeds, and Amalya Stepan Matulyan just wanted to get the money back that she had spent on their travel expenses to Dubai and on problems with their passports. They substantiated this argument by the fact that the victims, Marine Harutyun Nalbandyan and Karine

Khachatur Avdalyan, accepted their being exploited only partially, by indicating in their testimonies that they knew where they were going and what they would have to be doing, and that they had nothing to claim from Amalya Stepan Matulyan. Therefore, Amalya Stepan Matulyan should be acquitted from charges pressed against her, pursuant to Articles 1321 and 190 of the Criminal Code of the Republic of Armenia.

The arguments brought up by the accused and her counsel were denied by virtue of the testimonies given by the victims during the initial and court examination, according to which the victims went to work in Dubai and they were told beforehand that they would control the earnings after they would repay their travel and visa expenses. According to their calculations, they worked and repaid their debt which was initially spent for their travel and visa expenses; however, instead of decreasing, their debt actually grew larger. This circumstance also comes to prove that the victims were exploited.

After comparing the testimonies given the victims, Marine Harutyun Nalbandyan, Gayane Artashes Ghandilyan and Karine Khachatur Avdalyan, in the course of initial and court examinations, and after analysing these evidences, the court establishes that the testimonies given by the victims in the course of the initial investigation are more credible.

The victim, Lusine Vagharshak Harutyunyan, gave similar testimonies in the course of both initial and court examinations and said that neither Gayane Vazgen Melkonyan nor Susanna Boris Nikoghosyan had told her clearly that she would have to work as a prostitute in Dubai. In Dubai, she was taken to Amalya Stepan Matulyan who told her: "I will call Ali the "Ponytail", who will come and take you and do all he wants and however he wants to you, and then we will see if you will work or not". She gave the money she earned to Amalya Stepan Matulyan, earning from 300 to 500 US dollars a day. During the days of no work, Amalya Stepan Matulyan hit her with her hand, a wooden stick, or an extension cord and told her to go and work.

The victim, Marine Harutyun Nalbandyan, testified in the course of the court examination that Amalya Stepan Matulyan sent her to Dubai because she had asked for that and that she worked as a prostitute in Dubai. She had nothing to declare against or claim from Amalya Stepan Matulyan, she was pleased with what Amalya Stepan Matulyan had done for her and, in fact, she had not returned her debt yet.

Meanwhile, Marine Harutyun Nalbandyan testified in the course of the initial investigation that she earned about 200 US dollars a day on average during those 1.5 months. She gave about 8,000-9,000 US dollars to Nano and thus repaid her debt, which, according to her calculations, was about 3,000-4,000 US dollars. According to her calculations, she repaid that debt and understood that Nano was not accurate in her calculations. If Nano was not arrested, then it would not be clear how long she would have to work as a prostitute and repay her debt to the latter (Volume 4, pages 77-78).

The victim, Gayane Artashes Ghandilyan, testified in the course of the court examination that she lived with Amalya Stepan Matulyan for about five months and worked as a prostitute, earning about 300 US dollars a day, which she gave to Amalya Stepan Matulyan. She had no other way but to work as a prostitute.

The victim, Gayane Artashes Ghandilyan, testified in the course of the initial investigation that she could not escape to anywhere in Dubai, since she had no money and no

passport, did not speak the language, and had no other way but to give her consent and work as a prostitute under Nano's supervision. Up until February or March of 2004, she worked as a prostitute under Nano's supervision, while her passport and all the money she earned was kept by Nano (Volume 1, pages 163-167; Volume 2, pages 63-65).

The victim, Karine Khachatur Avdalyan, testified in the course of the court examination that she had known from the beginning what she was going to work as a prostitute in Dubai and she went there wilfully. She had repaid her debt to Amalya Stepan Matulyan for her travel and visa expenses, which was about 3,000-4,000 US dollars. She lived in Ruzanna Sokrat Harutyunyan's place for about two months, earned from 500 to 700 UAE dirhams a day, and gave these proceeds to Ruzanna Sokrat Harutyunyan. She repaid her debt, although Ruzanna Sokrat Harutyunyan always kept repeating that her debt was not fully repaid. She had nothing to claim from Amalya Stepan Matulyan.

