OF CRIMINAL TRIAL OF THE REPUBLIC OF ARMENIA

ORIGINAL Q:

Adopted by the RA National Assembly on
July 1, 1998

GENERAL PART

CHAPTER 1:

GENERAL PROVISIONS

CHAPTER 1

CRIMINAL PROCEDURE LEGISLATION

Article 1 LEGISLATION REGULATING PROCEEDINGS IN criminal cases

1. The procedure for criminal proceedings in the territory of the Republic of Armenia is defined by the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, this Code, the Judicial Code of the Republic of Armenia, the Constitutional Law of the Republic of Armenia and other laws adopted in accordance with them.

The norms of criminal procedure law contained in other laws must comply with this Code.

2. The procedure of proceedings defined by the legislation of criminal procedure is obligatory for the courts, the investigation, the preliminary investigation, the bodies of the prosecutor's office, as well as the participants in the trial.

(Article 1 was amended on 28.11.07 HO-270-N, amended on 23.03.18 HO-211-N)

Article 2 PROBLEMS of criminal law legislation

1. Criminal proceedings shall be instituted to ensure:

1) protection of a person, society և state from crime;

2) protection of a person և society from self-righteous actions և abuses related to a real or alleged criminal act.

2. The bodies conducting criminal proceedings are obliged to take all measures so that as a result of their activities:

1) Anyone who has committed an act not permitted by the criminal codes shall be identified; in cases provided by the criminal law, shall be held liable in the manner prescribed by this Code;

2) no innocent person shall be suspected, charged or convicted of a crime;

3) No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

(Article 2 amended, supplemented on 25.05.06 HO-91-N)

Article 3 INTRODUCTION of criminal judicial law on territory

1. In the territory of the Republic of Armenia, regardless of the place of commission of the crime, criminal proceedings shall be conducted in accordance with the provisions of this Code, unless otherwise provided by international treaties of the Republic of Armenia.

2. The prosecution of crimes committed on an air, sea or river vessel registered legally under the flag of the Republic of Armenia or bearing the emblem of the Republic of Armenia at an airport or port of the Republic of Armenia shall be conducted in accordance with the norms of this Code.

3. When conducting separate investigative or judicial actions through the mediation of courts or criminal prosecution bodies of another state, the criminal procedural legislation of a foreign state may be applied, if it is envisaged by international treaties of the Republic of Armenia.

Article 4 the introduction of criminal judicial law IN time

1. Proceedings in criminal cases are regulated by the criminal procedural law, which is in force during the investigation, preliminary investigation or examination of the case in court.
2. The criminal procedural law that eliminates or restricts the rights of the participants in the trial, as well as otherwise worsens their situation, has no retroactive force, does not apply to the proceedings initiated before the entry into force of this law.
3. The admissibility of evidence is determined in accordance with the law in force at the time of its receipt.

Article 5 Restrictions on the application of criminal procedure law

1. Other laws containing criminal procedure norms of this Code shall not apply to other persons exempted from criminal privileges and immunity under international treaties of the Republic of Armenia, as well as other persons released from criminal jurisdiction in the territory of the Republic of Armenia in accordance with Article 445 of this Code. Cases envisaged by international agreements of the Republic of Armenia.
2. The peculiarities of the application of this Code այլ other laws containing norms of criminal procedure to the persons mentioned in the first part of this Article are defined by the norms of Chapter 51 of this Code և other laws.
(Article 5 edited on 25.05.06 HO-91-N)

Article 6 MAIN CONCEPTS into the code of criminal proceedings

The following concepts in the Criminal Procedure Code have the following meaning:
1) *case* - an event containing features of a crime, in connection with which a criminal trial is conducted;
2) *a criminal case* - a separate proceeding carried out by a criminal prosecution body or a court in connection with one or several allegedly committed acts not allowed by the Criminal Code;
3) *materials* - documents - other items, which are an integral part of the case or are submitted for attachment to the case, reports, as well as documents - other items, which may contribute to revealing relevant circumstances during the proceedings;
4) *Proceedings in a case - a* criminal procedural procedure, which begins when resolving the issue of initiating a criminal case, includes the actions to be taken in the case, the decisions to be made;
5) *Pre-trial proceedings in a* criminal case: from the moment of resolving the issue of initiating a criminal case to sending the case to court for substantive examination;
6) *litigation actions - actions* envisaged by this Code during the proceedings on the case;
7) *Judicial decisions - decisions made by* the competent bodies or officials during the criminal proceedings, envisaged by this Code: verdicts, decisions;
8) *Judgment on* the issues of guilt or innocence of the defendant of the first instance, the decision of the court of appeal made in the court session, other issues to be applied or not to be applied;
9) *decision* - the decisions of the court in a criminal case, except for the verdict, as well as the decisions made by the body of investigation, investigator, prosecutor during the pre-trial proceedings;
10) *Final decision* - any decision of the body conducting criminal proceedings, which excludes the initiation or continuation of the proceedings in the case, as it resolves the case in essence;

1 [1]) *Judicial acts resolving the case on the merits - a judgment of the court of* first instance, a decision to terminate the criminal proceedings or terminate the criminal prosecution, a decision on the application of coercive measures of a medical nature, as well as judicial acts made by the appellate court as a result of appeal Judicial acts of the Court of Cassation in the envisaged cases.

11) *court* - a court formed in accordance with the procedure established by law, which examines cases in collegial composition or alone; Court of First Instance, Court of Appeal, Court of Cassation.

12) *Court of First Instance of General Jurisdiction (hereinafter referred to as the Court of First Instance)* - a court competent to hear all criminal cases, other cases (materials) provided by the criminal procedure legislation, as well as to exercise control over the pre-trial proceedings of the criminal case;

13) *Court of Appeal - a* court that examines a case on the basis of an appeal;

14) *Court of Cassation - a* court which, in addition to the issues of constitutional justice, is the highest court of the Republic of Armenia, is called to ensure the uniform application of the law.

In cases provided by law, the Court of Cassation examines the case on the basis of an appeal.

15) *Judge:* President of the court, President of the Court Chamber, Judge of the Chamber, other judge of the court;

16) *Parties:* bodies և persons who carry out criminal prosecution or defense in criminal proceedings on a competitive basis;

17) *Prosecution* - all the judicial actions carried out by the criminal prosecution bodies, and in the cases envisaged by this Code, the victim, with the aim of revealing the person who committed the act not allowed by the Criminal Code, the latter's guilt in committing a crime; application of measures.

18) *Initiation of* criminal prosecution - the decision of the criminal prosecution body to involve a person as an accused, as well as to arrest him / her before that or to apply a precautionary measure against him / her;

19) *Termination of criminal prosecution* - the decision of the body conducting the criminal proceedings to dismiss the accusation or to drop the accusation;

20) an *accusation* - a substantiation presented in the manner prescribed by this Code, on the commission of a specific act by a certain person not permitted by the Criminal Code;

21) the prosecution bodies - the prosecution, as well as the victim, the civil plaintiff, their legal representatives and representatives *;*

22) *bodies of criminal prosecution: the* prosecutor (accuser), the investigator, the body of investigation;

23) *Prosecutor - the Prosecutor General of* the Republic of Armenia և his subordinate prosecutors, their deputies և assistants;

24) *Prosecutor* - the prosecutor defending the accusation in court;

25) *Investigator - an official of the* Investigative Committee, Special Investigation Service, National Security, Tax or Customs Bodies, who conducts a preliminary investigation of a criminal case within his / her competence;

26) *Head of the Investigation Division - Chairman of the* Investigation Committee - his deputies, Head of the Special Investigation Service - his deputies, Head of the Investigation Committee, Special Investigation Service, National Security, Tax or Customs Bodies, Division, Division - his deputies acting within the competence.

26.1) a *high - ranking official* The President, the Prime Minister, the Deputy Prime Ministers, the Deputies, the judges of the Constitutional Court, the judges of the courts, the members of the Supreme Judicial Council elected by the National Assembly, the ministers, their deputies, the Chief of Staff of the President, the Chief of Staff of the National Assembly, the Chief of Staff, the governors, their deputies The Mayor of Yerevan, his deputies, the Chairman of the Audit Chamber, members of the Board, members of the Central Bank Board, members of autonomous bodies, members of the Central Electoral Commission, the head of the Statistical Committee, members, prosecutors, persons holding autonomous positions in the Investigative Committee as well as police, national security, enforcement,Heads of penitentiary-rescue services, State Revenue Committee,

their deputies, heads of their structural subdivisions, structural units included in structural subdivisions.

26.2) *Person performing public service* - officials of the police (except for police troops), national security (except for border troops և armed units), tax, customs, compulsory execution, penitentiary-rescue services, except for the official mentioned in point 26.1 of this article persons.

27) *Investigation body* - the head of the relevant subdivision of the state body authorized by this Code (hereinafter referred to as the head of the investigation body) ևերը employees;

28) *Defense - a* judicial activity carried out by a defense party with the aim of refuting an accusation or mitigating liability, protecting the rights and interests of persons to whom an act not permitted by the Criminal Code is attributed, as well as promoting the restoration of the rights of illegally prosecuted persons;

29) *defense party: the* suspect, the accused, their legal representatives, the defense counsel, the civil defendant, his representative;

30) *the body conducting the criminal proceedings - the* court, and in the pre-trial proceedings of the criminal case - the body of investigation, the investigator, the prosecutor;

31) *Participants in the proceedings: the* prosecutor (accuser), the investigator, the investigative body, as well as the victim, the civil plaintiff, their legal representatives, the representatives, the suspect, the accused, their legal representatives, the defense counsel, the civil defendant and his representative;

32) *Persons participating in the criminal proceedings:* the participants in the proceedings, the attendant, the secretary of the court session, the translator, the specialist, the expert, the witness;

33) *applicant:* any person who has applied to a court to a criminal prosecution body for the protection of a right violated by a criminal procedure;

34) *mediation* - the request of a party or the applicant addressed to the body conducting the criminal proceedings;

35) *Explanation* - oral or written arguments brought by the participants of the trial, the applicants to substantiate the claims of themselves or the person presented, as well as the oral or written reports of other persons, which are given before the initiation of a criminal case;

36) Detention - an action that begins from the moment of de facto deprivation of liberty of a person upon arrest, upon detention as a measure of restraint, upon execution of a sentence of imprisonment;

37) *Detention,* choosing detention as a measure of restraint;

38) *to keep in custody the* forced deprivation of liberty of a person, for whatever reasons;

38.1) *Temporary detention* in order to keep the person in custody in order to receive the motion for extradition ելու to find out the circumstances excluding the extradition;

38.2) *detention for extradition,* to keep a person in custody in order to ensure his / her extradition;

39) *Relatives* - persons who are related to a great-grandfather or great-grandfather before the great-grandfather;

40) *close relatives:* parents, children, adoptive parents, adoptees, relatives, non-relatives (father or cousin) brothers, sisters, grandfather, grandmother, grandchildren, as well as the husband, the husband's parents, for the latter the groom և the bride;

41) Defendant - *the* suspect or accused for their lawyer;

42) *acquitted* - the person against whom a verdict of acquittal has been rendered, or against whom the criminal prosecution has been terminated on the grounds of innocence;

43) *Authorizing agent: the* victim, the civil plaintiff, the civil defendant for their representative;

44) *Bar Association of the Republic of Armenia* - an organization carrying out advocacy activities.

45) *damage* - moral, physical, property damage subject to monetary measurement;

46) *apartment - a* building or structure that is permanently or temporarily used for the residence of a certain person or persons, including own or rented apartment, garden, hotel room, cabin, train compartment, respectively, adjacent balconies, stairs, attics, balconies. , the common area, as well as their other components used for recreation, storage of property, as well as to meet the other

needs of a certain person or persons, the basement of the residential building, the attic. The concept of "apartment" includes a private car, river or sea ship, as well as a personal office, car, studio.

47) *another place* - a place located outside the place of location of the relevant court, investigative body, preliminary investigation body, prosecutor's office or outside the place of residence of the person participating in the criminal proceedings;

48) *night time* from 22.00 to 7.00.

49) *Certificate - a* paper or electronic document by which the body conducting the proceedings invites the person to participate in an investigative or other legal action or court session.

(Article 6 amended, supplemented 25.05.06 HO-91-N, amended 01.06.06 HO-108-N, supplemented 21.02.07 HO-93-N, edited, amended 22.02.07 LA -129-N, 02.11.07 HO-248-N, supplementary, ed., Amended 28.11.07 HO-270-N, 26.12.08 HO-237-N, edited 05.02.09 HO-45-N , supplemented 19.03.12 HO-42-N, edited, amended 19.05.14 HO-28-N, amended 16.01.18 HO-68-N, 17.01.18 HO-48-N, edited 23.03. 18 HO-278-N , amended on 21.01.20 HO-71-N, edited on 18.06.20 HO-337-N, supplemented on 19.01.21 HO-19-N)

(Article 24.03.21 HO-150-N will enter into force by amending the law "On the Anti-Corruption Committee" from the day the law enters into force)

(24.03.21 HO-150-N law has a transitional provision)

CHAPTER 2

PRINCIPLES OF CRIMINAL TRIAL

Article 7 Legality:

1. The body of investigation, the investigator, the prosecutor, the court, as well as other persons participating in the criminal proceedings are obliged to observe the Constitution of the Republic of Armenia, this Code and other laws.

2. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

Article 8 Equality before the law և in court և

1. Everyone is equal before the law.

2. Discrimination of rights, freedoms and responsibilities, depending on sex, race, skin color, ethnic or social origin, genetic characteristics, language, religion, worldview, political or other views, ethnic minority status, property status, birth, disability, age or personal or other social circumstances, is prohibited.

3. During the examination of his / her case, as a legal argument, everyone has the right to refer to the interpretations of the law or other normative legal act of the court of the Republic of Armenia in another case with similar facts. The court addresses such legal arguments.

4. In case of an interpretation differing from the interpretation of a legal norm by the Court of Cassation in another case with similar facts, the court shall substantiate the deviation from the interpretation of another normative legal act of the law, the Court of Cassation.

(Article 8 edited 28.11.07 HO-270-N, 23.03.18 HO-211-N)

Article 9 Respect for the rights, freedoms and dignity of the individual

1. Respect for the rights, freedoms and dignity of a person is mandatory for all bodies involved in criminal proceedings.

2. The court allows temporary restriction of the rights and freedoms of individuals. Judicial coercion measures are applied to them only when the need for such a decision is justified by a proper legal procedure.

3. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

4. A person may not be compelled to participate in legal proceedings that degrade his or her dignity.

5. Everyone has the right to protection of his rights and freedoms by all means not prohibited by law.

Article 10 Ensuring the right to legal aid

1. Everyone has the right to receive legal assistance in the manner prescribed by this Code.

2. If the suspect, the accused expresses a wish or when it is required by the interests of justice, as in this Code, in cases considered mandatory by international treaties of the Republic of Armenia, the body conducting the criminal proceedings is obliged to ensure their right to legal aid.

3. The civil plaintiff or his / her legal representative, the legal representative of the suspect, the accused, as well as the civil defendant have the right to use the legal assistance of their invited representatives during the criminal proceedings.

4. The criminal prosecution body has no right to prohibit the participation of a lawyer invited by him / her as a representative during the interrogation of the victim.

5. The body conducting the criminal proceedings may decide to provide free legal aid to the suspect or accused based on his / her property status.

(Article 10 edited on 25.05.06 HO-91-N)

Article 11 Physical և mental immunity և personal freedom
(title edited on 16.01.18 HO-69-N)

1. Everyone has the right to physical, mental and physical liberty.

2. No one may be detained և detained in a manner other than on the grounds provided for by this Code և.

3. Detention, detention, compulsory placement of a person in a medical or educational institution is allowed only by a court decision. If a person has been deprived of his liberty for the purpose of appearing before a competent authority, where there is a reasonable suspicion that he has committed a crime, or when it is reasonably necessary to prevent the crime or his escape, և within a reasonable time If, within seventy-two hours, the court decides not to allow him to remain in custody, he shall be released immediately.

4. The grounds for arrest or detention, as well as the factual circumstances of the crime, the legal characterization of which he or she is suspected or accused, shall be reported immediately to each detainee or detainee.

5. The court, as well as the investigative body, the investigator and the prosecutor, are obliged to immediately release any person illegally detained. The head of the administration of the place of detention has no right to accept the person for detention without a relevant court decision; he is obliged to release immediately every person who has completed the period of detention.

6. The search and examination of a person, as well as other legal actions restricting his / her physical, mental inviolability or personal freedom, shall be carried out in the cases provided for by this Code.

7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment during the criminal proceedings. It is prohibited to extort testimony from a suspect, accused, accused, victim, witness, or other person participating in a criminal trial through violence, intimidation, deception, violation of their rights, or any other illegal act.

8. It is prohibited to involve a person in conducting investigative experiments or other legal actions that cause long-term or physical torture, endangering the health of him or those around him.

9. It is prohibited to use measures that endanger human life, health and the environment during criminal proceedings.

(Article 11 amended on 04.12.01 HO-263, edited on 16.01.18 HO-69-N)

Article 12 Immunity of the apartment

1. Everyone has the right to inviolability of the apartment. It is forbidden to enter a person's apartment against his / her will, except in cases provided by law.

2. The apartment may be searched only by a court decision in accordance with the procedure established by this Code. The search of the apartment, other judicial actions, as well as the entry of it by technical means against the will of the persons occupying it, during the criminal proceedings may be carried out by the decision of the investigative body, investigator, prosecutor.

Article 13 Property inviolability

1. During the criminal proceedings, the bank deposits of persons և other property may be seized by the decision of the body of investigation, investigator, prosecutor, court.

2. The property confiscated during the execution of legal actions must be mentioned, described in detail in the relevant protocol of the legal action, the second copy of which is given to the possessor of the property.

3. The imposition of fines during the trial, as well as the compulsory alienation of property, may be carried out only by a court decision.

Article 14 Confidentiality of correspondence, telephone conversations, postal, telegraphic և other messages

1. Everyone has the right to privacy of correspondence, telephone conversations, postal, telegraphic and other communications. It is prohibited to illegally deprive or restrict a person of these rights during criminal proceedings.

2. During the criminal proceedings, the control of correspondence, postal, telegraphic և other messages, listening to telephone conversations may be carried out only by a court decision in the manner prescribed by law.

Article 15 The language of criminal proceedings

1. The language of criminal proceedings in the Republic of Armenia is Armenian.

2. Persons participating in criminal proceedings, with the exception of the body conducting the criminal proceedings, have the right to appear in court in the language of their choice if they provide an Armenian translation. If the accused participates in the criminal proceedings, if he does not speak Armenian, the court is obliged to provide the services of an interpreter at the expense of the state, except when the accused wants to provide the translation at his own expense.

3. The participant of the criminal proceedings (except for the body conducting the criminal proceedings) shall be provided with the services of an interpreter by the expert appointed by him / her on his / her initiative, a specialist invited by his / her mediation or a witness court at the expense of state funds. to ensure.

4. Persons participating in the criminal proceedings (except for the witness) shall submit all court documents in Armenian or another language with a proper translation into Armenian. In case of non-compliance with the mentioned requirement, the judicial documents shall not be considered or approved by the body conducting the criminal proceedings, and in the cases provided for by this Code, shall return them to the persons who submitted them.

5. Persons with hearing or speech impairments, in accordance with the provisions of this Article, shall be provided with the opportunity to get acquainted with the materials of the case, to enjoy other rights defined by this Code կր to bear responsibilities through a sign language interpreter.

6. Access to court documents և judicial acts for a person with a disability due to visual impairment participating in criminal proceedings is ensured through an assistant at the expense of state funds.

7. In case of the need to provide the services of an interpreter at the expense of the Republic of Armenia, in the cases provided for in parts 2, 3, 5 և 6 of this Article, based on the decision of the body conducting the criminal proceedings, the procedure for appointing a translator, sign interpreter or assistant; The amount of remuneration և the procedure are defined by the decision of the Government.

(Article 15 supplemented, amended 28.11.07 HO-270-N, edited 23.03.18 HO-211-N)

Article 16 Publicity of court proceedings

(title edited on March 23, 18 HO-211-N)

1. The case is heard in court in open court.
2. In order to protect the private life, honor, dignity, interests of minors or justice of persons participating in criminal proceedings, as well as the protection of state security, public order or morality, the participants in the proceedings or their close relatives, the court may mediate or initiate the case or part of it. to be heard in camera. The court conducts closed-door hearings in other cases provided by this Code.
3. If the court decision obliges the media operator or journalist to disclose the source of the information, then the court hearing shall be conducted behind closed doors through the mediation of the media operator or journalist.
4. The issue of examining the case or a part of it in a closed session is resolved behind closed doors.
5. The court shall make a decision on the examination of the case or a part of it in closed session.
6. The examination of the case in a closed court session shall be carried out in compliance with the rules established by this Code. In case of hearing the case or a part of it in closed session, the court secretary, court bailiffs, participants in the trial have the right to be present at the court session, and if necessary, the attendant, translator, specialist, expert witness. By taking a signature from the court, the mentioned persons are warned about the responsibility for publishing the confidential information protected by law and using it in violation of the established procedure.
7. In case of examining the case or its part in closed session, the final part of the judicial act shall be published, except for the cases when it contains a secret protected by law. The parts of the judicial act that contain a secret protected by law, as well as the parts that served as the basis for a closed-door trial, are published in closed session.
8. In case of examining the case or a part of it in a closed session by a court decision, the further examination of the given case in other court instances is carried out behind closed doors.

Article 16 edited on 25.05.06 HO-91-N, supplemented on 17.03.10 HO-33-N, amended on 16.01.18 HO-69-N, edited on 23.03.18 HO-211- N)

Article 17 Fair trial of the case

1. Everyone has the right to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
2. A judge, prosecutor, investigator, employee of the investigative body may not participate in the criminal proceedings if they are directly or indirectly interested in the outcome of the case.
3. The prosecuting authority is obliged to take all the measures envisaged by this Code for a comprehensive, complete and objective examination of the circumstances of the case, to find out the circumstances justifying the guilt of the suspect and the accused, as well as acquitting them and mitigating or aggravating their responsibility.
4. The statements of the suspect, the accused, their defense counsel, the existence of evidence justifying the innocence of the suspect or accused, mitigating their responsibility, as well as complaints about violations of legality during the criminal proceedings, should be thoroughly investigated by the prosecuting authority.

(Article 17 supplemented on 28.11.07 HO-270-N, edited on 16.01.18 HO-69-N)

Article 18 The presumption of innocence

1. A person suspected or accused of a crime shall be presumed innocent until proven guilty in accordance with the procedure established by this Code by a court judgment that has entered into force.

2. The suspect or accused is not obliged to prove his innocence. The burden of proving their innocence cannot be placed on the defense. It is the responsibility of the prosecution to prove the accusation ման to refute the arguments presented in defense of the suspect or accused.

3. The investigation into a person's guilt in a crime may not be based on presumption;

4. All doubts about the proof of the accusation, which cannot be dispelled within the framework of a proper legal procedure in accordance with the provisions of this Code, shall be interpreted in favor of the accused or the suspect.

5. The precautionary measures applied to the suspect or the accused may not contain elements of punishment.

Article 19 The right of the suspect պաշտպանության to defend the accused և to ensure it

1. The suspect և the accused have the right to defense.

2. The body conducting the criminal proceedings is obliged to explain their rights to the suspect և the accused և to ensure the factual possibility of defending them from the accusation by all means not prohibited by law.

3. The body conducting the criminal proceedings is obliged to involve the legal representative of the suspect-accused in the relevant cases.

4. The suspect և the accused have the right to defend themselves against the charge both in person and through a lawyer's legal representative. The participation of the legal representative of the suspect պաշտ's lawyer և in the criminal proceedings does not restrict the rights of the suspect և accused.

5. The suspect և the accused may not be compelled to testify, submit materials to the body conducting the criminal proceedings or to assist him in any way.

Article 20 Being free from the obligation to testify

1. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed.

2. A person whose prosecuting authority offers to provide information or materials shall have the right to refuse to provide such information or materials if he reasonably assumes that they may be used against him, his spouse or close relatives.

3. This Code may provide for other cases of exemption from the obligation to testify or provide information.

(Article 20 edited on 15.11.06 HO-181-N, supplemented, edited on 16.01.18 HO-69-N)

Article 21 The inadmissibility of being tried again

1. No one may be tried again for the same act.

2. In the case of the same person, the existence of a court judgment or decision in the same case, which has entered into force, precludes the replacement of the criminal case with a more severe substitution or imposition of a heavier sentence or on other grounds, which will worsen the person's condition.

3. The existence of a decision of the criminal prosecution body to terminate the proceedings, terminate the criminal prosecution or not to prosecute precludes the remediation of the criminal

case, if it may lead to the deterioration of the person's condition, except in the cases provided for in paragraph 4 of this article.

4. The prosecutor may revoke the decision made by the investigative body or the investigator on terminating the criminal case, initiating a criminal case or rejecting the initiation of a criminal case within 7 days from the moment of receiving the copy of the decision. After that, the decision of the criminal prosecution body to terminate the proceedings, to terminate the criminal prosecution or not to prosecute may be revoked only once by the Prosecutor General, within six months after such a decision has been made.

5. The rules of the second-third parts of this article do not apply in the cases envisaged by section 12 [1] of this Code .

6. The rules of Part 2 of this Article shall not apply in exceptional cases when during the previous judicial examination of the case such fundamental violations of substantive or procedural law were committed, as a result of which the adopted judicial act disturbs the essence of justice, violates the necessary balance of constitutionally protected interests.

(Article 21 edited on 25.05.06 HO-91-N, 21.02.07 HO-93-N, amended on 28.11.07 HO-270-N)

Article 22 Restoration of the rights of victims of judicial errors

1. The acquitted person has the right to restoration of his / her rights, including the material damage caused to him / her by the bodies conducting the criminal proceedings.

2. Any person who has been illegally subjected to coercive measures by the body conducting the criminal case has the right to compensation for the material damage caused.

3. The bodies conducting the criminal proceedings are obliged to take all the measures envisaged by this Code aimed at restoring the rights of the acquitted.

Article 23 Competition during criminal proceedings

1. Criminal proceedings are conducted on the basis of the principle of competition. Deviation from the principle of competition is allowed in conciliation and cooperation proceedings.

2. Criminal prosecution, defense լուծ case resolution are separated. they are carried out by different bodies and individuals.

3. The court does not appear on the side of the accusation or the defense; it represents only the interests of the law.

4. The court examining the criminal case, while maintaining objectivity և impartiality, creates the necessary conditions for the parties և to հետապնդ comprehensively և a comprehensive examination of the circumstances of the case. The court is not constrained by the opinions of the parties; it has the right to take the necessary measures on its own initiative to find out the truth of the criminal case.

5. The parties to a criminal proceeding shall have equal opportunities under criminal procedural law to defend their position. The court substantiates the verdict only on the evidence, during the examination of which equal conditions were provided for each of the parties.

6. During the criminal proceedings, the parties choose their position, the ways of defending it և the means within the framework of the law independently, independently of the court, other bodies և individuals. The court, through the mediation of a party, in accordance with the procedure established by this Code, shall assist him in obtaining the necessary materials.

7. The court shall ensure the right of the parties to participate in the examination of the case in the courts of first instance. The appellant has the right to be present at the hearing of the case in the Court of Cassation.

8. The participation of the parties in the criminal case is mandatory in court. The accuser is represented by the accuser during the criminal case.

(Article 23 supplemented on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 24 Administration of justice only by the court

1. In the Republic of Armenia, justice in criminal cases is administered only by the courts. The establishment of extraordinary courts is prohibited.
2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed.
3. Exercising the powers of the court is punished by criminal law.
4. The jurisdiction of the court, the procedure for conducting criminal proceedings by it, may not be arbitrarily changed for individual cases or persons or for a certain situation or for any period of time.
5. No one shall be deprived of the right to have his case heard by a judge in whose jurisdiction it is authorized by law.
6. Judgment of a court in a criminal case և Other decisions may be reviewed only by the relevant superior courts in accordance with the procedure established by this Code.

Article 25 Free evaluation of evidence

1. The judge, as well as the investigative body, the investigator, the prosecutor evaluate the evidence with their internal conviction.
2. In criminal proceedings, no evidence has the force of pre-established evidence. The judge, as well as the investigative body, the investigator, the prosecutor should not be biased in the evidence, should not give more or less importance to some of them than others, until they are examined within the framework of a proper legal procedure.

CHAPTER 3:

THE PROCEEDINGS OF THE CRIMINAL CASE

Article 26 Criminal proceedings

The proceedings of a criminal case, that is, the preparation, initiation, criminal prosecution of a criminal case, as well as all judicial proceedings related to the initiated criminal case, decision-making shall be carried out by the bodies defined by this Code, officials within the scope of their powers.

Article 27 The obligation to initiate a criminal case and to identify a crime

The investigative body, the investigator, the prosecutor are obliged to initiate a criminal case within their competence in each case of detecting features of a crime, to take all measures provided by law to reveal the perpetrators of the crime, as well as the circumstances of its commission.

In case of discovery of facts of committing other crimes by the same person during the preliminary investigation of the same criminal case, a new criminal case may not be initiated, if it is possible to carry out the preliminary investigation of the case in full within the framework of the already initiated criminal case.

(Article 27 amended, supplemented on 25.05.06 HO-91-N)

Article 28 Connection of criminal cases և disconnection

1. The cases of several persons accused of participating in one or more crimes or cases of several crimes committed by one person may be joined in one proceeding by an investigator, prosecutor or court, as well as any other criminal cases, if, due to their factual circumstances , there is a need to provide a comprehensive, complete and objective examination.

2. The case against persons involved in the commission of one or more crimes shall be dismissed by the decision of the investigator, prosecutor or court, if it is necessary due to the circumstances of the case, it may not affect the completeness of the case.

(Article 28 supplemented on 06.12.16 HO-214-N)

Article 29 Mandatory registration of the criminal case

1. The course of the court proceedings և The results are reflected in the protocol (except for the cases provided for in Article 209, Part 3.1 of this Code), which was drawn up during the court proceedings or immediately after its completion.

2. The protocol is written by hand or prepared with the help of technical means. Litigation, photography, filming, recording and video recording can be done during court proceedings.

Photographic negatives և Photographs, films, slides, interrogation recordings, videotapes, computer media, drawings, plans, plaster prints, trace prints made or prepared during the trial are attached to the criminal case.

The investigating body or investigator checks their suitability before using technical means. The video recording should be carried out from the moment of starting the investigation, without interruption, except in cases of unpredictable technical malfunction or other objective reasons. In case of interruption of the video recording, the investigative action is interrupted, on which a separate protocol is drawn up, where the reasons for the interruption are mentioned. The investigation continues from the moment the video recording is resumed. Before that, the investigative body or the investigator shall take measures to preserve the place of the investigative action, the traces and the objects. In case of video recording, the integrity of the investigation process, visibility (coverage, lighting, etc.) և audibility are ensured.

3. The protocol shall state:

1) the place, day, month, year, start and end time of the judicial action, with minute accuracy;

2) Position and surname of the person compiling the protocol;

3) Surname, first name, patronymic of each person participating in the court action, if necessary, address - other personal data.

4. The proceedings shall be described in the protocols in the order in which they actually took place. The protocol shall state the circumstances relevant to the case acquired during their execution (except for the cases provided for in Article 209, Part 3.1 of this Code), and shall state the statements of the participants in the proceedings.

5. The minutes shall contain information on the technical means used during the trial, the procedure օգտագործման conditions of their use, the objects to which the technical means were applied, the results obtained, as well as on warning the participants about the use of technical means.

The procedure for the use of technical means used during legal proceedings shall be established by the Government of the Republic of Armenia.

6. The minutes shall be submitted to the persons participating in the proceedings for acquaintance. Moreover, the mentioned persons are explained their right to make additions and corrections in the protocol. All statements regarding amendments to the Protocol shall be signed by the persons participating in the proceedings.

7. The protocol shall be signed by the investigator ինք persons participating in the trial.

In case the suspect, accused, victim, witness or other person participating in the trial refuses to sign the protocol, the investigator shall make a relevant note in the protocol, which shall be certified by the signatures of the investigator, defense counsel, representative, legal representative, legal successor or escort if they participate in the trial. :

The person who refuses to sign the protocol should be given an opportunity to explain the reasons for refusing or refusing to explain the reasons, which is also recorded.

If the suspect, accused, victim or witness is deprived of the opportunity to sign the protocol in person due to physical disabilities or health condition or illiteracy, the protocol shall be presented to the person in the presence of a lawyer, legal representative, representative or escort who confirms

the authenticity of the protocol. the impossibility of signing it by the suspect, accused, victim or witness.

8. The minutes shall contain notes on explaining their rights and responsibilities to the participants in the proceedings, explaining the consequences of non-performance of duties, and the general procedure for conducting the proceedings, which shall be certified by the signatures of the participants in the proceedings.

(Article 29 edited on 23.05.06 HO-104-N, supplemented on 21.03.18 HO-181-N, 15.04.20 HO-214-N)

Article 30 Materials of the criminal case

1. The materials of the criminal case are kept in the criminal case.

2. Each existing document attached to the case should be immediately numbered according to the pages. The bodies conducting the criminal proceedings carry out the regular numbering of the pages of the case in the chronological order of their attachment.

3. All court decisions և Minutes of the court session are written on numbered documents, which are considered as strict registration documents.

4. The documents of the criminal case are compiled in one or more folders with corresponding notes on each cover and a list of materials contained in them.

5. Other items և Documents that, due to their size or nature, cannot be kept in the criminal case, are kept separately from the case as an integral part of it. The list of items և documents kept separate from the criminal case is attached to the criminal case.

6. The documents of the criminal case may be copied on paper or electronic media by the body conducting the criminal proceedings, which certifies the accuracy of the copy.

Article 31 Grounds for suspension of criminal proceedings

1. A criminal case may be suspended in whole or in part by the decision of the prosecutor, investigator or court if:

1) the person who should be involved in the case as an accused is not known;

2) the accused hid from the investigation or trial, or his location is not clarified for other reasons;

3) the accused or the person who has sufficient grounds to be involved in the case as an accused, enjoys immunity from criminal prosecution;

4) the accused is seriously ill or is outside the Republic of Armenia, due to which he / she cannot participate in the criminal proceedings, if further participation in the criminal case is impossible without his / her participation;

5) there is an insurmountable force, which temporarily hinders the further proceedings in the criminal case;

6) an agreement on pre-trial cooperation was signed with the accused.

2. The criminal case may be suspended on the initiative of the court or on the basis of the mediation of the participants in the trial, if the court finds that the applicable law or other legal act contradicts the Constitution of the Republic of Armenia. In this case, the court has the right to suspend the proceedings and apply to the Constitutional Court of the Republic of Armenia.

3. The motions of the participants in the proceedings to suspend the proceedings on this ground shall be satisfied or rejected by a court decision, which may be appealed to a higher court within ten days from the moment of its occurrence.

4. The criminal case may be suspended after all possible necessary judicial actions have been taken.

5. The criminal proceedings shall be suspended until the circumstances on which the grounds for its suspension are eliminated are eliminated. After their elimination, it is resumed by the decision of the prosecutor, investigator or court.

6. The proceedings on the case suspended on the grounds provided for in part 2 of this Article shall be resumed after the decision of the Constitutional Court of the Republic of Armenia.

7. Proceedings suspended on the grounds provided for in paragraph 6 of part 1 of this Article shall be resumed after the termination of the cooperation or the acquisition of factual data confirming the proper performance of the obligations assumed by the defendant under the cooperation agreement.

(Article 31 amended, edited 10.06.14 HO-48-N, supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 32 Completion of criminal proceedings

The criminal case ends:

1) by making a decision on terminating the criminal proceedings;

2) the verdict in the case or other final decision enters into force, unless it requires the taking of special measures for its execution;

3) receiving confirmation of the execution of the judgment or other final decision in the case, if it requires the taking of special measures for its execution.

CHAPTER 4:

CRIMINAL PERSECUTION AND ITS TYPES

Article 33 Prosecution on public-private charges

1. Due to the gravity and nature of the crime committed, the prosecution in criminal proceedings is carried out in a public-private manner.

2. Cases of crimes envisaged by Article 183 of this Code are considered cases of private prosecution.

3. Cases of all other crimes are considered cases of public prosecution.

4. Criminal prosecution can be carried out only in the initiated criminal case.

Article 34 Grounds for criminal prosecution

1. The criminal prosecution bodies may, within the scope of their powers, arrest, interrogate, apply coercive measures against a person suspected of a crime, as well as involve him / her as an accused, file charges on the grounds provided by this Code.

2. The prosecutor is obliged to defend the accusation in court until circumstances precluding criminal prosecution or criminal proceedings are found.

(Article 34 amended on 14.11.19 HO-217-N)

Article:35. Circumstances precluding criminal proceedings or prosecution

1. A criminal case may not be instituted և A criminal prosecution may not be instituted and the proceedings of the initiated criminal case shall be subject to termination if:

1) there is no case of crime;

2) there is no corpus delicti in the act;

3) the act that caused damage is considered lawful by criminal law;

4) in the cases provided by this Code, there is no complaint of the applicant;

5) in the cases provided for by this Code, the victim has reconciled with the suspect or accused;

6) the statute of limitations has expired;

7) there is a verdict or other court decision that has entered into legal force on the same charge, which confirms the impossibility of criminal prosecution;

8) there is an unspecified decision of the body of investigation, investigator or prosecutor to refuse to conduct criminal prosecution against a person on the same charge;

9) the person at the time of committing the act has not reached the age to be prosecuted, provided by law;

10) the person has died, except for the cases when the proceedings of the case are necessary for the restoration of the rights of the deceased or for the resumption of the case due to the newly emerged circumstances towards other persons;

11) the person voluntarily refused to complete the crime, if the act he actually committed does not contain any other corpus delicti;

12) a person is subject to release from criminal liability by virtue of the provisions of the general part of the Criminal Code of the Republic of Armenia;

13) A law on amnesty has been adopted.

1 [1] . Clause 10 of Part 1 of this Article does not apply to cases of recognizing a person dead in accordance with the procedure established by the Civil Procedure Code. Recognition of a person as dead in the manner prescribed by the Civil Procedure Code is a ground for termination of criminal prosecution of a person or termination of criminal proceedings only by the decision of the Prosecutor General of the Republic of Armenia.

