

**Court Case No: LD/0040/01/13**

<b>When the case was received</b>	29-03-2013
<b>Criminal case number</b>	LD/0040/01/13
<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>	58203013
<b>Brief contents of indictment</b>	<p>An indictment is brought against the accused, Henrik Grigoryan, on the following matter:</p> <p>In the period October-November, 2009, he purchased through the website <a href="http://www.visaveryfai.com">www.visaveryfai.com</a> stolen data on plastic cards issued by US banks and held by US citizens (comprising the name and surname of the cardholder, the 16-digit number, the issuance and expiry dates, and the 3-digit CVV code), for 2-10 US dollars each and, with the intention of embezzling the funds available on the cards, in November 2009 through the use of computer technologies in 2 episodes embezzled from cards held by US citizens significant amounts of 361.800 and 461.500 Armenian drams (a total of 823.300 Armenian drams), of which 461.500 Armenian drams of criminal proceeds were legalized (money laundered), resulting in chargeback claims presented to "Haybusinessbank" CJSC, which acted in the capacity of servicing bank for the respective transactions.</p>
<b>Accused person</b>	
Name	Henrik
Surname	Grigoryan
Patronymic	Artur
Address	12 Teryan Street, apt. 2, Vanadzor
Gender	Male
Birthdate	11-12-1985
<b>Article 1</b>	
Article	181, Part 1
<b>Article 2</b>	
Article	190, Part 1
<b>Prior Convictions</b>	None
<b>Counsel</b>	
Name	Karen
Surname	Hakobyan
Address	24 Azatutyan Street, Room 309, Yerevan
Gender	Male
<b>Statistical line number</b>	6.7
<b>Provisional measure</b>	Detention
<b>Adult</b>	Yes
<b>Date</b>	29-03-2013

<b>Presiding Judge</b>		
	Court	Lori Region
	Judge	Mushegh Papik Harutyunyan
<b>Judge</b>		
	Court	Lori Region
	Judge	Mushegh Papik Harutyunyan
	<b>Other notes</b>	
	<b>Date</b>	29-03-2013
<b>Verdict was sent to the parties</b>		
	<b>Notification/ verdict was sent</b>	29-03-2013
	<b>Other notes</b>	
	<b>Date</b>	08-04-2013
	<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>		
	<b>Name</b>	Henrik
	<b>Surname</b>	Grigoryan
	<b>Patronymic</b>	Artur
	<b>Address</b>	"Yerevan-Kentron" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia
	<b>Gender</b>	Male
<b>Parties to court trial</b>		
	<b>Name</b>	Karine
	<b>Surname</b>	Gasparyan
	<b>Address</b>	Vanadzor
	<b>Gender</b>	Female
<b>Parties to court trial</b>		
	<b>Name</b>	Aram
	<b>Surname</b>	Amirzadyan
	<b>Address</b>	General Prosecutor's Office
	<b>Gender</b>	Male
	<b>Other notes</b>	
	<b>Time</b>	14:30
<b>Parties to court trial</b>		
	<b>Name</b>	Andranik Arshak Shirinyan, Representative of victim
	<b>Address</b>	70 Avet Avetyan Street, apt. 105, Yerevan
	<b>Type</b>	Bank
	<b>Date</b>	23-04-2013
	<b>Time</b>	12:00
	<b>Session room number</b>	
	<b>Other notes</b>	
	<b>Session</b>	Completed
	<b>Reason</b>	
	<b>Date</b>	23-04-2013
	<b>Other notes</b>	

<b>Accused</b>	
Name	Henrik
Surname	Grigoryan
Patronymic	Artur
Address	12 Teryan Street, apt. 2, Vanadzor
Gender	Male
Birthdate	11-12-1985
<b>Date</b>	23-04-2013
<b>Article for the gravest offense</b>	
Article	190, Part 1
<b>Status</b>	Convicted
<b>Articles for other offenses</b>	
Article	181, Part 1
<b>Status</b>	
<b>Main punishment</b>	Fixed term imprisonment
<b>Contents of judicial act</b>	<p style="text-align: center;"><b>LD/0040/01/13</b></p> <p style="text-align: center;"><b>VERDICT</b> <b>IN THE NAME OF THE REPUBLIC OF ARMENIA</b></p> <p>Common jurisdiction court of first instance in Lori Region of the Republic of Armenia:</p> <p>Presided by: Judge, M. Harutyunyan; Participated by: Secretary, R. Tamaryan Prosecutor, A. Amirzadyan; Representative of the victim, A. Harutyunyan; Counsel, K. Gasparyan;</p> <p>On April 23, 2013 held an open court hearing of the case under expedited proceedings on charges pressed against Henrik Artur Grigoryan, born on December 11, 1985 in Vanadzor, Armenian by nationality, Armenian citizen, with higher education, married, in care of an underage child and a second-degree disabled father, previously not convicted, unemployed, registered at Teryan Street 12, apt. 2, Vanadzor, under factual detention since February 9, 2011;</p> <p>For the crimes stipulated under Part 1 of Article 181 and Part 1 of Article 190 of the Criminal Code of the Republic of Armenia.</p> <p>Evidences obtained within the framework of the case prove the following:</p> <p>On February 16, 2010 captain T. Mnatzakanyan, the investigator of the Investigations Department of the National Security Service at the Government of the Republic of Armenia instigated the criminal case No 58201210 pursuant to Clauses 2 and 4, Part 2 of Article 177 and to Part 1 of Article 190 of the Criminal Code of the Republic of</p>