The victim, Karine Khachatur Avdalyan, testified in the course of the initial investigation that she lived at Ruzanna Sokrat Harutyunyan's place for about 2.5 months and worked as a prostitute. She earned about 200 US dollars a day and gave it to Ruzanna Sokrat Harutyunyan in order to repay her debt earlier. When she repaid her debt according to her own calculations, she asked Ruzanna Sokrat Harutyunyan to return her passport, to which the latter replied that the question would be resolved after Nano would arrive; besides, the latter told her that her passport was kept with the sponsor and it would not be returned to her until the debt was repaid. During those 2.5 months, she gave about 15,000 US dollars to Ruzanna Sokrat Harutyunyan and repaid her debt, according to her calculations. Ruzanna Sokrat Harutyunyan must have had an agreement with Nano, since it was Nano who had sent her to Dubai, and Ruzanna Sokrat Harutyunyan would hardly return her passport without consulting with Nano (Volume 4, pages 60-62).

The victim, Armenuhi Ashot Asatryan, testified in the course of the initial investigation that Nano had told her that her travel expenses would be covered by the latter and that Nano's closest associate, Ruzan, would meet her in Dubai and take her to the apartment of the latter; there, she would work as a prostitute until Nano arrived in Dubai. She worked as a prostitute, gave the money she earned to Ruzan; on average, she earned from 800-1,000 UAE dirhams a day, which was equivalent to 250 US dollars. She understood that there was no way out of that situation and that she would never end up repaying the debt. However, she was afraid to speak up, because she was in a foreign country, she had given her passport to Ruzan, and the prospects of her repaying the debt were not positive. In November of 2006, Nano came to Dubai, rented an apartment and lived there with the ladies from the Republic of Armenia; after that, they gave the money they earned to Nano until the latter was arrested (Volume 4, pages 11-16 and 18-22).

The analysis of the evidences above leads to a conclusion that for a significant period of time Amalya Stepan Matulyan was engaged in transporting ladies from the Republic of Armenia to Dubai and retracting them into sexual exploitation. Amalya Stepan Matulyan reached an initial agreement with Gayane Vazgen Melkonyan, Susanna Boris Nikoghosyan, and Ruzanna Sokrat Harutyunyan from Dubai in order to run her criminal activities in a more smooth and effective way. That is, the crimes were committed by a group of people in an initial agreement, since the participation came from accomplices who had reached an agreement about committing the crime together before the crime was actually committed. According to the initial agreement, some of the accomplices

recruited the ladies in the Republic of Armenia and saw them off to Moscow with a clear knowledge that some of their “colleagues” there would meet the ladies and see them off to Dubai, and that other members of the group would meet the ladies arriving in Dubai and would take them to Amalya Stepan Matulyan.

The accused, Amalya Stepan Matulyan, and her counsel, Razmik Tovmasyan, brought up an argument that Amalya Stepan Matulyan had purchased and received some of the gold jewellery as a present and that she had another job besides pandering; therefore, the gold jewellery was purchased with the money she had earned at the second job and, thus, it was not legalization of illicit proceeds. However, not sufficient evidence was presented to the court to prove that the funds were proceeds of legitimate activities. Meanwhile, Amalya Stepan Matulyan indicated that the proceeds were also a result of pandering in the United Arab Emirates.

The accused, Amalya Stepan Matulyan, indicated in the court that although she was engaged in pandering, the ladies who came were aware why they were coming, she did not deprive them from their freedoms; these ladies worked as prostitutes in the Republic of Armenia before coming to Dubai. However, in the course of the court examination, Amalya Stepan Matulyan accepted that she had recruited persons.

According to Article 358 of the Criminal Procedure Code of the Republic of Armenia, the conclusion of the court shall be based only on evidences examined in the course of the court examination. Acting with the internal confidence, and based on the comprehensive, objective and full examination of evidences obtained in relation to a particular episode in the course of the examination, the court has proved that Amalya Stepan Matulyan committed the crimes stipulated under Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

Thus, after assessing each evidence, as obtained within the criminal case and examined comprehensively and objectively from the viewpoint of relevance, acceptability and sufficiency in conjunction with all evidences to lead to a resolution of the case, the court establishes that Amalya Stepan Matulyan committed the crimes stipulated under Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

According to Article 12 of the Criminal Code of the Republic of Armenia, the crime and punishment are determined according to the criminal law in force. The crimes stipulated under Clauses 1 and 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia were committed by the accused before the Law on Amending and Supplementing the Criminal Code of the Republic of Armenia (HO-103-N) was passed on June 1, 2006. For the given crime, Part 3 of this Article was imposing a punishment in the form of imprisonment for a term of 5 to 8 years. According to the provisions under Article 13 of the Criminal Code of the Republic of Armenia, the accused shall be subject to the text of Article 132 of the Criminal Code of the Republic of Armenia, which was in force starting from 2003 until the Law on Amending and Supplementing the Criminal Code of the Republic of Armenia (HO-103-N) was passed on June 1, 2006 (this Law changed the imprisonment term of 5-8 years, as was specified under Part 3 of Article 132, to a term of 7-10 years).