2. The criminal prosecution is subject to termination, and the proceedings of the case are subject to termination due to the fact that the participation of the suspect or the accused in the committed crime is not proven, if all opportunities to obtain new evidence are exhausted.

3. The prosecutor, the investigator, discovering the circumstances excluding the criminal case, at each stage of the pre-trial proceedings in the criminal case, make a decision on terminating the criminal case or terminating the criminal prosecution. The prosecutor has the right to make a decision to terminate the criminal case or to terminate the criminal prosecution after sending the case to the court, but before the beginning of the examination of the case in the court session.

4. The prosecutor, finding out the circumstances precluding criminal prosecution in court, is obliged to declare that he refuses to prosecute the accused. The accuser's statement to refuse to prosecute the defendant is a ground for terminating the criminal case and terminating the criminal prosecution.

5. The court, finding circumstances excluding criminal prosecution, resolves the issue of terminating the criminal prosecution against the defendant.

6. Termination of the case hիմ termination of the criminal prosecution on the grounds mentioned in points 6 և 13 of the first part of this article, termination of the criminal prosecution is not allowed, if the accused objects against it. In this case, the case proceeds as usual.

Rejection of the initiation of the case on the grounds specified in paragraph 13 of Part 1 of this Article, termination of the proceedings, termination of the criminal prosecution is not allowed, unless the damage caused has been compensated or otherwise settled, or there is a dispute over the damages subject to compensation. In this case, the proceedings in this case continue as usual. The regulation provided for in this paragraph shall apply unless otherwise provided by the law on amnesty.

(Article 35 amended, supplemented 25.05.06 HO-91-N, amended 22.02.07 HO-129-N, 23.05.11 HO-145-N, amended, supplemented 01.11.18 HO-415 -Ն)

The provision of Article 35, Part 2, "... and the proceedings of the case are subject to termination" in connection with the participation of the suspect or accused in the committed crime has not been proven, has been recognized as Article 18 (Part 1) of the RA Constitution և 21 Contradictory to the requirements of Article մասը invalid by decision 30.03.2010 SDO-871)

Article 35 Recognizes the functional immunity of officials endowed with special protection by virtue of the Constitution with regard to not envisaging criminal proceedings or criminal prosecution as circumstances excluding Article 27 1 1 4 4 of the Constitution, Article 61 1 1 on Article 63 1 1 հակ contradicting Article 75 և invalid by decision 04.09.19 SDO-1476 :)

Article 36 Refusal to prosecute in cases where the victim is reconciled with the suspect or accused

The proceedings on the cases mentioned in the second part of Article 33 of this Code shall be terminated and the refusal to prosecute shall be proved when the victim reconciles with the accused.

Article 37 Circumstances that allow not to prosecute, terminate the criminal case և terminate the criminal prosecution

1. The court, the prosecutor, as well as with the consent of the prosecutor, the investigator may terminate the initiated criminal case, terminate the criminal prosecution in the cases envisaged by Articles 72, 73 and 74 of the Criminal Code of the Republic of Armenia.

2. In the cases provided for in part 1 of this Article, the prosecutor, as well as with the consent of the prosecutor, the investigator may not initiate a criminal case, may not conduct criminal prosecution.

3. In the cases provided for in Articles 72-74 of the Criminal Code of the Republic of Armenia, termination of the case և termination of criminal prosecution is not allowed, if the person against whom the criminal prosecution is carried out objects.

(Article 37 edited on 25.05.06 HO-91-N)

SECTION 2

COURT

CHAPTER 5

COURT STRUCTURE AND POWERS

Article 38 Courts administering justice in criminal cases

Justice in criminal cases in the Republic of Armenia is administered by the courts of first instance, the Criminal Court of Appeal, as well as the Court of Cassation of the Republic of Armenia.

(Article 38 edited 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

Article 39 Composition of the court

1. The court's examination of criminal cases և materials is carried out by a collegial or single judge.

2. In the Court of First Instance, cases և materials are examined by a judge alone.

3. ***(part of it expired on 05.02.09 HO-45-N)***

4. In the Court of Appeals, appeals against judicial acts resolving the case on the merits shall be heard collegially by a panel of three judges, and appeals against judicial acts not resolving the case on the merits shall be heard individually.

5. The issue of accepting the cassation appeal in the Court of Cassation is examined by the majority of the total number of judges of the Criminal Chamber of the Court of Cassation. An appeal shall be considered admissible if a majority of the judges of the Criminal Chamber of the Court of Cassation have voted in favor of it. Cassation appeals are heard by the Court of Cassation collegially by a majority of judges of the Criminal Chamber of the Court of Cassation.

(Article 39 edited on 28.11.07 HO-270-N, 26.12.08 HO-237-N, amended on 05.02.09 HO-45-N, edited on 23.03.18 HO-211-N)

Article 40 Independence of judges

1. When administering justice, judges are independent միայն subject only to the law.

2. Judges shall resolve criminal cases և materials with their own conviction on the basis of a proper examination of the evidence presented. Judges are not constrained by the findings of the pre-trial proceedings.

3. Justice shall be administered in conditions which exclude undue influence on judges.

4. Persons guilty of unlawful influence against judges, as well as other interference by the court in the conduct of criminal proceedings, shall bear responsibility provided by law.

Article 41 Powers of the court

1. The court is authorized to examine եւ resolve the received cases և the materials in its sessions. Refusal to administer justice is inadmissible.

2. The powers of the court are, in particular:

1) make decisions on detention, extension of detention, in cases provided for by this Code, search, confiscation, placement of persons in a medical institution, rejection of the motion for self-withdrawal, receipt of information constituting notarial secrecy, such as correspondence, telephone conversations, postal, telegraphic To investigate դեպքերում in cases provided by law և to resolve complaints against the decisions և actions (inaction) of the decision of the investigative body employee, investigator, prosecutor, bodies carrying out operative-investigative actions;

2) making decisions related to the preparation of the case for court trial;

3) examination of criminal cases by the order of first instance, re-appeal and cassation;

4) to apply to the prosecutor with a motion to initiate a criminal case in the cases envisaged by this Code;

5) sending the verdict to be executed;

6) resolving issues arising during the execution of the verdict;

7) Resolving issues related to conviction;

8) Resolving other issues in cases provided by law.

3. By the decision of the judge examining the case, an out-of-court hearing may be held, if it is in the interests of the efficiency of justice.

(Article 41 amended on 25.05.06 HO-91-N, supplemented on 21.02.07 HO-93-N, edited 28.11.07 HO-270-N)

Article 42 The judge և his powers

1. Judges who exercise sole jurisdiction over the case within their jurisdiction, who carry out regulatory actions to ensure the preparation of a court session, the execution of a judgment or other decision, shall be endowed with the powers of a court.

2. All judges shall enjoy equal rights when considering a case by a panel.

Article 43 The chairman և his powers

1. When examining a criminal case or material by a collegial panel of judges, the president of the court or the president of the chamber shall preside, or in the manner prescribed by law, the authorized judge.

2. The presiding judge prepares, presides over the court session, takes measures to ensure the fair examination of the criminal case, observes other requirements of this Code, as well as the proper behavior of the persons present at the court session.

3. When examining the case with a collegial panel of judges, the presiding judge shall submit all issues related to the examination and settlement of the case to all judges. The decision defended by the majority of judges is considered adopted, and if the votes are divided, the decision that is most favorable for the accused.

CHAPTER 6

JUDGMENT OF CRIMINAL CASES

Article 44 Cases before the courts of first instance

The courts of first instance examine all criminal cases, other cases (materials) envisaged by the criminal procedure legislation, as well as exercise control over the pre-trial proceedings of the criminal case.

(Article 44 edited 28.11.07 HO-270-N, 05.02.09 HO-45-N)

Article 45 Judicial cases before the Court of Appeal

(title changed on 05.02.09 HO-45-N)

The Criminal Court of Appeal has jurisdiction over cases of judicial acts of the courts of first instance that have not entered into legal force, and in exceptional cases provided for by the criminal procedure legislation, which have entered into legal force.

(Article 45 amended on 21.02.07 HO-93-N, edited 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

Article 46 Cases before the Court of Cassation of the Republic of Armenia

The Criminal Chamber of the Court of Cassation of the Republic of Armenia has jurisdiction over cases of judicial acts made by the Court of Appeals that have not entered into legal force, and in exceptional cases provided by the criminal procedure legislation, also cases related to judicial acts entered into legal force.

(Article 46 amended 07.07.06 HO-152-N, edited 05.02.09 HO-45-N)

Article 47 Territorial jurisdiction of criminal cases

1. The court of first instance has jurisdiction over cases of crimes committed in the court premises of the relevant court of first instance.
2. The following crime is considered to have been committed in the area where it was committed. A continuing crime is considered to have been committed in the area where the last act not authorized by the Criminal Code was committed.
3. The case on a crime committed in the territory of another state is within the jurisdiction of the court in whose jurisdiction the last place of residence of the accused is located, and if it has not been possible to find out, then the court in whose jurisdiction the criminal case is over.

(Article 47 amended on 25.05.06 HO-91-N, edited 28.11.07 HO-270-N, 05.02.09 HO-45-N)

Article 48 The decision of the judiciary when joining criminal cases

1. ***(part expired on 05.02.09 HO-45-N)***
2. If the case of two or more crimes is within the jurisdiction of different courts of first instance, when joining them, the case shall be examined by the court in whose jurisdiction the pre-trial proceedings in the given case have been completed.

(Article 48 edited 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

Article 49 Transfer of the criminal case by the court that accepted the case

1. The court, finding that the received case is not within its jurisdiction, sends it according to the jurisdiction.

2. If the violation of the jurisdiction provided for in Articles 44, 47 or 48 of this Code is discovered during a court hearing, the court with the consent of the parties has the right to leave the case in its proceedings. In case of objection of one of the parties, the trial of the case is canceled, և the case is sent according to the jurisdiction.

3. ***(part of it expired on 05.02.09 HO-45-N)***

(Article 49 was amended on 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

Article 50 Changing the territorial jurisdiction of a criminal case

(title added: 28.11.07 HO-270-N)

1. The territorial jurisdiction of a criminal case may be changed with the consent of all the accused, if most of the persons participating in the criminal proceedings in the given case live outside the court premises of the given court of first instance.

2. The decision to change the jurisdiction in appropriate cases is made by the court examining the case.

(Article 50 supplemented on 28.11.07 HO-270-N)

Article 51 Resolving disputes over jurisdiction

Disputes over jurisdiction between courts of first instance are resolved by the President of the Court of Cassation of the Republic of Armenia.

SECTION 3

PARTIES AND PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS

CHAPTER 7

THE SIDE OF THE ACCUSATION

Article 52 Prosecutor:

1. The prosecutor is a state official appointed in accordance with the law, who carries out criminal prosecution within his / her competence, supervises the legality of the investigation, defends the accusation in court, participates in the discussion of issues related to the execution of court decisions, appeals Court rulings and other final decisions. The prosecutor defending the accusation in court is called the accuser.

2. The prosecutor is obliged to file a lawsuit against the accused or the person holding property responsibility for the actions of the latter in defense of the property interests of the state.

If the law eliminating the crime of committing an act, mitigating the punishment or otherwise improving the condition of the person who committed the crime enters into force, if the convict does not apply to the court within three months to review the judicial act, the prosecutor shall submit a relevant motion to the court within one month.

The prosecutor shall submit a relevant motion to the court by August 1, 2006 to review the previously unreviewed judicial acts on persons sentenced to death.

3. In exercising his / her powers in criminal proceedings, the prosecutor shall make decisions independently, based on the internal conviction of the law, and shall be responsible for the decisions he / she has made.

4. The subordinate prosecutor is obliged to follow all the written instructions of the superior prosecutor, except for the case provided for in part five of this article, as well as the case when the prosecutor considers that the instruction is illegal. If the instruction given by the superior prosecutor is considered illegal, the prosecutor is obliged, and if the instruction is considered unfounded, he / she may appeal it to the superior of the instructing prosecutor.

5. When exercising control over the legality of an investigation or preliminary investigation, the prosecutor shall be obliged to follow the written instruction of the superior prosecutor, except in cases when he / she deems that such instruction is groundless or illegal. In such cases, the supervising prosecutor shall refuse to do so by immediately notifying in writing the superior prosecutor who has the right to personally assume control or to entrust its implementation to another prosecutor.

(Article 52 supplemented 01.06.06 HO-121-N, 13.06.06 HO-67-N, edited, supplemented 22.02.07 HO-129-N)

Article 53 Powers of the prosecutor in pre-trial proceedings

1. During the pre-trial proceedings, the prosecutor is authorized to:

1) to initiate a criminal prosecution, to annul the decision made by the investigator to terminate the criminal case, to initiate a criminal case on the basis of a court motion, to annul the decision of the investigative body to reject the initiation of a criminal case; to initiate a criminal case;

2) ***(the point has lost its force 22.02.07 HO-129-N)*** .

3) instruct the body investigating the crime և to prepare materials for initiating a criminal case;

3.1) sign an agreement on pre-judicial cooperation;

4) instruct the investigative body իև the investigator to carry out urgent investigative actions;

5) ***(the point has lost its force 28.11.07 HO-270-N)***

6) Exercise judicial control over the investigation և preliminary investigation.

2. Exercising judicial authority over the preliminary investigation, the exclusive authority of the prosecutor is:

1) to check the fulfillment of the requirements of the law on the receipt, registration and solution of reports on committed or prepared crimes, other cases;

2) to request materials, documents, criminal cases from the investigative body, the investigator; information on the investigation process, as well as to get acquainted with them or to check them at their location;

3) take any criminal case from the body of investigation և hand over to the body of preliminary investigation, transfer the criminal case from one body of preliminary investigation defined by Article 190 of this Code to another body of preliminary investigation in order to ensure a comprehensive, full and objective investigation;

4) if necessary, give a written instruction to the head of the investigative department on the investigation of the case by the investigative group, as well as instruct the heads of the investigative divisions of different bodies conducting the preliminary investigation to be included in the investigative group formed by the investigators of those bodies.

The investigators of the Special Investigation Service can be involved only in the investigation groups created for the investigation of criminal cases subject to the given service.

5) resolve the issues of challenge to the employee of the investigation body, the investigator, the subordinate prosecutor, as well as the issues of self-withdrawal to the latter;

6) give written instructions to the body of investigation, to the investigator on carrying out other investigative and judicial actions, making decisions;

7) within seven days from the moment of receiving the written objections of the investigator's decisions և instructions մասը, reject those objections by a decision, leaving the decision or instruction of the supervising prosecutor in force, or annul the decision or instruction of the supervising prosecutor, recognizing the objection justified;

8) to give written instructions to the supervising prosecutor in order to ensure the legality of the examination of the case;

9) to resolve the appeals against the decisions և actions և actions of the investigation body, except for the appeals, the resolution of which is reserved by law for the court;

10) remove the employee of the investigation body, the investigator from participating in the criminal proceedings in the given case, if during the examination of the case they have committed a violation of the law;

11) apply to the relevant bodies with motions to resolve the issue of detention of persons enjoying immunity from criminal prosecution, to bring them to criminal responsibility, if those persons are to be involved in a criminal case as an accused;

12) return the criminal cases to the investigator with mandatory instructions for additional investigation;

13) eliminate illegal or unfounded decisions of the investigation body or investigator;

14) to approve the indictment, and in the case of persons who have committed an act not permitted by the Criminal Code in an insane state or have become insane after committing an act not permitted by the Criminal Code, the final decision;

15) send the case to court for substantive examination.

3. When conducting the judicial management of the preliminary investigation, the prosecutor is also competent:

1) ***(the point has lost its force 28.11.07 HO-270-N)***

2) within the scope of its competence, to receive information from the investigative body on the measures taken to carry out operative-investigative activities, to reveal crimes, to find missing persons, to find lost property;

3) to request documents, materials և cases, which may contain information about the cases ևևձ persons related to them;

4) give mandatory written instructions to the investigative body on the implementation of operative-investigative measures in connection with the criminal case proceedings;

5) apply to the court to choose detention as a measure of restraint against the accused, to extend the term of detention, to detain correspondence, postal, telegraphic, other programs, to listen to telephone conversations, to search the apartment;

6) refuse to prosecute the accused, terminate the criminal proceedings or terminate the criminal prosecution;

7) instruct the investigative body to implement the decisions on arrest, detention, detention, and other judicial actions;

8) take measures for the protection of the victim, witness ևյլ other persons participating in the criminal proceedings;

9) apply to the court with the motions provided by this Code;

10) release persons arrested or detained without legal grounds or without necessity;

11) In case of necessity, remove the restrictions on the right to privacy of correspondence, telephone conversations, postal, telegraphic and other messages.

4. During the pre-trial proceedings in a criminal case, the prosecutor shall exercise other powers provided by this Code.

Article 53 amended, supplemented 25.05.06 HO-91-N, amended, edited 22.02.07 HO-129-N, amended, edited 28.11.07 HO-270-N, edited 06.12 .16 HO-214-N, supplemented 05.05.21 HO-200-N)

(Article 24.03.21 HO-150-N will enter into force by amending the law "On the Anti-Corruption Committee" from the day the law enters into force)

(24.03.21 HO-150-N law has a transitional provision)

(05.05.21 HO-200-N law has a transitional provision)

Article 54 Powers of the prosecutor when examining a criminal case or case in court

1. When examining a criminal case by a court, the accuser is authorized to:

1) express objections;

2) initiate motions;

3) to express an opinion on the motions initiated by the other participants in the trial;

4) submit evidence, give mandatory instructions to the investigative body to ensure the submission of evidence to the court;

5) participate in the examination of case materials;

6) to protest against the illegal actions of the other party;
7) to object against the illegal actions of the chairman;
8) demand to make notes in the minutes of the court session about the circumstances mentioned by him;
9) refuse to prosecute the accused;
10) to publish the indictment in court, to make a speech-remark in the court of first instance, and to be present at the sitting in the court of cassation;
11) to appeal the court verdicts, and in the cases envisaged by this Code, other court decisions;
12) exercise other powers provided by this Code.
2. The prosecutor participating in the court session is obliged to:
1) to obey the order and rule defined in the court session, to the lawful orders of the chairman;
1.1) to express a position on the motion to apply for conciliation proceedings;
2) perform other responsibilities provided by this Code.
3. Criminal Cases և The participation of the prosecutor in the examination of issues related to the execution of court decisions is mandatory.
(Article 54 amended on 13.06.06 HO-67-N, amended on 16.01.18 HO-69-N, amended on 05.05.21 HO-200-N)
(05.05.21 HO-200-N law has a transitional provision)

Article 55 Investigator:

1. An investigator is a state official who conducts a preliminary investigation of a criminal case within his / her competence.
2. The investigator is authorized to prepare materials in case of a crime, to initiate a criminal case, to accept the case in accordance with the rules of subordination defined by this Code or to send it to another investigator for investigation, to initiate a criminal case is another person? The investigator is also entitled to refuse to initiate a criminal case in accordance with the provisions of this Code. The investigator shall send a copy of the decision to initiate a criminal case or refuse to initiate a criminal case to the prosecutor within 24 hours to verify the legality of the decision.
3. After accepting the criminal case, the investigator is authorized to direct the investigation, make necessary decisions, carry out necessary investigative and other judicial actions in accordance with the provisions of this Code, for the comprehensive, full-objective examination of the case, except when get permission. The investigator is responsible for the lawful and timely conduct of other investigative proceedings.
4. The investigator, in particular, is authorized to:
1) before initiating a criminal case, to inspect the scene with the materials being prepared, to take samples for examination, to appoint an expert examination;
2) interrogate the suspect, the accused, the victim, the witness, appoint an expert examination, conduct examinations, searches, confiscations և other investigative actions;
3) take measures to compensate the injured person;
4) request documents և materials that may contain information about the person դեպ related to the case;
5) make a decision to carry out inspections, audits, inventories, and other inspections, if there is relevant, credible, sufficient information arising from the materials of the criminal case that a number of circumstances (circumstances) to be proved in the criminal case can (be) refuted or confirmed by this inspection, re-inspection, inventory or other inspection operation. Send a copy of the decision within 24 hours to the prosecutor, whose legality is subject to verification within seven days.
6) to receive information from the criminal investigation body on the materials prepared within the scope of its competence, on the measures taken to carry out operative-investigative actions, to reveal crimes, missing persons, to find lost property;
7) with the materials prepared by him / her, give mandatory written instructions to the criminal investigation body on the implementation of operative-investigative measures;

8) instruct the investigative body to implement the decisions on arrest, detention, detention, and other judicial actions, as well as to receive immediate assistance from the investigative body in conducting other investigative and judicial actions;

9) when receiving a report on a crime committed from the body investigating the crime, to go to the scene և to be involved in the investigation of the case by initiating a criminal case or taking the initiated case to its proceedings;

10) instruct the investigative body to carry out separate investigative actions;

11) summon persons as witnesses;

12) to involve escorts, translators, specialists, experts in the case;

13) arrest the person suspected of a crime և send a copy of the decision to the prosecutor within 24 hours;

14) make a decision on involving a person in a criminal case as an accused, file charges, inform the prosecutor about it within 24 hours;

15) recognize a victim, a civil plaintiff, a civil defendant;

16) ensure the appointment of lawyers in the criminal case as defenders; allow persons to participate in the criminal proceedings as representatives;

17) remove the defense attorneys and representatives from participating in the criminal proceedings, if the circumstances mentioned in Article 93 of this Code, which exclude their participation in the criminal proceedings, are found;

18) Exempt relevant persons from payments established for receiving legal aid;

19) to resolve the objections expressed by the attendant, the translator, the specialist, the expert;

20) resolve the motions of the persons participating in the criminal proceedings, as well as the statements and applications of other persons;

21) to resolve the complaints of the persons participating in the criminal proceedings within the limits of its competence;

22) to make a decision on choosing, changing, eliminating precautionary measures, applying other measures of judicial coercion, except for detention, to release by his decision the accused detained, whose term of detention has expired;

23) make a decision on suspending the criminal proceedings; send a copy of that decision to the prosecutor within 24 hours;

24) apply to the court to choose detention as a measure of restraint against the accused, to extend the term of detention of the accused, to detain correspondence, postal, telegraphic, other programs, to listen to telephone conversations, to search the apartment;

25) in case of elimination of the need, to lift the detention on correspondence, postal, telegraphic և other programs, listening to telephone conversations;

26) submit written objections to the superior prosecutor regarding the written instructions or decisions of the supervising prosecutor, without suspending their execution;

27) In case of disagreement with the instructions of the prosecutor on involving as a defendant, qualifying the crime, initiating proceedings to apply medical coercive measures or terminating the preliminary investigation or terminating the criminal prosecution, immediately, but not later than within three days, submit written objections to the superior prosecutor without to follow those instructions.

28) make a decision to terminate the criminal proceedings, to terminate the criminal prosecution; to send a copy of that decision to the prosecutor within 24 hours in order to check the legality of the decision;

29) draw up ներկայացնել submit an indictment for the approval of the prosecutor, and a final decision on criminal cases against persons who have committed an act not permitted by the Criminal Code in an insane state or who have become insane after committing an act not permitted by the Criminal Code;

30) in case of discovering alleged features of illegal acquisition of property during the investigation of a criminal case, submit a proposal to the prosecutor to take the necessary steps to

initiate an investigation in accordance with the Law of the Republic of Armenia “On Confiscation of Property of Illegal Origin”.

5. The investigator is obliged to follow the lawful instructions of the prosecutor.

5 [1] . The decision made by the investigator in the criminal case during the pre-trial proceedings of the criminal case is subject to mandatory execution by all organizations, officials and citizens.

6. The investigator shall exercise other powers provided by this Code.

Article 55 amended, supplemented 25.05.06 HO-91-N, supplemented 21.02.07 HO-93-N, edited, amended 06.12.16 HO-214-N, supplemented 16.04.20 HO -254-N, edited 01.06.20 HO-299-N)

Article 56 Investigation bodies

The investigation bodies are:

1) the police

2) commanders of military units, military units; heads of military institutions in cases related to war crimes, as well as in cases related to acts committed in the territory of the military unit or attributed to conscripts;

2 [1]) the military police in cases assigned to its jurisdiction by law;

3) The bodies of the Rescue Service of Armenia in cases related to the Rescue Service;

3 [1]) The Ministry of Emergency Situations of the Republic of Armenia in cases related to fires and technical safety.

4) tax bodies in tax crime cases;

5) customs bodies in cases of smuggling, in cases provided by law, in cases of violation of intellectual property rights;

6) national security bodies in cases entrusted to them by law;

7) penitentiary institutions in cases related to crimes committed in the territory of those institutions;

8) the commander of the aircraft on the crimes committed during the flight on the aircraft.

9)

(Article 56 supplemented: 07.03.00 HO-39, 25.05.06 HO-91-N, 21.12.06 HO-15-N, 22.02.07 HO-86-N, edited 09.04.07 HO-144- N, supplemented 08.12.11 HO-307-N, amended on 23.03.18 HO-278-N)

(Article 24.03.21 HO-150-N will enter into force by amending the law "On the Anti-Corruption Committee" from the day the law enters into force)

(24.03.21 HO-150-N law has a transitional provision)

Article 57 Powers of the investigation body

1. The head of the investigative body ensures the fulfillment of the powers of the investigative body personally միջոցով through the employees of the investigative body.

2. The body of investigation:

1) takes appropriate operative-investigative-criminal measures in order to identify the perpetrators of the crimes, to prevent or to prevent the crime;

2) before initiating a criminal case, examines the scene with the materials being prepared, takes samples for examination, appoints an expert examination;

3) initiates a criminal case, accepts the case or sends it according to the subordination, as refuses to initiate a criminal case in accordance with the provisions of this Code, sends a copy of the decision to initiate a criminal case or to reject the initiation for the purpose of.

4) immediately informs the prosecutor-investigator about the investigation of the detected crime;

5) Carries out urgent investigative actions to find the person who committed a crime after initiating a criminal case, to detect and strengthen the traces of the crime: examination, search, correspondence, correspondence, postal, telegram, other messages, listening to telephone conversations, confiscation, investigation, arrest and interrogation of suspects; Interrogation of witnesses of the victims, confrontation means examination.

5.1) in the case provided for in Article 53, Part 3, Clause 5 of this Code, sends the results of the decision to seize correspondence, postal, telegraphic and other programs, to listen to telephone conversations directly to the preliminary investigation body, immediately informing the prosecutor;

6) within ten days from the moment of initiating a criminal case, and handing over the case to the investigator immediately after the involvement of the investigator, in order to identify the perpetrator or complete the urgent investigative actions;

7) Executes the assignments of the investigator, the prosecutor, the instructions of the prosecutor in the cases of crimes under investigation by the investigator;

8) registers reports on crimes;

9) detains persons suspected of committing a crime, examines, searches for them, as well as releases persons detained without sufficient grounds;

10) Provides an opportunity for the prosecutor to inspect the activities of the investigation body within the scope of his / her powers;

11) provide the prosecutor-investigator with the necessary information requested by them within the scope of their powers;

12) take measures to ensure the compensation of the damage caused by the crime;

13) inquires the eyewitnesses of the incident, gets acquainted with the situation of the incident, as well as the documents, cases, materials, which may contain information about the persons related to the incident;

14) Requires documents that may contain information about the case and the persons related to it;

15) make a decision to carry out inspections, audits, inventories, and other inspections, if there is relevant, credible, sufficient information arising from the materials of the criminal case that a number of circumstances (circumstances) subject to proof in the criminal case may be refuted or be confirmed by the inspection, re-inspection, inventory or other inspection. The copy of the decision is sent to the prosecutor within 24 hours, the legality of which is subject to inspection within seven days.

16) ***(the point has lost its force 25.05.06 HO-91-N)***

17) organizes the execution of legal assignments of the court;

18) Carries out other actions within its competence under this Code.

3. Decisions on initiating a criminal case, rejecting the initiation of a criminal case, arresting the suspect or applying a precautionary measure against him, eliminating or changing it, applying to the court for relevant investigative actions, operative-investigative measures, transferring the case to the investigator shall be approved. by the head of the investigation body.

4. The head of the investigative body has the right to instruct the employee of the investigative body to investigate a crime, give him / her mandatory written instructions on conducting separate investigative actions, transfer the case from one employee to another, assign the case to several employees, participate in the investigation and conduct an investigation.

5. The instructions of the prosecutor, which are given in accordance with the rules established by this Code, are obligatory for the head of the investigation body.

6. The investigative body exercises other powers provided by this law.

(Article 57 amended, edited on 25.05.06 HO-91-N, supplemented on 21.02.07 HO-93-N, 14.11.19 HO-217-N, edited on 01.06.20 HO-299-N)

Article 58 The victim:

1. A victim is a person who has been directly caused moral, physical or property damage by an act not permitted by the Criminal Code. A victim is a person who could be directly caused moral, physical or property damage if he / she ends up committing an act not permitted by the Criminal Code.

2. The decision to recognize a victim is made by the investigative body, the investigator, the prosecutor or the court.

(Article 58 amended on 25.05.06 HO-91-N)

Article 59 Victims' rights և responsibilities

1. The victim, in accordance with the procedure defined by this Code, has the right to:
1) get acquainted with the accusation;
2) give testimony;
3) give explanations.
4) submit materials for attachment to the criminal case և for examination;
5) express objections;
6) initiate motions;
7) object to the actions of the bodies conducting the criminal proceedings; demand to include his / her objections in the protocol of the investigative or other judicial action;
8) to get acquainted with the minutes of other investigative and procedural actions, in which he / she participated; which, in his opinion, should be mentioned, get acquainted with the minutes of the court session, present his remarks on it;
9) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take copies of them և write off any information of any volume;
10) Participate in the sessions of the first instance and appellate courts;
11) at his / her request to receive free of charge copies of decisions to dismiss the criminal case, terminate the criminal prosecution, involve him / her as an accused, a copy of the indictment or final decision, as well as a copy of the verdict or other final decision of the court;
12) appeal the actions և decisions, including the verdict այլ other final decision of the body of investigation, investigator, prosecutor, court;
13) in the cases envisaged by this Code, reconcile with the suspect-accused;
14) submit objections to the verdict or the appeals of other participants in the trial against another final decision of the court;
15) to receive compensation for damage caused by an act not permitted by the Criminal Code in the manner prescribed by law;
16) receive compensation for expenses incurred during the criminal proceedings;
17) to return the property taken by the body conducting the criminal proceedings as material evidence or on other grounds, the originals of the official documents belonging to it;
18) have a representative և terminate the powers of a representative.
2. The victim is obliged to:
1) appear at the call of the body conducting the criminal proceedings;
2) to testify at the request of the body conducting the criminal proceedings;
3) at the request of the body conducting the criminal proceedings, submit the items, documents, as well as samples available to him / her for comparative examination;
4) to be examined at the request of the body conducting the criminal proceedings on the crime allegedly committed against him / her;
5) at the request of the body conducting the criminal proceedings, to undergo an out-of-hospital examination in order to check correctly his / her ability to perceive and reproduce the circumstances to be revealed in the criminal case, if there are grounds to question his / her ability;
6) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;
7) maintain order in the court session.
3. The victim has other rights and responsibilities provided by this Code.
4. The victim uses his / her rights կատարում կատարում performs the duties assigned to him / her personally or through a representative, if it corresponds to the nature of the relevant rights և responsibilities. The rights of a minor or incapacitated victim shall be exercised by his / her legal representative in his / her place in accordance with the procedure established by this Code.
5. The victim may be a legal entity that has suffered moral or material damage through a crime. In this case, the rights and responsibilities of the victim are exercised by the representative of the legal entity.

(Article 59 was amended on 18.02.04 HO-34-N, 25.05.06 HO-91-N, 16.01.18 HO-69-N)

Article 60 The civil plaintiff

1. A civil plaintiff is a natural or legal person who has filed a lawsuit during a criminal case, against whom there are sufficient grounds to assume that he / she was caused property damage subject to compensation by a criminal procedure in an act not permitted by the Criminal Code.

2. The decision to recognize a civil plaintiff is made by the investigative body, the investigator, the prosecutor or the court.

(Article 60 amended on 25.05.06 HO-91-N)

Article 61 Civil plaintiff rights և responsibilities

1. In order to defend his / her claim, the civil plaintiff has the right in accordance with the procedure established by this Code:

1) get acquainted with the accusation;

2) give explanations on the occasion of his / her claim;

3) submit materials for attachment to the criminal case և for examination;

4) express objections;

5) initiate motions;

6) object to the actions of the bodies conducting the criminal proceedings; demand to include his / her objections in the protocol of the investigative or other judicial action;

7) get acquainted with the minutes of other investigative and procedural actions in which he / she participated, submit remarks on the completeness of the notes in the minutes, participate in other investigative and judicial proceedings, if present at the court session, request to make notes about the circumstances in the mentioned action which, in his opinion, should be mentioned, get acquainted with the minutes of the court session, present his remarks on it;

8) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take copies of them և write out any information of any volume from the case;

9) Participate in the sessions of the first instance and appellate courts;

10) to make a speech or a remark in court;

11) at his / her request to receive a copy of the indictment or final decision free of charge, as well as a copy of the verdict or other final decision of the court;

12) to appeal the actions և decisions of the investigation body, investigator, prosecutor, court regarding his / her claim;

13) withdraw any complaint submitted by him or his representative;

14) to file objections to his / her claim regarding the appeals against the verdict or other final decision of the court;

15) to express an opinion at the court session on the motions and proposals of other participants in the trial;

16) to protest against the illegal actions of the other party;

17) object to the actions of the chairman;

18) have a representative և terminate the powers of a representative.

2. The civil plaintiff, in accordance with the procedure defined by this Code, has the right to:

1) to withdraw the claim at any time during the criminal proceedings;

2) to receive compensation for expenses incurred during the criminal proceedings;

3) to return the property taken from him / her by the body conducting the criminal proceedings as material evidence or on other grounds, as well as the originals of the official documents belonging to him / her.

3. The civil plaintiff is obliged to:

1) appear at the call of the body conducting the criminal proceedings;

2) ensure the submission of copies of the claim to the court by the number of civil defendants;

3) at the request of the body conducting the criminal proceedings, submit the items, documents, as well as samples for comparative examination;

4) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

5) maintain order in the court session.

4. A civil plaintiff may be called as a witness.

5. The civil plaintiff has other rights and responsibilities provided by this Code.

6. The civil plaintiff uses his / her rights, performs the duties assigned to him / her personally or through a representative, if it corresponds to the nature of the relevant rights and responsibilities. The rights of a minor or incapacitated civil plaintiff shall be exercised by his / her legal representative in his / her place in accordance with the procedure established by this Code.

(Article 61 amended on 16.01.18 HO-69-N)

CHAPTER 8 THE

SIDE OF DEFENSE

Article 62 The suspect:

1. The person is a suspect:

1) who was arrested on suspicion of committing a crime;

2) against whom a decision has been made to choose a measure of restraint before bringing charges.

2. The criminal prosecution body shall not have the right to detain a detainee in a state of suspicion for more than 72 hours, and when applying a measure of restraint unrelated to detention, not more than 7 days from the moment of announcing the decision to detain him.

3. Upon the expiration of the time limits set forth in paragraph 2 of this Article, the criminal prosecution body shall release the suspect from detention, or lift the measure of restraint imposed on him, or make a decision to involve him as an accused.

4. Considering the suspicion unfounded, the criminal prosecution body և the court is obliged to release the suspect from detention or to lift the measure of restraint chosen against him before the expiration of the terms set forth in part 2 of this article.

5. A person shall cease to be a suspect upon release from detention, removal of the measure of restraint imposed on him or her, or a decision of the criminal prosecution body to include him / her as a defendant.

(Article 62 amended 04.12.01 HO-263, 25.05.06 HO-91-N)

Article 63 The rights and responsibilities of the suspect

1. The suspect has the right to defense. The body conducting the criminal proceedings enables the suspect to exercise his / her right to protection by all means not prohibited by law.

2. The suspect, in accordance with the procedure established by this Code, has the right to:

1) to know what is suspected, to be informed about the content of the suspicion, the factual side of the act attributed to him, the legal qualification;

2) a written notification on his / her rights to receive immediately from the investigation body, investigator or prosecutor in a language he / she understands after his / her arrest, as well as on the reasons and grounds for deprivation of liberty;

3) immediately after receiving the decision on arrest or choosing a measure of restraint, receive a copy of the decision of the criminal prosecution body on arrest or choosing a measure of restraint free of charge from the criminal prosecution body, and a copy after the arrest report;

4) to have a lawyer, to refuse a lawyer և to defend himself / herself from the moment of announcing himself / herself the decision of the criminal prosecution body on the arrest, the arrest protocol or the decision on choosing a measure of restraint;

5) to meet with his / her lawyer separately, in a confidential manner (confidential), without limiting their number, except for the case provided for in the second paragraph of the second part of Article 211 of this Code;

6) be interrogated in the presence of the Defender;

7) to testify or to refuse to testify;

8) give explanations or refuse to give explanations;

9) that the person of his choice, and in case of being a serviceman, immediately after the arrest of the command of the military unit, except for the cases provided for in part 7 of Article 129 of this Code, about the place of detention, shall be informed by telephone or other possible means.

In case of detention of a foreign citizen or stateless person, the body conducting the criminal proceedings shall, within 24 hours, notify the nationality of the detained person through diplomatic channels, and if he / she does not have citizenship, to his / her country of permanent residence and, if necessary, to another interested state. .

If a foreign citizen or a stateless person detained under international treaties of the Republic of Armenia has the right to contact the relevant representative of his or her country of citizenship or permanent residence or another representative authorized to establish such contact or to be visited by that representative, then the detained person In case of a request for the exercise of the right, it must be satisfied.

10) submit materials for attachment to the criminal case;

11) express objections.

12) initiate motions;

13) object to the actions of the criminal prosecution bodies; demand to include his / her objections in the protocol of the investigative or other judicial action;

14) Participate in other investigative proceedings or refuse to participate in them through his / her mediation, with the permission of the investigative body, investigator or prosecutor, or refuses to participate in them, unless otherwise provided by this Code;

15) to get acquainted with the records of other investigative and procedural actions in which he / she participated or was present; to submit remarks on the completeness of the entries in the minutes; , should be mentioned.

16) to get acquainted with the decisions made on expert examinations and professional inspections through the body conducting the criminal proceedings, and at his / her request to receive copies of those decisions free of charge;

17) to appeal the actions ամրմի decisions of the investigation body, investigator, prosecutor, court;

18) withdraw the complaint submitted by him or his lawyer;

19) to receive compensation for the damage caused illegally by the actions of the body conducting the criminal proceedings.