Armenia, on the occasion of the theft of large amounts of money and legalization of criminal proceeds committed by Loris Mukuch Ghazaryan.

On April 19, 2010 a decision was made on involving Henrik Artur Grigoryan as a person accused for the crimes specified under Clause 1, Part 3 of Article 181 and Clause 1, Part 2 of Article 190 of the Criminal Code of the Republic of Armenia. On the same day, another decision of the investigator declared Henrik Artur Grigoryan wanted for criminal prosecution purposes.

The decision from May 5, 2010 separated from the proceedings of the criminal case No 58201210 the part related to Henrik Artur Grigoryan.

On June 16, 2010 a decision was made to suspend preliminary investigation of the separated part of the criminal case No 58201210 on basis of Clause 2, Part 1 of Article 31 of the Criminal Procedure Code of the Republic of Armenia. Suspended proceedings under the criminal case recommenced by a decision from December 6, 2012.

The decision from March 26, 2013 assigned to continue preliminary investigation of the separated part of the criminal case No 58201210 related to Henrik Artur Grigoryan under the new criminal case No 58203013.

The decision from March 26, 2013 changed the charges previously pressed against Henrik Artur Grigoryan and pressed new charges against him pursuant to Part 1 of Article 181 and Part 1 of Article 190 of the Criminal Code of the Republic of Armenia, on the following matter:

In the period October-November, 2009, he purchased through the website [www.visaveryfai.com](http://www.visaveryfai.com) stolen data on plastic cards issued by US banks and held by US citizens (comprising the name and surname of the cardholder, the 16-digit number, the issuance and expiry dates, and the 3-digit CVV code), for 2-10 US dollars each and, with the intention of embezzling the funds available on the cards, in November 2009 through the use of computer technologies in 2 episodes embezzled from cards held by US citizens significant amounts of 361.800 and 461.500 Armenian drams (a total of 823.300 Armenian drams), of which 461.500 Armenian drams of criminal proceeds were legalized (money laundered), resulting in chargeback claims presented to "Haybusinessbank" CJSC, which acted in the capacity of servicing bank for the respective transactions. In particular:

**Episode 1:** In the period October-November, 2009, he purchased through the website [www.visaveryfai.com](http://www.visaveryfai.com) stolen data on plastic cards issued by US banks and held by US citizens and, through the use of computer technologies, embezzled significant amounts of 361.800 Armenian drams available on the cards, subsequently transferring the funds through the ArCa on-line banking system to the virtual account No 4122 opened by him with the website [www.tendem.am](http://www.tendem.am). Thereafter, in the period from November 28 to December 20, 2009 he used the mentioned virtual account to make wire transfers of different amounts for recharging 31 mobile phone numbers of his acquaintances and relatives, thus causing material losses to

“Haybusinessbank” CJSC in the amount of 361.800 Armenian drams.

**Episode 2:** In the period October-November, 2009, he purchased through the website [www.visaveryfai.com](http://www.visaveryfai.com) stolen data on plastic cards issued by US banks and held by US citizens, for 2-10 US dollars each and, through the use of computer technologies, embezzled significant amounts of 461.500 Armenian drams available on the cards, subsequently transferring the funds through the ArCa on-line banking system to the virtual account No 4122 opened by him with the website [www.tendem.am](http://www.tendem.am). Thereafter, in the period from November 28 to December 14, 2009 he used the mentioned virtual account to make several wire transfers to the account No 106802315 opened by him on behalf of Aramays Avetiyan, who in reality had no relation to the said transaction, and started looking for ways of encashment and legalization of that amount. Later on, for the purpose of the encashment of the embezzled significant amount of 461.500 Armenian drams, as well as of disguising and concealing its origin and movement, on December 15, 2009 he transferred it to the account No 385504833204 with the system [www.webmoney.ru](http://www.webmoney.ru) registered in the Russian Federation, with subsequent encashment and use of that amount, thus causing material losses to “Haybusinessbank” CJSC in the amount of 461.500 Armenian drams.

On March 29, 2013 the criminal case was filed with an indictment to the common jurisdiction court of first instance in Lori Region of the Republic of Armenia. Before commencement of court trial, the accused Henrik Artur Grigoryan solicited to consider the case under expedited proceedings and declared that he made such solicitation of his own free will, had consulted his counsel, recognized the consequences of consideration of the case under expedited proceedings, fully understood and agreed with the charges pressed against him.