In particular, the court establishes a situation when the law criminalizing a certain crime was amended more than once in a time period between the crime (specified under Part 2, Article 132 of the Criminal Code of the Republic of Armenia) was committed and the corresponding court verdict was issued. Guided by the principle of justice, one of the most important principles in criminal law, the law that is more beneficial for the criminal shall be applicable, including the “interim” law. Otherwise, the punishment imposed on the criminal would be a function of not only the nature and level of severity, circumstance of crime and offender’s personal characteristics, as the principle of justice suggests, but also of arbitrary circumstances, such as the time of criminal prosecution or the time when the court verdict is issued.

Thus, the court establishes that the accused is guilty of crimes stipulated under Clauses 1 and 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia, and that Amalya Stepan Matulyan’s actions were intentional and benefit-seeking, and she acknowledged that she was recruiting, transporting and receiving persons for the purpose of exploitation, by means of the threat or use of force not dangerous for the life or health of a person, by deception, and by the abuse of a position of vulnerability; these actions were committed against two or more persons by a group of people in initial agreement.

The court also establishes that the accused is guilty of crimes stipulated under Clauses 3 and 4, Part 3, Article 132 of the Criminal Code of the Republic of Armenia, and that Amalya Stepan Matulyan’s actions were intentional, and she was recruiting persons into prostitution or other forms of sexual exploitation, by means of the threat or use of force not dangerous for the life or health of a person, by deception, and by the abuse of a position of vulnerability; these actions were committed against two or more persons by a group of people in an initial agreement.

The court also establishes that the accused is guilty of crimes stipulated under Clause 1, Part 2, Article 190 of the Criminal Code of the Republic of Armenia and that Amalya Stepan Matulyan’s actions were completely intentional, and she acknowledged that she was legalizing illicit proceeds, she intended and she did it in large amounts. According to the details of the case, Amalya Stepan Matulyan was engaged in illicit activities, particularly in pandering, the proceeds from which she used to gain possession of assets in large amounts, such as cash, gold jewellery, etc.

The court also establishes that the accused is guilty of crimes stipulated under Part 1, Article 325 and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia and that the offender’s actions were intentional, and she acknowledged that she was forging an identification document for another person to use it and that she was assisting another person in illegally crossing the state border without proper permission.

The court establishes that Amalya Stepan Matulyan shall be subject to punishment for her actions. In determining the punishment, the court takes into account the nature and social ramifications of the offence, offender’s personal characteristics, and the factors mitigating or aggravating the liability and punishment.

As a factor mitigating the liability and punishment of Amalya Stepan Matulyan, the court takes into account the fact that the offender pleaded partially guilty and shows penitence for her actions. In determining the punishment, the court considers the

offender not an abstract subject of the crime but an individual with personal characteristics and traits.

As a factor aggravating the liability and punishment of Amalya Stepan Matulyan, the court takes into account the fact that the offender was convicted for the same offence before; committing this crime was her way of earning a living, and she played a particularly active criminal role (Clauses 1 and 4, Part 1, Article 63 of the Criminal Code of the Republic of Armenia).

Thus the court establishes that Amalya Stepan Matulyan committed crimes stipulated under Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia, and that she shall be subject to criminal prosecution and punishment.

The court concludes that Amalya Stepan Matulyan shall be subject to correctional punishment in isolation from the society. In determining the punishment for the offender, the court takes into account the fact that the primary requirement of the law is the just punishment; as a principle of criminal law, this is stipulated under Article 10 of the Criminal Code of the Republic of Armenia, which states that punishment imposed on the offender shall be just, as well as necessary and sufficient to correct the offender and prevent the crime from repeating in the future. According to the provision under Article 48 of the Criminal Code of the Republic of Armenia, the purpose of the punishment is to restore social justice, correct the offender, and to prevent the crime from repeating in the future. The court ensures that in considering the issue of justice in the punishment, the court has rightfully assessed all the circumstances of the case and all the characteristics of offender's personality, and it is imposing a punishment on the offender, acting upon the provisions of criminal law, which is necessary and sufficient to correct the offender and to prevent her from repeating the crime in the future. At that, in determining the punishment, the court is also guided by another provision in criminal law, which states that the more severe form of punishment shall be imposed if the less severe one cannot guarantee the fulfilment of the purpose of the punishment (Part 3, Article 61 of the Criminal Code of the Republic of Armenia). The conjunction of the circumstances above leads the court to apply the less severe form stipulated under the provisions of Part 3, Article 132; Part 2, Article 1321; Part 2, Article 190; Part 1, Article 325; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia. The court reaches such a conclusion based on all the factual and criminal-legal characteristics of the offences, factors mitigating and aggravating the liability and punishment, and the offender's personal characteristics.