3. If the suspicion is not confirmed, the suspect acquires the status of acquitted.

4. The suspect's use or refusal to exercise his or her rights shall not be construed to the detriment of him or her or cause him or her any adverse consequences. The suspect may not be held liable for his or her testimony or explanation, except when he or she has stated that he or she has committed a crime by a person who is clearly not involved in the crime.

5. The suspect is obliged to:

1) appear at the call of the body conducting the criminal proceedings;

2) being arrested, to be examined at the request of the body conducting the criminal proceedings, as well as a personal search;

3) at the request of the body conducting the criminal proceedings, undergo a medical examination, fingerprinting, photographing, և giving an opportunity to take blood and body excretion samples;

4) to be examined and examined at the request of the body conducting the criminal proceedings;

5) obey the lawful orders of the prosecutor, investigator, investigative body, judge.

6. The suspect has other rights provided by this Code.

7. The rights of a minor or incapacitated suspect shall be exercised by his / her legal representative in his / her place, in accordance with the procedure established by this Code.

(Article 63 edited on 25.05.06 HO-91-N, supplemented, amended on 23.05.06 HO-104-N, amended, edited on 16.01.18 HO-69-N)

Article 64 Defendant:

1. The accused is the person against whom a decision has been made to involve him / her as an accused.

2. The accused, in whose case the case is scheduled for trial, is called a defendant.

3. The accused, in respect of whom there is a court verdict that has entered into force, which is fully or partially accusatory, is called a convict, and if the verdict is fully acquitted, it is acquitted.

(Article 64 edited, supplemented 25.05.06 HO-91-N)

Article 65 Defendant իրավունք rights ական responsibilities

1. The accused has the right to defense. The body conducting the criminal proceedings enables the accused to exercise his / her right of defense by all means not prohibited by law.

2. The accused, in the manner prescribed by this Code, has the right to:

1) to know what he / she is accused of, for which he / she should immediately receive a copy of the decision on the involvement of the accused free of charge from the criminal prosecution body after announcing the decision to charge, detain or choose a measure of restraint;

2) immediately after receiving the detention, receive a written notification on his / her rights provided for in part 2 of this Article free of charge from the investigative body, investigator or prosecutor;

3) to have a lawyer from the moment of bringing charges, to refuse a lawyer և to defend oneself;

4) to meet with his / her lawyer separately, in a confidential manner (confidential), without limiting the number of visits;

5) be interrogated in the presence of the Defender;

6) to testify or refuse to testify, to be interrogated face to face with the persons who testified against him;

7) give explanations or refuse to give explanations;

8) Participate in other investigative proceedings or refuse to participate in them through his / her mediation, with the permission of the investigative body, investigator or prosecutor, or refuses to participate in them, unless otherwise provided by this Code;

9) Immediately after taking into custody, except for the cases provided for in Part 7 of Article 129 of this Code, inform the person of his choice through the body conducting the criminal proceedings, and in case of being a serviceman, inform the command of the military unit about his grounds for detention.

In case of detention of a foreign citizen or stateless person, the body conducting the criminal proceedings shall inform the citizen of the detained person through diplomatic channels within 24 hours, and if he / she has no citizenship, of his / her state of permanent residence and, if necessary, of another interested state. :

If a foreign citizen or a stateless person detained under international treaties of the Republic of Armenia has the right to contact the relevant representative of his or her country of citizenship or permanent residence or another representative authorized to establish such contact or to be visited by that representative, then the detained person In case of a request for the exercise of the right, it must be satisfied.

10) submit materials for attachment to the criminal case for examination;

11) express objections.

12) initiate motions;

13) declare his guilt or innocence;

14) object to the actions of the criminal prosecution bodies; demand to include his / her objections in the protocol of the investigative or other judicial action;

15) to get acquainted with the records of other investigative and judicial proceedings in which he / she participated or was present, to submit remarks on the completeness of the records in the protocol, to about the circumstances, which, in his opinion, should be mentioned, to get acquainted with the minutes of the court session, to present his remarks on it;

16) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take free copies of them գրել write off any information of any volume;

16.1) to initiate conciliation proceedings before the commencement of the trial of the case;

16.2) to mediate to the supervising prosecutor to apply cooperation proceedings;

17) Participate in the sittings of the first instance, appellate courts, examine the case materials, make speeches, and make remarks;

18) to have the last word during the court hearing;

19) through the body conducting the criminal proceedings, get acquainted with the decisions made on the application of expert examinations, the appointment of professional inspections, the measure of restraint, other measures of judicial coercion, and at his / her request, receive the copies of those decisions or a copy of another final court decision.

20) to appeal the actions և decisions, including the verdict այլ other final decision of the body of investigation, investigator, prosecutor, court;

21) withdraw the complaint submitted by him or his lawyer;

22) to submit objections to the complaints of other participants in the proceedings who have been informed by the body conducting the criminal proceedings or who have become aware of it as a result of other circumstances;

23) to express an opinion at the court session on the motions and proposals of other participants in the trial;

24) to protest against the illegal actions of the other party;

25) object to the actions of the chairman;

26) to receive compensation for the damage caused illegally by the actions of the body conducting the criminal proceedings.

3. The accused's exercise of his rights or refusal to exercise them shall not be construed to the detriment of him or her or cause him or her any adverse consequences. Defendant may not be held liable for his or her testimony or explanation, except when he or she has stated that he or she has committed a crime by a person who is clearly not involved in the crime.

4. The accused is obliged to:

1) appear at the call of the body conducting the criminal proceedings;

2) being detained, subjected to a personal search at the request of the body conducting the criminal proceedings;

3) at the request of the body conducting the criminal proceedings, undergo a medical examination, fingerprinting, photographing, և giving an opportunity to take blood and body excretion samples;

4) to be examined and examined at the request of the body conducting the criminal proceedings;

5) obey the lawful orders of the prosecutor, investigator, investigative body, judge;

6) not to leave the courtroom without announcing a break before announcing a break;

7) maintain order in the court session.

5. The accused has other rights provided by this Code.

6. The rights of a juvenile or incapacitated accused shall be exercised by his / her legal representative in his / her place in accordance with the procedure established by this Code.

(Article 65 amended, edited, amended on 25.05.06 HO-91-N, amended on 23.05.06 HO-104-N, amended on 21.02.07 HO-93-N, amended, edited on 16.01 .18 HO-69-N, ed., Supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 66 Justified

1. A person against whom the criminal prosecution has been terminated or the criminal case has been terminated on any grounds provided for in points 1-3, part 1, part 2 of this Code, or against whom a verdict of acquittal has been rendered, is acquitted.

2. The acquitted has the right to appeal the grounds for termination of criminal proceedings or termination of criminal prosecution or the verdict of acquittal.

3. The acquitted person also has the right to demand full compensation for the damage caused by the illegal arrest, detention, involvement as a defendant, and conviction, taking into account the real possible lost benefits.

4. The acquitted have the right to receive as compensation:

1) salary, pension, benefits, other incomes from which he has been deprived;

2) the damage caused by confiscation of property, turning it into income of the state, confiscation by the bodies conducting the investigation, seizure of the property;

3) paid court costs;

4) the amounts paid to the lawyer;

5) the fine paid or confiscated while executing the verdict.

5. The sums spent for the detention of a person, court costs, as well as for the performance of compulsory labor in the custody of that person may not be deducted from the amount due to be compensated for the damage caused by the mistake of the body conducting the criminal proceedings.

6. In case the criminal case is terminated, the criminal prosecution is terminated or a verdict of acquittal is rendered on the grounds of lack of corpus delicti, the compensation provided for in this Article shall be compensated only in a civil procedure after the settlement of the civil claim.

7. In the event that the acquittal or the decision to dismiss the criminal case or to terminate the prosecution on the basis of which the damage has been compensated has been overturned; confiscate the court by reversing the execution of the decision.

8. The acquitted has the right:

1) to be reinstated in the previous job (in the previous position), and in case of its impossibility, to receive adequate work (position) or monetary compensation for the damage caused by the loss of the previous job (position);

2) to serve a sentence of imprisonment, detention or restriction of liberty, as well as to count the time spent in a disciplinary battalion in all types of work experience;

3) to get back the previously occupied residential area, and in case of its impossibility, to get a residential area equivalent to the location և location;

4) Restoration of other military ranks, taking into account long-term service.

9. At the request of the acquitted:

1) the court or the bodies conducting the investigation are obliged to inform about the person's previous, current work, study, residence within two weeks;

2) The media outlet that published information referring to the suspect or accused in the criminal case is obliged to inform about the final decision made in the case within one month.

10. The criminal prosecution body is obliged to apologize in writing to the acquitted.

11. In case of death or incapacity of the acquitted, the right of claim passes to the heirs of his / her next turn in the fourth, fifth and ninth parts of this article.

(Article 66 supplemented on 25.10.11 HO-266-N)

Article 67 Clarification of the right to compensation for damage caused to the acquitted և procedure for compensation of damage

1. The court, the prosecutor, the investigator, the investigative body are obliged to explain to the acquitted the right to receive compensation.

2. A copy of the court acquittal or the relevant decision, as well as the notice clarifying the procedure for compensation for damages, shall be delivered or sent to the acquitted within three days after the verdict or decision is made. The notice shall state what kind of damage may be

compensated in accordance with the law, and within what period of time that the body should be sued for damages.

3. The damage caused to the acquitted person shall be compensated through a civil procedure.

4. A record or a separate protocol shall be drawn up in the protocol of the judicial action on clarifying the right to compensate the damage caused to the acquitted.

Article 68 Defender:

1. A lawyer is a lawyer who represents the legal interests of the suspect or the accused during the criminal proceedings, provides them with legal assistance by all means not prohibited by law.

2. A person acquires the status of a defense counsel with the consent of the suspect or accused from the moment of assuming his / her defense. The Defender is obliged to inform the body conducting the criminal proceedings immediately after assuming the defense.

3. The Defender ceases to participate in the criminal proceedings as such if:

1) the suspect or the accused has resolved the agreement with him;

2) he is not authorized to participate in the further proceedings of the relevant case;

3) the body conducting the criminal proceedings has released the Defender from participating in the criminal proceedings, taking into account the discovery of the circumstances excluding his / her participation in the criminal proceedings;

4) the body conducting the criminal proceedings, in the cases provided for by this Code, has accepted the resignation of the suspect or accused from the defense counsel.

Article 69 Mandatory participation of the Defender

1. The participation of the Defender in the criminal proceedings is obligatory when:

1) such a wish was expressed by the suspect or the accused;

(2) It is difficult for a suspect or accused person to exercise his or her right to self-defense due to dumbness, blindness, deafness, other significant impairments of speech, hearing, sight, long-term serious illness such as dementia, overt mental retardation and other physical or mental disabilities;

3) the suspect or accused has a mental illness or a temporary morbid mental disorder;

4) the suspect or accused does not know or does not have sufficient knowledge of the language of criminal proceedings;

5) the suspect or accused is a minor at the time of committing the crime;

6) the accused is a conscript;

7) there are contradictions between the interests of the suspects or the accused, one of them has a lawyer;

8) criminal prosecution is carried out against a person who is charged with committing an act not permitted by the Criminal Code in a state of insanity;

9) the suspect or accused is incapacitated;

10) a motion for conciliation or cooperation proceedings has been submitted;

11) the court applies the sanction provided for in point 2 of the first part of Article 314.1 of this Code.

2. The participation of the Defender in the criminal proceedings is obligatory:

1) from the moment of expressing a wish by the suspect or the accused to have a lawyer, in the case provided for in point 1 of part 1 of this article;

2) respectively, from the moment of announcing the decision of the criminal prosecution body on the arrest of the suspect, the arrest protocol or the decision on choosing a measure of restraint, in the cases provided for in points 2, 4, 5 of part 1 of this article;

3) from the moment of detection of the disease, in the case provided for in point 3 of part 1 of this article;

4) from the moment of bringing charges, in the cases provided for in points 6 և 8 of the first part of this article;

5) from the moment of discovering such circumstances, in the case provided for in point 7 of part 1 of this article;

6) from the moment of discovering such circumstances, in the case provided for in point 9 of part 1 of this article;

7) from the moment of submitting a motion, in the case provided for in point 10 of part 1 of this article;

8) from the moment of application of the sanction, in the case provided for in point 11 of the first part of this article.

3. The desire expressed by the suspect or accused to have a lawyer is not a precondition for the mandatory participation of a lawyer in a criminal case if they have had a lawyer appointed but have refused to be represented, which has been accepted by the body conducting the criminal proceedings.

4. The obligatory participation of the Defender in the criminal case is ensured by the body conducting the criminal proceedings.

5. In the case provided for in paragraph 11 of part 1 of this Article, the court shall not accept the resignation of the defendant from the defense counsel;

Article 69 amended on 25.05.06 HO-91-N, amended on 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N, edited on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 70 Inviting, appointing, replacing a lawyer ա յլ Other grounds for his / her participation in the proceedings

1. Advocates participate in criminal proceedings as defense counsel:

1) at the request or with the consent of the suspect, the accused, his / her legal representative, relative, as well as the suspect or the accused, at the invitation of other persons;

2) Appointed by the Chamber of Advocates of the Republic of Armenia based on the request of the body conducting the criminal proceedings.

2. The body conducting the criminal proceedings shall not have the right to guarantee the summoning of any defense counsel.

3. The body conducting the criminal proceedings requests the Chamber of Advocates of the Republic of Armenia to appoint a lawyer as a lawyer

1) through the mediation of the suspect or accused;

2) in the case when the participation of the defense counsel in the criminal case is mandatory, and the suspect or the accused does not have a lawyer.

4. In the case provided for in point 2 of part 3 of this article, the body conducting the criminal proceedings has the right to propose to the suspect և the accused that they invite another lawyer.

5. The investigative body, the investigator, the prosecutor, the court have the right to propose to invite the suspect or the accused to another lawyer or to appoint a lawyer through the Chamber of Advocates of the Republic of Armenia, if:

1) Within 24 hours from the moment of acquiring the status of a lawyer, the lawyer does not have the opportunity to appear or does not appear at the first interrogation of the suspect or the accused taken into custody;

2) the Defender does not have the opportunity to participate in the criminal proceedings for more than 3 days.

6. The suspect ը The accused may have several lawyers. A lawsuit that requires the participation of a lawyer may not be declared illegal if not all of the defendant or defendant's lawyers have participated in the lawsuit.

7. More than one suspect or accused in the same criminal case may have one lawyer, except in cases of conflict between the interests of the defendants, as well as in cases when there is a danger that the ombudsman's contacts may interfere with the administration of justice.

(Article 70 was amended on 25.05.06 HO-91-N, amended on 28.11.07 by HO-270-N)

Article 71 Confirmation of his / her status by the Defender

In order to prove his / her status, the Defender submits an identity document to the body conducting the criminal proceedings - a document issued by the Chamber of Advocates confirming the fact that he / she is a lawyer, as well as a document certified by the suspect or accused. :

(Article 71 was amended on 25.05.06 HO-91-N, amended on 28.11.07 by HO-270-N)

Article 72 Refusal of the Defender

1. Refusal of a lawyer means the intention of the suspect or accused person to defend himself without the legal assistance of a lawyer. The statement of the suspect or accused about the refusal of the defense counsel is reflected in the protocol.

2. The body conducting the criminal proceedings shall accept the refusal of the defense counsel only if it has been announced by the suspect or the accused on his / her own initiative, in the presence of a voluntary defense counsel who could or has been appointed defense counsel. Refusal of a lawyer is not accepted if he / she is forced to pay for legal aid in the absence of funds. In the cases provided for in paragraphs 2-5 և 8 of Part 1 of Article 69 of this Code, the body conducting the criminal proceedings has the right not to accept the resignation of the suspect or accused, to appoint a lawyer or to retain the powers of an appointed lawyer.

3. From the moment of refusal of the defense counsel, the suspect և the accused are considered to be self-defense, which in this case does not deprive the rights of the lawyer appointed by the body conducting the criminal proceedings or not released from participating in the criminal proceedings.

4. The suspect or accused who refuses the defense counsel has the right to change his / her position on that occasion at any time during the criminal proceedings. In this case, the participation of a new lawyer is not a ground for reopening the case.

(Article 72 was amended on 25.05.06 HO-91-N)

Article 73 Defender's rights and responsibilities

1. The Defender, with the aim of finding out the denier of the accusation, excluding the responsibility of the suspect or accused or mitigating the circumstances, mitigating the punishment, the means of judicial coercion, to protect his legal interests, to provide legal assistance to the suspect and the accused, has the right:

1) to get acquainted with the accusation or to know what the defendant is suspected of, to participate in his interrogations;

2) to meet with his / her client separately, in a confidential manner (confidential), without limiting the number of visits;

3) Participate in investigative or other judicial actions at the suggestion of the criminal prosecution body, participate in all other investigative and other judicial actions mediated by the criminal prosecution body, participate in any investigative or other legal actions with the participation of his / her client, if the suspect so requests. or the accused, or the ombudsman himself mediates when initiating the action.

4) remind the suspect իրենց the accused of their rights, եւ draw the attention of the person conducting the investigation or other legal action to the violation of the law committed by him;

5) to obtain materials on a criminal case, to submit them for attachment to the criminal case և for examination;

6) interrogate individuals, as well as request references, testimonials, and other documents from various organizations, if they do not contain state or official secrets. The latter are obliged to provide those documents or their copies in the prescribed manner.

7) With the consent of the defendant, ask the opinion of specialists to clarify the issues related to the provision of legal assistance that require special knowledge;

8) express objections;

9) initiate motions;

10) object to the actions of the criminal prosecution bodies; demand to include his / her objections in the protocol of the investigative or other judicial action;

11) to get acquainted with the records of other investigative and procedural actions in which he or his / her client participated or was present, to submit remarks on the accuracy and completeness of the records in the record of the investigative or judicial action in which he / she participated in other investigative and procedural actions, In case of participation, demand to make entries in the minutes of the mentioned action or court session about the circumstances, which, in his opinion, should be mentioned, to get acquainted with the minutes of the court session, to submit his remarks on it;

12) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take copies of them և write out any information of any volume from the case;

13) Participate in the examination of the case materials of the first instance (sessions of the courts of appeal), make a speech or a remark;

14) to receive at his / her request copies of the decisions that his / her client has the right to receive under this Code;

15) to appeal the actions և decisions, including the verdict այլ other final decision of the body of investigation, investigator, prosecutor, court;

16) withdraw any complaint submitted by him, except for the cases provided by this Code;

17) when reconciling the suspect և the accused with the victim, to act on his / her behalf on behalf of the defendant;

18) to submit objections to the complaints of other participants in the proceedings who have been informed by the body conducting the criminal proceedings or who have become aware of it as a result of other circumstances;

19) to express an opinion at the court session on the motions and proposals of other participants in the trial;

20) to protest against the illegal actions of the other party;

21) to object against the illegal actions of the chairman;

22) at the expense of the defendant, and in case of providing free legal aid to the suspect or accused, to receive remuneration at the expense of the budget of the Republic of Armenia.

2. The Defender has no right to perform any action contrary to the interests of the Defendant. The Defender cannot, contrary to the Defendant's position, admit his involvement in the case և guilt in its commission. The Defender has no right to disclose the information that he / she became aware of during the provision of legal aid, if it can be used against the interests of the Defendant, except in cases provided by law.

3. The Defender has no right to voluntarily terminate his / her powers as such, to prevent the summoning of another Defender or his / her participation in the criminal proceedings. The Defender has no right to re-entrust his / her authority to participate in the criminal proceedings to another person.

4. The Defender has no right without the Defendant's instruction:

1) to declare his guilt in the commission of a crime;

2) announce that the defendant has reconciled with the victim;

3) accept the civil suit;

4) withdraw the complaint submitted by the defendant.

5. The Defender is obliged to:

1) to appear at the summons of the body conducting the criminal proceedings to provide legal assistance to the suspect;

2) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

3) not to leave the courtroom without announcing a break before announcing a break;

4) maintain order in the court session.

6. The Defender has other rights provided by this Code.

(Article 73 was amended on 25.05.06 HO-91-N, amended on 23.05.06 HO-104-N, 16.01.18 HO-69-N)

Article 73, Part 1, Clause 3, enshrined in it with the words "with the permission of the criminal prosecution body" and "if the suspect or the accused so requests, or the Defender himself mediates when initiating the action" has been recognized as the Republic of Armenia. Invalid to the provision enshrined in Article 18, Part 1, Article 20, Part 1, sentence հակ Contrary to the provisions of Article 43, Part 1 մամբ by the decision SDO-1119 08.10.2013)

Article 74 Civil respondent

1. A natural or legal person is recognized as a civil defendant, on whom, on the basis of a lawsuit filed during a criminal case, a property liability may be imposed for the actions of an accused who caused property damage by an act not permitted by the Criminal Code.

2. The decision to recognize a civil defendant shall be made by the investigative body, the investigator, the prosecutor or the court.

(Article 74 amended on 25.05.06 HO-91-N)

Article 75 Civil's rights և responsibilities

1. The civil defendant, in accordance with the procedure defined by this Code, has the right to:
1) get acquainted with the accusation;
2) give explanations on the lawsuit filed against him;
3) submit materials for attachment to the criminal case for examination;
4) express objections;
5) initiate motions;
6) to pay a court deposit in order to secure the claim submitted to him;
7) object to the actions of the bodies conducting the criminal case; demand to include his / her objections in the protocol of the investigative or other judicial action;
8) to get acquainted with the minutes of other investigative and procedural actions, in which he / she participated, to submit remarks on the completeness of the notes in the minutes, to participate in other investigative and judicial proceedings, in case of attending the court session, to make notes about the mentioned action which, in his opinion, should be mentioned, get acquainted with the minutes of the court session, present his remarks on it;
9) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take copies of them և write out any information of any volume from the case;
10) Participate in the sessions of the first instance and appellate courts;
11) to make a speech or a remark at the court session;
12) at his / her request to receive a copy of the indictment or final decision free of charge, as well as a copy of the verdict or other final court decision;
13) to appeal the actions և decisions of the investigation body, investigator, prosecutor, court regarding the lawsuit submitted to him / her;
14) withdraw the complaint submitted by him or his representative;
15) to file objections to the lawsuit filed against him / her on the appeals of other participants in the proceedings against the verdict or other final court decision;
16) to express an opinion at the court session on the motions and proposals of other participants in the trial;
17) to protest against the illegal actions of the other party;
18) to object against the illegal actions of the chairman;
19) have a representative և terminate the powers of a representative.

2. The civil defendant, in accordance with the procedure defined by this Code, also has the right to:
1) accept the claim at any time during the criminal proceedings;
2) to receive compensation for expenses incurred during the criminal proceedings;

3) to return the property taken from him / her by the body conducting the criminal proceedings as material evidence or on other grounds, as well as the originals of the official documents belonging to him / her.

3. The civil defendant is obliged to:

1) appear at the call of the body conducting the criminal proceedings;

2) at the request of the body conducting the criminal proceedings, submit the items, documents, as well as samples for comparative examination;

3) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

4) maintain order in the court session.

4. A civil defendant may be called as a witness.

5. The civil defendant has other rights and responsibilities provided by this Code.

6. The civil defendant uses his / her rights, performs the duties assigned to him / her personally or through a representative, if it corresponds to the nature of the relevant rights and responsibilities.

(Article 75 amended on 16.01.18 HO-69-N)

CHAPTER 9

REPRESENTATIVES AND LEGAL ENTITIES

Article 76 Legal representatives of the victim, civil plaintiff, suspect, accused

1. The legal representatives of the victim, civil plaintiff, suspect, accused are their parents, adoptive parents, guardians or trustees, who represent the legal interests of the relevant minor or incapacitated participant in the criminal proceedings. In the absence of a legal representative, the body conducting the criminal proceedings shall appoint a legal representative of the victim, suspect or accused to the guardianship body.

2. The investigating body, the investigator, the prosecutor or the court by their decision allow one of the parents, adoptive parents, guardians or guardians of each of them to participate in the criminal proceedings as the relevant representatives of the victim, civil plaintiff, suspect, accused. In addition, a parent, adoptive parent, guardian or trustee whose candidacy is supported by all other legal representatives should be allowed to participate as a legal representative. Otherwise, the person participating in the criminal case as a legal representative is selected by the prosecutor or the court.

Article 77 Rights և Responsibilities և Legal Representative of the Victim, Civil Plaintiff, Suspect, Accused

1. The legal representative of the victim, civil plaintiff, suspect, accused, in accordance with the procedure established by this Code, has the right to:

1) to get acquainted with the accusation, and the legal representative of the suspect to also know what the person presented is suspected of;

2) to know about summoning the participant present at the trial to the body conducting the criminal proceedings; to accompany him / her;

3) to meet separately, confidentially, unhindered with the participant in the trial, with the permission of the body conducting the criminal proceedings;

4) Participate in investigative or other legal actions upon the proposal of the criminal prosecution body;

5) give explanations.

6) submit materials for attachment to the criminal case և for examination;

7) express objections;

8) initiate motions;

9) object to the actions of the criminal prosecution bodies; demand to include his / her objections in the protocol of the investigative or other judicial action;

10) to get acquainted with the minutes of other investigative-judicial actions, in which he or the participant represented by him / her participated or was present, to submit remarks on the accuracy and completeness of the notes in the minutes, to participate in other investigative-judicial actions, to be present at the court session; Make notes in the minutes of the court session about the circumstances, which in his opinion, should be mentioned, get acquainted with the minutes of the court session և submit his remarks on it;

11) from the moment of completion of the preliminary investigation, get acquainted with all the materials of the case, take copies of them և write out any information of any volume from the case;

12) receive a copy of the indictment;

13) Participate in the examinations of the case materials in the sessions of the court of first instance (appellate courts), in the absence of the civil plaintiff's representative, respectively the representative or the defense counsel, make a speech or a remark;

14) at his / her request to receive free copies of the decisions that the participant submitting to the trial has the right to receive under this Code;

15) to appeal the actions և decisions, including the verdict այլ other final decision of the body of investigation, investigator, prosecutor, court;

16) withdraw his / her complaint;

17) to submit objections regarding the interests of the participant in the proceedings regarding the complaints of other participants in the proceedings who have been informed by the body conducting the criminal proceedings or who have become aware of it as a result of other circumstances;

18) to express an opinion at the court session on the motions and proposals of other participants in the trial;

19) to protest against the illegal actions of the other party;

20) object to the actions of the chairman;

21) to invite a ombudsman-representative accordingly for the person represented by him / her, to terminate the powers of the ombudsman-representative invited by him / her;

22) to return the property taken from him by the body conducting the criminal proceedings as material evidence or on other grounds, as well as the originals of the official documents belonging to him.

2. The legal representative of the incapacitated victim, civil plaintiff, suspect, accused shall exercise their rights during the criminal proceedings, except for the rights which are inseparable from their person.

3. The legal representative of a disabled victim, civil plaintiff, suspect, accused has the right to:

1) terminate the powers of the Defender at the trial with the consent of the disabled participant represented by him / her;

2) to know about the intention of the disabled participant presented by him / her:

to withdraw the complaint brought against him for committing an act not permitted by the Criminal Code;

to reconcile with the victim, the suspect, the accused.

to reject the civil lawsuit filed by him or to accept the civil lawsuit filed against him;

to withdraw the complaint for the protection of his interests.

3) to agree or disagree with the decisions of the person represented by him / her, listed in point 2 of part 3 of this article.

4. The legal representative of an incapacitated victim, civil plaintiff, suspect, accused shall not have the right to a trial on behalf of a disabled participant represented by him / her:

1) to withdraw the complaint brought against him / her on committing an act not allowed by the Criminal Code;

2) declare the guilt of the accused presented in the commission of the crime;

3) reconcile with the victim, the suspect, the accused;

4) accept the claim submitted to the accused; reject the claim submitted by the civil plaintiff;

5) withdraw the complaint submitted by the participant to the trial.

5. The legal representative of the victim, civil plaintiff, suspect, accused has no right to perform any action contrary to the interests of the participant represented by him in the trial, in particular, to refuse a lawyer on behalf of the accused.

6. The legal representative of the victim, civil plaintiff, suspect, accused is obliged to:

1) submit to the body conducting the criminal proceedings the documents confirming the powers of the legal representative;

2) to appear at the call of the body conducting the criminal proceedings in order to protect the interests of the person represented by him / her;

3) at the request of the body conducting the criminal proceedings, submit the items in his possession երը documents;

4) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

5) maintain order in the court session.

7. The legal representative of the victim, civil plaintiff, suspect, accused may be called as a witness.

8. The legal representative of the victim, civil plaintiff, suspect, accused has other rights and responsibilities provided by this Code.

9. The legal representative of the victim, civil plaintiff, suspect, accused uses his / her rights and performs the duties assigned to him / her personally.

(Article 77 was amended on 18.02.04 HO-34-N, 25.05.06 HO-91-N, 16.01.18 HO-69-N)

Article 78 Representatives of the victim, civil plaintiff, civil defendant

1. The representatives of the victim, the civil plaintiff, the civil defendant are the persons who are authorized by the mentioned participants of the trial to represent their legal interests during the criminal case.

2. The representatives of the victim, the civil plaintiff, the civil defendant may participate in the criminal proceedings, as well as other persons with a power of attorney issued by the participant in the proceedings. The representative of the legal entity participating in the criminal proceedings as a civil plaintiff or civil defendant is the head of the relevant legal entity in case of presenting a certificate.

3. In the event that after recognizing the person as a representative of the victim, civil plaintiff, civil defendant, it is found that there are no grounds for the person to be a representative, the body conducting the criminal proceedings shall terminate the person's participation in the proceedings as a representative. The representative's participation in the criminal proceedings shall be terminated in the event that their powers are terminated by the victim, the civil plaintiff, the civil defendant, respectively, or the representative who is not a lawyer appointed as such has refused to participate in the criminal proceedings.

4. The victim, the civil plaintiff, the civil defendant may have several representatives, but the body conducting the criminal proceedings has the right to authorize the investigative or other judicial action, as well as only one representative to participate in the court session at the same time.

Article 79 Rights և Responsibilities և Responsibilities of the victim, civil plaintiff, civil defendant

1. The representative of the victim, the civil plaintiff, the civil defendant exercises their rights during the criminal proceedings, except for the rights inseparable from the latter. In order to protect the interests of the Authorizing Officer, the representative of the victim, civil plaintiff, civil defendant, in accordance with the procedure established by this Code, has the right to:

1) get acquainted with the accusation;

2) Participate in the investigative or other judicial actions at the suggestion of the criminal prosecution body, participate in the investigative or other judicial actions with the participation of his / her authorized person at the moment of the initiation of the action;

3) give explanations.

4) submit materials for attachment to the criminal case և for examination;

5) express objections;

6) initiate motions;

7) object to the actions of the criminal prosecution bodies; demand to include his / her objections in the protocol of the investigative or other judicial action;

8) to get acquainted with the minutes of other investigative-judicial actions, in which he or the participant represented by him / her participated or was present, to submit remarks on the accuracy and completeness of the notes in the minutes, to participate in other investigative-judicial actions, to be present at the court session; Make notes in the minutes of the court session about the circumstances, which, in his opinion, should be mentioned, get acquainted with the minutes of the court session և submit his remarks on it;

9) receive a copy of the indictment;

10) to get acquainted with all the materials of the case from the moment of completion of the preliminary investigation, to make copies of them; to write off any information of any volume;

11) Participate in the sittings of the courts of first instance, make a final speech or a remark;

12) appeal the actions և decisions, including the verdict այլ other final decision of the body of investigation, investigator, prosecutor, court;

13) withdraw the complaint submitted with the consent of the authorized person;

14) to submit objections regarding the interests of the authorized person to the complaints of other participants in the proceedings informed by the body conducting the criminal proceedings or informed to him / her as a result of other circumstances;

15) to express an opinion on the motions and proposals of other participants in the court session, as well as on other issues to be resolved by the court;

16) to protest against the illegal actions of the other party;

17) object to the actions of the chairman;

18) with the consent of the Authorizing Officer, invite another representative նրա to re-entrust the representation.

2. The representative of the victim, civil plaintiff, civil defendant in the power of attorney given to him in the specially mentioned cases, as well as the head of the relevant legal entity acting ex officio representing the interests of the civil plaintiff or civil defendant, acting on behalf of his authorized representative. has:

1) to withdraw the complaint submitted against his / her proxy on committing an act not permitted by the Criminal Code;

2) reconcile with the suspect, the accused;

3) to reject the civil suit submitted by his / her proxy;

4) accept the civil suit submitted to his / her proxy;

5) receive the property allocated to the authorizer.

3. The representative of the victim, civil plaintiff, civil defendant, in accordance with the procedure established by this Code, also has the right to receive free copies of the decisions, which the participant representing him / her has the right to receive at the trial under this Code.

4. The representative of the victim, civil plaintiff, civil defendant has no right to perform any action contrary to the interests of the proxy.

5. The representative of the victim, civil plaintiff, civil defendant is obliged to:

1) follow the instructions of his / her proxy;

2) submit the documents of the representative confirming his / her powers to the body conducting the criminal proceedings;

3) to protect the interests of the represented person by appearing at the call of the body conducting the criminal proceedings;

4) at the request of the body conducting the criminal proceedings, submit the items in his possession երը documents;

5) obey the lawful orders of the prosecutor, investigator, investigation body, presiding over the court session;

6) maintain order in the court session.

6. The representative of the victim, civil plaintiff, civil defendant has other rights and responsibilities provided by this Code.

(Article 79 was amended on 18.02.04 HO-34-N, 25.05.06 HO-91-N, 16.01.18 HO-69-N)

Article 80 The legal successor of the victim

1. The legal successor of the victim is recognized as one of his / her close relatives who has expressed a wish to fulfill the rights and responsibilities of the deceased who has died or lost the ability to express his / her will in the criminal case.

2. The decision to recognize a close relative of the victim as his / her legal successor shall be made by the body of investigation, investigator, prosecutor or court at his / her request. The choice of the legal successor of the victim from several close relatives who have made a relevant request is made by the prosecutor or the court.

3. The legal successor of the victim has the right to terminate his / her powers at any time during the criminal proceedings.

4. The legal successor of the victim participates in the criminal case proceedings instead of the victim; The legal successor of the victim has no right to reconcile with the suspect-accused and withdraw the complaint submitted by the victim.

5. The legal successor of the victim may be called as a witness.

6. The legal successor of the victim has other rights and responsibilities provided by this Code.

CHAPTER 10

OTHER PEOPLE PARTICIPATING IN CRIMINAL PROCEEDINGS

Article 81 Accompanying:

1. An adult citizen of the Republic of Armenia, who is not interested in the criminal case, participates in the execution of the investigative action at the invitation of the body conducting the proceedings, in order to confirm the fact, content, process and results of its execution.

Investigators and pre-investigation bodies may not be called to attend.

2. The attendant must be able to fully and accurately understand the actions performed in his presence.

3. The following is obligatory:

1) appear at the call of the criminal prosecution body carrying out an investigative action;

2) at the request of the person conducting the investigative action of the body conducting the criminal proceedings, to provide information on his / her relations with the persons participating in the relevant criminal proceedings;

3) obey the lawful orders of the person conducting the investigative action;

4) not to leave the place of execution of the relevant investigative action without the permission of the person performing it;

5) sign the protocol of the relevant investigative action, making remarks about the latter or without them;

6) not to publish the information that became known to him / her during the investigation carried out with his / her participation without the permission of the body conducting the criminal proceedings.

4. Failure of the attendant to perform his / her duties shall give rise to liability provided by law.

5. Has the right to:

1) Participate in the execution of the relevant investigative action from the beginning to the end;

2) get acquainted with the protocol of the relevant investigative action;

3) during the execution of the investigative action, as well as while getting acquainted with the protocol, make remarks, which are included in the protocol of the investigative action;

4) to receive compensation for expenses incurred during the criminal proceedings.

6. The escort has other rights and responsibilities provided by this Code.

(Article 81 amended on 16.01.18 HO-69-N, edited on 21.03.18 HO-181-N)

Article 82 The secretary of the court session

1. The secretary of the court session is the court clerk who is not interested in the criminal case and keeps the minutes of the court session.

2. The secretary of the court session is obliged to:

1) to provide information on his / her relations with the persons participating in the relevant criminal case at the request of the court or a party;

2) to fully և accurately state in the minutes the actions of the court և the decisions, motions, objections, testimonies, explanations of all the persons participating in the court session, as well as other circumstances to be reflected in the minutes of the court session;

3) prepare the minutes of the court session within the term envisaged by this Code;

4) obey the lawful orders of the chairman;

5) not to publish the data of the closed court session.

3. The secretary of the court session is responsible for the completeness and accuracy of the minutes of the court session. The protocol is not constrained by any instructions given in connection with the contents of the records contained in the protocol.

4. Failure of the secretary of the court session to perform his / her duties shall give rise to liability provided by law.

5. The secretary of the court session has other rights and responsibilities provided by this Code.

(Article 82 amended on 16.01.18 HO-69-N)

Article 83 Translator:

1. An interpreter is a person who is not interested in a criminal case and is invited by the body conducting the criminal proceedings to perform a translation.

2. The translator must be fluent in the language of the criminal proceedings և the language from which the translation is made. The judge, the prosecutor, the investigator, the investigator, the defense counsel, the representative, as well as the other participants in the trial, the attendant, the court secretary, the expert, the witness have no right to be interpreters.

3. A translator is a sign language translator.

4. The translator is obliged to:

1) to appear at the call of the body conducting the criminal proceedings to make a translation;

2) submit the documents confirming his / her qualification to the body conducting the criminal proceedings;

3) at the request of the body conducting the criminal proceedings, as well as at the request of the parties, to provide information on his / her professional experience, relations with the persons participating in the relevant criminal proceedings;

4) to be at the place of investigation or other judicial action for the entire period necessary to ensure the translation, in the courtroom; not to leave the place of the mentioned action without the permission of the person performing it, and the courtroom without the permission of the presiding judge;

5) translate completely, accurately and on time.

6) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

7) maintain order during the court session;

8) to confirm by signature the completeness and accuracy of the translation notes in the protocol of the investigative or other judicial action performed with his / her participation, as well as the accuracy of the translation in the documents handed over to the persons participating in the criminal proceedings;

9) not to publish during the investigative or other litigation action with his / her participation, without the permission of the body conducting the criminal proceedings, as well as the information that became known to him / her during the closed court session.