The representative of the victim, A. Harutyunyan, confirmed having no objection to the consideration of the case under expedited proceedings and furnished a claim for imposing on Henrik Artur Grigoryan confiscation of 5.579.535 Armenian drams for the benefit of “Haybusinessbank” CJSC, through attaching it to the property and/or monetary funds owned by the civil defendant.

In the respective indictment, the prosecutor in charge confirmed having no objection to the consideration of the case under expedited proceedings.

The court verified the presence of the conditions specified under Articles 3751 and 3752 of the Criminal Procedure Code of the Republic of Armenia and resolved to consider the case under expedited proceedings.

Based on the evidences underlying the indictment, the court established that the accused Henrik Artur Grigoryan committed the deed stipulated under Part 1 of Article 181 and Part 1 of Article 190 of the Criminal Code of the Republic of Armenia.

According to Part 1 of Article 10 of the Criminal Code of the Republic of Armenia, the punishment and other measures of legal and penal

coercion applied to the offender should be fair and proportionate to the gravity of the offense, to the circumstances in which it was committed, to the personality of the offender; they must be necessary and sufficient for correcting the offender and preventing new offences.

According to Parts 1 and 2 of Article 61 of the Criminal Code of the Republic of Armenia, a fair punishment is assigned in relation to the person found guilty in the committal of a crime, which is determined within the limits of the appropriate article in the Special Part of the Code with consideration of the propositions of the General Part of the Code. The type and degree of punishment are determined by the extent of social danger of the crime and its nature, by the characteristic features of the offender, including the circumstances mitigating or aggravating the liability and the punishment.

In determining the punishment, the court takes into consideration the factors mitigating the liability of Henrik Artur Grigoryan that he regrets his actions, that he is in care of an underage child and a second-degree disabled father, who recovered the immediate losses caused by the crime, and that the offender is positively characterized by A. Stepanyan, the chairperson of "Urartu" condominium, and by lieutenant colonel R. Gabrielyan, the commander of the 1st Detachment of the Military Unit 24923 of the Ministry of Defense of the Republic of Armenia. There are no circumstances aggravating the liability and the punishment.

In considering the civil claim of A. Harutyunyan, the representative of the victim, on confiscation of 5.579.535 Armenian drams the Court establishes that the claim is subject to consideration under a civil trial, since a criminal trial may consider only the losses caused directly by the committal of the crime; therefore, this claim should be left unexamined.

Part 3 of Article 155 of the Criminal Procedure Code of the Republic of Armenia establishes that a civil suit commenced during the criminal proceeding and left without consideration of the court may later be brought to a civil proceeding.

Based on the above stated, and guided by Articles 357-360, 373, the court

#### **DECIDES**

To declare Henrik Artur Grigoryan guilty pursuant to Part 1 of Article 181 and Part 1 of Article 190 of the Criminal Code of the Republic of Armenia;

To sentence him under Part 1 of Article 181 of the Criminal Code of the Republic of Armenia to imprisonment for a term of 6 (six) months without penalties;

To sentence him under Part 1 of Article 190 of the Criminal Code of the Republic of Armenia to imprisonment for a term of 2 (two) years with confiscation of property, stipulated under Part 4, Article 55 of the Code, amounting 461.500 Armenian drams for the benefit of the state budget;

In accordance with Article 66 of the Criminal Code of the Republic of

Armenia, with partial addition of the punishments, to add 3 (three) months from the punishment of 6 (months) established under Part 1 of Article 181 of the Code to the punishment established under Part 1 of Article 190 of the Code and to impose a final punishment in the form of imprisonment for a term of 2 (two) years and 3 (three) months with confiscation of property, stipulated under Part 4, Article 55 of the Code, amounting 461.500 Armenian drams for the benefit of the state budget;

The assign that the punishment shall be served at the respective penitentiary institution of the Ministry of Justice of the Republic of Armenia;

To count the term of the punishment from February 9, 2011;

To maintain the provisional measure imposed in the form of detention until this verdict enters into force;

To leave unexamined the civil claim of A. Harutyunyan, the representative of the victim, on confiscation of 5.579.535 Armenian drams;

To leave unchanged the arrest imposed on the property of Henrik Artur Grigoryan until the confiscation for the benefit of the state budget established under this decision is implemented, with subsequent abrogation of the said arrest;

To leave the compact disc recognized as evidence under the criminal case No 58201210 within the file of the criminal case.

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, except for the basis stipulated under Clause 1 of Article 395 of the Criminal Procedure Code of the Republic of Armenia.

**JUDGE, M. HARUTYUNYAN**

**Date of judicial act** 23-04-2013

Data retrieved from the portal [www.datalex.am](http://www.datalex.am) on June 07, 2013