The court establishes that the provisional measure in the form of detention imposed on Amalya Stepan Matulyan by the initial investigation authority shall be maintained until this court verdict has entered into force.

The court establishes that the civil petition filed by Gayane Artashes Ghandilyan shall be left unexamined, since the offender and her counsel did not accept the petition in full. The civil plaintiff was explained about her rights to file a petition in a civil procedure.

The following property, as considered material evidence and attached to the case, shall be contributed to the State Budget: a bracelet (weighing 47.36 grams, with purity of 900

and a value of 440,800 Armenian drams) that was pledged as collateral according to the agreement No. 168244 signed with pawnshop Valge LLC, a necklet (weighing 31,357 grams, with purity of 750 and a value of 444,700 Armenian drams), a bracelet (weighing 13.856 grams) and a ring (weighing 10.822 grams) that were pledged as collateral according to the agreement No. 107008 signed with pawnshop Fast Credit LLC.

The four payment slips evidencing Amalya Stepan Matulyan's money transfers via Western Union from Dubai of the United Arab Emirates and other documents, as considered evidence and attached to the case, shall be kept attached to the criminal case (Volume 2, pages 301-304).

The arrest imposed on the following property shall be maintained until this court verdict has entered into force: a bracelet (weighing 47.36 grams, with purity of 900 and a value of 440,800 Armenian drams) that was pledged as collateral according to the agreement No. 168244 signed with pawnshop Valge LLC; a necklet (weighing 31,357 grams, with purity of 750 and a value of 444,700 Armenian drams), a bracelet (weighing 13.856 grams) and a ring (weighing 10.822 grams) that were pledged as collateral according to the agreement No. 107008 signed with pawnshop Fast Credit LLC; mobile phones Nokia 2630 and Samsung SGH-D600 with a total value of 67,500 Armenian drams, as discovered by searching Amalya Stepan Matulyan.

After this court verdict has entered into force, the following property shall be returned to Amalya Stepan Matulyan's brother, Ara Stepan Mnatsakanyan: mobile phones Nokia 2630 and Samsung SGH-D600 with a total value of 67,500 Armenian drams, as discovered by searching Amalya Stepan Matulyan.

Based on the valuation of examined facts and circumstances of the case and guided by Articles 357-360, 364-365, and 369-373 of the Criminal Procedure Code of the Republic of Armenia, the Court:

DECIDES

To declare Amalya Stepan Matulyan guilty pursuant to Clauses 1 and 2, Part 3, Article 132 of the Criminal Code of the Republic of Armenia (year 2003 text of Article 132 of the Criminal Code of the Republic of Armenia) and sentence her to imprisonment for a term of 5 (five) years.

To declare Amalya Stepan Matulyan guilty pursuant to Clauses 3 and 4, Part 2, Article 132.1 of the Criminal Code of the Republic of Armenia and sentence her to imprisonment for a term of 8 (eight) years.

To declare Amalya Stepan Matulyan guilty pursuant to Clauses 1, Part 2, Article 190 of the Criminal Code of the Republic of Armenia and sentence her to imprisonment for a term of 8 (eight) years with confiscation of illicit proceeds.

To declare Amalya Stepan Matulyan guilty pursuant to Part 1, Article 325 of the Criminal Code of the Republic of Armenia and sentence her to imprisonment for a term of 1 (one) year.

To declare Amalya Stepan Matulyan guilty pursuant to Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia and sentence her to imprisonment for a term of 1 (one) year.

In accordance with Part 4, Article 66 of the Criminal Code of the Republic of Armenia, with partial addition of punishments, to impose a final punishment in the form of imprisonment for a term of 11 (eleven) years with confiscation of illicit proceeds. The punishment shall be served in the corresponding penitentiary institution under the Ministry of Justice of the Republic of Armenia.

To count the term of punishment in the form of imprisonment imposed on Amalya Stepan Matulyan from February 13, 2009.

To maintain the provisional measure in the form of detention imposed on Amalya Stepan Matulyan until this court verdict has entered into force.