5. Failure of the translator to perform his / her duties shall give rise to liability provided by law.

6. The translator has the right to:

1) to ask questions to the persons present during the translation to clarify the translation;

2) to get acquainted with the minutes of the investigative or other judicial action carried out with his / her participation, as well as to make remarks related to the minutes of the court session, the completeness of the translation notes, which are included in the minutes;

3) to receive compensation for expenses incurred during the criminal proceedings.

7. The translator has other rights and responsibilities provided by this Code.

(Article 83 edited on 28.04.14 HO-10-N, amended on 16.01.18 HO-69-N)

Article 84 Specialist:

1. A specialist is a person who is not interested in a criminal case, who is appointed by the body conducting the criminal proceedings on his / her own initiative or through the mediation of a party, his / her professional skills in science, technology, arts and crafts, using knowledge to assist in investigative or other legal actions. The specialist may be appointed by the persons nominated by the trial participant.

2. The specialist must have sufficient professional skills and knowledge.

3. No legal specialist is involved in the criminal case. The opinion expressed by the expert does not replace the conclusion of the expert.

4. The specialist is obliged to:

1) appear at the call of the body conducting the criminal proceedings to provide the necessary assistance;

2) submit the documents confirming his / her special qualification to the body conducting the criminal proceedings, to the person performing the investigative or other judicial action;

3) at the request of the body conducting the criminal proceedings, as well as at the request of the parties, to provide information on his / her professional experience, relations with the persons participating in the relevant criminal proceedings;

4) to be at the place of investigation or other judicial action for the entire period necessary to provide assistance, in the courtroom; not to leave the place of the mentioned action without the permission of the person performing it, and the courtroom without the permission of the presiding judge

5) use his / her professional skills and knowledge to assist a person conducting an investigative or other judicial action in finding, strengthening, retrieving, applying technical means, asking questions to an expert, as well as to the mentioned person, the body conducting the criminal proceedings, present at the court session. to clarify issues within its professional competence to the parties, to explain its actions;

6) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

7) maintain order during the court session;

8) confirm the completeness of the course, content, results of the results of the investigative or other judicial action carried out with his / her participation by signing the protocol;

9) not to publish, without the permission of the body conducting the criminal proceedings, during the investigative or other judicial action with his / her participation, as well as the information that became known to him / her during the closed court session.

5. Failure of a specialist to perform his / her duties shall give rise to liability provided by law.

6. The specialist has the right to:

1) with the permission of the body conducting the criminal proceedings or the person conducting the investigative or other judicial action, get acquainted with the materials of the case, ask questions to those present;

2) To draw the attention of those present to the circumstances related to the subjects հայտնաբեր finding, consolidating և taking documents, applying technical means, asking questions to the expert, as well as the content of the questions within his / her professional competence;

3) Make remarks related to items հայտնաբեր finding, strengthening, taking documents, applying technical means, asking questions to the expert, which are included in the protocol;

4) get acquainted with the minutes of the investigative or other judicial action carried out with his / her participation, as well as with the relevant part of the minutes of the court session, make remarks on the course of the investigative action carried out with his participation

5) to receive compensation for expenses incurred during the criminal proceedings.

7. The specialist has other rights and responsibilities provided by this Code.

(Article 84 amended on 16.01.18 HO-69-N)

Article 85 Expert:

1. An expert is a person who is not interested in a criminal case, who is appointed by the head of the expert institution in accordance with the decision of the body conducting the criminal proceedings or the decision to appoint an expert, using his / her special knowledge in the field of science to examine the case materials. to give The expert may be appointed by the persons nominated by the participant in the trial.

2. The expert must have sufficient specific knowledge in any field of science, technology, art or craft.

3. No legal expert is involved in the criminal proceedings.

4. The expert is obliged to:

1) submit the documents confirming his / her special qualification to the body conducting the criminal proceedings; to the person invited to him / her;

2) to give a reasoned and objective conclusion to the questions posed to him / her;

3) refuse to conduct an expert examination, if the questions posed are beyond his / her special knowledge, or the submitted materials are not sufficient to answer those questions, drawing up a conclusion on that;

4) to give an opinion not only on the issues raised, but also on the circumstances that arose within the scope of its competence during the examination;

5) at the request of the body conducting the criminal proceedings, submit an estimate of the costs of the expert examination; a report on the costs incurred;

6) appear at the call of the body conducting the criminal proceedings to answer the questions of the participants of the trial, as well as to clarify the content of the conclusion;

7) during the court session of the body conducting the criminal proceedings, as well as at the request of the parties, to provide information on his / her professional experience, relations with the persons participating in the relevant criminal proceedings;

8) in case of participating in an investigative or other judicial action, not to leave the place of execution of the mentioned action without the permission of the person performing it, and in the courtroom without the permission of the presiding judge;

9) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

10) maintain order during the court session;

11) not to publish during the investigative or other litigation action with his / her participation, without the permission of the body conducting the criminal proceedings, as well as the information that became known to him / her during the closed court session.

5. Failure of the expert to perform his / her duties shall give rise to liability provided by law.

6. The expert has the right to:

1) to request the necessary objects, samples և other materials for comparative examination from the body conducting the criminal proceedings;

2) with the permission of the body conducting the criminal proceedings, get acquainted with the materials necessary for giving a conclusion; write the necessary information from the case materials, ask questions to the suspect, accused, victim, witnesses to properly perform his / her duties;

3) Participate in investigative and other procedural actions, insofar as they relate to the subject of the expertise, are necessary to give a conclusion;

4) to draw the attention of the participants of the court to the circumstances related to the formulation of the questions referred to the expert of the subject of expertise;

5) to get acquainted with the minutes of the investigative or other judicial action carried out with his / her participation, as well as to make remarks on the minutes of the court session, the completeness of the minutes of his / her actions, the notes of the oral conclusion, which are included in the minutes;

6) to receive compensation for expenses incurred during the criminal proceedings.

7. The expert has other rights and responsibilities provided by this Code.

(Article 85 amended on 25.05.06 HO-91-N, 16.01.18 HO-69-N)

Article 86 Witness:

1. A witness is a person summoned by a party or the body conducting the criminal proceedings to testify, who may be aware of any circumstances to be clarified in the given case.

2. Can not be called as a witness և interrogated:

1) Persons who, due to physical or mental disabilities, are not able to correctly perceive and reproduce the circumstances to be clarified in the criminal case;

2) Advocates to find out information that may be known to them in connection with the application for legal aid or the provision of such assistance;

3) Persons whose information related to the given criminal case has become known in connection with the participation in the criminal case as a lawyer, victim, civil plaintiff, civil defendant;

4) the judge, including the terminated authority, the prosecutor, the investigator, the employee of the investigation body, the secretary of the court session, in connection with the criminal case in which they exercised their procedural powers, except for In cases of repair of the given case or restoration of lost proceedings due to the circumstances.

5) the ordained custodian-confessor about the circumstances that became known to him from the confession;

6) the Human Rights Defender about the circumstances that became known to him in connection with the performance of his duties;

7) The member of the Competition Protection Commission, during the period of exercising his / her powers, after that, in connection with the administrative proceedings conducted by the Competition Protection Commission during his / her term of office, except for the case of investigation of mistakes and abuses made during the given proceedings.

3. The witness is obliged to:

1) to testify, to participate in other investigative and judicial proceedings, to appear at the call of the body conducting the criminal proceedings;

2) to give truthful testimonies, to state everything that has become known to him / her in the case;

3) at the request of the body conducting the criminal proceedings, provide the items and documents in its possession, as well as samples for comparative examination;

4) be examined at the request of the body conducting the criminal proceedings;

5) at the request of the body conducting the criminal proceedings, to undergo an out-of-hospital examination to check the correct perception and reproduction of the circumstances to be revealed in the criminal case, if there are grounds to question his ability;

6) obey the lawful orders of the prosecutor, investigator, investigative body, presiding over the court session;

7) not to go to another place without prior permission of the court or without informing the criminal prosecution body about his / her new place of residence;

8) not to leave the courtroom or the court building without the permission of the chairman;

9) maintain order during the court session.

4. Failure of a witness to perform his or her duties shall give rise to liability under the law.

5. The witness has the right to:

1) to know in which criminal case he is summoned;

2) refuse to testify about her, her husband or close relatives, if she reasonably assumes that it can be used against her or them in the future;

3) refuse to submit materials և information, if he / she reasonably assumes that they can be used in the future to the detriment of him / her, her spouse or close relatives;

4) gives testimonies to use the documents և his / her written notes with the permission of the body conducting the criminal proceedings;

5) gives instructions for making plans, schemes և drawings;

6) to personally state his / her testimony given during the pre-trial proceedings;

7) to get acquainted with the minutes of the investigative or other judicial action carried out with his / her participation, as well as with the relevant part of the minutes of the court session;

8) to receive compensation for expenses incurred during the criminal proceedings;

9) to return the property taken from him / her by the body conducting the criminal proceedings as material evidence or on other grounds, the originals of the official documents belonging to him / her.

10) to appear before the body conducting the criminal proceedings with a lawyer.

Article 86 amended on 01.06.06 HO-113-N, amended on 25.05.06 HO-91-N, amended on 23.05.06 HO-104-N, edited on 15.11.06 HO-181-N, amended 28.11.07 HO-270-N, supplemented, edited 16.01.18 HO-69-N, supplemented 03.03.21 HO-105-N)

Article 87 Involvement of the legal representative of the witness in other investigative proceedings

1. The legal representative of a witness under the age of 14, and with the permission of the body conducting the criminal proceedings, he / she, the legal representative of an older minor, has the right to know about the summoned person to participate in the investigation or other legal proceedings.

2. Participating in an investigative or other legal action, the legal representative of a witness has the right to:

1) initiate motions;

2) to object against the actions of the bodies conducting the criminal case; to demand to include his / her objections in the protocol of the investigative or other judicial action;

3) to object to the actions of the presiding judge of the court session;

4) to get acquainted with the minutes of other investigative and judicial actions, in which he / she participated during the pre-trial proceedings; to submit remarks on the completeness of the notes in the minutes; about the circumstances which, in his opinion, should be mentioned.

3. When participating in an investigative or other legal action, the legal representative of the witness is obliged to:

1) obey the lawful orders of the prosecutor, investigator, investigation body, presiding over the court session;

2) maintain order during the court session.

(Article 87 amended on 16.01.18 HO-69-N)

CHAPTER 11

DISMISSING PERSONS AND RELEASING THEM FROM PARTICIPATION IN CRIMINAL PROCEEDINGS

Article 88 Withdrawals, self-withdrawals մԻջ motions to withdraw from the proceedings

1. Withdrawals, self-withdrawals և motions for removal from the proceedings are announced on the basis of circumstances excluding the participation of persons relevant to the criminal proceedings.

2. The judge, the prosecutor, the investigator, the employee of the investigation body, the defense counsel, the representative of the victim, the civil plaintiff, the civil defendant, the attendant, the court secretary, the translator, the specialist, the expert, who are aware of the circumstances excluding their participation in the criminal proceedings the interested parties to the trial, the body conducting the criminal proceedings, and in case they doubt the possibility of a normal examination of the case with their participation, to withdraw or withdraw from the proceedings.

3. The participant of the trial has the right to challenge the prosecutor, the investigator, the employee of the investigation body at any moment of the criminal case. A motion to disqualify a judge may be filed only before the commencement of the trial, unless the mediator proves that he or she became aware of the grounds for the recusal after the commencement of the trial and could not have been known before.

4. The body conducting the criminal proceedings has the right to resolve the issue of appeals, self-withdrawals, motions for removal from the proceedings within the scope of its competence, or in case of finding circumstances excluding the participation of the relevant person in the criminal proceedings, to remove him / her from participating in the criminal proceedings. In order to resolve other persons' challenges, the challenge to the competent person must be resolved as a matter of priority.

5. In case the simultaneous participation of several persons in the proceedings of the case is excluded, due to kinship or other relations of dependence, the persons who later acquired the status of a judge or a participant in the proceedings shall be removed from the criminal proceedings. If persons related to other relatives or personal dependents have appeared in court, the person to be removed from the criminal case is chosen by the presiding judge.

(Article 88 edited 28.11.07 HO-270-N)

Article 89 Exemption from participating in criminal proceedings

The secretary of the court session, the translator, the specialist, whose participation in the criminal case is not excluded due to any circumstance, may be released by the body conducting the proceedings, at their request:

1) taking into account the existence of valid reasons hindering the fulfillment of their duty;

2) in other cases envisaged by this Code.

Article 90 Judge's recusal

1. The grounds for self-recusal of a judge are defined by the Judicial Code of the Republic of Armenia, the Constitutional Law of the Republic of Armenia.

2. The preparation of the case by the judge for the main trial is not a circumstance excluding his / her participation in the further examination of the relevant case in the court of first instance. The participation of a judge of the Court of Cassation in the examination of the case, his further participation in the examination of the same case in the Court of Cassation are not excluding circumstances.

3. The participants of the trial have the right to the judge in case of existence of the grounds provided for in part 1 of this article, and if the case is being examined or is to be examined collegially, to submit a motion for self-recusal to the judges or the entire court staff.

The motion must be reasoned, on the same grounds it can be submitted once.

4. The issue of a motion to dismiss a judge shall be resolved by the judge to whom the motion to dismiss was filed. During the hearing of a case by a panel of judges, if a motion for self-recusal has been filed with more than one judge or the entire court, each judge shall decide on his or her recusal.

5. As a result of the examination of the self-withdrawal motion, a decision is made, which states the grounds for satisfying or rejecting it.

6. The judge who has withdrawn shall be obliged to disclose the grounds for self-withdrawal to the parties, which shall be subject to verbal recording. A judge who has recused himself, if he considers that he may be impartial in the case, may apply to the parties, proposing to discuss the issue of recusal in his absence. If the parties decide to ignore the judge's recusal in the absence of a judge, the judge shall proceed with the trial after recording that decision.

7. The decision on self-withdrawal shall be immediately sent to the parties to the proceedings.

8. A judge is not obliged to make a decision on accepting a self-recusal, if no other body of justice can be established to make a judicial act, or inaction in terms of the urgency of resolving the case can lead to serious consequences.

(Article 90 edited on 25.05.06 HO-91-N, amended on 07.07.06 HO-152-N, edited on 28.11.07 HO-270-N, 23.03.18 HO-211-N)

Article 91 Challenging the prosecutor

1. The prosecutor may not participate in the criminal proceedings if:

1) there is one of the circumstances provided for in Article 90 of this Code;

2) is in a kinship or other relationship with the judge examining the relevant criminal case or case.

2. The participation of the prosecutor in the investigation of the criminal case, as well as his / her defense of the accusation in the court session, is not a circumstance excluding his / her further participation as a prosecutor in the relevant criminal case.

3. The challenge to the prosecutor is resolved by the superior prosecutor, and when participating in the court session, by the relevant court.

Article 92 Challenging the investigator or investigator

1. An investigator or an employee of an investigative body may not participate in a criminal case if there is one of the circumstances provided for in Article 90 of this Code.

2. The participation of an investigator, an employee of the investigation body, as well as a prosecutor in the previous investigation of a relevant criminal case shall not preclude their further participation in the proceedings, except in cases when significant violations of the law committed by them have been revealed.

3. The challenge to the investigator or the employee of the investigative body shall be resolved by the prosecutor in charge of the investigation or the superior prosecutor.

Article 93 Removal of the Defender-Representative from the case

1. The Defender or the representative of the victim, the civil plaintiff, the civil defendant may not participate in the criminal proceedings if:

1) is in a kinship or other personal, official relationship with the official who participates or has participated in the investigation of the criminal case;

2) participated in the case as a judge, prosecutor, investigator, employee of the investigation body, specialist, expert or witness;

3) has no right to be a lawyer or a representative by law or a court decision.

2. The Defender, as well as the representative of the victim, the civil plaintiff or the civil defendant, may not participate in the criminal proceedings on behalf of the defendant or the client if he / she provides legal assistance in the case or shows the person whose interests contradict the interests of the defendant or the client. he is in a relationship with that person or other dependent person.

3. The removal of the Defender on the grounds provided for in Part 2 of this Article is allowed only with the consent of the Defendant.

4. The issue of removing the Defender-representative from the proceedings in the case shall be resolved by the body conducting the criminal proceedings.

Article 93.1. Removal of the legal representative from the case

1. The guardian or trustee of a minor or incapacitated participant may not participate in the proceedings if:

1) is in a kinship or other personal relationship with a judge, prosecutor, investigator or employee of the investigative body who has participated or is participating in the proceedings at the time of the involvement of a legal representative;

2) is in a kinship or other relationship of personal dependence with the suspect or accused or their close relatives;

3) cannot be a legal representative by law or judicial act;

4) by his / her behavior obviously harms the interests of the represented, by his / her behavior hindered the realization of the represented /'s rights or led to their violation;

5) there is evidence about him / her committing an alleged crime against the interests of the represented.

2. The parent or adoptive parent of a minor or incapacitated participant may not participate in the proceedings in the cases provided for in points 3-5 of part 1 of this article.

(Article 93.1 was supplemented on 03.06.20 HO-300-N)

Article 94 In-house challenge

1. An escort may not participate in the criminal proceedings if there is one of the circumstances provided for in Article 90 of this Code, such as him, unless he has the right by law to be an escort.

2. An escort may not participate in the criminal proceedings if he / she is in personal or official dependence on the body conducting the criminal proceedings.

3. The former participation of the escort in the investigative action is not a circumstance excluding his / her participation in another investigative action in the given criminal case, except for the cases when the participation of the escort is regular.

3.1. The same person may be involved in the same case as an attendant no more than twice in a month.

4. The issue of in-court challenge shall be resolved by the person conducting the investigative action.

(Article 94 supplemented on 21.03.18 HO-181-N)

Article 95 Challenging the secretary of the court session

1. The secretary of the court session may not participate in the criminal case if:

1) there is one of the circumstances provided for in Article 90 of this Code;

2) has no right to be the secretary of the court session by law or court decision;

3) is related to the judge;

4) his immaturity is revealed.

2. As the Registrar of the court session, the previous participation of the person in the court session as such does not exclude his / her further participation.

3. The challenge to the secretary of the court session shall be resolved by the court.

Article 96 Challenging a translator or specialist

1. An interpreter or specialist may not participate in the criminal proceedings if:

1) there is one of the circumstances provided for in Article 90 of this Code;

2) has no right to be a translator or specialist by law or court decision;

3) is in a kinship or other dependent relationship with the judge;
4) is in official dependence of the party, its legal representative or representative;
5) its immaturity is revealed.
2. As a translator or specialist, the previous participation of the person in the case, in the criminal case proceedings as such is not a circumstance excluding his / her further participation.
3. The challenge to the translator or specialist is resolved by the body conducting the criminal proceedings.

Article 97 Challenging the expert

1. An expert may not participate in criminal proceedings if:
1) there is one of the circumstances provided for in Article 90 of this Code;
2) has no right to be an expert by law or court decision;
3) is in a kinship or personal, official or other dependent relationship with the judge;
4) is in official dependence of the party, its legal representative or representative;
5) conducted inspections or performed other inspection actions, the results of which served as a basis for initiating a criminal case;
6) his immaturity is revealed.
2. As an expert, the previous participation of a person in the criminal proceedings is not an exclusionary circumstance as such, except in cases when a double examination is carried out on the basis of doubts arising from the accuracy of his / her conclusion.
3. The challenge to the expert is resolved by the body conducting the criminal proceedings.

CHAPTER 12 *PROTECTION OF PERSONS*

PARTICIPATING IN CRIMINAL PROCEEDINGS OR REPORTING CRIMES
(Chapter 25.05.06 HO-91-N)
(title added: 09.06.17 HO-101-N)

Article 98 Protection of persons participating in criminal proceedings or reporting a crime
(title added: 09.06.17 HO-101-N)

1. Any person participating in a criminal trial or reporting a crime who may provide information relevant to the detection of the crime, which could endanger the life, health, or property of him or her, a family member, a close relative, or a relative. , rights and legitimate interests, has the right to protection.
In this Chapter, "close" is the person for the protection of whom the person participating in the criminal proceedings or reporting the crime has submitted a written application to the body conducting the criminal proceedings.
2. The protection of a person participating in a criminal trial or reporting a crime, as well as his / her family member, close relative or relative (hereinafter referred to as the protected person) shall be protected by the body conducting the criminal proceedings.
3. The body conducting the criminal proceedings, finding that the protected person needs protection, on the basis of a written application of that person or on its own initiative, makes a decision on taking a protection measure, which is subject to immediate execution.
4. The application of the protected person to take a measure of protection shall be considered by the body conducting the criminal proceedings immediately, but not later than within 24 hours from the moment of receiving it. The decision is immediately notified to the applicant, and a copy of the relevant decision is sent to him.
5. If the body conducting the criminal proceedings on the application of the protected person has made a decision to reject the application for protection, then the person submitting the application

has the right to appeal within five days after receiving the copy of the decision in accordance with this Code.

6. The rejection of an application for protection shall not preclude the defendant from submitting a new application for such measures if he or she has been threatened or attacked or other circumstances not specified in the previous application have arisen.

7. The head of the administration of a place of detention, a place of detention or a correctional facility may apply to the body conducting the criminal proceedings for the protection of a person arrested, detained or serving a sentence of imprisonment, on his / her own initiative or at the request of that person.

(Article 98 amended, edited on 25.05.06 HO-91-N, supplemented on 09.06.17 HO-101-N)

Article 98 [1] . Measures of protection

The means of protection are:

1) officially warning a person who is expected to risk violence against the protected person or commit another crime;

2) protection of the identity data of the protected person;

3) Ensuring the personal security of the protected person, protection of the apartment or other property;

4) providing personal protection measures to the protected person հայտնել informing about the danger;

5) use of technical means of control և wiretapping of telephone and other programs;

6) Ensuring the security of the protected person to appear before the body conducting the criminal proceedings;

7) choosing a measure of restraint against the suspect or accused, which will exclude the possibility of violence or other crime against the person defended by them;

8) transferring the protected person to another place of residence;

9) Replacing the identity documents of the protected person or changing the appearance;

10) changing the place of work, service or study of the protected person;

11) Removing individuals from the courtroom or conducting a closed court hearing;

12) interrogating the defendant in court without publishing information about his / her identity.

If necessary, more than one protection measure can be implemented.

The procedure and conditions for the implementation of protection measures are defined by the legislation of the Republic of Armenia.

The protection of a person subject to protection under the conditions stipulated by the international treaties of the Republic of Armenia may also be carried out in the territory of a foreign state.

(Article 98 supplemented on 25.05.06 HO-91-N)

Article 98 [2] . Warning about the possibility of criminal prosecution

If there is evidence of a threat to the life or health of the defendant that is not sufficient to prosecute a person who is at risk of violence or other crime, the prosecuting authority formally warns him or her of the possibility of criminal prosecution. The warning is made by taking a signature from the person.

(Article [2] was supplemented on 25.05.06 HO-91-N)

Article 98 [3] . Protecting the identity of the protected person

The protection of the identity data of the protected person is carried out:

1) by restricting information about the person in the materials of the criminal case, in other documents or media, as well as in the records of investigative actions or court hearings, by

substituting the surname, first name and patronymic of the person protected in the criminal records by the decision of the body conducting the criminal proceedings.

The decision of the body conducting the criminal proceedings to restrict the information և the related materials are separated from the other materials of the criminal case և are kept by the body conducting the proceedings.

Access to the decision separate from the main proceedings նյութ access to related materials is available only to the court մադմ the prosecuting authority, and other participants in the proceedings may access it only with the permission of the prosecuting authority if it is essential to the defense of the suspect or accused or to investigate the case. to find out any circumstances.

2) by placing a temporary ban on the provision of information about the protected person.

(Article [3] supplemented on 25.05.06 HO-91-N)

Article 98 [4] . Ensuring personal security, protection of the apartment or other property

1. The body conducting the criminal proceedings, in cooperation with other competent bodies, carries out the personal protection of the protected person, the protection of his / her apartment or other property.

2. The apartment or other property of the protected person shall be equipped with fire-fighting or signaling technical means, the numbers of his apartment or other personal telephone numbers or the state license plates of the vehicle (means) belonging to him shall be changed.

(Article [4] supplemented on 25.05.06 HO-91-N)

Article 98 [5] . Providing personal protective equipment հայտնել reporting danger

In order to ensure the personal security of the protected person, in accordance with the procedure established by law, he / she is provided with personal protection measures, as he / she is informed about the expected danger.

(Article 98 supplemented on 25.05.06 HO-91-N)

Article 98 [6] . Use of surveillance equipment և Eavesdropping on telephone or other communications

Based on the written application of the defendant or with his / her written consent, the body conducting the criminal proceedings shall intercept his / her telephone or other conversations in the manner prescribed by this Code. Recordings may be used during wiretapping.

(Article [6] supplemented on 25.05.06 HO-91-N)

Article 98 [7] . Ensuring the security of the protected person to appear before the body conducting the criminal proceedings

If necessary, the security of the defendant's transportation shall be provided by the body conducting the criminal proceedings in order to appear at the call of the body conducting the criminal proceedings.

(Article [7] supplemented on 25.05.06 HO-91-N)

Article 98 [8] . Choosing a measure of restraint against the suspect or accused

The body conducting the criminal proceedings shall, in the manner prescribed by law, choose a measure of restraint against the suspect or accused, which shall exclude the possibility of committing violence or other crime, on which a reasoned decision shall be made. The defendant is also informed about the decision.

(Article [8] was supplemented on 25.05.06 HO-91-N)

Article 98 [9] . Moving to another place of residence

1. The protected person is temporarily or permanently transferred to another place of residence.
2. Transfer to another place of residence is carried out with the written consent of the protected person, if there is a situation when the personal security of the protected person can not be ensured by other means.

(Article 98 was supplemented on 25.05.06 HO-91-N)

Article 98 [10] . Replacing identity documents or changing the appearance of the protected person

1. If necessary, the identity documents of the protected person may be replaced, as well as his / her appearance may be changed.
2. Replacement of documents, change of appearance, including plastic surgery, is carried out with the written consent of the protected person, if there is a situation when the personal security of the protected person can not be ensured by other means.

(Article [10] was supplemented on 25.05.06 HO-91-N)

Article 98 [11] . Change of place of work, service or study

1. If the elimination of the danger to the protected person requires him / her to leave his / her previous place of work, service or training, the body conducting the criminal proceedings shall, with the mediation or consent of that person, assist in the placement of the new place of work or study.
2. The period of compulsory leave of the protected person is calculated as length of service, ųhոþu compensation is paid for that period, which may not be lower than the salary paid for the previous job or service. In case of a low salary at a new job or service, the difference in salaries shall be compensated in accordance with the procedure established by the legislation of the Republic of Armenia.
3. When placing a protected person in another place of study, the conditions existing in his / her previous place of study must be taken into account.

(Article [11] was supplemented on 25.05.06 HO-91-N)

Article 98 [12] . Removing individuals from the courtroom or conducting a closed trial

1. In the interests of the security of the protected person, the presiding judge of the court session has the right to remove certain persons from the courtroom.
2. In order to ensure the security of the protected person, the presiding judge of the court session conducts a closed court examination, on which a reasoned decision is made.

(98 Article [12] supplemented. 25.05.06 HO-91-N)

Article 98 [13] . Interrogation of the defendant by the court

1. The interrogation of a protected person by a court, without disclosing his / her identity data, may be carried out using a pseudonym. The interrogation of the defendant may be carried out after the removal of the defendant ԵՒ the representative of the defense from the courtroom.
2. If necessary, the interrogation of the protected person may be carried out in conditions that exclude the recognition of the identity of the person. For this purpose, a mask, make-up, a device that changes the voice of the protected person, and other means of protection that do not contradict the law can be used.
3. The interrogation of the defendant, without the eyes of the other participants in the trial, may be carried out with the help of other audio-technical means (veil, protective screen, film) with the participation of a limited number of participants in the trial, with a warning about confidentiality.

4. In exceptional cases, the court may release the defendant from the obligation to participate in the court session, provided that he / she has previously given written confirmation of his / her testimony.

5. If necessary, the presiding judge of the court session may prohibit the video recording of the interrogation by other audio-visual means during the trial.

(98 Article [13] supplemented. 25.05.06 HO-91-N)

Article 99 Rights and responsibilities of the protected person

1. The protected person has the right to:

1) to submit a motion on taking additional protection measures or terminating them;

2) to know about the means or means of protection exercised against him / her, their type, implementation, term և termination;

3) to appeal in court the decisions, actions or inaction of the body conducting the criminal proceedings, its official;

4) to refuse protection measures.

2. The protected person is obliged to:

1) fulfill the legal requirements of the official of the body conducting the criminal proceedings;

2) to immediately inform the body conducting the criminal proceedings about any danger or illegal act threatening him / her, about any change in his / her private life, activity, protection related to the protected person;

3) to avoid any activity that may hinder the effective application of the protection measure;

4) to keep the property և documents handed over to him for temporary use by the body conducting the criminal proceedings.

3. After making a decision on taking a protective measure, the body conducting the criminal proceedings shall immediately explain to the defendant his / her rights and responsibilities, as well as assist the defendant in the exercise of those rights and responsibilities.

(Article 99 amended, edited on 25.05.06 HO-91-N, amended on 16.01.18 HO-69-N)

Article 99 [1] . Grounds for termination of protection measures և procedure

1. The implementation of protection measures may be terminated if the protected person:

1) submitted a written application on that;

2) has given false testimony, which has been confirmed by a verdict that has entered into legal force;

3) has not fulfilled the obligations provided for in the second part of Article 99 of this Code;

4) no longer needs protection because of the elimination of a real threat to his life or safety;

5) died.

2. The termination of the protection measures is carried out by the decision of the body conducting the criminal proceedings, a copy of which is sent to the protected person within three days, who may appeal it in court.

(Article [1] supplemented on 25.05.06 HO-91-N)

CHAPTER 13

FINAL PROVISIONS CONCERNING PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS

Article 100 The right to claim recognition as a participant in the trial

1. Any person who is not a participant in the proceedings, if there are grounds provided by this Code, has the right to demand to be recognized as a victim, civil plaintiff, civil defendant, their legal representative or representative.

2. The claim of the victim, civil plaintiff, civil defendant, to be recognized as their legal representative or representative must be immediately examined by the body conducting the criminal proceedings within 3 days of receiving it. The decision on the claim is immediately notified to the applicant, who is sent a copy of the relevant decision.

3. The applicant has the right to appeal to the court within 5 days after receiving the copy of the decision to refuse to be recognized as a participant in the trial or to postpone the resolution of that claim, or if the copy of the relevant decision of the body conducting the criminal proceedings was not received within one month. with a request for recognition.

4. A close relative of a person who has died or has lost the ability to express his or her will may request that the person be recognized as a victim if the applicant wishes to be his or her legal successor. The mentioned claim shall be examined by the body conducting the criminal proceedings in accordance with the procedure defined in the second or third parts of this article.

Article 101 Clarification of the rights and responsibilities of the persons participating in the trial, ensuring the possibility of their implementation

1. Each person participating in the trial has the right to know his / her rights and responsibilities, the legal consequences of his / her chosen position, the significance of the litigation actions carried out with his / her participation.

2. The body conducting the criminal proceedings is obliged to clarify the rights and responsibilities of each person participating in the trial, to ensure the possibility of their implementation in the manner prescribed by this Code.

3. The body conducting the criminal proceedings is obliged to inform the participants of the trial of the names, surnames and other necessary information about them, who may be challenged.

4. The rights and responsibilities of the person who has acquired the status of a participant in the trial must be clarified before the commencement of the investigative or other litigation actions with his / her participation, as well as the expression of any position by him / her as a participant in the trial. The court is obliged to clarify the rights and responsibilities of the participant in the trial, regardless of their clarification during the pre-trial proceedings in the criminal case.

5. The body conducting the criminal proceedings և the person conducting the investigative or other judicial action shall be obliged to clarify their rights և responsibilities ին the attendant, translator, specialist, expert, witness before any investigative or other judicial action is initiated with their participation. The rights and responsibilities of the witness և can be clarified once by the body conducting the criminal proceedings, before his / her first interrogation, և again at the court session.

Article 102 MANDATORIES of requests and requirements

1. The motions of the parties, as well as the claims of the persons participating in the criminal proceedings, shall be included in the minutes of the court session or other procedural action, and the written motions and claims shall be attached to the materials of the criminal case.

2. Petitions և claims must be considered և resolved immediately after their announcement, unless otherwise provided by the provisions of this Code. The resolution of the mediation may be postponed by the body conducting the criminal proceedings until the substantive circumstances for the decision on the mediation are clarified. In cases provided for by this Code, an untimely motion is left without examination.

3. Decisions on the mediation և claim must be reasoned. The body conducting the criminal proceedings shall immediately inform the applicant of the decision on the motion or claim.

4. The rejection of a motion or claim shall not prevent its re-submission at a later stage of the criminal proceedings or to another body conducting the criminal proceedings. At the same stage of the criminal proceedings or to the same body conducting the criminal proceedings, a re-submission of the claim may be possible if new arguments are presented to substantiate them, or the need to satisfy them has been established during the criminal proceedings.

Article 103 D freedom of appeal of procedural actions and decisions

1. Actions and decisions of the body conducting the criminal proceedings may be appealed by the participants in the proceedings in the manner prescribed by this Code. The actions ումեղը decisions իչի of the investigator աշխատո an employee of the investigative body may be appealed to the relevant prosecutor, the decisions ի of the prosecutor ությունները actions may be appealed to a superior prosecutor, and the court to a superior court. In cases provided for by this Code, the actions or decisions of the criminal prosecution body may be appealed in court.

2. Complaints may be in writing, and their written form, if not specifically provided for by this Code, may be oral. The body conducting the criminal proceedings shall enter the oral complaint in the protocol of the current judicial action or compile a separate protocol.

3. Complaints shall be filed by persons participating in criminal proceedings in person or through the body conducting the criminal proceedings whose actions or decisions are being appealed. The court accepting the appeal against the actions or decisions of itself or other persons, as well as the investigative body, the investigator, the prosecutor, shall immediately, within 24 hours, unless otherwise provided by this Code, send the appeal according to its subordination.

4. In the cases provided for by this Code, the appeal shall suspend the implementation of the appealed decision.

5. The complaint of the participant in the trial shall be examined immediately by the body conducting the criminal proceedings, but not later than within 3 days from the moment of receiving it. This Code may provide for other deadlines for the examination of complaints.

6. The appeal may be left without examination վել returned to the participant in the proceedings, if it is not signed by him or his representative or does not contain a note on the action or decision appealed.

7. Every convict has the right to have the verdict reviewed by a superior court in accordance with the procedure established by this Code.

8. Every convict has the right, in accordance with the international treaties of the Republic of Armenia, to apply to the interstate bodies for the protection of human rights and freedoms, if all the means of legal protection provided by the criminal procedure legislation have been exhausted.

9. The complainant has the right to withdraw it. The suspect ադր the accused has the right to withdraw the complaint of his lawyer, the civil plaintiff, the victim or the civil defendant has the right to withdraw the complaint of his representative, except for the complaint of the legal representative. An appeal for the protection of the interests of the suspect or accused person may be withdrawn only with his consent. Withdrawal of a complaint shall not preclude its re-submission before the deadline expires, except in cases provided for by this Code.

10. The body conducting the criminal proceedings shall make a reasoned decision on the complaint, of which the appellant shall be notified.

SECTION 4

EVIDENCE

CHAPTER 14:

UNDERSTANDING, SIGNIFICANCE AND USE OF EVIDENCE

Article 104 the understanding of evidence A.

1. Evidence in a criminal case is any factual data on the basis of which the investigative body, investigator, prosecutor, court, in the manner prescribed by law, determine the presence or absence of an act provided by the Criminal Code, whether or not the suspect or accused committed the act, the guilt or innocence of the accused. other circumstances relevant to the proper resolution of the case.

2. In criminal proceedings, the following are allowed as evidence:
1) the testimony of the suspect;
2) the testimony of the accused;
3) the testimony of the victim;
4) the testimony of the witness;
4 [1]) the testimony of the suspect or the accused or the accused in another criminal case related to the accusation of the given case;
5) the testimony of the convict;
6) the conclusion of the expert;
7) material evidence;
8) the protocols of investigative-judicial actions;
9) other documents.
3. During the criminal proceedings, it is allowed to use only the factual data, which have been obtained in compliance with the requirements defined by this Code.
(Article 104 supplemented on 25.05.06 HO-91-N)

Article 105 AS PROOF materials not allowed

1. In a criminal case, the accusation may not be based on: Ujnւթ the materials obtained have been used as evidence:
1) Violence, threats, deception, mocking a person, as well as other illegal actions;
2) Significant violation of the right to defense of the suspect ԵՒ the accused, the rights of persons who do not speak the language of the trial, additional guarantees provided by this Code;
2 [1]) a witness in violation of the rights provided for in part 5 of Article 86 of this Code;
3) by a person who does not have the right to conduct a criminal trial in the given criminal case, to carry out a relevant investigative or other judicial action;
4) with the participation of the person subject to challenge, if he / she knew or should have known about the existence of circumstances excluding his / her participation in the criminal proceedings;
5) with a significant violation of the procedure for conducting an investigative or other judicial action;
6) from a person who is not able to recognize the document or other object, to confirm its authenticity, to inform about the circumstances of its occurrence and receipt;
7) from an unknown or undisclosed source in a court session;
8) as a result of the use of methods contrary to modern scientific ideas.
2. In obtaining evidence, the violations of the procedure of investigative or judicial actions, which were manifested in violation of the fundamental rights, freedoms or principles of criminal proceedings, are significant.
3. Material subject to loss of probative value due to violation of the requirements of the criminal procedure law permitted by the prosecution may be allowed as evidence through the mediation of the defense. Such evidence is permitted only against the relevant suspect or accused.
(Article 105 supplemented on 23.05.06 HO-104-N, edited on 16.01.18 HO-69-N)

Article 106 confirmation of inadmissibility for the use of anti- A

1. The inadmissibility of the use of factual data as evidence, as well as the possibility of their limited use in the proceedings, shall be confirmed by the body conducting the proceedings on its own initiative or through the mediation of a party.
2. The burden of proving the admissibility of evidence lies with the acquiring party. If all the requirements of this Code have been complied with during the acquisition of the evidence, the party disputing its admissibility has the responsibility to substantiate the inadmissibility of the evidence.

Article 107 the circumstances submitted to A

Only on the basis of evidence are confirmed:

1) the case և circumstances (time, place, weather և etc.).

2) the relation of the suspect և the accused to the case;

3) the features of the crime envisaged by the criminal law;

4) the guilt of a person in committing an act not permitted by criminal law;

5) Circumstances mitigating or aggravating the liability provided by the criminal law;

6) the circumstances under which the participant in the trial or another person participating in the criminal proceedings substantiates his / her claims, unless otherwise provided by law;

7) the circumstances that substantiate that the property was obtained as a result of a crime or from the use of that property or was used or intended to be used as a tool or means of crime or directed at terrorist financing or is Article 75.1 of the Criminal Code of the Republic of Armenia; subject of smuggling provided for in part.

(Article 107 amended on 25.05.06 HO-91-N, supplemented on 21.06.14 HO-115-N, amended on 16.05.16 HO-84-N)

Article 108 THE CIRCUMSTANCES confirmed by certain evidence

The circumstances mentioned below in the criminal proceedings can be confirmed only by receiving the following evidence in advance, examining:

1) cause of death ույթը nature of the damage to health ան degree of severity - conclusion of the forensic medical expert;

2) Due to mental illness, temporary morbid mental disorder, other morbid condition or weakness, the accused is not able to realize the nature, significance, harmfulness of their actions (inaction), their harmfulness or to manage them, the conclusion of a forensic psychiatrist or forensic psychologist;

3) the inability of the witness or the victim to correctly perceive, to reproduce the circumstances to be revealed in the criminal case, the conclusion of the forensic psychiatric expert;

4) in case of significance for the case, the attainment of a certain age of the victim, the suspect, the accused, the document on age, and in its absence, the conclusions of forensic-psychological experts;

5) the existence of a previous conviction of the suspect և the accused; the imposition of a certain sentence on him / her;

(Article 108 amended on 25.05.06 HO-91-N)

CHAPTER 15

TYPES OF EVIDENCE

Article 109 CURRENT indications

1. The testimony of the suspect is the information provided by him / her in written or oral form during the pre-trial interrogation in the manner prescribed by this Code.

2. The suspect has the right to testify on suspicion, as well as on evidence, other circumstances known to him relevant to the case.

Article 110 the testimony of the ACCUSED

1. The testimony of the accused in the pre-trial proceedings, as well as during the interrogation in court in accordance with the procedure established by this Code, shall be the data provided by him in writing or orally.

2. The accused has the right to testify on the charges against him, as well as on evidence, other circumstances known to him relevant to the case.

Article 111 T indications of the guide

1. The testimony of the victim is the data provided by him / her in written or oral form during the pre-trial proceedings, as well as during the interrogation in court in the manner prescribed by this Code.

2. The victim may be questioned about any circumstance to be proved in the case, such as his relationship with the suspect or the accused. The information provided by the victim can not serve as evidence if he does not indicate the source of their receipt.

Article 112 V THERE ARE INDICATIONS

1. The testimony of a witness in the pre-trial proceedings, as well as during the interrogation conducted in court in accordance with the procedure established by this Code, shall be the data provided by him in writing or orally.

2. A witness may be questioned about any circumstance relating to the case, including his or her relationship with the accused, the victim, or other witnesses. The information provided by the witness may not serve as evidence unless he or she indicates the source of the information.

Article 113 D testimony of datapartal

1. The testimony of the convict in the pre-trial proceedings, as well as during the interrogation in court in accordance with the procedure established by this Code, shall be the data provided by him in writing or orally.

2. The convict has the right to testify about the circumstances of the case, which are proved by the verdict that has entered into force against him / her.

Article 113 [1]. Testimony of a suspect or defendant or defendant in another criminal case

1. The testimony of the suspect or the accused or the accused in another criminal case related to the accusation of the given case in the pre-trial proceedings Ա the written or oral data on the crime committed by him / her provided in court in the manner prescribed by this Code.

2. In another criminal case, the suspect or the accused or the accused may be interrogated both in that case and in the case within the framework of his accusation, in connection with any circumstance in connection with which he has been involved for interrogation.

3. The interrogation of the suspect or the accused or the accused in another criminal case shall be carried out in accordance with the procedure established by this Code for the interrogation of the suspect or the accused or the accused.

(***Article 113 supplemented on 25.05.06 HO-91-N)***

Article 114 EXPERT CONCLUSION

1. The conclusion of the expert on the use of special knowledge in the field of science, technology, art, craft, written substantiated findings on the questions posed to him, as well as on the circumstances within his competence, which he came to by examining the relevant materials of the case.

2. The expert may be questioned in connection with the clarification of his / her conclusion.

3. The minutes of the expert interrogation may not replace the conclusion of the expert.

Article 115 THE recommendations

1. Material evidence is the objects that have served as a tool of crime or have kept traces of a crime on them, or have been objects of criminal activity, such as money obtained through criminal means, other values, and all other objects that can detect a crime. serve as a means of clarifying the facts, identifying the culprits, denying the accusation or mitigating the responsibility.

2. The subject matter is recognized as material evidence by the decision of the body conducting the criminal proceedings.

3. The court shall give substantive evidence only if its detailed description, sealing, and other detailed actions taken immediately after its acquisition preclude the possibility of altering the subject, of substantially altering its features, characteristics, or traces, or immediately before examination in court. it was recognized by the suspect, accused, victim or witness.

Article 116 STORAGE OF RECORD EVIDENCE OR OTHER ITEMS

1. Material evidence is kept with the criminal case, and in case of large volume, it can be handed over to the responsible custody of institutions, enterprises, organizations and individuals.

2. Precious metals (stones, foreign currencies, money, checks) securities confiscated during the investigation, which may be recognized as material evidence in the relevant criminal case, shall be handed over to the state for protection immediately after examination, if their personal characteristics are not relevant to the case. to bank institutions.

3. Material evidence ԝյլ confiscated items other than perishable items shall be kept by the body conducting the criminal proceedings until the issue of their disposal has been resolved by a court judgment that has entered into force or a decision to terminate the criminal proceedings. In cases provided for by this Code, the decision on the possession of material evidence may be made before the end of the criminal proceedings.

4. If the dispute over the right to an object attached to the case as material evidence is subject to civil procedure, the object shall be kept until the entry into force of the judgment in the civil case.

Article 117 providing protection of objects in criminal PROCEEDINGS

1. When handling items և When moving, measures must be taken to prevent them from being lost, damaged, spoiled, in contact with or mixed with other items.

2. In the letter accompanying the sending of the case, the reference attached to the indictment shall list all the items attached to the criminal case and sent to him, as well as the locations of the material evidence not attached to the case. The material evidence is sent to the court in a packaged and sealed condition.

3. When receiving the items, they are compared with the data in the cover letter or in the reference attached to the indictment. In case of non-compliance, a report shall be drawn up. The packaged, sealed material evidence is opened, examined only during the trial.

Article 118 END OF criminal proceedings decisions made on real evidence

1. Before the end of the criminal proceedings, the body conducting the criminal proceedings shall return to the owner or lawful possessor:

1) perishable items.

2) the items necessary for use in everyday life, on which confiscation cannot be applied by law;

3) birds և pets, cars or other means of transport, unless they are detained to secure a civil suit, court costs or possible property confiscation.

1.1. Material evidence as collateral ԝյլ Other items confiscated as collateral shall be returned to the rightful owner after the completion of all investigative actions by the decision of the body conducting the proceedings, unless it damages the proper evidence.

1.2. The relations related to the release from custody of the material evidence under detention are regulated by Article 238, Part 1.1 of this Code.

2. If the owner or legal owner of the items mentioned in part 1 of this Article is not known or if it is impossible to return the above-mentioned material evidence for other reasons, they shall be handed over to the relevant organizations for storage, care or sale.

(Article 118 was amended on 17.06.16 HO-111-N)

Article 119 DECISIONS MADE ABOUT THEIR CASE AT THE END OF THE CRIMINAL CASE

1. In a court judgment, as well as in a decision to terminate a criminal case, the issue of material evidence shall be resolved in compliance with the following rules:

1) the tools of the crime, such as the items taken out of circulation, are confiscated, handed over to the relevant state institutions, and in case of not presenting value, they are destroyed;

2) items that do not represent value are destroyed in the manner prescribed by law, and in case of mediation of interested persons, can be handed over to them;

3) money, other values և other items, which have been legally possessed due to a crime or other actions not permitted by law, are handed over to the possessor, owner or their legal successors;

4) money and other valuables acquired through criminal means և other items are directed to the compensation of court costs, compensation for damage caused by a crime, and if the injured party is not known, they are handed over to the state as income;

5) The documents that are material evidence are kept together with the case for the entire period of keeping it, or are handed over to the interested organizations - citizens.

2. In the case of conciliation և co-operation proceedings, the rules set forth in paragraph 1 of this Article shall apply, unless otherwise provided by the agreement protocol or the pre-trial co-operation agreement.

(Article 119 amended on 25.05.06 HO-91-N, supplemented on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 120 CONSEQUENCES OF DESTRUCTION, DESTRUCTION OR LOSS OF A CLASS

1. The value of items damaged, destroyed or lost as a result of expertise or other lawful actions is included in court costs.

2. When making a verdict of acquittal, as in the case of a criminal case, in case of termination on the grounds mentioned in points 1-3 of part 1 of Article 35 of this Code, due to expertise or other lawful actions, at the expense of:

Article 121 PROTOCOLS of investigative and judicial actions

1. The protocols of investigative-judicial actions are written documents envisaged by this Code, which confirm the circumstances that are directly perceived by the body conducting the criminal proceedings and are relevant for the criminal case.

2. The protocols of the following investigative-judicial actions carried out in compliance with the requirements of this Code may be used as evidence.

1) examination.
2) examination.
3) submission of recognition.
4) exhumation.
5) confiscation.
6) search.
7) to seize property;
8) to control correspondence, postal, telegraphic և other programs;
9) listening to telephone conversations;

10) to receive samples.

11) investigative experiment.

3. The protocols drawn up on oral statements on crimes committed or being prepared, on the presentation of guilt, arrest, clarification of the rights and responsibilities of individuals may be used as evidence.

4. The incompleteness of the protocol of the investigative action may not be supplemented by the testimony of the employee of the investigation body, the investigator, the prosecutor, as well as the escort or other persons for the purposes of the accusation.

Article 122 OTHER documents:

1. A document is any record made on paper, magnetic, electronic or other media in verbal, numerical, graphic or other symbolic form, which can confirm the data relevant to the criminal case.

2. The documents containing the features mentioned in the first part of Article 115 of this Code may also serve as material evidence.

3. Other documents are recognized as evidence by the decision of the body conducting the proceedings.

Article 123 ATTACHING , saving and returning papers

1. The document is attached to the materials of the criminal case by the body conducting the proceedings; it is kept with the case for the entire period of keeping it.

2. In the event that the confiscated documents attached to the case are required by the lawful holder for current accounting, reporting or other lawful purposes, he shall be given the opportunity to obtain those documents for temporary use or to make copies thereof.

3. Six months after the entry into force of the court judgment or the decision to terminate the criminal proceedings or terminate the criminal prosecution, the original documents in the case shall be returned to them at the request of their rightful owners. In this case, a copy of the document must be kept in the file, the accuracy of which is confirmed by the investigator, the prosecutor or the court.

CHAPTER 16

PROOF

Article 124 production A :

1. Evidence is the collection, verification, and evaluation of evidence in order to identify circumstances that are relevant to a lawful, well-founded, and fair trial.

2. The criminal prosecution bodies have the duty to prove the existence of the circumstances aggravating the guilt of the accused.

Article 125 COLLECTING AN evidence

Evidence shall be collected during the investigation, pre-trial ա trial, by carrying out the investigative-judicial actions envisaged by this Code.

Article 126 A CHECK OF EVIDENCE A.

The evidence gathered in the case is subject to a comprehensive, objective examination by analyzing the evidence obtained, comparing it with other evidence, gathering new evidence, and verifying the sources of evidence.

Article 127 evaluation of evidence A.

1. Each piece of evidence is subject to evaluation in terms of relevance, admissibility, and all the evidence together in terms of satisfaction with the resolution of the case.

2. The employee of the investigative body, the investigator, the prosecutor, the judge, guided by the law, evaluates the evidence in the combination of evidence, based on their comprehensive, full-objective examination with their internal conviction.

SECTION 5

LEGAL REMEDIES

CHAPTER 17

ARREST

Article 128 THE understanding of yourself

1. An arrest shall be the detention of a person, the bringing of an investigating or prosecuting authority, the drawing up of a relevant report, the notification thereof, for the purpose of short-term detention in the places and under the conditions prescribed by law.

2. ***(part lost its force 30.06.21 HO-280-N)***

3. The arrest is made:

1) on the basis of a direct suspicion of committing a crime;

2) based on the decision of the investigator.

(Article 128 edited on 23.05.06 HO-104-N, supplemented on 16.01.18 HO-69-N, amended on 30.06.21 HO-280-N)

Article 129 DETERMINATION ON THE basis of immediately suspected of making a crime

1. A person suspected of committing a crime may be arrested by an employee of the investigative body, an investigator, a prosecutor on any of the following grounds, if:

1) he was caught committing an act not permitted by criminal law or immediately after committing it;

2) the eyewitness simply points to the given person as the perpetrator of the act not allowed by the criminal law;

3) on the given person or his / her clothes, on other items used by him / her, near him / her or in his / her apartment or vehicle, obvious traces of his / her involvement in the commission of an act not permitted by criminal law have been found;

4) there are other grounds for suspecting a person who has attempted to hide from the scene or the body conducting the criminal proceedings or has no permanent place of residence or resides in another place, or whose identity has not been established.

2. Detention on the grounds provided for in part 1 of this Article may not last more than 72 hours from the moment of detention. Charges shall be brought within 72 hours of the arrest of a detainee on the grounds provided for in part 1 of this Article. The suspect may not be charged within the specified period if he or she is released from detention on remand within 72 hours of being taken into custody or having not been remanded in custody.

3. The detainee has the right to:

1) to know the reason for depriving him of liberty;

2) to maintain silence.

3) to receive oral clarification on his / her rights;

4) to receive a written notification on his / her rights և responsibilities և clarification;

5) to inform the person chosen by him / her about his / her location;

6) to invite a lawyer;

7) to undergo a medical examination at his / her request.

Irrespective of the fact that the arrest report was announced to the person, four hours after the actual detention, the person acquires the rights and responsibilities of the suspect.

4. The rights defined in points 4-7 of part 3 of this article arise from the moment of bringing them to the body of investigation or to the investigator.

5. Before receiving the status of an detainee, the detained person is obliged to:

1) obey the lawful orders of the body conducting the proceedings;

2) not to hinder the personal search;

3) undergo a medical examination, fingerprinting, as well as photographing, handing over samples provided for by this Code for examination.

6. In order to ensure the realization of the rights defined in part 3 of this article:

1) the detainee is obliged to orally explain to the detainee the reasons for deprivation of liberty immediately after the detention, as well as his / her rights and responsibilities provided for in paragraphs 3, 5 of this Article;

2) the body conducting the proceedings is obliged to provide the detainee with a list of his / her rights and responsibilities immediately after bringing him / her to the body conducting the proceedings; At the request of the detained person, ensure his / her medical examination, do not prohibit the lawyer from meeting with the detained person, unless otherwise provided by law.

7. The body conducting the proceedings may, with the written consent of the immediate superior, postpone the exercise of the minimum right set forth in paragraph 3 of paragraph 5 of this Article for a maximum of 12 hours from the moment of detention, if there is a reasonable suspicion that or disrupt or lead to the destruction or damage of evidence.

8. A protocol on the postponement of the exercise of the right defined by point 5 of Part 3 of this Article shall be immediately drawn up, stating in it the reasons for the postponement of the exercise of that right. The protocol shall be signed by the person conducting the proceedings, the person detained. The latter has the right to demand that his remarks be included in it.

(Article 129 was amended on 04.12.01 HO-263, 25.05.06 HO-91-N, supplemented on 16.01.18 by HO-69-N)

Article 130 Arrest for bringing an accused defendant to court

(title edited 30.06.21 HO-280-N)

1. If it is necessary to choose detention as a measure of restraint for the accused who is at large, the investigator shall make a decision on the arrest of the accused. The decision shall indicate the year, month, day of its compilation, the details of the accused, the reason for the arrest, the reason, as well as the body of the investigation to which the arrest is ordered.

2. An accused may be arrested on the grounds provided for in this Article only if the provisions of this Code allow detention to be applied to him as a measure of restraint.

3. Before arresting the accused, the employee of the investigative body shall hand over a copy of the arrest decision to the accused. Immediately after the arrest, the accused is brought to the investigator. The fact of bringing the accused to the investigator is recorded in the record of the person's arrest. The record shall state the name, surname, patronymic of the accused, year, month, day, hour, minute, place, conditions, grounds, name, surname, position, title, statements of the arrested accused, statements of the arrested accused to the investigator. year, month, day, hour և to make a protocol.

4. An arrest report shall be attached to the arrest warrant as an integral part thereof. Copies of the arrest warrant are immediately sent to the supervising prosecutor.

5. Detention on the grounds provided for in part 1 of this Article may not last more than 36 hours. The accused arrested on this ground must be brought to court no later than 18 hours after the arrest. Otherwise, the person must be released.

6. If the accused arrested on the grounds provided for in part 1 of this Article is not detained by a court decision within 36 hours from the moment of detention, he shall be subject to immediate release.

(Article 130 amended 04.12.01 HO-263, 25.05.06 HO-91-N, supplemented 16.01.18 HO-69-N, edited 30.06.21 HO-280-N)

Article 131 ARREST OF THE ACCUSED WHO VIOLATED THE TERMS OF THE MEASURE OF RESTRAINT

(title edited 30.06.21 HO-280-N)

1. If the accused violates the conditions of the measure of restraint applied to him, the investigator shall make a decision on his arrest, at the same time submitting a motion for the detention of the accused to the court. The decision shall indicate the year, month, day of its compilation, the details of the accused, the reason for the arrest, the reason, as well as the body of the investigation to which the arrest is ordered.

2. An accused may be arrested on the grounds provided for in this Article only if the provisions of this Code allow detention to be applied to him as a measure of restraint.

3. Before arresting the accused, the employee of the investigative body shall hand over a copy of the arrest decision to the accused. Immediately after the arrest, the accused is brought to the investigator. The fact of bringing the accused to the investigator is recorded in the record of the person's arrest. The record shall state the name, surname, patronymic of the accused, year, month, day, hour, minute, place, conditions, grounds, name, surname, position, title, statements of the arrested accused, statements of the arrested accused to the investigator. year, month, day, hour և to make a protocol.

4. An arrest report shall be attached to the arrest warrant as an integral part thereof. Copies of the arrest warrant are immediately sent to the supervising prosecutor.

5. Detention on the grounds provided for in part 1 of this Article may not last more than 36 hours. The accused arrested on this ground must be brought to court no later than 18 hours after the arrest. Otherwise, the person must be released.

6. If the accused arrested on the grounds provided for in part 1 of this Article is not detained by a court decision within 36 hours from the moment of detention, he shall be subject to immediate release.

(Article 131 amended on 04.12.01 HO-263, edited on 30.06.21 HO-280-N)

Article 131 [1] . Procedure for arresting the suspect

1. Within three hours after the person suspected of committing a crime is brought to the body of investigation, investigator or prosecutor, a report on the arrest of the suspect shall be drawn up, a copy of which shall be signed by the arrested person immediately, but not later than within one hour. The arrest report shall specify the protection of the suspect, as well as the clarification of his rights and responsibilities under Article 63 of this Code.

2. The protocol shall indicate the time (day, month, year, hour, minute), time, place, ground (s) of the arrest. The results - other circumstances, such as the statements and motions of the detainee.

3. Within 12 hours after the arrest report is drawn up, the investigating body or investigator shall notify the prosecutor in writing.

(Article 131 supplemented on 23.05.06 HO-104-N, edited on 16.01.18 HO-69-N)

Article 132 releasing YERKAKALVATS

1. The detainee, on the basis of the decision of the body conducting the proceedings, shall be subject to immediate release if:

1) the suspicion that a person has committed an act not permitted by criminal law has not been confirmed;

2) there is no need to detain the person;

3) the maximum term of arrest defined by this Code has expired, և the court has not made a decision on detaining the accused;

4) the necessary actions have been taken to apply the precautionary measures provided for in Article 134, Part 2, Clauses 2-7 of this Code.

2. In the case provided for in point 1 of part 1 of this article, the suspect may also be released by the head of the investigation body. In the case provided for in paragraph 3 of part 1 of this article, the suspect shall be released by the head of the administration of the place of detention.

3. A person released from detention may not be re-arrested on the same suspicion.

(Article 132 amended on 25.05.06 HO-91-N, supplemented on 16.01.18 HO-69-N, 14.04.20 HO-196-N)

Article 133 THE procedure for keeping copyrighted persons

Detainees are held in detention facilities. The procedure for keeping detainees և conditions are defined by the legislation of the Republic of Armenia.

CHAPTER 18

MEASURES OF PREVENTION

Article 134 UNDERSTANDING and types of measures

1. Precautionary measures are coercive measures applied to a suspect or accused person in order to prevent their misconduct during criminal proceedings and to ensure the execution of a sentence.

2. The precautionary measures are:

1) arrest.

2) the pledge.

3) signature not to leave;

4) personal guarantee.

5) the guarantee of the organization;

6) handing over control;

7) handing over control to the command.

3. Detention may be applied only to the accused. Supervision can only be applied to a minor. Handing over to the command can be applied only to a serviceman or conscript during the period of mobilization.

4. The precautionary measures provided for in part 2 of this Article may not be applied in conjunction with each other, except for the precautionary measure not to leave, which may be applied to the precautionary measures provided for in paragraphs 2, 4 and 5 of Part 2 of this Article. related to resources.

(Article 134 ed. 14.04.20 HO-196-N)

Article:135. FUNDAMENTALS for using measures

1. A court, prosecutor, investigator or investigative body may apply a measure of restraint only if the materials obtained in the criminal case give sufficient grounds to suppose that the suspect or accused may:

1) to hide from the body conducting the criminal proceedings;

2) obstruct the examination of the case in the pre-trial proceedings or in court by exerting illegal influence on the persons participating in the criminal proceedings, concealing or falsifying the materials relevant to the case, by failing to appear at the body conducting the criminal proceedings without good reasons or by other means;

3) commit an act not permitted by criminal law;
4) avoid criminal liability; կր serving the sentence;
5) obstruct the execution of the court verdict.
2. Detention may be imposed on the accused only if there is a reasonable suspicion that he has committed a crime for which the maximum term of imprisonment is more than one year, there are sufficient grounds to suppose that the accused may commit this article. Any action provided for in Part 1?
3. When deciding on the need to apply a precautionary measure to the suspect or accused, the following shall be taken into account:
1) the nature of the act attributed և the degree of danger;
2) the person of the suspect or accused;
3) age և health condition.
4) gender.
5) type of occupation;
6) marital status ևո availability of guardians;
7) property status;
8) Existence of permanent residence;
9) other essential circumstances.
(Article 135 amended on 25.05.06 HO-91-N, edited on 16.01.18 HO-69-N, 23.03.18 HO-211-N)

Article 136 PROCEDURE for application

1. The measure of restraint is applied by the decision of the court, prosecutor, investigator or investigative body. The decision of the body conducting the criminal proceedings on imposing a precautionary measure must be substantiated, the content of the crime attributed to the accused or the suspect must be substantiated, and the need to choose an appropriate precautionary measure must be substantiated. In case of making a decision on choosing the pledge as a precautionary measure, the body conducting the criminal proceedings shall indicate in the decision the amount of the pledge or the subject of the pledge.
2. Detention shall be applied only by a court decision, mediated by the investigator or prosecutor in the pre-trial proceedings, and in the court hearing of the criminal case, by the mediation of the prosecution or on the initiative of the court.
If there are grounds for choosing detention as a measure of restraint against persons enjoying immunity from criminal liability, the prosecutor shall apply to the relevant authorities for consent.
3. The body conducting the criminal proceedings announces its decision on imposing a precautionary measure to the suspect or accused, and immediately hands him / her a copy of the decision.
(Article 136 supplemented on 25.05.06 HO-91-N, supplemented, edited on 14.04.20 HO-196-N)

Article 137 K alanomation

1. Detention is the detention of a person in the places provided by law և under the conditions.
2. A detainee may not be detained for more than 3 days in detention facilities, except when he / she may not be transferred from the detention facility to a pre-trial detention center or, in accordance with the law, to other detention facilities due to lack of transport.
3. The investigative body, the investigator, the prosecutor, the court are authorized to give instructions to the administration of the pre-trial detention center on one criminal case, as well as on keeping the accused in several related criminal cases separate from each other, preventing the accused from communicating with other detainees. instructions that do not contradict the regime of detention of detainees. The instructions given are mandatory for the pre-trial detention center administration.

4. The court shall reject the motion to detain a person as a measure of restraint if the goals set forth in Article 134 (1) of this Code can be achieved by applying other measures of restraint to the accused, leaving the decision to choose other measures of restraint to the jurisdiction of the prosecuting authority.

If detention is applied to the accused as a measure of restraint, the court may later declare admissible the possibility of releasing the accused from detention using other measures of restraint. Such a motion may be filed if there are new circumstances that were not known or could not have been known.

5. A court decision to choose detention as a measure of restraint may be appealed to a higher court.

(Article 137 ed. 14.04.20 HO-196-N)

Article 138 TIME to keep under the chain

1. The period of detention of the accused shall be calculated from the moment of actual detention of the person at the time of arrest, and if he / she has not been arrested, from the moment of execution of the court decision on choosing that measure of restraint.

2. The time when the person was detained shall be calculated in the period of detention:

1) under arrest, when arresting or detaining him;

2) in a medical institution, by the decision of the body conducting the criminal proceedings, hospital examination, as well as during the treatment of a temporary morbid mental disorder found during the criminal proceedings, including the application of compulsory medical measures against the suspect and the accused.

3. The term of detention in pre-trial proceedings in a criminal case may not exceed 2 months, except for the cases provided for by this Code. In addition, all the periods included in the period of detention of a person in a medical institution and detention of the accused shall be added. The period of detention in pre-trial proceedings in a criminal case shall be suspended on the day when the prosecutor sends the criminal case to court, or the detention is lifted as a measure of restraint.

4. The period of detention of the accused in the pre-trial proceedings in the criminal case, taking into account the special complexity of the case, may be extended by the court up to 6 months, and in exceptional cases, when the person is accused of committing a grave or especially grave crime, up to 12 months. Further extension of the period of detention is prohibited, except for the cases provided for in the first part of Article 139 of this Code.

In the same criminal case as in the criminal case connected to or separated from it, in case of re-arrest of the accused, the period of detention shall be calculated, taking into account the time that the accused has previously spent in detention.

5. ***(part has expired on 14.04.20 HO-196-N)***

6. There is no maximum term for detaining the accused during the court hearing.

(Article 138 amended, edited on 25.05.06 HO-91-N, amended on 14.04.20 HO-196-N)

Article 139 EXTENSION OF TERMINATION UNDER CHANNEL

1. In case of necessity to extend the term of detention of the accused, the investigator, the prosecutor, no later than 10 days before the expiration of the term of detention, must submit a reasoned motion to the court. The court, agreeing to the need to extend the detention period, shall make a decision no later than 5 days before the expiration of the detention period. In case the need to extend the period of detention of the accused is connected with his / her defense counsel getting acquainted with the materials of the case, the relevant motion may be submitted to the court or with the consent of the prosecutor, the investigator 5 days before the expiration of the period of detention.

The accused's defendant shall be presented with the materials of the criminal case to get acquainted with the materials of the criminal case no later than 30 days before the expiration of the maximum period of detention provided for in Article 138, Part 4 of this Code, if the accused and his lawyer fail to get acquainted with the case materials. , then the term of detention of the accused may

be extended in accordance with the procedure established by this Code within the time limits specified in Article 138, Part 4, until the defendant and his lawyer get acquainted with the case file and the prosecutor sends the case to court. In case of several defendants in the case, the term of detention may be extended for the remaining defendants, if the grounds for their detention have not been eliminated.

2. The court shall reject the motion to extend the period of detention of the accused if the goals set forth in Article 134 (1) of this Code can be achieved by applying other precautionary measures against the accused, leaving the decision to choose other precautionary measures to the jurisdiction of the prosecuting authority.

If the period of detention of the accused is extended, the court may later, with the mediation of the defense, declare admissible the possibility of releasing the accused from detention using other precautionary measures. Such a motion may be filed if there are new circumstances that were not known or could not have been known.

3. When making a decision on extending the term of detention of an accused, the court shall extend the term of detention of the accused within the limits provided for by this Code, in each case for a period not exceeding 2 months.

4. ***(part of it expired on 14.04.20 HO-196-N)***

(Article 139 was amended on 25.05.06 HO-91-N, edited, amended on 14.04.20 by HO-196-N)

Article 140 the right to take care of property and CONTROL

1. Minors, as well as disabled persons, who have been left out of control, care or subsistence as a result of arrest of a parent or guardian, as well as other actions of the body conducting criminal proceedings, have the right to care, which the mentioned body is obliged to provide at the state budget. : The instructions of the body conducting the criminal proceedings to organize the supervision and care of the above-mentioned persons ապող Temporary placement of disabled persons in the state social assistance organization or medical institution is obligatory for the heads of the guardianship body, as well as the mentioned organizations և institutions.

2. A person whose property has been taken into custody, as well as other actions of the body conducting the criminal proceedings, has the right to control his property, including the feeding of pets, which the said body is obliged to provide at his request and at his expense. The instructions of the body conducting the criminal proceedings to organize the control of the property of the person, to feed the animals belonging to him are obligatory for the relevant state - local self-government bodies, state institutions, organizations - enterprises.

3. The body conducting the criminal proceedings shall immediately inform the detained person or other interested person about the measures taken in accordance with this Article.

Article 141 RESPONSIBILITIES OF the country administration

(title changed on 25.05.06 HO-91-N)

The administration of the place of detention is obliged to:

1) to ensure the security of detainees սալ to provide them with the necessary protection և assistance;

2) hand over the copies of the court documents received to the detainees on the day of their receipt, and if they were received at night, by 12:00;

3) to register the complaints and other announcements of the detainees;

4) Complaints addressed to detainees to the court, prosecutor, investigator or investigative body իս When receiving other announcements, immediately, but not later than 12 hours, send them according to their affiliation, without checking or censoring them;

5) to allow the Defender-Legal Representative to appear without hindrance to the detainee, to ensure the possibility of seeing them separately, in a confidential manner (confidential), without limiting their number;

6) ensure the timely appearance of the detainee to the body conducting the criminal proceedings;

7) at the request of the investigator or the prosecutor or on the instruction of the court, ensure the possibility of carrying out other investigative and judicial proceedings with the participation of the detainee in the place where the detainees are being held;

8) Based on the decision of the body conducting the criminal proceedings, transfer the detainee to another pre-trial detention center, follow other instructions of the body conducting the criminal proceedings, which do not contradict the procedure established by law for detaining detainees;

9) Inform the relevant criminal prosecution body about it 7 days before the expiration of the detention period;

10) Immediately release persons detained without a relevant court decision, as well as persons who have completed the term of detention established by a court decision;

11) to ensure the acquaintance of the persons who have expressed a wish to impose pre-trial detention measures provided for in Article 134, Part 2, Clauses 2, 4 and 5 of this Code, who have expressed a wish to release the accused by paying bail or bail. from arrest.

12) Immediately release the person from detention if the necessary actions have been taken to apply the precautionary measures provided for in Article 134, Part 2, Clauses 2-7 of this Code.

(Article 141 amended on 25.05.06 HO-91-N, 23.05.06 HO-104-N, edited on 14.04.20 HO-196-N)

Article 142 RELEASE THE ACCUSED

1. The accused shall be released from detention on the basis of a decision of the relevant body conducting the criminal proceedings, if:

1) the proceedings of the relevant criminal case have been terminated or the criminal prosecution against him / her has been terminated;

2) the court has imposed a sentence on the convict, which is not connected with imprisonment, detention in a disciplinary battalion or arrest;

3) the body conducting the criminal proceedings has clarified the absence of the need to detain the person;

4) the period of detention established by the court when making a decision on detention has expired;

5) the maximum term of detention of a person defined by this Code has expired;

6) the necessary actions have been taken to apply the precautionary measures provided for in Article 134, Part 2, Clauses 2-7 of this Code in order to release the person from detention.

2. In the cases provided for in paragraphs 4-6 of Part 1 of this Article, the decision to release a person from detention may be made by the head of the administration of the place where the detainees are being held.

3. In the cases provided for in points 1 և 2 of part 1 of this article, respectively, the acquitted or convicted person shall be released from detention by the court immediately in the courtroom. In the cases provided for in paragraphs 4-6 of Part 1 of this Article, such as detention, upon receipt of a copy of the decision of the body conducting the criminal proceedings on the removal or modification of the detention, the accused shall be immediately released by the head of the detention facility.

4. A person released from detention may not be re-arrested on the same charge unless new material circumstances have been discovered which were not known to the body conducting the proceedings at the time of the release of the accused from detention.

(Article 142 amended on 25.05.06 HO-91-N, edited on 14.04.20 HO-196-N)

Article 143 RIGHT C :

1. A pledge is an investment made by one or more persons in a court or prosecutor's office in the form of money, securities or other securities. Real estate can be accepted as collateral.

2. The pawnshop is responsible for proving the value of the pledge.

3. The amount of the deposit may not be less than two hundred times the minimum wage. The pledge is subject to payment within two days from the moment of making the relevant decision of the body conducting the payment proceedings.

4. Before receiving evidence that the bail has been paid, the body conducting the proceedings shall apply a restraining order against the suspect or accused being released.

5. Upon receipt of evidence that the bail has been paid, the body conducting the proceedings shall lift the restraining order against the suspect or accused or release the person from detention;

6. In case of non-payment of bail selected as a precautionary measure in accordance with Article 151 of this Code, the court has the right to reduce the amount of bail in case of filing a motion with the accused to detain the accused.

7. In the case provided for in part 6 of this Article, after the court has made a decision to reduce or change the bail, the accused shall be obliged to pay the bail established by the court within two days, and in case of non-payment, he may be detained upon the motion of the criminal prosecution body.

8. If the suspect or the accused has committed an act provided for in part 1 of Article 135 of this Code, the pledge shall become income of the state by a court decision on the mediation of the prosecutor, and when examining a criminal case in court, also on the initiative of the court. A court decision to convert a pledge into state revenue or to reject a petition may be appealed to a higher court.

9. The pledge shall be returned to the pledgee in the cases when the circumstance of committing the actions provided for in part 1 of Article 135 of this Code has not been proved, or the pledge has been canceled or changed as a precautionary measure. The decision to return the pledge is made by the body conducting the criminal proceedings at the same time as making a decision to lift or change the relevant precautionary measure.

(Article 143 ed. 14.04.20 HO-196-N)

Article 144 S DOCUMENT NOT TO LEAVE

1. A suspect or accused who has signed a letter of non-departure may not travel to another place or change his / her place of residence without the permission of the investigating body, investigator, prosecutor or court. He is obliged to appear at the call of the investigative body, the investigator, the prosecutor, the court, to inform them about the change of his place of residence.

2. The signature on not leaving the suspect or accused is taken by the body conducting the criminal proceedings.

Article 145 PERSONAL GUARANTEE

1. A personal guarantee is the written obligation of persons enjoying trust that they guarantee the proper conduct of the suspect or accused with the money paid by them, his appearance at the call of the body conducting the criminal proceedings, and performing other procedural duties.

2. An adult can be a guarantor. In addition, the person must pay money in the amount of five hundred times the minimum wage.

3. The number of guarantors may not be less than two. In exceptional cases, a personal guarantee can be used as a precautionary measure in the presence of a single trusted guarantor.

Article 146 the warranty of the UNION

1. The guarantee of an organization is the written obligation of a legal entity that trusts that it guarantees the proper conduct of the suspect or accused with the money paid by its authority, its appearance at the call of the body conducting the criminal proceedings, and performing other procedural duties.

2. When making such an obligation, the legal entity must pay a sum of one thousand times the minimum wage.

Article 147 the procedure for the implementation of LIQUIDITY

1. Considering that the guarantor enjoys trust, անձնական the personal guarantee or the guarantee of the organization may be applied to the suspect or accused as a precautionary measure, the body conducting the criminal proceedings introduces to the applicant, including the representative of the legal entity, the content of the suspicion or charge; Rights of the guarantor ունեն responsibilities and warns about the responsibility of the guarantor. The applicant then has the right to approve or reject the request.

2. The performance of the judicial actions provided for in part 1 of this Article shall be reflected in the protocol. In case of choosing a personal or organizational guarantee as a precautionary measure, the guarantor shall be mentioned in the decision of the body conducting the criminal proceedings. A copy of the relevant decision is immediately handed over to the guarantor.

2.1. The amount owed by the guarantor shall be deposited with the court or the prosecutor's office within two days from the moment of making the relevant decision of the body conducting the payment proceedings.

2.2. Prior to receiving evidence that the money has been paid by the guarantor, the prosecuting authority shall impose a restraining order on the suspect or accused being released. Upon receipt of evidence that the money has been paid by the guarantor, the prosecuting authority shall lift the restraining order against the suspect or accused or release the person from detention, notifying the competent authority to restrict the suspect or accused from leaving the Republic of Armenia.

3. The amount paid by the guarantor by the decision of the court, based on the mediation of the prosecutor in the pre-trial proceedings, and during the examination of the criminal case in court, also on the initiative of the court, is converted into state income, if the guarantor:

1) has not fulfilled his obligation to ensure the proper conduct of the suspect or accused;

2) voluntarily waived the guarantee.

4. Except for the cases provided for in part 3 of this Article, in all other cases the money shall be returned to the guarantor.

5. The decision to turn the money paid by the guarantor into state revenue or to reject the petition may be appealed to a higher court.

(Article 147 supplemented, edited 14.04.20 HO-196-N)

Article 148 H delivery to die

1. The transfer of custody means when the parents, guardians, trustees or closed children's institutions of the juvenile suspect or accused, where he is detained, are obliged to ensure the proper conduct of the suspect or accused; performing:

2. In case of applying custody to a juvenile as a precautionary measure, the body conducting the criminal proceedings shall inform the parents, guardians, trustees, the representative of the administration of the closed child institution of the decision made, hand over a copy of the decision, Responsibilities և responsibility, which is reflected in the protocol.