To contribute the following property, as considered material evidence and attached to the case, to the State Budget: a bracelet (weighing 47.36 grams, with purity of 900 and a value of 440,800 Armenian drams) that was pledged as collateral according to the agreement No. 168244 signed with pawnshop Valge LLC, a necklet (weighing 31,357 grams, with purity of 750 and a value of 444,700 Armenian drams), a bracelet (weighing 13.856 grams) and a ring (weighing 10.822 grams) that were pledged as collateral according to the agreement No. 107008 signed with pawnshop Fast Credit LLC

To maintain the arrest imposed on the following property until this court verdict has entered into force: a bracelet (weighing 47.36 grams, with purity of 900 and a value of 440,800 Armenian drams) that was pledged as collateral according to the agreement No. 168244 signed with pawnshop Valge LLC; a necklet (weighing 31,357 grams, with purity of 750 and a value of 444,700 Armenian drams), a bracelet (weighing 13.856 grams) and a ring (weighing 10.822 grams) that were pledged as collateral according to the agreement No. 107008 signed with pawnshop Fast Credit LLC; mobile phones Nokia 2630 and Samsung SGH-D600 with a total value of 67,500 Armenian drams, as discovered by searching Amalya Stepan Matulyan.

To return the following property to Amalya Stepan Matulyan's brother, Ara Stepan Mnatsakanyan, after this court verdict has entered into force: mobile phones Nokia 2630 and Samsung SGH-D600 with a total value of 67,500 Armenian drams, as discovered by searching Amalya Stepan Matulyan.

To keep the four payment slips (evidencing Amalya Stepan Matulyan's money transfers via Western Union from Dubai of the United Arab Emirates) and other documents considered evidence attached to the case (Volume 2, pages 301-304).

To leave the civil petition filed by the victim, Gayane Artashes Ghandilyan, unexamined.

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, or within six months from the day of its publication, if fundamental breaches challenging the quintessence of justice shall arise in exceptional situations.

JUDGE, M. GRIGORYAN

Extract

Case No. EMD/0082/01/09

March 2, 2010

Yerevan, Republic of Armenia

VERDICT
IN THE NAME OF THE REPUBLIC OF ARMENIA
CRIMINAL COURT OF APPEALS OF THE REPUBLIC OF ARMENIA

Presiding judge: A. Danielyan
Judges: M. Arghamanyan, M. Rehanyan
Assistant: M. Melkonyan
Prosecutor: A. Davtyan
Counsel: R. Tovmasyan

Held an open court hearing on examining the appeal filed by the counsel of the offender against the verdict issued on November 30, 2009 by the Common Jurisdiction Court of Malatia-Sebastia Administrative District in Yerevan, pursuant to Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia.

The court:

ESTABLISHES

(...)

The court:

DECIDES

To maintain the legal force of the verdict issued on November 30, 2009 by the Common Jurisdiction Court of Malatia-Sebastia Administrative District in Yerevan, pursuant to Clauses 1 and 2, Part 3, Article 132; Clauses 3 and 4, Part 2, Article 1321; Clause 1, Part 2, Article 190; Part 1, Article 325; and Part 1, Article 38-329 of the Criminal Code of the Republic of Armenia, and to reject the appeal filed by the counsel of the offender.

This Verdict may be appealed to Court of Cassation of the Republic of Armenia within a month from its publication.

PRESIDING JUDGE, A. DANIELYAN

JUDGES, M. ARGHAMANYAN, M. REHANYAN

Extract

Case No. EMD/0082/01/09

October 5, 2011

Yerevan, Republic of Armenia

VERDICT ON REJECTING THE CASSATION APPEALS

COURT OF CASSATION OF THE REPUBLIC OF ARMENIA

CRIMINAL CHAMBER

Presiding judge: D. Avetisyan

Judges: E. Danielyan, H. Asatryan, A. Poghosyan

Upon examining the question on satisfying or rejecting the cassation appeal filed by the convict, Amalya Stepan Matulyan, against the verdict issued on August 16, 2011 by the Criminal Court of Appeals of the Republic of Armenia, the Court:

ESTABLISHES

(...)

DECIDES

To reject the cassation appeal filed by the convict, Amalya Stepan Matulyan, against the verdict issued on August 16, 2011 by the Criminal Court of Appeals of the Republic of Armenia.

This Verdict enters into force from the moment of its adoption; it is final and not subject to appeal.

PRESIDING JUDGE, D. AVETISYAN

JUDGES, E. DANIELYAN, H. ASATRYAN, A. POGHOSYAN