3. Parents, guardians, guardians have the right to refuse to exercise control over a juvenile suspect or accused.

4. Persons who have undertaken the obligation to exercise control for non-fulfillment of their responsibilities shall bear responsibility provided by law.

Article 149 SUBMISSION of command to control

1. Handing over to the command is when the military unit, the commander of a military unit, the head of a military institution, where the suspect or accused serves or mobilizes or is trained, is obliged to ensure the latter's proper behavior; :

2. In case of transferring the suspect or accused to the control of the command as a precautionary measure, the body conducting the criminal proceedings shall inform the representative

of the command of the decision to transfer to the control of the command, hand over the copy of the decision , which is reflected in the protocol.

3. When exercising control over a subordinate, the command shall act in accordance with military regulations.

4. During the application of the above-mentioned precautionary measure against the suspect or accused, he / she shall not be assigned to guard duty, combat duty, shall be deprived of the right to bear arms in peacetime;

5. Persons who have undertaken the obligation to exercise control over the non-fulfillment of their responsibilities shall bear responsibility provided by law.

(Article 149 supplemented on 25.05.06 HO-91-N)

Article 150 Appeal of precautionary measures

1. The decision of the investigator և to investigate or change the measure of restraint մպոմի the suspect, the accused, their lawyers և legal representatives, other interested participants in the trial may appeal to the relevant prosecutor, and the prosecutor's decision to the superior prosecutor.

2. The decision of the court to extend or reject the measure of restraint in the pre-trial proceedings or to extend or reject the detention as a measure of restraint may be appealed to the court of appeal.

(Article 150 edited on 25.05.06 HO-91-N)

Article 151 MODIFYING OR ELIMINATING THE MEASURE OF RESTRICTION

1. If necessary, the measure of restraint may be changed by the body conducting the criminal proceedings.

In case of failure to perform the actions required for the actions envisaged by Article 135, Part 1 of this Code or for the application of precautionary measures provided for in Article 134, Part 2, Clauses 2-7 of this Code, the body conducting the proceedings has the right to apply Article 134 of this Code. An appropriate precautionary measure necessary to achieve the purposes set forth in Article 1 (1), and if necessary, the prosecuting authorities may apply to a court to choose detention as a measure of restraint.

2. The precautionary measure is lifted when the need for it disappears.

3. The measure of restraint chosen by the court in the form of arrest may be changed by the court, and in the pre-trial proceedings in a criminal case, by the prosecutor.

The pre-trial measures chosen by the court, provided for in points 2-7 of part 2 of Article 134 of this Code, may be abolished by the prosecutor in the pre-trial proceedings in the criminal case.

3.1. The court or prosecutor may change or terminate the detention chosen as a measure of restraint if there is a serious illness preventing the detention. In resolving the issue of detention chosen as a measure of restraint against a person suffering from a serious illness, the court or the prosecutor shall take into account the gravity of the alleged crime, the personality of the accused, and other circumstances.

3.2. In the case provided for in Section 3.1 of this Article, where there is a serious illness preventing the detention, the court or the prosecutor has the right to modify or cancel the detention chosen as a measure of restraint upon the request of the medical commission, which must be based on the conclusion of the medical commission. The court or prosecutor will consider the petition immediately, but no later than the next day after receiving it. Upon completion of the examination of the petition, the court or the prosecutor shall make a decision on the approval or rejection of the petition, stating the grounds for the approval or rejection.

3.3. The prosecutor's decision to reject the petition may be appealed in court, and the court's decision to reject the petition may be appealed to a higher court. The court hears the complaint immediately, but not later than the next day after receiving it. Upon completion of the appeal, the court decides whether to uphold or reject the appeal, stating the grounds for approval or rejection.

4. The body removing or changing the detention as a measure of restraint shall inform the administration of the place of detention on the same day and shall send him a copy of its relevant decision.

(Article 151 amended, supplemented 25.05.06 HO-91-N, supplemented, edited 14.04.20 HO-196-N, supplemented 08.07.20 HO-357-N)

CHAPTER 19

OTHER MEANS OF LEGAL COURT

Article 152 Suspension of the powers of an employee with the status of a suspect or accused

(title edited 25.03.21 HO-123-N)

1. During the pre-trial proceedings of the criminal case, the prosecutor or, with the consent of the prosecutor, the investigator, and when examining the criminal case in court, the court, upon the mediation of the prosecution or on its own initiative, may suspend the powers of the suspect or accused. There are grounds to believe that, in exercising his / her powers, he / she will obstruct the investigation of the case, compensation for the damage caused by the crime or will commit an act not permitted by criminal law. The decision on suspension of powers made by the investigator during the pre-trial proceedings of the criminal case with the consent of the prosecutor or the prosecutor shall be submitted to the court for approval within three days.

2. The powers of an employee with the status of a suspect or accused shall be considered suspended from the moment of making the decision on the suspension of powers. The decision on termination of authority shall be signed by the body conducting the proceedings to the suspect or accused person and shall be immediately sent to the place of work of the suspect or accused person.

3. The decision on suspension of powers is revoked by the court, and during the pre-trial proceedings of the criminal case, also by the decision of the prosecutor, when the need for it disappears. Upon revocation of the decision on suspension of powers, the body conducting the proceedings shall immediately send the suspect or accused to the place of work.

(Article 152 amended on 25.05.06 HO-91-N, edited on 25.03.21 HO-123-N)

Article 153 subject to BERMAN

1. The apprehension of a suspect, accused, accused, convict, witness, victim who does not appear for examination without a valid reason shall be submitted to the body conducting the compulsory criminal proceedings for the relevant procedural actions provided for in this Code, which may be combined with the rights of a detained person. with restriction.

2. The apprehension shall be carried out on the basis of a reasoned decision of the investigative body, investigator, prosecutor or court conducting the proceedings. The suspect, the accused, the defendant, the convict, as well as the victim, the victim are obliged to inform the body that summoned them about the existence of valid reasons preventing them from appearing within the appointed period.

3. The decision on apprehension shall be executed by the investigative body in the manner prescribed by law.

4. It is not allowed to detain minors under 14 years of age, pregnant women, persons suffering from a serious illness, except in cases of suspicion of committing a serious or particularly serious crime.

Other persons provided by law may not be detained.

(Article 153 edited on 25.05.06 HO-91-N, supplemented on 15.11.06 HO-181-N)

CHAPTER 6:

PROPERTY ISSUES IN CRIMINAL TRIAL

CHAPTER 20

CIVIL LAWSUIT IN CRIMINAL TRIAL

Article 154 LEGISLATION applicable during civil lawsuit

1. In a criminal proceeding, a civil suit is initiated, proved, and resolved in accordance with the rules established by the provisions of this Code.
2. The application of the norms of the civil procedural legislation is allowed, if they do not contradict the Criminal Procedure Code, հաւաք rules for civil proceedings are required, which are not provided by this Code.
3. The decision on a civil suit is made in accordance with the norms of civil legislation.
4. In criminal proceedings, the statute of limitations established by the civil legislation does not apply to a civil lawsuit.

Article 155 SIGNIFICANCE or decision of a civil lawsuit into a legal power

1. The decision of a court in the same civil suit that has entered into force, the decision of the court to accept the waiver of the civil plaintiff from the claim or to approve the conciliation agreement, as well as the existence of a court judgment that has entered into force initiating a lawsuit.
2. In case of not initiating a civil lawsuit in the criminal proceedings, the person has the right to initiate a civil lawsuit through a civil procedure.
3. A civil suit initiated in a criminal proceeding, which has been left without examination by the court, may be subsequently instituted through a civil proceeding.

Article 156 D protecting and defending a civil lawsuit by the atakas

The prosecutor initiates և defends the initiated civil lawsuit, if the property interests of the state have been violated.

Article 157 EXEMPTION OF A citizen plaintiff from paying state tax

A civil lawsuit filed in a criminal trial is exempt from state duty.

Article 158 CIVILIZATION of civil lawsuit

1. In civil proceedings, a civil suit may be instituted at any time, from the initiation of a criminal case until the departure of the court for a judgment in a deliberation room.
2. A civil suit is instituted against the suspect, the accused or against whom property liability may be imposed for the actions of the accused.
3. The lawsuit shall indicate in which criminal case, who, on whom, on what basis, to what extent, initiates a civil lawsuit, how he / she should contain a request for confiscation of a specific amount of money for damages.

Article 159 refusal to accept a VISIT

The body conducting the criminal proceedings may refuse to accept the lawsuit if it does not comply with the requirements of this Code.

Article 160 ensuring compensation in civil LAWSUIT

The investigative body, the investigator, the prosecutor, the court are obliged to take measures to secure the civil suit on the initiative of the civil plaintiff or his / her representative.

Article 161 REJECTING A civil lawsuit

1. A person who has filed a civil lawsuit has the right to withdraw the lawsuit at any time during the criminal proceedings, if it does not violate the rights or legal interests of other persons. Such rights are exercised by the person for whose protection the prosecutor has filed a civil lawsuit.
2. The acceptance of the rejection of the civil suit leads to the termination of the civil suit proceedings in the criminal proceedings; deprives the relevant person of re-initiating the given civil suit through the criminal proceedings.

Article 162 CIVIL civil lawsuit

The civil suit is examined together with the criminal case, according to the jurisdiction of the latter.

Article 163 SETTLEMENT of civil lawsuit

In criminal proceedings, a civil suit is settled by a judgment.

Article 164 compensation for property damage on the initiative of the COURT

In exceptional cases, when the citizen is deprived of the opportunity to personally defend his property interests, the court has the right to make a decision on its own initiative to compensate the damage caused by the crime.

CHAPTER 21

WORK REMUNERATION AND EXPENSES

Article 165 DEFENDER 's remuneration

1. The legal aid provided by the Defender to the suspect (accused) shall be paid at the expense of the client, provided on the terms agreed between the Defender and the Defender or with the consent of the Defender, free of charge.
2. The legal aid provided to the suspect ы accused by the appointed Defender shall be paid from the state budget, if the client has not concluded an agreement with the Defender ң the Defender has not announced the provision of free assistance. The amount to be paid to the appointed Defender is determined by the Defender after submitting an account to the body conducting the criminal proceedings, for one hour of work, equal to the hourly salary of the Prosecutor. The court has the right to reimburse the convict for the expenses incurred by the state for the payment of legal aid provided to him / her, except in cases when the legal aid to the suspect or accused must be provided free of charge in accordance with the provisions of this Code.
3. The body conducting the criminal proceedings shall make a reasoned decision on the full or partial exemption of the suspect (accused) from the payment of legal aid.
4. The legal assistance of a lawyer participating in the criminal case as a defense counsel shall be provided free of charge to the suspect (defendant) who refuses to defend himself / herself, if their refusal to defend has not been accepted by the body conducting the proceedings.
5. The remuneration of the defense counsel providing free legal aid to the suspect or accused shall be paid in accordance with the procedure provided for in paragraph 2 of this Article.

Article 166 remuneration of translator, specialist, expert, PSYCHOLOGIST

(title added: 03.06.20 HO-300-N)

1. In the criminal case, the translator, specialist, expert, psychologist receive:

1) salary from the place of work, if the work was performed in accordance with the service task;

2) Remuneration in accordance with the body conducting the criminal proceedings at the expense of the state budget, if the work was performed at the request of the body conducting the criminal proceedings;

3) Remuneration in the amount agreed with the relevant party, if the work was performed by agreement with the given party.

2. In the case provided for in point 2 of part 1 of this article, the remuneration shall be paid after the translator, specialist, expert, psychologist submits an account, based on the decision made by the body conducting the criminal proceedings.

(Article 166 supplemented on 03.06.20 HO-300-N)

Article 167 COMPENSATION OF EXPENSES OF PERSONS PARTICIPATING IN criminal trial

1. The following expenses incurred by the victim, civil plaintiff, civil defendant, legal representative of the suspect or accused, defense attorney, legal aid, specialist, translator, expert, witness at the expense of the state budget at the expense of the state budget:

1) the cost of transportation by rail, water, automobile, except for taxis, տեսակ the cost of travel by other types of transport, and with the consent of the body conducting the criminal proceedings, the cost of travel by air;

2) the cost of renting the accommodation in accordance with the norms accepted for the payment of official business trips, unless those expenses have been reimbursed otherwise;

3) the daily allowance necessary for the residence of the given persons outside the place of permanent residence at the request of the body conducting the criminal proceedings, unless it has been compensated in another way;

4) the average salary for the entire time he / she has spent participating in the criminal proceedings at the request of the body conducting the criminal proceedings, except for the cases when the average salary is maintained for him / her in an institution, enterprise, organization, by the employer;

5) Expenses for cleaning, repairing, restoring or acquiring property contaminated, damaged or lost as a result of participating in an investigative or other legal action at the request of the body conducting the criminal proceedings.

2. State and local self-government bodies and institutions are obliged to maintain their average salary for the victim, suspect, accused, their legal representatives, escort, translator, specialist, expert, witness for all the time they have spent at the request of the body conducting the criminal proceedings. to participate.

3. The specialist's expert shall be reimbursed for the cost of the materials used by them, which were spent by them in the performance of the assigned work, as well as the payment they paid for the use of the equipment for the performance of work, utilities and other services.

4. The expenses incurred during the criminal proceedings shall be subject to compensation on the basis of a court decision in accordance with the application of the persons listed in part 1 of this Article, in the amount defined by the legislation. The expenses provided for in points 1, 2 and 4 of part 1 of this article may be reimbursed in accordance with the legislation by the body conducting the proceedings on its own initiative.

(Article 167 amended on March 21, 18 HO-181-N)

CHAPTER 22

LEGAL COSTS

Article 168 D father expenses

1. Court costs consist of:
1) the amount of compensation for the damage caused to the victim as a result of the crime;
2) Reimbursement of daily expenses for the victim, specialist, expert, witness to appear;
3) from the remuneration of a specialist, psychologist, expert, translator;
4) from the amounts to be paid to the appointed defender;
5) from the sums spent for the storage, delivery and examination of material evidence;
6) from the sums spent by the criminal prosecution body for the search;
7) the amount spent on compensation for the value of items damaged or destroyed during the examination, investigative experiment, or other similar expenses incurred during the given criminal case;
8) Amounts spent on measures necessary for the conduct of criminal proceedings.
2. Court costs shall be paid from the state budget, unless otherwise provided by this Code.
(Article 168 supplemented on 03.06.20 HO-300-N)

Article 169 D collection of costs

1. The court costs listed in points 1-6 of the first part of Article 168 of this Code may be imposed on the convict by the court.
2. The court has the right to exempt the convict in full or in part from the court costs to be collected as state income, if the convict is insolvent or the collection of money may significantly affect the financial situation of the persons under the care of the convict.
3. When several persons are convicted in a criminal case, the court costs shall be collected from each of them according to the section determined by the court, taking into account the degree of guilt of those persons, the severity of the punishment imposed on them, and the property status of each.
4. In case of conviction of a juvenile, court costs may be charged to his / her legal representative.
5. If the defendant has died before the judgment enters into force, his / her heirs shall not be liable for his / her liabilities.

SECTION 7

CONFIDENTIALITY AND TERMS OF CONFIDENCE

CHAPTER 23:

PRIVACY

Article 170 PRIVATE և IMMOVABILITY of family life
(title changed on 16.01.18 HO-69-N)

1. Everyone has the right to the protection of the law against such interference or attacks.
2. Information on a person's private or family life, as well as other data of a private nature, shall not be collected, stored, used or disseminated unnecessarily during court proceedings. At the request of the court, as well as the body of investigation, the investigator, the prosecutor, the participants of the investigative-judicial actions are obliged not to publish the mentioned information, for which a signature is taken from them.

3. Evidence of private or family intimacy shall be examined in closed court at the request of persons participating in criminal proceedings who are threatened with disclosure of private or family secrets.

4. Violation of the inviolability of private or family life gives rise to liability established by law, and the consequent damage to a person is subject to compensation in the manner prescribed by law.

(Article 170 amended on 16.01.18 HO-69-N)

Article 171 PROTECTION of state secret

1. During the criminal proceedings, measures are taken to protect information containing state secrets provided by law.

2. Persons to whom the criminal prosecution body proposes to report or submit information containing state secrets in accordance with the provisions of this Code may not refuse to comply with this requirement, citing the need to maintain state secrets, but have the right to receive prior prosecution from the prosecutor, investigator or investigative body. Clarification confirming the need to receive the information mentioned by him, to be reflected in the protocol of interrogation or other relevant investigative action.

3. A civil servant who testifies about the information entrusted to him / her containing state secrets shall inform the head of the relevant state body in writing, unless it is directly prohibited by the body conducting the proceedings.

4. Proceedings in criminal cases related to information containing state secrets shall be assigned to judges, prosecutors, investigators, and employees of the investigative body who have signed a non-disclosure of such information.

5. Defendants - other representatives, as well as other persons, for whose information information containing state secrets are presented or otherwise reported, must sign in advance the non-disclosure of such data. In case of refusal to sign, the Defender ը any representative other than the legal representative is deprived of the right to participate in the criminal proceedings, and other persons do not receive information containing state secrets. The participant's non-disclosure obligation does not prevent him from mediating to investigate information containing state secrets in closed court.

Article 172 Uտ receipt և receipt և preservation secret և protection

(title added: 14.12.04 HO-28-N)

1. During the criminal proceedings, measures shall be taken to protect official, commercial or other secret information protected by law.

2. When carrying out legal proceedings, information containing other secrets contained in official, commercial or other secrets protected by law shall not be collected, stored, used or disseminated unnecessarily. At the request of the court, as well as the body of investigation, the investigator, the prosecutor, the participants of the investigative-judicial actions are obliged not to publish the mentioned information, for which a signature is taken from them.

3. Persons to whom the body conducting criminal proceedings proposes to report or submit information containing secrets protected by law in accordance with the provisions of this Code, may not refuse to comply with this requirement, citing the need to maintain official, commercial or other secrets protected by law, but have the right to court or prosecutor. to receive from the investigator, the body of inquiry, a clarification confirming the need to obtain the information mentioned by them in advance, to be reflected in the protocol of the relevant investigative or judicial action.

3.1. Prosecuting authorities may obtain notarial information based on a court order.

3.2. In a reasoned decision, the court in criminal cases satisfies information constituting banking secrecy, official information on securities transactions made by the Central Depository established by the Law of the Republic of Armenia on the Securities Market, as well as criminal prosecution for confiscation or search authorization for insurance secrecy information. motion of the body, if they concern:

1) the suspect.

2) the accused.

3) the natural person in connection with whom there is a reasonable assumption that there is a direct connection between him ան the person mentioned in point 1 or 2 of this part,, that information about him is directly related to part 1 of this part or The act attributed to the person mentioned in point 2.

4) the legal entity in connection with which there is a reasonable assumption that its activity is fully or partially managed, controlled or in any way actually directed by the person mentioned in point 1 or 2 of this part, և that information about it are directly related to the act attributed to the person mentioned in point 1 or 2 of this part.

3.3. Prosecuting authorities can obtain credit information or credit history from a credit bureau only on the basis of a court order.

3.4. The rules set forth in Section 3.2 of this Article shall not apply to the list of securities accounts opened by the Central Depository այլ other persons authorized to maintain the register of securities owners (holders), service information on the status and status of each account, as well as shareholders (shareholders). in connection with the provision of official information. The prosecuting authorities shall receive the information provided for in this part in accordance with the procedure provided for in Article 98, Part 2, Clause 6 of the Law of the Republic of Armenia “On Securities Market”.

4. A civil servant who contains official, commercial, other secrets protected by law and testifies about the information entrusted to him / her, regardless of the ownership, the employee of the enterprise, institution or organization shall notify the relevant manager in writing, unless explicitly prohibited by the body conducting the proceedings.

5. Evidence of information containing official, commercial or other confidential information protected by law may be examined in closed court at the request of the persons threatened with publication of the said information.

Article 172 was amended on 14.12.04 HO-28-N, amended on 27.02.07 HO-114-N, 22.10.08 HO-196-N, 24.06.10 HO-103-N, ed. 21.06.14 HO-115-N, supplemented 03.06.20 HO-308-N, edited 30.06.21 HO-307-N)

CHAPTER 24

TRIAL TERMS

Article 173 ժ calculation of members

1. The terms defined by this Code are calculated in hours, days, months and years.

2. When calculating the terms, the time and day from which the term starts starts shall not be taken into account.

3. When calculating the period in days, the period starts from zero o'clock on the night of the first day and ends at twenty-four o'clock on the night of the last day. When the period is calculated in months or years, the period expires on the corresponding day of the last month, and if the given month does not have a corresponding number, the period expires on the last day of that month. If the expiration date coincides with a non-working day, the last day of the term is counted as the first working day following it. The period of detention begins from the moment of detention.

4. The period shall not be considered missed if the complaint or other document was delivered to the post office before the expiration of the term, and for persons under detention or in a medical institution, if the complaint or other document is submitted to the administration of the place of detention or medical institution before the expiration. The time for submitting a complaint or other document to the post office is determined by the postmark, and the time for submitting the detainee to the administration of the place of detention or the medical institution is indicated by a note made by the offices or officials of those institutions.

5. The observance of the term set by the officials is confirmed in the court documents with a corresponding note. The fact of receiving the documents to be handed over to the persons participating in the criminal proceedings is confirmed by their signatures attached to the case.

(Article 173 amended on 25.05.06 HO-91-N, 23.05.06 HO-104-N)

Article:174. h the consequences of leaving the term և the restoration PROCEDURE

1. Legal actions taken after the expiration of the term shall be considered invalid if the term is not restored.

2. The applicant, the victim, the civil plaintiff, their legal representatives or representatives, the suspect, the accused, their legal representatives, the defense counsel, the civil defendant or his / her representative shall apply to the body conducting the proceedings for the restoration of the missed period. The execution of the decision, which is appealed against the omission of the established term, may be suspended by the mediation of the mentioned person until the issue of restoration of the missed term is resolved.

3. The period missed for a good reason must be restored by the decision of the body conducting the proceedings. Moreover, the term shall be restored for the person who missed it, and not for other persons, unless otherwise provided by the relevant decision of the body conducting the proceedings.

4. The refusal of the investigative body or the investigator to restore the missed period may be appealed to the supervising prosecutor. The refusal of the supervising prosecutor to restore the missed period may be appealed to the superior prosecutor. The court's refusal to reinstate the missed period may be appealed to a higher court.

(Article 174 amended, edited 06.12.16 HO-214-N)

CHAPTER 24.1 _ _ _
(Chapter completed: 19.01.21 HO-19-N)

NOTICES:

Article 174.1. Notice methods:

1. The body conducting the criminal proceedings shall be obliged to duly notify the persons who have the right or obligation to participate in the investigation or other judicial action or court session.

2. The notification of the person is made:

1) by paper notice;

2) by electronic notice;

3) by announcing the notification during the investigative or other legal action or the ongoing court session with the participation of the notified person, at the same time by making a note about it in the relevant protocol.

Article 174.2. Peculiarities of notification of a separate category of persons

1. The juvenile is notified through his / her legal representative, and in case of being in a special institution, through its administration.

2. A detained person shall be notified by the relevant place administration.

3. The serviceman is notified through the command of the military unit.

Article 174.3. Notice content:

1. The notice shall indicate:

1) Details of the inviting body or official .

2) name, surname, address of the summoned person և judicial status .

3) place of presentation և time (year, month, day և hour) .
4) the investigative or other legal action to be performed;
5) the fact underlying the initiated criminal case և its legal assessment .
6) the obligation of the person receiving the notification to the person invited to deliver it;
7) Legal consequences of not appearing for a disrespectful reason;
8) information about the notified person, if the invited person is notified through another person or institution.

2. The list of rights and responsibilities arising from the status of the summoned shall be attached to the notification addressed to the person summoned for the first time in the given procedural status.

3. The notice addressed to the victim or witness shall state that in case of an investigative or other legal action without the presence of a lawyer, that action shall not be subject to postponement on the grounds of requesting a lawyer.

Article 174.4. Submitting the notice

1. The notice shall be submitted no later than two days before the date of the investigative or other legal action or court session. If the investigation or other legal action or hearing is not scheduled or can not be postponed, the notice may be served on the day before or immediately before the appearance, stating the reason for not delivering the notice earlier.

2. The paper notice is sent by mail, by registered mail, or is delivered directly. If the person is notified for the first time, the paper notice is sent to his / her place of permanent residence or registration, and if it is not known, to the address of his / her place of work, study or service.

3. The paper notice shall be handed over to the person being notified in person, and in his / her temporary absence to one of the adult members of the family living with him / her or to the condominium employee. If the paper notice is sent to the place of work, study or service of the notified person, it is delivered to the competent employee of the administration of the relevant institution. The recipient of the paper notice is obliged to deliver it to the notified person.

4. In the section for signing the paper notice, the recipient shall indicate his / her name, surname ժամանակը the time of receipt, which he / she confirms with the signature. If the recipient of the paper notice is not the notified person, he / she shall indicate his / her relationship with the notified person.

5. The part of the paper notice separated for signature shall be returned to the body conducting the proceedings.

6. The electronic notice shall be sent to the notified person in case he / she has given his / her written consent to receive the notice in that way. The e-notice is sent to the written e-mail address or telephone number of the person being notified.

7. In case of sending an electronic notice, the body conducting the proceedings shall attach an electronic message to the criminal case, as well as a receipt.

8. In case of electronic notification, the notified is obliged to confirm the fact of notification within one day. If the receipt of the notice is not confirmed within two days after it is sent, the notice shall be sent by registered mail with notice of delivery, or delivered to the notified person by receipt.

Article 174.5. Obligation to accept the paper notice

1. The notifier is obliged to accept the paper notice.

2. If the notified person refuses to accept the paper notification, the person delivering the notification shall make a note about it in the part of the notification provided for the signature: the notification shall be returned to the body conducting the proceedings.

Article 174.6. The validity of the notice

1. The notice shall be deemed appropriate if:

1) the paper notice was received by the person notified in person;

2) the paper notice was received at the address indicated by the notified person;

3) the recipient of the paper notice has confirmed in writing the fact of delivering it to the notified person;

4) the paper notice has been returned to the body conducting the proceedings with a note on the refusal of the notified person to accept it, if the person delivering the notice is a person not interested in the proceedings;

5) there is an electronic confirmation of receipt of the electronic notification sent by the written telephone number or e-mail address of the notified person;

6) the fact of notification was fixed by voice recording at the court session;

7) the notified person has confirmed the fact of receiving the notification by signing the protocol of the investigative or other judicial action.

2. The person summoned with due notice shall be obliged to appear at the place of investigation or other judicial action or at the court session at the appointed time or to inform the body conducting the proceedings in advance about the reasons for not appearing. Compulsory measures provided by this Code may be applied to a person who does not appear for a disrespectful reason.

SPECIAL PART:

SECTION 8

PRELIMINARY PROCEEDINGS IN CRIMINAL CASES

CHAPTER 25 INITIATING A

CRIMINAL CASE

Article 175 THE OBLIGATION TO INITIATE A criminal case

In case of existence of grounds and grounds for initiating a criminal case, provided for by this Code, the prosecutor, the investigator, the investigative body, within the scope of their competence, are obliged to initiate a criminal case.

Article 176 OPPORTUNITIES TO OPEN A criminal case

The reasons for initiating a criminal case are:

1) Reports of individuals and legal entities on crimes addressed to the investigation body, investigator, prosecutor;

2) media reports on crimes;

3) Detection of data on the crime, material traces of the crime կողմից by the body of investigation, investigator, prosecutor, court, judge, while exercising their powers.

Article 177 photos of INDIVIDUALS

1. Crime reports from individuals may be in writing or orally.

2. An oral report on a crime committed during an investigative action or during a court hearing shall be entered in the minutes of the investigative action or court session, respectively. In other cases, a separate protocol is drawn up. The record must state the applicant's surname, first name, birth number, apartment's official address, his / her involvement in the crime, the source of information, as well as information on the identity documents submitted by him / her. If the applicant has not provided proof of identity, other measures should be taken to verify the identity of the applicant.

3. If the applicant has reached the age of 16, he / she shall be warned of liability for false betrayal, which shall be confirmed by his / her signature.

4. The report shall be written in the first person in the protocol.

5. The protocol shall be signed by the applicant ապաշոն the official receiving the report.

6. The rules set forth in the first, second, fourth and fifth parts of this Article shall apply to the report of a crime committed by the applicant in case of a guilty plea.

7. A letter, statement or other anonymous report of a crime with an unsigned or forged signature or on behalf of an imaginary person is not a reason to initiate a criminal case.

(Article 177 amended on 25.05.06 HO-91-N)

Article 178 REPORTS by legal entities

A legal entity's report must have an approved form of business letter or certified telegram, telephone, radiograph, e-mail, or other message. Documents confirming the commission of a crime may be attached to the program.

Article 179 RESPONSIBILITY messages

1. Media reports are reports of crimes committed or being prepared in the press, radio, television, as well as in unpublished communications addressed to the media.

2. The media outlets that publish reports on crimes or send them according to affiliation, as well as the authors of those reports, are obliged to submit the materials they have to confirm the report of the crime at the request of the body of investigation, investigator or prosecutor.

Article 180 PROCEDURE for discussion of reports on crimes

1. Crime reports should be reviewed և resolved immediately, and the legality of the case initiated և if necessary to verify the adequacy of the grounds within 10 days of receipt.

2. Additional documents, explanations, other materials may be required within the mentioned period, as well as the scene may be inspected, if there are sufficient grounds for suspicion of committing a crime, persons may be brought in, subjected to personal search, samples taken for examination, expert examination appointed.

3. In case it is necessary to obtain the conclusion of the appointed expertise, it is not possible to resolve the issue of initiating a criminal case or refusing to initiate a criminal case without receiving the conclusion of that expertise, based on the reasoned motion of the investigating body or investigator in part 1 of this article. By the decision of the supervising prosecutor, the mentioned term may be extended for up to 20 days. No other legal action may be taken during the extended period, except for actions aimed at satisfying the written request of an expert, without which it is not possible to conduct an expert examination or a proper expertise.

4. The investigative body or the investigator shall be obliged to submit the motion on extension of the term mentioned in part 1 of this Article to the prosecutor supervising the materials at least two days before the expiration of that term. In case of rejection or partial satisfaction of the motion, the prosecutor makes a reasoned decision. At the same time, together with the decision to reject the motion, the prosecutor shall give a written instruction to the investigative body or investigator to initiate a criminal case or to reject the initiation of a criminal case.

5. If, within two days from the receipt of the motion of the investigative body or the investigator, the supervising prosecutor does not make any decision on that motion, it shall be considered satisfied.

(Article 180 amended on 25.05.06 HO-91-N, supplemented on 06.12.16 HO-214-N)

Article 181 decisions made as a result of discussion of REPORTS

In each case of receiving information about a crime, one of the following decisions is made:

1) on initiating a criminal case;
2) on refusing to initiate a criminal case;
3) on handing over the report according to the subordination.

Article 182 PROCEDURE FOR INITIATING A criminal case

1. If there are grounds for initiating a criminal case, the prosecutor, the investigator, the investigative body shall make a decision to initiate a criminal case.
2. The decision shall state the reason and basis for initiating a case, the article of the criminal law, according to the characteristics of which the case is initiated, the further course of the case after initiating it.
3. If the victim of a crime is known at that moment, that person is recognized as a victim at the same time as initiating a criminal case, and if a civil suit is filed at the same time as the report on the crime, that person is also recognized as a civil plaintiff by the same decision.
4. A copy of the decision to initiate a criminal case shall be sent to the natural or legal person who reported the crime.
5. Simultaneously with the initiation of a criminal case, measures shall be taken to prevent the crime, as well as to preserve the traces of the crime, the objects, the keeping of the documents, which may be relevant for the case.

Article 183 CRIMINAL cases based on the ground of complaint

դեպքում subject to termination in case of reconciliation with the suspect or the accused or the accused. Reconciliation is allowed before leaving the courtroom to make a verdict.
2. ***(part of it expired on 21.02.07 HO-93-N)***
3. Deviations from the procedure provided for in part 1 of this Article may be established by international agreements of the Republic of Armenia.
4. Irrespective of the submission of a complaint by the victim, the prosecutor has the right to initiate a criminal case for the crimes provided for in part 1 of this Article in cases of domestic violence, if the person is unable to defend his / her legitimate interests due to his / her helplessness or dependence on the alleged perpetrator. In this case, the criminal case is initiated, examined in accordance with the general procedure established by this Code, and in case of reconciliation between the victim and the accused, the criminal prosecution is not terminated.
(Article 183, edited 14.12.04 HO-57-N, edited, amended 21.02.07 HO-93-N, amended 18.05.10 HO-99-N, 23.05.11 HO-145-N, 09.06.15 HO-70-N, supplemented 13.12.17 HO-325-N, 30.07.21 HO-324-N)

Article 184 STARTING a new case with the materials of criminal case

1. The body of investigation, the investigator, the prosecutor shall make a decision to initiate a new case based on the materials of the criminal case under consideration, to separate it in a separate proceeding, and the court shall apply to the prosecutor with such a decision. committed by another person without the participation of the accused.
2. The decision shall indicate the grounds for initiating the case, separation, episodes, persons, the article of the criminal law, the part or point of the article by which the case was initiated, separated in a separate proceeding, the decision to send the separated case for preliminary investigation or accept the case. :
3. The list of detachable materials - decisions, protocols, documents, material evidence is included in the decision or is attached to it in copies or originals.
4. The first copy of the list of detachable materials of the decision, attached to it, shall be included in the original case, and the second copy in the detachable case.

5. The defendant, his / her legal representative, the defense counsel, as well as the victim, the civil plaintiff, the civil defendant, and their representatives who participated in the initial case proceedings shall be informed about the further process of dismissal of the new case.

(Article 184 supplemented on 25.05.06 HO-91-N)

Article:185. REJECTING the initiation of the criminal case

1. If the reason for initiating a criminal case is illegal or there are no grounds, the prosecutor, the investigator, the investigative body shall make a decision to refuse to initiate a criminal case.

A copy of the decision to refuse to initiate a criminal case shall be sent to the relevant prosecutor within 24 hours.

2. A copy of the decision shall be immediately sent to the natural or legal person who reported the crime.

3. The decision to refuse to initiate a criminal case may be appealed within 7 days from the moment of receiving the copy of the decision in the manner prescribed by this Code.

4. On the basis of the complaint on the rejection of the initiation of a criminal case, the superior prosecutor shall, within 7 days of receiving it, annul the appealed decision, initiate a criminal case, send it to the investigator for preliminary investigation or confirm the legality of the rejection of the criminal case.

5. On the basis of the appeal against the rejection of the initiation of a criminal case, the court shall annul the appealed decision or approve it. The annulment of the appealed decision makes the initiation of a case by the prosecutor mandatory.

(Article 185 supplemented, edited, amended on 25.05.06 HO-91-N, amended on 21.02.07 HO-93-N, amended on 22.02.07 HO-129-N)

Article 186 Submission of a crime report by subordination

An official with the authority to initiate a criminal case may submit a report of a crime without initiating a case according to the subordination, when in order to resolve the issue of initiating a criminal case, it is necessary to take preliminary actions related to the case.

(Article 186, edited on 25.05.06 HO-91-N)

Article 187 THE PROCESS of criminal case after the initiation

After initiating a criminal case:

1) the prosecutor sends the case to the investigator for preliminary investigation;

2) the investigator undertakes the preliminary investigation of the case, immediately informing the prosecutor about it;

3) The head of the investigative body instructs the employee of the investigative body to carry out urgent investigative actions or to carry them out in person, immediately informing the prosecutor about the initiation of a criminal case.

(Article 187 amended on 22.02.07 HO-129-N)

CHAPTER 26

PRELIMINARY EXAMINATION
(title changed on 23.05.06 HO-104-N)

Article 188 MANDATORY OF THE preliminary examination

1. Preliminary investigation is mandatory in all criminal cases.

2. The investigation may be the initial stage of the investigation within 10 days from the moment of initiating a criminal case.

(Article 188, edited on 25.05.06 HO-91-N)

Article 188 [1] . General conditions of the preliminary examination

1. Investigative actions are not allowed at night, except in urgent cases.
2. Violence, threats and other illegal actions against the participants of the preliminary investigation, as well as the creation of dangerous conditions for their life and health, are not allowed during the investigation.
3. The investigator, involving the suspect, accused, victim, civil plaintiff, civil defendant, their representatives or legal successors, as well as the persons mentioned in Articles 81, 83-86 of this Code, verifies their identity, explains their rights and responsibilities, as well as the general procedure for conducting an investigative action. If the victim, witness, expert or translator is involved in the investigation, the investigator shall warn them accordingly about the criminal liability provided for in Articles 338 and 339 of the Criminal Code of the Republic of Armenia.
4. The investigator has the right to involve the officials of the body carrying out operative investigative activity in the implementation of the investigative action, which is mentioned in the protocol of the relevant investigative action.
5. The investigator, the investigative body shall invite escorts only to conduct an investigative experiment, to present the person or objects for recognition, to search, confiscate, inspect, except for the cases provided for in part 6 of this Article and the confiscation and examination of correspondence provided for in Article 240 of this Code.
6. Escorts are not invited to the examination if:
1) the document or object is examined with the participation of the natural or legal person or its representative, և the document (or its copy) or object is attached to the criminal case;
2) The documents on the incoming (or outgoing) telephone calls, transcripts of short messages (sms), subscriber data, addresses of the antenna stations that served the telephone calls or their copies are attached to the criminal case;
3) According to Article 241 of this Code, the recordings obtained as a result of the actions envisaged by Article 14, Part 1, Clause 12 of the Law of the Republic of Armenia “On Operative-Investigative Activities” are attached to the criminal case.
(Article 188 was supplemented on 23.05.06 HO-104-N, 21.03.18 HO-181-N)

Article 189 INVESTIGATION authorities

Preliminary investigation of criminal cases is carried out by investigators of the Investigative Committee, Special Investigation Service, National Security, Tax and Customs Bodies.
(Article 189 amended on 25.05.06 HO-91-N, edited, amended on 22.02.07 HO-129-N, amended on 02.11.07 HO-248-N, edited on 28.11.07 HO-270- N, 19.05.14 HO-28-N)
(Article 24.03.21 HO-150-N will enter into force by amending the law "On the Anti-Corruption Committee" from the day the law enters into force)
(24.03.21 HO-150-N law has a transitional provision)

Article 190 Investigative subordination

1. Preliminary investigation of the Criminal Code of the Republic of Armenia 104-164, 166-187, 190.1, 190.2, 191, 192, 195-201, 204, 212-214, 218, 222, 223, 223.1, 223.2, 223.3, 223.4, 225, 225 [1] , 226.2, 227-232, 235-249 (except Article 235.1), 251-298 (except Article 267.1), 300, 300.1, 300.2, 301, 301.1, 307.1, 307.2, 307.3, 307.4, 308-328 (except 310.1 Article 331-332.5, 336, 341, 341.1, 341.2, 343-345 [1] , 347-355 are investigated by the investigators of the Investigative Committee.

2. The preliminary investigation of cases under Articles 188, 189, 189.1, 193, 194, 202, 203, 205 of the Criminal Code of the Republic of Armenia (except for crimes related to customs legal relations), 207-211 և 216.1 shall be carried out by investigators of the Investigative Committee or tax authorities. Preliminary investigation of cases related to customs-related crimes under Article 205 of the Criminal Code of the Republic of Armenia shall be carried out by national security or customs investigators.

3. Preliminary investigation of the Criminal Code of the Republic of Armenia 189.1, 190, 217, 217 [1] , 219-221, 224, 226, 226.1, 233, 234, 250, 299, 302-307, 329, 329.1, 330, 384-397 [1] Investigators in cases of crimes under Articles 1

4. Preliminary investigation of cases on crimes envisaged by Articles 215.1, 215.2, 235.1 և 267.1 of the Criminal Code of the Republic of Armenia shall be carried out by investigators of national security or customs bodies.

5. Investigate cases of crimes against military service, such as those committed in the territory of a military unit or conscripts in the military unit or in the state authorized body in the field of defense, in organizations (whose shares are entrusted to the state authorized body in the field of defense). Committee investigators.

5.1:

6. Preliminary investigation of crimes committed by high-ranking officials of the Republic of Armenia, persons performing state service, crimes related to their official position, as well as Articles 149, 150, 154-1, 154-2, 154 of the Criminal Code of the Republic of Armenia .Articles 9, 310.1, 314.2, 314.3 are investigated by the investigators of the Special Investigation Service.

If necessary, the Prosecutor General of the Republic of Armenia may take from the proceedings of investigators of other investigative bodies; as in any other criminal case, if violations were committed during its investigation in another pre-trial body, or there are other grounds that call into question the possibility of maintaining the comprehensiveness, completeness and objectivity of the further investigation of that case in the same body.

6.1. Preliminary investigations are carried out by national security investigators into persons holding autonomous positions in the Special Investigation Service in connection with their official position in connection with crimes or crimes committed by them.

6.2:

7. Preliminary investigation of the cases provided for in parts two and four parts of this Article shall be carried out by the body that initiated the given criminal case, except for the cases when the prosecutor shall transfer the case to another body of preliminary investigation.

8. The preliminary investigation body shall carry out the cases on the crimes envisaged by Articles 128, 165, 200, 208, 209, 216, 308-310, 314, 315, 333-335, 337-340, 342, 345 և 346 of the Criminal Code of the Republic of Armenia. , during the examination of the case under which that crime was revealed, except for the criminal cases on the crimes committed by the persons mentioned in parts 6 և 6.1 of this Article.

9. Investigators of the National Security or Customs Authorities shall conduct a preliminary investigation into the crimes provided for in Articles 188, 189, 205, 206, 235, 263, 266, 268, 271, 272, 275 և 325, if those crimes were discovered during the investigation of the case under consideration. except in cases when the case is referred by the prosecutor to another body for preliminary investigation.

10. In case of joining the cases on crimes subject to investigators of different state bodies in one proceeding or during the investigation of the case, in case of revealing a crime not provided for in part 8 of this Article to another investigator, the issue of subordination shall be decided by the prosecutor. This procedure does not apply to criminal cases related to the crimes provided for in parts 6 և 6.1 of this Article, of which the preliminary investigation of the criminal cases provided for in part 6 is carried out exclusively by investigators of the Special Investigation Service, and the preliminary investigation of criminal cases provided for in part 6.1 is carried out in Armenia. Investigators of the National Security Service under the Government of the Republic.

(the paragraph has expired on 19.05.14 HO-28-N)

11. The preliminary investigation bodies shall make inquiries on the provision of legal aid in criminal cases in accordance with the international treaties of the Republic of Armenia qլnւխu in accordance with Chapters 54 and 54.1 of the Criminal Procedure Code of the Republic of Armenia, in accordance with this Article.

In case of investigative jurisdiction not defined by this article, the issue of the jurisdiction of the inquiry shall be decided by the prosecutor.

12.

Article 190 amended on March 19, 1999 HO-287, supplemented on September 11, 2001 HO-215, amended on 01.06.06 HO-61-N, edited on 25.05.06 HO-91-N, edited by 22.02.07 HO-129-N, amended 02.11.07 HO-248-N, edited 28.11.07 HO-270-N, supplemented, amended 18.03.09 HO-54-N, amended 09.02.11 HO-36-N, amended, supplemented 19.05.14 HO-28-N, supplemented 21.06.14 HO-85-N, supplemented, edited, amended 16.05.16 HO-84-N, supplemented. 06.12.16 HO-211-N, amended, supplemented 06.12.16 HO-214-N, supplemented 16.12.16 HO-217-N, 16.12.16 HO-231-N, 09.06.17 HO-101- N, amended 23.03.18 HO-278-N, supplemented 07.09.18 HO-375-N, 09.07.19 HO-139-N, amended 21.01.20 HO-71-N, supplemented 22.01.20 HO -88-N, 15.04.20 HO-232-N , edited 18.06.20 HO-337-N, supplemented 09.10.20 HO-459-N, 03.06.21 HO-251-N)

(Article 24.03.21 HO-150-N will enter into force by amending the law "On the Anti-Corruption Committee" from the day the law enters into force)

(24.03.21 HO-150-N law has a transitional provision)

Article 191 LOCATION OF THE investigation

1. The investigation is conducted at the place where the crime was committed.

2. For the sake of speed, the preliminary investigation may be conducted at the scene of the crime, as well as at the location of the suspect, the accused or the majority of witnesses.

3. In case of necessity to carry out investigative actions in another place, the investigator has the right to perform those actions in person or to entrust their execution to the investigator of the given place or to the investigative body.

Article 192 THE beginning of the preliminary examination

1. The preliminary investigation is carried out only after making a decision on initiating a criminal case.

2. After the initiation of a criminal case, the investigator և the employee of the investigation body shall immediately start the investigation of the case.

3. If a criminal case has been initiated by an investigator or an investigative body և they have accepted their proceedings, a joint decision shall be made to initiate a criminal case and accept it. A copy of this court document shall be sent to the prosecutor immediately, but not later than within 24 hours.

Article 193 THE AUTHORITIES OF THE CHIEF of department

1. The head of the investigation department:

1) assigns the preliminary investigation to the investigator subordinate to him, transfers the case from one investigator subordinate to him to another;

2) Delays the timely conduct of investigative actions by the investigators directly subordinate to him in the criminal cases under their proceedings, the observance of the terms of the preliminary investigation, detention, the instructions of the prosecutor, the fulfillment of the assignments of other investigators;

3) instructs the investigators directly subordinate to him / her to carry out separate investigative actions in the criminal cases under their control;

4) assigns the preliminary investigation to several investigators subordinate to him.

2. The head of the investigation department has the right to participate in the preliminary investigation of the criminal case under the direct supervision of the investigator, to conduct the preliminary investigation in person, using the powers of the investigator.

3. The instructions of the head of the investigation department are given to the investigator in writing, they are obligatory for execution, but they can be appealed to the prosecutor. Appealing the received instructions to the prosecutor does not suspend their execution, except for the cases provided for in Article 55, Part 4, Clause 27 of this Code.

4. The instructions of the prosecutor are given in writing, they are obligatory for the head of the investigation department, who can be appealed to the superior prosecutor, without suspending their execution, except for the cases provided for in point 27, part 4, article 55 of this Code.

In case of urgency, the prosecutor's instructions may be given orally, but they must be written within 24 hours.

(Article 193, edited on 25.05.06 HO-91-N, supplemented on 19.05.14 HO-28-N)

Article 193.1. Criminal procedure superiority in the preliminary investigation body

1. The head of the investigation department is the immediate superior of the investigator directly subordinate to him.

2. The immediate superior of the deputy head of the preliminary investigation body is the head of the given preliminary investigation body.

3. The immediate superior of the head of the subdivision that is not part of any subdivision of the preliminary investigation body is the head of the preliminary investigation body or his / her deputy, under whose coordination the given subdivision is.

4. The immediate superior of the deputy head of the subdivision of the preliminary investigation body is the head of the given subdivision.

5. The immediate superior of the head of the subdivision not under the coordination of any deputy head of the preliminary investigation body is the head of the given subdivision.

6. The immediate superior of the head of the subdivision under the coordination of the deputy head of the subdivision body is the given deputy head of the subdivision.

7. The immediate superior of the investigators under the coordination of the deputy head of the subdivision body that does not have a subdivision is the given deputy, and the immediate superior of the other investigators of that subdivision is the head of the given subdivision.

8. The immediate superior of the investigators under the head of the preliminary investigation body or the head of any of its subdivisions is the head of the given preliminary investigation body or the head of the relevant subdivision.

9. The investigator has one immediate superior within the given proceedings.

(Article 193.1 was supplemented on 19.05.14 HO-28-N)

Article 194 CONDUCT OF THE investigation by the investigation group

In case of complexity of the case or its large volume, the preliminary investigation may be assigned to several investigators, which is mentioned in the decision to initiate the case or a separate decision is made. The head of the investigation department has the right to make a decision on that. The decision shall indicate all the investigators assigned to conduct the investigation, including the group investigator, who will accept the case and direct the actions of the other investigators. The suspect, the accused, the victim, the civil plaintiff, the civil defendant և their representatives should be informed of the decision of the investigators to conduct the investigation;

(Article 194 amended on 22.02.07 HO-129-N)

Article 195 the authorities of the chief of the department GROUP

1. The head of the investigative group accepts the criminal case, organizes the work of the investigative group, directs the actions of other investigators.

2. Decisions on joining or dismissing cases, involving a person as an accused, terminating the proceedings, terminating the criminal prosecution, suspending or resuming the proceedings, as well as extending the term of the preliminary investigation, choosing detention as a measure of restraint, and initiating motions to extend their term shall be adopted only. the head of the investigation group.

3. The head of the investigative group shall make the decision to send the case to court for examination of the indictment or the issue of application of coercive medical measures.

4. The head of the investigative group has the right to participate in the investigative actions carried out by other investigators, to personally carry out investigative actions in the case, to make decisions.

(Article 195 supplemented on 25.05.06 HO-91-N)

Article 196 THE end of the preliminary examination

1. The preliminary investigation ends with an indictment, a decision to send the criminal case to court for the use of medical measures or to terminate the criminal case.

2. After completing the investigation, the head of the investigation body sends the case to the investigator, about whom a relevant decision is made. The investigation ends when:

1) the investigation period ends;

2) the person who committed the crime appears before the expiration of the investigation term;

3) the prosecutor hands over the case under investigation to the investigator for preliminary investigation, or the investigator is involved in the investigation of the case.

Article 197 PRELIMINARY examination terms

1. The investigation is completed within 10 days from the moment of initiating a criminal case.

2. The preliminary investigation of a criminal case must be completed no later than within two months. This period shall be calculated from the date of the decision to initiate a criminal case և shall end on the day of the decision to send the case to court or to terminate the proceedings.

3. The period of getting acquainted with the materials of the criminal case of the accused or his / her defense counsel is not included in the period of examination of the case. If the accused or his / her lawyer delays getting acquainted with the criminal case without good reason, the investigator may decide to limit the period of acquaintance.

4. The time during which the preliminary investigation was suspended on the grounds provided by this Code shall not be included in the term of the preliminary investigation.

5. The term of the preliminary investigation is extended by the supervising prosecutor based on the reasoned motion of the investigator, making a decision on satisfying the motion in full or in part. The partial extension of the preliminary investigation period is subject to justification. The term of the preliminary investigation may be extended up to two months in each case.

5.1. In case of partially satisfying the investigator's motion to extend the investigation period, the supervising prosecutor has the right to instruct the investigator to suspend the criminal case or send the criminal case to court or terminate the criminal case, giving the investigator up to 15 days to issue an indictment. Upon instruction, the investigator may be given up to two months.

In that case, the conduct of investigative actions within the period established by the prosecutor is prohibited, except for investigative actions carried out on the basis of Article 267 of this Code.

6. The investigator shall submit a reasoned motion to extend the examination period to the prosecutor at least 4 days before the expiration date of the examination period.

7. In case of resumption of the preliminary investigation of the criminal case, return of the criminal case for additional examination, as well as repair of the terminated case, the preliminary investigation shall be completed within one month. from the day. Further extension of that period may be made in accordance with the procedure set forth in part five of this article.

(Article 197 supplemented 25.05.06 HO-91-N, edited, supplemented, amended 06.12.16 HO-214-N)

Article 198 MANDATORY OF CLARIFICATION AND ENSURANCE of rights participants

The prosecutor, the investigator, the employee of the investigative body are obliged to explain to the suspect, the accused, the victim, the civil plaintiff, the civil defendant, their representatives, other persons participating in the investigation, their rights and responsibilities, as well as the consequences of non-performance.

Article 199 discussion of mediations ծ SETTLEMENT

1. The prosecutor, the investigator, the investigative body are obliged to consider all the motions initiated by the participants of the preliminary investigation.
2. Written-oral motions must be discussed and resolved within 5 days. A reasoned decision is made to reject the motion in whole or in part.

Article **200** THE OBLIGATION TO CLEAR OR RELEASE THE CIRCUMSTANCES containing the crime

1. During the preliminary investigation, the prosecutor, the investigator, the investigative body are obliged to find out the circumstances contributing to the commission of the crime; if necessary, to submit a petition to the relevant legal entity or official to take measures to eliminate those circumstances.
2. Petitions are subject to mandatory consideration, the results of which are notified in writing to the body or official who sent it within one month.

Article **201** inadmissibility of publication of preliminary examination DATA

1. The data of the preliminary examination are subject to publication only with the permission of the body conducting the proceedings of the case.
2. If necessary, the investigator, the investigative body shall warn the witness, the victim, the civil plaintiff, the civil defendant, their representatives, specialists, experts, translators, escorts, defense counsel, and other persons involved in the case not to publish the preliminary investigation data without permission.

CHAPTER 27

AS INVOLVED ACCUSATION

Article 202 as the ground and procedure for involved ACCUSATION

1. The basis for involving a person as an accused is the combination of sufficient evidence to prove that he has committed a crime.
2. If there are grounds provided for in paragraph 1 of this Article, the investigator and the prosecutor shall make a reasoned decision to involve the person as an accused.
3. The descriptive-causal part of the decision shall indicate the name, surname of the accused, other information about his / her identity, the wording of the accusation, indicating the place, time, method and other circumstances, as far as they are clarified by the case materials. The final part states the decision to involve the person as a defendant in the case: the article of the Criminal Code, the part of the article or the point, which envisages the responsibility for the committed crime.

4. If a person is involved as an accused for several crimes qualified by different articles of the Criminal Code, different parts or points of the article, the descriptive-causal part of the decision shall indicate what specific crimes were committed, and in the final part the articles envisaging responsibility for those crimes. or items.

5. A copy of the decision is sent to the prosecutor within 24 hours.

Article **203** THE PROCEDURE for candidate

1. The charge shall be brought no later than 48 hours after the decision of the investigator to take the person as the accused, but in all cases no later than the day on which the accused appears or is brought. The time limit for filing an indictment under this article shall be interrupted if the accused is hiding from the investigation.

2. The investigator, assuring the identity of the accused, announces the decision to involve him as an accused, explains the essence of the accusation. The execution of these actions is confirmed by the signature of the accused և investigator, stating in the decision the month, day, hour: of the accusation.

3. When making an accusation, the investigator is obliged to explain to the accused his / her rights and responsibilities provided for in Article 65 of this Code. A copy of the decision to involve the accused as a list of his / her rights and responsibilities shall be handed over to the accused. The investigator draws up a record of the accusation, of explaining his / her rights to the accused, of handing over the copy of the decision, which is signed by the investigator, the accused, and the other persons present during the execution of those actions.

4. In case the accused or another person refuses to sign the decision or the protocol, the investigator shall make a note on it refusing to sign, and shall inform the prosecutor within 24 hours.

Article **204** CHANGE or addition of the charge

1. If during the preliminary investigation there is a need to change or supplement the accusation, the investigator shall be obliged to re-charge, observing the requirements set forth in Articles 202 և 203 of this Code, and the accused should not hide from the examination or trial or for other reasons. In this case, make a corresponding change or addition to the decision to involve the person as an accused, making a new decision on involving him / her as an accused.

2. If any part of the accusation is not confirmed during the preliminary investigation, the investigator shall eliminate that part of the accusation made by his decision, announce it to the accused, and in case the accused hides from the examination or trial or his location is not clarified for other reasons, makes a corresponding change. in the decision to involve, making a new decision to involve as an accused.

(Article 204 ed. 11.09.18 HO-386-N)

CHAPTER 28

INVESTIGATION AND FACING

Article 205 Procedure for summoning for questioning

(Article expired on January 19, 2011 HO-19-N)

Article 205 [1] . Interrogation time:

1. The interrogation may not last more than four hours in a row, and the interrogation of a minor, as well as a person suffering from a mental or other serious illness, for more than an hour and a half.

2. The interrogation is allowed to continue after giving the interrogated person a break of at least one hour necessary for rest. The total length of the interrogation per day may not exceed eight

hours, and for a minor, as well as for a person suffering from a mental or other serious illness, four hours.

3. Based on the doctor's conclusion, the investigator may set shorter deadlines than the interrogation periods provided for in this Article.

(Article 205 supplemented on 23.05.06 HO-104-N, amended on 03.06.20 HO-300-N)

Article 206 V there is an interview

1. A witness may be questioned about any circumstance relevant to the case, including the person of the suspect, accused, victim, or other witnesses.

2. The witness shall be interrogated at the place of the preliminary investigation and, if necessary, at his / her location.

3. A witness shall be questioned separately from other witnesses. In addition, the investigator takes measures to ensure that the witnesses called in the same case do not communicate with each other until the end of the interrogation.

4. Prior to the interrogation, the investigator shall verify the identity of the witness, inform him / her of the criminal case against him / her, warn him / her about the obligation to tell him / her everything known in the case, as well as the criminal responsibility for refusing to testify or giving false testimony. Notify her in writing of her right not to testify about herself, her husband or close relatives, if the witness reasonably assumes that it can be used against her or them in the future, as well as that her testimony can be used as evidence. The investigator then finds out the nature of the witness, the accused, the witness's relationship with the victim, and begins the interrogation.

5. The interrogation begins with the fact that the witness is offered to tell everything he / she knows about the case, after which he / she can be asked questions.

6. If the witness has been questioned by an attorney invited by the witness to provide legal assistance, the lawyer has the right to be present during the interrogation but is not authorized to ask questions or comment on the witness. In case of asking questions or taking actions violating the rights of a witness or performing actions violating the rights provided for in part 5 of Article 86 of this Code, the lawyer has the right to make statements, which are included in the interrogation protocol.

(Article 206 amended on 25.05.06 HO-91-N, supplemented on 23.05.06 HO-104-N, edited on 15.11.06 HO-181-N, 16.01.18 HO-69-N)

Article 207 Interrogation of a juvenile witness or juvenile victim

1. A juvenile witness or juvenile victim, regardless of age, may be questioned, provided that he or she can provide information relevant to the case.

2. The interrogation of a witness or a victim under the age of sixteen shall be conducted with the participation of a pedagogue or a qualified psychologist. A minor witness or minor victim has the right to be present at the interrogation of his / her legal representative.

3. Before starting the interrogation, the legal representative, the pedagogue or the qualified psychologist are explained his / her rights to be present at the interrogation, to write his / her remarks, to ask questions, as well as his / her responsibilities. The investigator has the right not to accept the questions asked, but they must be included in the record.

4. A witness or victim under the age of sixteen shall be explained his or her duty to tell the truth about everything in the case, but he or she shall not be warned of his or her statutory responsibility for refusing to testify or evading or giving obviously false testimony.

5. In the best interests of the child, a juvenile witness or juvenile victim may be asked questions by a psychologist.

6. Questions to a juvenile witness or juvenile victim are usually asked by a psychologist in the following cases:

1) in cases of crimes against sexual immunity, crimes against sexual freedom;

2) cases of domestic violence;

3) cases related to child trafficking or exploitation;

4) in case the minor witness or the juvenile victim lags behind in mental development or has a mental problem;

5) in case of interrogation of a witness or a victim under 14 years of age.

7. The interrogation of a juvenile witness or juvenile victim may be videotaped. In the cases provided for in part 6 of this Article, the video recording of the interrogation of a minor witness or a minor victim is mandatory.

8. The investigator listens to the opinions of the interviewees regarding the video recording of the interrogation, taking into account the best interests of the child. The opinions of the interviewees on the video recording are reflected in the minutes. The participants do not express an opinion on the video recording of the interrogation in the cases provided for in part 6 of this article.

9. The choice of the place of interrogation of a juvenile witness or juvenile victim is made based on the best interests of the child.

(Article 207 amended on 25.05.06 HO-91-N, edited on 23.05.06 HO-104-N, supplemented on 03.06.20 by HO-300-N)

Article 208 Interrogation of a deaf witness with another serious illness
(title edited on 28.04.14 HO-10-N)

1. The interrogation of a deaf witness is carried out with the participation of a sign language interpreter. The latter is mentioned in the protocol.

2. In case of mental or other serious illness of the witness, the interrogation of the witness shall be carried out with the permission of the doctor և in his presence.

(Article 208 ed. 28.04.14 HO-10-N)

Article 209 Interrogation protocol

1. The fact, the process և the results of the interrogation shall be reflected in the protocol, which shall be drawn up in accordance with the requirements of this Code.

2. The testimony of the interrogated person shall be written in the first person և, if possible, verbatim. Questions և Their answers are written in the same order as during the interrogation. The record lists all the questions, including those that were not accepted by the investigator or that the respondent refused to answer. The reasons for refusing to answer the questions are mentioned in the protocol. This procedure shall not apply in the cases provided for in Section 3.1 of this Article.

The interrogated person has the right to write his / her testimony by hand, about which the investigator makes a note in the protocol. After reviewing the testimony, the investigator may ask him or her additional questions. Questions պատասխան Answers are included in the minutes.

3. If during the interrogation material evidence or documents are presented to the interrogated person, or records of other investigative actions are published or recordings (or) video materials or recordings of investigative actions are reproduced, this shall be noted in the interrogation protocol. The protocol shall reflect the testimony of the person being interrogated in connection with them.

3.1. The testimony of a witness is videotaped, unless the participant in the investigation object or the relevant technical means are missing. In case of video recording of the interrogation process, if the participants of the investigation do not object, the testimonies, including questions and answers, are not reflected in the interrogation record. The video recording is fixed on two material media, which are attached to the interrogation protocol. One of the material carriers is sealed Է can be opened in court, and the other carrier can be used by the investigator or prosecutor to exercise his / her judicial powers. A copy of the video recording material of the interrogation process is provided to the participants of the trial during the acquaintance with the materials of the criminal case.

4. If during the interrogation a photo, recording և (or) video, filming was carried out, the protocol must contain:

1) Notes on photography, recording և (or) video recording, filming;

2) notes on the technical means used, photography, recording և (or) video recording, filming conditions or recording և (or) video recording, filming interruption;

3) the statements of the interrogated person և remarks on taking photos, recordings և (or) videos, filming;

4) the signatures of the investigator և the interrogated person certifying the accuracy of the protocol;

5) Notes on the preparation of schemes, drawings, drawings, diagrams by the interrogated person during the interrogation, their attachment to the protocol.

5. After the end of the interrogation, the protocol is presented to the interrogated person, or at his / her request, the protocol is published by the investigator, which is mentioned in the protocol. The statements of the interrogated person about completing or correcting the protocol shall not be rejected by the investigator.

In the cases provided for in paragraph 3.1 of this Article, after the completion of the interrogation, the investigator shall reproduce the video recording of the testimony, which shall be mentioned in the interrogation protocol. The investigator or the interrogated person shall record the statements of the interrogated person regarding the video recording in the interrogation record.

6. The data of all the persons who participated in the interrogation shall be mentioned in the protocol. Each of them must sign the protocol, as well as all the additions and corrections made in it.

The refusal to sign the protocol or the impossibility of signing it by the persons participating in the interrogation shall be certified in accordance with the procedure established by Part 7 of Article 29 of this Code.

7. The interrogated person shall certify the fact of getting acquainted with the testimony ության the fact of the accuracy of the notes in it with his / her signature, which is placed at the end of the protocol. The interrogated person also signs at the end of the text of each page of the protocol.

8. In the cases provided for in parts 5 և 6 hոդված of Article 207 of this Code, the interrogation protocol must reflect that the questions were asked by a psychologist.

(Article 209 amended on 25.05.06 HO-91-N, edited 23.05.06 HO-104-N, amended on 15.04.20 HO-214-N, 03.06.20 HO-300-N)

Article 209.1. Peculiarities of interrogation of witness և victim through video communication

1. The interrogation of a witness nղի victim through video communication may be carried out if:

1) Witness: the victim cannot appear before the body conducting the criminal proceedings due to his / her health condition or age;

2) it is necessary to ensure the safety of the witness և the victim;

3) the interrogation is impossible or it is necessary to ensure the effectiveness of the preliminary investigation.

2. The interrogation of a witness nղի victim shall be carried out on the basis of the investigator's instruction, which shall be sent to the pre-investigation or investigation body of the interrogated witness nղի victim գտնվելու's location in accordance with Article 191, Part 3 of this Code.

3. On the basis of the instruction, the preliminary investigation or investigation body of the witness և victim's location shall carry out the necessary legal actions in order to ensure the interrogation of the witness և victim nղի victim by video.

4. The interrogation of a witness և victim shall be carried out in accordance with the rules established by Articles 206 և 208 of this Code, taking into account the features set forth in this Article, and in case of interrogation of a minor witness և the victim, taking into account the requirements set forth in Article 207 of this Code. : Prior to the interrogation, the preliminary investigation or investigation body of the witness և victim գտնվելու's location shall verify the identity of the witness և victim,, and the investigator conducting the proceedings shall conduct the interrogation. The presence of a witness և pre-investigation officer or investigator at the victim's location during the interrogation is mandatory.

5. The results of the interrogation of the witness և victim միջոցով through video communication shall be videotaped by technical means in accordance with the rules of Article 29 of this Code.

6. The use of technical means to ensure the proper quality of the image, the sound, as well as the information security, during the interrogation of the witness որի victim որի through video.

7. The protocol of interrogation by means of a video link shall be drawn up in compliance with the rules set forth in Articles 29-209 of this Code, taking into account the peculiarities set forth in this Article. The record of the interrogation shall be drawn up by the witness նախ the body of the preliminary investigation or investigation of the location of the victim, making a note about it and signing it.

8. The transcript of the interrogation, the materials submitted by the witness և the victim, the lawyer's license, if the witness որը the victim has been interrogated with the lawyer, the witness և the victim's place of pre-investigation or investigation shall send to the investigator conducting the case.

9. The investigator conducting the proceedings in the case, receiving the minutes of the interrogation of the witness որի the victim with the attached materials, checking them, signs the interrogation protocol.

(Article 209.1 was supplemented on 03.06.20 by HO-301-N)

Article 209.2. Peculiarities of video interrogation of a witness or victim outside the territory of the Republic of Armenia

1. The interrogation of a witness or a victim outside the territory of the Republic of Armenia may be organized by video by the decision of the preliminary investigation body through the diplomatic service of the Republic of Armenia providing consular services in a foreign state, in case of a witness or victim appearing in that body. Prior to the interrogation, the body of the diplomatic service shall և verify ինքն the identity of the witness or victim և ensure the video in order for the pre-trial body to carry out the judicial actions provided for in this Article.

2. The interrogation of a witness or a victim by means of a video link shall be carried out in compliance with the rules set forth in Articles 206-208 of this Code, taking into account the peculiarities set forth in this Article. :

3. Before the interrogation, the investigator verifies the identity of the witness, informs about the fact of the criminal case he is being interrogated on, warns about the obligation to tell him everything known in the case, as well as the criminal responsibility for refusing to testify, giving false testimony; informs her of her right not to testify about herself, her husband or close relatives, if the witness reasonably assumes that it can be used against her or them, as well as that her testimony can be used as evidence. The investigator then finds out the nature of the interrogated person's relationship with the suspect, accused, victim or witness, and begins the interrogation.

4. The actions envisaged in Part 4 of this Article, the process of interrogation և the results shall be videotaped by technical means in accordance with the rules of Article 29 of this Code.

5. A protocol shall be drawn up on the interrogation carried out in accordance with the procedure established by this Article and sent to the body of the Diplomatic Service of the Republic of Armenia providing consular services in a foreign state for the purpose of introducing the interrogated person. The interrogated person signs the protocol, and in case of additions or corrections, makes a corresponding note in the protocol. In case of refusal to sign the interrogation protocol, make a corresponding note in the protocol. The interrogation report is sent to the investigator.

(Article 209.2 was supplemented on 03.06.20 HO-301-N)

Article 210 question T

The interrogation of the victim shall be carried out for the interrogation of a witness in accordance with the rules established by this Code.

Article 211 THE CURRENT investigation

1. The suspect shall be interrogated immediately after his arrest or pre-trial detention is announced.

2. The arrested suspect has the right to be interrogated with the participation of a lawyer. In case of impossibility to secure the participation of the Defender immediately, the investigator is obliged to ensure his / her participation within 24 hours after the arrest of the suspect.

Prior to the interrogation, the suspect voluntarily has the opportunity to meet separately with his / her lawyer in a confidential manner (confidential). If there is a need for further legal action with the suspect, the investigating body or investigator may restrict the visit by notifying the suspect or his or her lawyer in advance. The appointment with the Defender may not be less than two hours.

3. Before initiating the interrogation, the investigator shall explain to the suspect the substance of the suspicion, as well as his or her rights, including the right to testify, the right to conduct an interrogation with the defense counsel or to refuse the defense counsel's participation (except in cases where the defense counsel is required).

4. The interrogation begins with the fact that the suspect is offered to testify on the basis of suspicion, of all the circumstances which, in his opinion, may be relevant to the case.

5. The remaining issues during the interrogation of the suspect shall be regulated for the interrogation of the accused in accordance with the rules established by this Code.

(Article 211 amended on 25.05.06 HO-91-N, edited on 23.05.06 HO-104-N)

Article 212 THE INVESTIGATION of the defendant

1. The investigator is obliged to interrogate the accused immediately, but not later than within 24 hours after the accusation, and in case the accused evades or is declared wanted, within 48 hours after his arrest.

2. The interrogation of the accused, except in urgent cases, takes place during the day.

3. The accused is interrogated at the place of preliminary investigation, and if necessary, at his place of residence.

4. The accused is interrogated separately from other persons involved in the case. The investigator takes measures to prevent the accused from communicating with other persons involved in the case.

5. The accused has the right to be interrogated with the participation of a lawyer. In cases provided for by this Code, the participation of the Defender is mandatory.

6. The deaf accused is interrogated with the participation of a sign language interpreter.

7. The accused is interrogated on the substance of the accusation, as well as on other circumstances relevant to the case.

8. Before initiating the interrogation, the investigator explains to the accused his / her rights to testify, to conduct the interrogation with the participation of the defense counsel or to refuse the participation of the defense counsel (except in cases when the participation of the defense counsel is mandatory).

9. At the beginning of the interrogation, the investigator should find out whether the accused pleaded guilty to the charges.

10. The investigator offers the accused to testify about the accusation, about all the circumstances that, in his opinion, may be relevant to the case.

(Article 212 was amended, amended on 25.05.06 HO-91-N, edited on 28.04.14 HO-10-N)

Article 213 THE PROSECUTOR 's investigation minute

(Article expired on 23.05.06 HO-104-N)

Article 214 WRITING THE TESTIMONY OF the defendant or the defendant

(Article expired on 23.05.06 HO-104-N)

Article 215 D dispute investigation

1. The convict is interrogated about the circumstances established by the verdict that has entered into force against him.

2. The interrogation of the convict shall be carried out for the interrogation of the accused in accordance with the rules established by this Code.

Article 216 A reesum

1. The investigator has the right to confront two pre-interrogated persons whose testimonies contain significant discrepancies. The investigator is obliged to confront if there are significant discrepancies in the testimony of the accused or another person.

2. At the beginning of the confrontation, it is checked whether the persons between whom the confrontation takes place know each other and how they relate to each other. A person summoned to a confrontation shall be informed in writing of his or her right not to testify about himself or herself, his or her spouse or close relatives, if he or she reasonably assumes that it may be used against him or her in the future. Witness և The victim is warned about the responsibility to refuse to testify, to give false testimony.

3. Persons summoned to a confrontation are encouraged to testify in turn about the circumstances under which the confrontation took place. The investigator then asks questions. Persons summoned to confrontation may ask questions of each other with the permission of the investigator.

4. The publication of testimonies given by the participants of the confrontation during the previous interrogations is allowed only after they have testified during the confrontation and recorded them in the minutes.

4.1. In case of video recording of the confrontation process, the rules set forth in Article 209, Part 3.1 of this Code shall apply.

5. In the cases provided for by this Code, the defense counsel, the translator և the legal representative of the interrogated person may participate in the confrontation, who also sign the protocol.

5.1. Confrontations involving a minor victim or witness in the cases provided for in Article 207, Part 6 of this Code, as well as, if it is in the best interests of the child, are mediated by video recording or other technical means.

6. The investigator acquaints the participants of the confrontation with the contents of the protocol. Respondents have the right to request corrections or additions to the protocol. The report of the confrontation is signed by the investigator ան֊ the interrogated persons. Each respondent signs his / her testimony ամեն each page of the protocol.

7. In case of refusal of the respondents to sign the protocol, the investigator shall find out the reasons for the refusal և shall confirm the protocol with his / her signature. If the respondent is deprived of the opportunity to sign the protocol in person due to physical deficiencies or illiteracy, the investigator shall indicate this in the protocol and confirm it with his / her signature.

(Article 216 edited on 16.01.18 HO-69-N, supplemented on 15.04.20 HO-214-N, 03.06.20 HO-300-N)

CHAPTER 29

EXAMINATION, EXAMINATION AND EXAMINATION

Article 217 EXAMINATION :

In order to find traces of the crime, other material objects, the case of the crime, as well as other circumstances relevant to the case, the investigator examines the place, buildings, objects, documents, animals, human or animal corpse.

(Article 217 supplemented on 25.05.06 HO-91-N)

Article 218 F examination procedure

1. The examination is usually performed during the day.

2. The investigator examines the visible objects and, if necessary, makes their inspection accessible to him, if it does not violate the rights of the citizens. If necessary, the investigator makes measurements of the object և individual objects, makes plans, drawings, diagrams, and if possible, makes a photo, video, filming, other type of fixation, which is mentioned in the protocol. The mentioned documents that are the result of the reservation are attached to the protocol.

3. During the examination, the investigator, independently or with the help of a specialist, takes traces, items, documents, as well as other objects, which may have probative value in the future.

4. The investigator has the right to involve the accused, the suspect, the defense counsel, the victim, the witness in the examination.

5. Upon completion of the investigation, a report shall be drawn up, stating everything that has been found, in the order in which the observations of the findings were made during the investigation.

If photographs, videotapes, films, recordings or stamp copies or stamps have been used in the course of the investigation, the record shall also indicate the technical means used during the course of the investigation, the conditions and procedure for their use, and the objects to which they were applied. those means քսերը the results obtained.

Prior to the application of technical means, the persons participating in the investigation must be informed about it in advance, and the protocol must state that the mentioned persons were informed about it before the use of technical means.

6. The protocol shall be signed by the investigator բոլոր all the participants of the investigative action, who have the right to request to include their remarks in it.

(Article 218 was amended on 25.05.06 HO-91-N, amended on 21.03.18 HO-181-N)

Article 219 A presentation

1. If it is necessary to exhume the body, the investigator shall make a decision.

2. The exhumation is performed with the participation of the investigator, a specialist in the field of forensic medicine, and, if necessary, another specialist. The process of exhumation և the results are fixed by the use of video recording.

The close relatives of the victim have the right to participate in the exhumation if they wish.

3. After exhumation, the body can be brought to a suitable medical institution for other examinations.

4. The investigator shall compile a protocol presenting the results of the exhumation. The protocol shall be signed by all participants in the investigation who have the right to request their comments.

5. Exhumation may not be carried out without the consent of the close relatives of the exhumed person, unless there are sufficient grounds to suppose in the criminal case that at least one of the close relatives participated in or in any way related to the death of the exhumed person, or if it is not possible to find out otherwise. and resolve the case.

(Article 219 was amended on 25.05.06 HO-91-N, amended on 21.03.18 HO-181-N)

Article 220 QUESTION :

1. The investigator has the right to examine the suspect, accused, witness or victim in order to find traces of a crime or special signs on their body, unless a forensic examination is required.

2. The investigator makes a decision to conduct an investigation. That decision is binding on the person against whom it was made.

3. The examination is performed with the participation of a doctor or a specialist in the field of forensic medicine. If the investigation is not accompanied by exposing the person being examined,

with the consent of the person being examined, traces of the crime or special signs on his body are photographed or videotaped.

4. The investigator has no right to be present during the examination of a person of the opposite sex, if the examination is combined with exposing that person. In this case, on the instructions of the investigator, the examination is performed by a specialist in the field of forensic medicine or a doctor.

5. Upon completion of the investigation, the investigator shall draw up a record of its results. The protocol is signed by all participants in the investigation, who have the right to request their comments.

(Article 220 edited 21.03.18 HO-181-N)

CHAPTER 30

SUBMITTING RECOGNITION

Article 221 SUBMITTING personal recognition

1. In order to identify a person's witness, victim, suspect, accused, for identification, the investigator shall interrogate them in advance about the appearance and signs of that person, the circumstances in which the acquaintance saw that person.

2. If the acquaintance is a witness or a victim, he / she shall be warned in advance of the responsibility for refusing to testify, of giving false testimony, as he / she shall be informed in writing of his / her right not to testify about himself / herself, his / her spouse or close relatives, if he / she reasonably assumes that it can later be used against him or them.

3. The person to be identified is introduced to the acquaintance with at least three other persons as similar as possible to the person of the same sex's appearance and clothing.

4. Before beginning the recognition, the investigator offers the person being recognized to occupy any place among other persons.

5. At the discretion of the investigator or at the request of the acquaintance, the identification of a person may be made outside the visual observation of the acquaintance.

6. Recognition does not take place, and what happened can not be recognized as justified, if the acquaintance has mentioned such features, which due to their uncertainty are not sufficient for the identification of the person to be recognized.

7. If necessary, the recognition can be made with photos of different people, similar to those who are known by their appearance and clothes.

8. ***(part lost its force 21.03.18 HO-181-N)***

(Article 221 was amended on 25.05.06 HO-91-N, edited on 16.01.18 HO-69-N, amended on 21.03.18 HO-181-N)

Article 222 SUBMISSION of conditions for recognition

1. If it is necessary to present an object for recognition, the investigator shall first interrogate the person recognizing the marks of that object, as well as the circumstances in which he saw that object.

2. If the acquaintance is a witness or a victim, he / she shall be warned in advance of the responsibility for refusing to testify, of giving false testimony, as he / she shall be informed in writing of his / her right not to testify about himself / herself, his / her spouse or close relatives, if he / she reasonably assumes that it can later be used against him or them.

3. The person recognizing the subject to be recognized is introduced among other identical subjects. The acquaintance is asked to point to an object that he can recognize և to explain the features with which he recognized that object. When recognizing an object, it is allowed to clean it from dirt, rust and other by-products.

Items that are impossible or difficult to obtain are identified by a single copy.

4. ***(part lost its force 21.03.18 HO-181-N)***

(Article 222 was amended on 25.05.06 HO-91-N, edited on 16.01.18 HO-69-N, amended on 21.03.18 HO-181-N)

Article 223 SUBMITTING recognition

1. The identification of the corpse, its parts, is done with one copy.
2. If the corpse of a person who has been seen alive is recognized, the deceased is allowed to make up.
3. The process of presenting the body for recognition և The results are fixed by the use of video recording.

(Article 223 amended on 25.05.06 HO-91-N, edited on 21.03.18 HO-181-N)

Article 224 Ձ protocol for submission of recognition

1. After the submission of the acknowledgment, a protocol shall be drawn up, which shall indicate the information of the acquaintance, the judicial status, as well as his / her being warned about the refusal or avoidance of giving evidence, the responsibility for giving obviously false testimony. The protocol shall indicate the details of the persons presented for recognition ությունը the description of the items, detailing the features by which they were recognized.
2. The place, time, as well as the surname and position of the person performing the recognition shall be indicated in the protocol.
3. The protocol shall be signed by all participants in the investigation. If a photograph, video, film, recording or other type of recording has been made, this is stated in the record. Photos, tapes and other documents obtained as a result of booking are attached to the protocol.

Persons participating in the submission for recognition have the right to request that their comments be entered in the minutes.

CHAPTER 31

SEARCH AND SEIZURE

Article 225 FUNDAMENTALS of conducting

1. The investigator, having sufficient grounds to suppose that in any building or other place or in the possession of any person there are instruments of crime, objects and values acquired by criminal means, as well as other objects or documents that may be relevant to the case, shall conduct a search. to find or take them.
2. A search may be conducted for wanted persons, persons suspected of committing a crime, as well as for finding corpses.
3. The search of the apartment is carried out only by a court decision.

(Article 225 supplemented on 25.05.06 HO-91-N)

Article 226 the fundamentals for doing in A REGISTER

1. Certain items relevant to the case անհրաժեշտ in case of need to take documents և, if it is known exactly where they are located, the investigator shall confiscate them.
2. The confiscation of documents containing state secrets shall be carried out only with the permission of the prosecutor in the manner agreed with the head of the relevant institution.
3. Enterprises, institutions, organizations, officials և Citizens have no right to refuse to hand over to the investigator the items, documents or their copies requested by him.

Article 227 PERSONS present at the search or seizure

1. ***(part lost its force 21.03.18 HO-181-N)***

2. If necessary, a specialist translator-specialist participates in the search-seizure.

3. When conducting a search or seizure, the presence of the person or his or her adult family member in whose presence the search or seizure is carried out shall be ensured. If their presence is not possible, a representative of the housing organization or local government is invited.

4. Seizure of buildings belonging to enterprises, institutions, organizations, military units և The search is carried out in the presence of their representative.

5. Persons subject to search or seizure, such as escorts, specialists, translators, representatives, advocates, have the right to be present at all investigator activities, to make statements that must be recorded in the record.

(Article 227 amended on March 21, 18 HO-181-N)

Article 228 SECTION A կ search procedure

1. The investigator has the right to enter a residential or other building on the basis of a search or seizure decision. The search or confiscation of information that constitutes banking, notarial, as well as insurance secret is carried out on the basis of a court decision.

2. Before conducting a search or seizure, the investigator shall inform the person being searched or confiscated of the decision. A signature is taken from him.

3. When conducting a search, the investigator or specialist may use the technical means mentioned in the search report.

4. The investigator is obliged to take measures to prevent the publication of the confiscation և fact of search, as well as their results հանգամ the circumstances of the privacy of the searched person.

5. The investigator has the right to prohibit persons at the place of search or seizure from leaving that place, as well as from communicating with each other and other persons until the end of the investigation.

6. After submitting and publishing the decision on confiscation, the investigator proposes to voluntarily hand over the items to be confiscated, the documents, and in case the offer is rejected, the confiscation is carried out compulsorily. If the searched items are not found in the place indicated in the decision, the investigator may decide to search, except for the cases provided for in the third part of Article 225 of this Code and the second paragraph of the first part of this Article, when the search may be carried out only on the basis of a court decision.

7. After presenting and publishing the decision during the search, the investigator proposes to hand over the items to be confiscated, the documents or the hidden person. If they are handed over voluntarily, it is mentioned in the protocol. In case of non-surrender or incomplete surrender of the searched items, documents or hidden person, a search is carried out.

8. All items taken և The documents are presented to the participants of the investigative action, described in detail in the protocol, and if necessary, sealed with the seal of the investigator.

9. Search իս During the seizure, the investigator has the right to open the closed buildings and warehouses, if their owner refuses to open them voluntarily. In addition, locks, doors and other items should not be damaged unnecessarily.

(Article 228 was amended on 14.12.04 HO-28-N, 25.05.06 HO-91-N, 21.06.14 HO-115-N, amended on 16.01.18 HO-69-N)

Article 229 A personal search

1. If there are sufficient grounds for conducting a search of a building, the investigator may conduct a personal search;

2. A personal search may be carried out without making a decision:

1) when catching a suspect in a crime; when bringing him to the police or other law enforcement body;

2) when arresting a suspect in a crime, when applying detention as a precautionary measure against the accused;

3) when there are sufficient grounds to suppose that the person in the building where the search is being carried out may hide documents or other objects from him, which may have probative value in the case.

3. A personal search may be carried out by the investigator with the participation of նույն specialist escorts of the same sex as the person being searched.

(Article 229 edited on 25.05.06 HO-91-N)

Article 230 INSTRUCTION protection protocol

1. At the end of the search, the investigator shall draw up the relevant protocols, which shall indicate the place, time, circumstances of the investigation, whether the searched items were handed over voluntarily: persons, name, surname, position, names of escorts, surnames. addresses, as well as the names, surnames, positions of the other participants in the investigation, and the judicial status.

2. The whole taken must be mentioned in the protocol of the investigative action, accurately indicating their quantity, size, weight, individual characteristics և other features.

3. If during the investigative actions there were attempts to destroy or hide the found objects or documents, it shall be mentioned in the protocol.

4. The investigator is obliged to acquaint the protocol with all the participants of the investigative action, who after getting acquainted sign the protocol և have the right to demand to include their remarks in the protocol.

Article 231 MANDATORY of making a copy of inspection and seizure protocol

1. A copy of the search or seizure record shall be handed over to the person under investigation or to his / her adult family members, and in their absence, to the representative of the housing organization or local self-government body in whose territory the investigation took place.

2. If the search or confiscation was carried out in the territory of an enterprise, institution, organization, military unit, a copy of the protocol shall be handed over to their representative.

CHAPTER 32

ARREST ON PROPERTY

Article 232 ARREST on property

1. Seizure of property is used to secure a civil lawsuit, possible confiscation of property, confiscation և court costs.

2. The property of the suspect-accused shall be seized, as well as the property of the persons on whom material liability may be imposed for the actions of the suspect-accused, regardless of what property is in their possession.

2.1. Pursuant to Article 103.1 of the Criminal Code of the Republic of Armenia, property subject to confiscation shall be seized regardless of whether it is owned or possessed by a person who has committed a crime or a third party.

3. In case of joint ownership of the spouses or family, the arrest shall be imposed on the accused. If there is sufficient evidence that the joint property was increased or acquired through proceeds of crime, seizure may be imposed on the spouses or all or part of the family property.

4. Property that may not be confiscated in accordance with the law may not be seized.

(Article 232 was amended on 21.06.14 HO-115-N)

Article 233 THE FOUNDATIONS FOR ARREST on property

1. Seizure of property may be exercised by the prosecuting authorities only if the evidence gathered in the case provides sufficient grounds to believe that the suspect, the accused or the person in possession of the property may conceal, damage or consume the confiscation. subject property.

1.1. The body conducting the criminal proceedings shall immediately seize the property subject to confiscation provided for in Article 103.1, Part 1 of the Criminal Code of the Republic of Armenia.

2. Seizure of property shall be carried out on the basis of a decision of the investigative body, investigator or prosecutor.

3. The decision on seizure of property shall state the property to be seized, as well as the value of the property on which it is sufficient to seize the civil suit in order to secure court costs.

4. If necessary, when there are grounds to assume that the property will not be handed over voluntarily, a search may be carried out in accordance with the procedure established by this Code.

(Article 233 was supplemented on 28.11.06 HO-207-N, edited on 21.06.14 HO-115-N)

Article 234 DETERMINATION OF the value of the property under alank

1. The value of the property subject to seizure is determined by its market price.

2. The value of the property on which a civil suit brought by a civil plaintiff or prosecutor is seized shall be commensurate with the size of the claim.

3. The degree of participation of the accused in the crime shall be taken into account when determining the seizure of the property of each of the several accused or persons responsible for their actions, but in order to secure a civil suit, the property of any of them may be seized in full.

Article 235 PROCEDURE for enforcement decision

1. The investigative body, the investigator or the prosecutor shall hand over the decision on seizure of the property to the owner or possessor of the property with a signature and demand to hand it over. In case of voluntary refusal to comply with this requirement, the property is seized.

2. After the completion of the preliminary investigation of the criminal case, by the decision made by the court, the seizure of the property shall be carried out by the service ensuring the compulsory execution of judicial acts.

3. When seizing the property, if possible, a specialist-commodity expert is involved, who determines its approximate value.

4. The owner or possessor of the property present at the seizure of the property has the right to decide which values or other items should be seized in the first place in order to secure the sums specified in the decision.

5. The investigative body, the investigator or the prosecutor shall draw up a protocol on the seizure of the property, and the compulsory executor shall draw up another document provided by law. The protocol (document) lists in particular all the property that has been seized, specifying the name, quantity, weight, degree of depreciation, other personal characteristics, if possible, the value, what kind of property has been taken, what kind of protection has been left, The confiscated property is stated, the announcements of those present about belonging to other persons.

6. A copy of the relevant protocol (document) shall be handed over to the owner or possessor of the property under arrest, and in his absence, to one of his adult family members, to a representative of the housing organization or local self-government body. When seizing property in the territory of an enterprise, institution, organization, a copy of the relevant protocol (document) shall be handed over to their representative with a signature.

Article 236 PROTECTION OF property under the chain

1. In addition to real estate և large items, other seized property is usually taken.

2. Precious metals և stones, diamonds, foreign currency, checks, securities և lottery tickets are handed over to the Treasury of the Republic of Armenia for safekeeping, the money is paid to the court to which the case is adjudicated, the other items taken are sealed and kept. by the decision of which the property was seized or handed over to the housing organization or a local government representative for protection.

3. The unclaimed property on which it is seized is sealed and left for protection to the owner or possessor of the property or to his adult family members. They are explained the responsibility provided by law for the alienation or damage of the given property, about which a signature is taken from them.

Article 237 APPEAL against property

The decision to seize the property can be appealed to the prosecutor, but the appeal does not suspend the implementation of the relevant decision.

Article 238 RELEASE OF property from detention by criminal proceedings

1. The property shall be released from detention by the decision of the body conducting the criminal proceedings, if due to the withdrawal of the civil suit, change of the qualification of the act attributed to the suspect or accused or for other reasons, the necessity of applying restrictions on confiscation of property has disappeared.

1.1. If the object of pledge is under arrest, the body conducting the criminal proceedings shall, upon the motion of the pledgee, make a decision on release from custody for the purpose of selling the property, if the subject of the pledge is not:

a) property acquired through criminal means;

b) property intended for terrorist financing;

c) property necessary to compensate the civil plaintiff for damages caused by the crime, in respect of which the right of pledge or property is disputed by third parties in court.

After satisfying the pledgee's claims and reducing the property sale costs, the mortgagor transfers the remaining funds to the body conducting the criminal proceedings.

2. Through the mediation of the civil plaintiff or other interested persons, the court has the right to maintain the detention on the property for one month after the end of the criminal case.

(Article 238 was amended on 17.06.16 HO-111-N)

CHAPTER 33

CONTROLLING CORRESPONDENCE, MAIL, TELEGRAPHY AND OTHER MESSAGES, LISTENING TO TELEPHONE CONVERSATIONS

Article 239 CONTROL OF collapse, mail, telegraphy and other messages

1. When there are sufficient grounds to believe that correspondence, postal, telegraphic և other correspondence (hereinafter referred to as correspondence) sent or received by the suspect or accused (the correspondence) may contain reasoning information in the case, the investigator may make a reasoned decision containing the motion. to the court to monitor the correspondence of the mentioned persons.

2. The decision shall indicate the name of the communication institution on which the obligation to keep the correspondence is placed, the surname of the person (persons), the name of the correspondence on which the exact address of that person (persons) will be kept, the type of correspondence on which arrest is made; ժամկետ Term of detention.

3. The following objects may be seized, in particular: letters, telegrams, radiographs, postage stamps, parcels, postal containers (containers), transfers, fax or e-mail messages.

4. The court decision on the control of correspondence is sent to the head of the relevant communication institution, for which the decision is binding.

5. The head of the communication institution keeps the necessary correspondence and immediately informs the investigator.

6. The control of correspondence shall be abolished by the investigator, prosecutor or court that made the relevant decision.

Article 240 BUSINESS EXAMINATION or confirmation

1. The investigator shall sign the head of the communication institution and, if necessary, the other employees of the given institution, inform the decision on seizure, open the correspondence with his / her participation.

2. When detecting documents, items that may be relevant to the case, the investigator shall seize the relevant shipments or limit himself to making copies of them. In the absence of information that could be relevant to the case, the investigator instructs to deliver the reviewed correspondence to the addressee or to keep it within the time limit set by him.

3. Minutes shall be taken of each case of examination or retention of correspondence, indicating by whom, where, when և which correspondence was stored or examined, what was taken, what should be delivered to the addressee or temporarily kept, copies removed from the correspondence. , what technical means were used, what was found. All persons involved in the investigation should be acquainted with the protocol, which they confirm with their signatures, and if necessary, may request to include their remarks in it.

(Article 240 was amended on 25.05.06 HO-91-N, amended on 21.03.18 HO-181-N)

Article 241 LISTENING to phone conversations

1. If there are sufficient grounds to believe that the conversations of the suspect, the accused, other persons with information about crimes, telephone or other means of communication may contain information relevant to the case, the court shall allow the conversations to be heard or recorded.

2. The investigator shall make a reasoned decision on the necessity of listening to the conversations or recording the conversations. , the institution, which is assigned the technical implementation of listening to conversations and recording. The decision is sent to court.

3. If the judge agrees to hear or record the conversation, the decision shall be sent by the investigator to the relevant institution for execution.

4. Listening to conversations և Recording can be set for a period not exceeding six months. They are eliminated when the need arises, but in all cases not later than the end of the preliminary examination.

5. The investigator has the right to request the recording at any time for examination or listening. It is handed over to the investigator in a sealed form, together with a cover letter, which must indicate the time to start and end the recording of the conversations and the necessary technical characteristics of the means used.

6. Examination of the recording by the investigator և The hearing, if necessary, is carried out with the participation of a specialist, about which a protocol is drawn up, in which the part of the recording related to the case must be literally reproduced. The recording shall be attached to the minutes, and the non-part of the case shall be destroyed after the verdict enters into force or the case is dismissed.

(Article 241 amended on March 21, 18 HO-181-N)

CHAPTER 34

INVESTIGATIVE EXPERIMENT

Article 242 QUALITY experiment

1. In order to verify the data relevant to the case, to carry out experiments, to carry out other investigative actions, the investigator has the right to conduct an investigative experiment.

2. ***(The sentence was removed on 21.03.18 HO-181-N)*** If necessary, the investigator may involve the suspect, the accused, the witness, the specialist, the doctor or other persons in the investigation. The investigator has the right to use technical means.

3. An investigative experiment is allowed, if in this case it is not dangerous for people's life և health, it does not degrade their honor և dignity, it does not cause them material damage.

4. A protocol on conducting an investigative experiment shall be drawn up, in which the circumstances of the experiment and the results shall be described in detail. The protocol mentions the use of technical means. The protocol is read by all the participants of the investigative action, who confirm it with their signatures, have the right to demand to include their remarks in it.

5. Plans, schemes, drawings, as well as materials reflecting the results of the application of technical means shall be attached to the protocol.

(Article 242 amended on March 21, 18 HO-181-N)

CHAPTER 35

APPOINTING AND CARRYING OUT EXAMINATION
(title added: 25.05.06 HO-91-N)

Article 243 GROUNDS for appointing or conducting an examination

The examination is carried out on the basis of the decision of the employee of the investigative body, the investigator, the prosecutor, when in order to find out the circumstances relevant to the criminal case, special knowledge in science, technology, art or craft, including relevant research methods, is required. The special knowledge of the investigator, investigator, prosecutor, specialists, and escorts does not relieve the need to appoint an expert in the relevant cases.

Article 244 DECISION on appointing an expert

The criminal prosecution body shall make a decision on appointing an expert examination, which shall state the grounds for appointing the expert examination, the material evidence sent to the expert examination, other objects, indicating when, where, under what circumstances they were found or acquired, and information on criminal case materials. , on which the expert's findings, the questions asked to the expert, the name of the expert institution or the surname of the person assigned to perform the expertise may be based.

Article 245 INDIVIDUAL commission examinations

1. Complex or duplicate examinations may be performed by a commission of experts alone or in the same field. At the request of a party, an expert invited by him may be included in the commission of experts. In case of a joint opinion, the experts sign the conclusion. In case of disagreement, each expert draws a separate conclusion, including all or any issues that have been raised.

2. The decision on conducting a commission examination is binding on the head of the expert institution. If the expertise is assigned to the expert institution without the requirement of the commission expertise, its head is authorized to organize the commission expertise.

3. Forensic psychiatric examination is carried out only by commission.

(Article 245 supplemented on 18.06.20 HO-348-N)

Article 246 H complete examination

1. If any question relevant to a criminal case can be clarified only on the basis of the simultaneous application of specific knowledge or different research methods in different fields, a comprehensive examination shall be ordered.

2. Based on the combination of factual data clarified within the framework of the complex expertise, each of the experts participates in the formation of a general conclusion within the limits of his / her specific knowledge.

3. The expert has no right to sign the part of the conclusion of the complex examination, which does not belong to his / her scientific competence.

4. If the examination is assigned to an expert institution without the requirement to conduct a complex examination, the head of that institution may, if necessary, organize a complex examination.

Article 247 THE RIGHTS OF A DOUBTFUL, DEFENDANT OR DEFENDANT when appointing an examination

1. When appointing and conducting an expert examination, the suspect, the accused and the victim have the right to:

1) to get acquainted with the investigator's decision to appoint an expert examination before conducting an expert examination; to receive an explanation of their rights; A protocol is drawn up about that.

2) challenge the expert;

3) to mediate that an expert be appointed from among the persons he / she points out;

4) in case of disagreement with the expert's conclusion, to request that an additional or re-examination be appointed;

5) Ask additional questions to the expert;

6) be present during the examination with the permission of the investigator;

7) give explanations to the expert;

8) to get acquainted with the expert's conclusion within 10 days from the day the investigator receives the expert's conclusion;

9) Participate in the interrogation of the expert through his / her mediation.

2. The enumerated rights are exercised by the person against whom the issue of enforcing medical measures should be resolved, if his / her mental condition allows.

Article 248 EXPERT expertise in expert institution

1. The investigator shall make his decision on appointing an expert examination, the object of the examination, and if necessary, he shall send the criminal case to the head of the expert institution. The expert mentioned in the decision participates in the examination. If a specific expert is not mentioned in the decision, the head of the expert institution must decide which expert of the given expert institution will perform the expertise.

2. The head of the expert institution introduces the expert to his / her rights and responsibilities provided for in Article 85 of this Code, warns about the responsibility for refusing to give an opinion, avoiding or giving an obviously false conclusion, organizes the expertise, but has no right to give instructions to the expert. The course of the research nւթjnւնը The content of the research.

3. The investigator has the right to be present during the examination.

As a rule, the investigator is present during the autopsy during the forensic medical examination.

With the consent of the investigator, with the permission of the expert, the participants of the trial may also participate in the expertise, if it does not hinder the examination of the case.

(Article 248 supplemented on 25.05.06 HO-91-N)

Article 249 EXPERT examination outside the expert institution

1. If the expertise is carried out outside the expert institution, the investigator, after making a decision on appointing an expertise, shall call the person to whom the expertise is assigned, assure him / her of his / her identity, find out the expert's relationship with the suspect, accused, victim, other court. with the participants և checks whether there are grounds to challenge the expert.

2. The person appointing the expertise shall hand over the decision on the appointment of the expert to the expert, explain his / her rights and responsibilities provided for in Article 85 of this Code; The investigator draws up a report on these actions, which is signed by an expert and approved by the investigator. The protocol also mentions the statements made by the expert and his motions. The person who appointed the expert shall make a reasoned decision to reject the expert's motions.

3. The person appointing the examination shall present the suspect, accused, victim, witness to the expert when it is necessary to examine their body or mental condition or if it is necessary for them to participate in the examination.

Article 250 EXPERT conclusion

1. After performing the necessary examinations, the expert draws up a written conclusion, confirms it with his / her signature, which is sent to the person appointing the expert.

2. The conclusion of the expert shall indicate when, where, by whom (name, surname, patronymic, education, profession, professional work experience, degree և title, position held), on the basis of which the examination was carried out, who participated , what materials of the criminal case the expert used, what material evidence, samples, other objects were examined, what researches were carried out, what methods were used, substantiated answers to the questions posed, the circumstances relevant to the case, which were found out on the expert's initiative.

3. The expert's conclusion shall be accompanied by the examined physical evidence, samples, other materials, as well as photos, diagrams clarifying the expert's details.

4. If the submitted materials are insufficient or the solution of the question is beyond the expertise of the expert, the conclusion of the expert shall contain a justification for the impossibility of answering all or some of the questions.

Article 251 L instruction þ double examination

1. If the employee of the investigative body, the investigator, the prosecutor do not agree with the conclusion of the expert, on the grounds that the latter is not sufficiently clear or complete, they may appoint an additional expert examination, instructing it to be performed by the same or another expert.

2. A re-examination shall be carried out when the expert's conclusion is not substantiated or casts doubt, or the evidence on which the conclusion is based has been recognized as unreliable or the procedural rules of the examination have been violated. The re-examination is assigned to another expert. When ordering a re-examination, the expert may be asked about the scientific validity of the methods used in previous research. The decision to conduct a re-examination shall state the reasons for disagreeing with the results of the previous examination. Experts who have performed the previous examination may be present at the re-examination and give clarifications, but they do not participate in the conclusion of the examination.

Article 252 QUESTION of the expert

1. If the expert's conclusion is not sufficiently clear, has gaps that do not require additional research or need to clarify the methods և concepts used by the expert, the investigator has the right to question the expert, observing the requirements of Articles 205, 206 և 209 of this Code.

2. The expert is not allowed to interrogate until he / she has submitted a conclusion.

CHAPTER 36

RECEIVING SAMPLES FOR RESEARCH

Article 253 basics for geting MUSHROOMS

1. The investigator has the right to receive samples characterizing the properties of a human, corpse, animal, material or other objects, if their examination is relevant for the case.

2. The investigator shall make a reasoned decision on the receipt of samples, stating in particular: the person receiving the samples, from whom the sample is to be received, to what extent, what specific samples are to be received, when, to whom the person is to be present for sampling, where To whom should the samples be submitted after receiving them?

3. Human sampling is performed with the participation of an expert or specialist. Samples of semen, microscopic skin abrasions, sweat, or other secretions are collected with the participation of a same-sex expert or specialist. Samples describing the properties of a corpse, animal, material և or other objects are obtained with the participation of an expert or specialist և (or) video recording.

(Article 253, edited 21.03.18 HO-181-N)

Article 254 types of MUSHROOMS

1. The sample can be:

1) blood, semen, hair, nail cuts, microscopic scratches on the skin;

2) saliva, sweat և other excretions.

3) the marking of skin lines, the patterns of teeth և limbs;

4) handwriting, signature, other materials expressing human skill;

5) the recording.

6) Pilot samples of finished products, raw materials;

7) weapon, capsule, bullet, bullet;

8) other materials և subjects.

2. It is prohibited to take samples by means that cause mental or physical suffering to a person or endanger his / her health or the integrity of the body.

Article 255 THE procedure for receiving mice

1. The investigator invites the person to his / her place or goes to his / her location, informs him / her about the decision to take a sample, explains to him / her, the specialist, the expert their rights and responsibilities.

2. The investigator, with the participation of an expert or specialist, if he / she has been called, performs the necessary actions and receives samples. In addition to the documents, other samples are packaged and sealed.

3. Where appropriate, samples shall be taken by search or seizure or at the same time as they are carried out.

(Article 255 amended on March 21, 18 HO-181-N)

Article 256 protocol for receiving MUSCLES

1. Upon receipt of samples, the investigator shall draw up a protocol indicating the persons involved in the operation, describing all the actions taken to obtain samples in the order in which they were performed, the scientific and technical methods used, the means, and the samples received.

2. The obtained samples shall be attached to the protocol.

CHAPTER 37

SUSPENSION, OPINION AND TERMINATION OF CRIMINAL PROSECUTION IN CRIMINAL CASE

Article 257 PROCEDURE for suspension of criminal case

If there are grounds provided for in part 1 of Article 31 of this Code, the investigator and the prosecutor have the right to suspend the criminal proceedings by making a reasoned decision.

Article 258 KNICHI 's actions after suspension of criminal case

1. The investigator shall immediately send the decision to suspend the criminal case to the victim, the civil plaintiff, the civil defendant or their representatives, as in the cases provided for in paragraphs 3-5 of Article 31, Part 1 of this Code, to the accused and his / her lawyer. explaining the procedure for appealing the decision և deadlines.

2. After suspending the criminal proceedings, the investigator shall personally, as well as through the investigative body:

1) in the case provided for in point 1 of part 1 of Article 31 of this Code, take measures to identify the person subject to involvement as an accused;

2) in the case provided for in point 2 of part 1 of Article 31 of this Code, take measures to find out the location of the accused or to search for the accused who avoids the investigation.

3. If necessary, the investigator, in the cases provided for in part 2 of this Article, may carry out appropriate investigative actions.

(Article 258, edited 04.05.18 HO-315-N)

Article 259 THE search of the accused

1. The search for the accused is the discovery of his whereabouts, the arrest of the accused, the handing over to the body conducting the proceedings.

2. If the location of the accused is not clear, or the accused is hiding from the investigation, the investigator shall order the investigation bodies to conduct a search by sending copies of the decisions on initiating a criminal case, involving the person as a defendant, and requesting a review of the wanted person. , a copy of the wanted person's passport or other identification document, as well as a copy of the pre-trial detention decision, if any.

3. The search for the accused by the investigator may be announced both during the preliminary investigation of the case and at the same time with the suspension of the criminal proceedings.

4. Within three days after receiving the decision to declare a search, the investigative body shall compile an investigative case, the data of which shall be communicated to the investigator within three days.

(Article 259 edited 11.09.18 HO-386-N, 14.04.20 HO-196-N)

Article 260 RESUMPTION of criminal procedure suspended

1. The suspended proceedings in a criminal case shall be resumed by the decision of the investigator if:

1) the grounds for suspending the criminal proceedings provided for in the first part of Article 31 of this Code have been eliminated;

2) it is necessary to carry out legal actions, which can be carried out without the participation of the accused.

2. The criminal case shall be resumed in the event that the prosecutor by his / her decision revokes the decision of the investigator to suspend the criminal case.

3. The investigator is obliged to inform the accused's defense counsel about the resumption of the proceedings, as well as the victim, his / her representative, civil plaintiff, civil defendant or their representatives.

Article 261 procedure for stopping proceedings or stopping criminal prosecution during the INVESTIGATION

1. The investigator shall make a reasoned decision to terminate the proceedings in the case or to terminate the criminal prosecution.

2. The introductory part of the decision on termination of the proceedings in the case դադար termination of the criminal prosecution shall indicate the time և place և place, place of the investigator, surname և position, information on the case under investigation.

3. The descriptive-reasoning part of the decision shall state the circumstances that were the reason for initiating the criminal case, the circumstances revealed during the preliminary investigation, on the basis of which the criminal case is terminated.

4. The final part of the decision shall state the grounds for termination of the criminal case, the norm of the law on the basis of which the decision is made, the issues on the abolition of the precautionary measure, the possession of material evidence in the manner prescribed by this Code.

5. When terminating the criminal case in the presence of the circumstances provided for in points 1-3 of part 1 of Article 35 of this Code, when terminating the criminal prosecution, termination of the criminal prosecution is not allowed.

(Article 261, edited on 25.05.06 HO-91-N)

Article 262 KNICHI 's actions after determining criminal proceedings and stopping criminal prosecution

1. The investigator shall immediately send the suspect, the accused, the lawyer, as well as the victim, his / her representative, the civil plaintiff, the civil defendant or their representatives, as well as the representative of the natural person or legal entity on whose statement the criminal case was initiated. the decision to terminate the proceedings և to terminate the criminal prosecution, explaining their right to get acquainted with the materials of the case և the procedure for appealing the decision և the terms.

1.1. If during the investigation or preliminary investigation information on a person who is not a participant in the proceedings has been collected in accordance with Article 172 3. 3.2 of this Code, the investigator shall inform him of his right to access the case file, except when a new criminal case has been initiated. :

2. ***(part of it expired on 04.05.18 HO-315-N)***

3. The persons mentioned in the first part of this article have the right to get acquainted with the materials of the terminated case in the manner prescribed by this Code.

(Article 262 amended on 25.05.06 HO-91-N, edited, amended on 04.05.18 HO-315-N, amended on 30.06.21 HO-307-N)

Article 263 APPEAL for decision to determine criminal proceedings or terminate criminal prosecution

1. Within 7 days after receiving the copy of the decision to terminate the criminal proceedings or terminate the criminal prosecution, the suspect, the accused, the defendant, their lawyers, the victim, his / her representative, the civil plaintiff, the civil defendant or their representatives, as well as the individual or legal entity The representative on whose statement the criminal case was initiated may be appealed to the superior prosecutor.

2. The prosecutor shall make a decision on rejecting or satisfying the appeal within 7 days from the moment of receiving the appeal. A copy of the decision is immediately sent to the appellant. The decision of the prosecutor to dismiss the appeal or to dismiss the criminal prosecution may be appealed in court within 7 days of receiving a copy.

(Article 263, edited on 21.02.07 HO-93-N)

(Article 263, part 2, the provision "The prosecutor's decision to reject the appeal in connection with the termination of the proceedings or the termination of the criminal prosecution may be appealed in court within 7 days from the moment of receiving its copy", Part 3 of Article 290 of the same Code In case of non-compliance with the legal regulation, within the framework of the content given in the case law, it was declared invalid by the decision SDO-930 , contradicting Article 18 of the Constitution of the Republic of Armenia. h :)

Article 264 RESUMPTION of criminal proceedings

1. In case of termination of the decision on termination of the criminal case ացնելու termination of the criminal prosecution, if the terms defined by Article 21 of this Code have not expired, the criminal case shall be resumed.
2. The suspect, the accused, the defense counsel, the victim, his / her representative, the civil plaintiff, the civil defendant or their representatives shall be notified in writing of the resumption of the criminal proceedings.

CHAPTER 38

COMPLETION OF INDICATORY AND SUBMISSION OF CRIMINAL CASE TO COURT

Article 265 GETTING INTRODUCTION TO THE MATERIALS OF THE CASE BEFORE MAKING A policy conclusion

1. The investigator, considering the evidence gathered to be sufficient for drawing up an indictment, shall inform the accused, the defense counsel, as well as the victim, his / her representative, the civil plaintiff, the civil defendant or their representatives;
1.1. If during the investigation or preliminary investigation information on a person who is not a participant in the trial has been collected in accordance with Article 172 3. 3.2 of this Code, the investigator shall inform him / her of the time of his / her acquaintance with the case file containing such information, except when A new criminal case has been initiated.
2. In order to get acquainted with the victim, the civil plaintiff, the civil defendant, the investigator submits the case in case of their mediation, and the accused ին to the lawyer, regardless of the mediation.
3. If the defense attorney of the accused or the representative of the victim, the civil plaintiff, the civil defendant cannot appear at the appointed time, the investigator shall postpone the acquaintance for up to 5 days. If the defense counsel or a representative does not appear within the given period, the accused shall be given the opportunity to have another lawyer with his / her consent or appointment, and the victim, the civil plaintiff, the civil defendant shall have another representative.
3.1. If the person defined in part 1.1 of this Article, who is not a participant in the trial, cannot appear at the appointed time, the investigator shall postpone the acquaintance for up to 2 days.
(Article 265 supplemented on 30.06.21 HO-307-N)

Article 266 PROCEDURE for getting to know the materials of criminal case

1. The investigator submits the case materials for introduction in numbered pages, in the list of documents contained in each volume, in the form of one or more sewn volumes. The material evidence attached to the case must be submitted, as well as the annexes to the records of the investigative actions. If the case consists of several volumes, all volumes must be submitted at the same time.

2. When acquainting the participants in the trial with the case, the investigator, through their mediation, reproduces the recording, movies and videos, the attached videos of the protocols, and presents the material evidence.

3. The accused և's lawyer gets acquainted with the case later than the other participants in the trial. They have the right to get acquainted with the case together or separately. Similarly, the victim, the civil plaintiff, the civil defendant can get acquainted with the representatives or in a separate case.

4. Persons getting acquainted with the case have the right to make write-offs from the documents in the case, to copy them, to photograph the material evidence.

Article 267 mediations after getting reported to the materials of case C

1. After getting acquainted with the materials of the case, the investigator shall find out from the accused, the defense counsel, as well as the victim, the civil plaintiff, the civil defendant and their representatives whether they have motions to carry out additional investigative actions or make new court decisions, which are submitted within one day.

2. The investigator shall make a reasoned decision to reject the motion in full or in part, a copy of which shall be delivered to the applicant within one day from the moment of initiating the motion. The case cannot be handed over to the prosecutor until the mediation issue is resolved.

3. The refusal of the investigator to satisfy the motion initiated in the case, which the investigator intends to send to the prosecutor with an indictment, may be appealed to the prosecutor within 2 days from the moment of handing the copy of the decision to refuse the motion to the applicant. The case is not sent to court until the complaint is resolved.

4. The rejection of the complaint on the initiated motion by the prosecutor shall not prevent the same motion from being filed in court.

Article 268 PROTOCOL for introduction to case materials

1. The investigator shall draw up a protocol on getting acquainted with the materials of the criminal case, in which he / she shall indicate the date of his / her acquaintance, his / her position, information about the persons getting acquainted with the case, information on the defense counsel, as well as the representatives of the victim, civil plaintiff and civil defendant.

2. A separate protocol shall be drawn up for each person getting acquainted with the case to get acquainted with the case materials. If the Defender got acquainted with the case together with his / her defendant or the representative got acquainted with the case together with the represented victim, civil plaintiff or civil defendant, a record may be drawn up of the Defender's defendant, as well as his / her representative, getting acquainted with the case.

3. The protocol shall indicate the number of pages of the case file submitted for introduction, the number of pages in each volume, as well as the material evidence presented, the annexes attached to the records of investigative actions.

4. The protocol shall indicate each day of getting acquainted with the case, the start and end time.

5. The oral motions initiated after getting acquainted with the materials of the criminal case shall be entered in the protocol. Written petitions are attached to the protocol, which is mentioned in the protocol.

(Article 268 amended on 30.06.21 HO-307-N)

Article 269 GETTING to get ready again after satisfying the mediations

If the motion of the party is satisfied, regardless of who initiated the motion, the investigator gives the accused, the defense counsel, the civil plaintiff, the civil defendant, their representatives the opportunity to re-examine the case in terms of the completed materials.

(Article 269 amended on 25.05.06 HO-91-N)

Article 270 THE ACCUSATIVE conclusion

1. The indictment consists of descriptive-causal-concluding parts.

2. In the descriptive-causal part, the investigator shall state the circumstances of the crime, the circumstances characterizing the accused as well as the victim, the evidence confirming the guilt of the accused, the arguments presented in his defense, the evidence gathered as a result of the examination of those arguments.

If the criminal prosecution has been initiated in accordance with the international treaties of the Republic of Armenia, it should be mentioned in the descriptive-causal part of the indictment.

3. In the concluding part, the information about the accused is given և the formulation of the accusation, indicating the norms of the criminal law envisaging the given crime.

4. The investigator signs the indictment, indicating the time and place of its compilation.

(Article 270 supplemented on 25.05.06 HO-91-N)

Article 271 APPENDICES to the constitutional conclusion

1. The list of persons to be summoned to the court session shall be attached to the indictment. In the list, the investigator shall indicate the location of the persons to be summoned և the pages of the case which contain their testimonies or conclusions.

2. The indictment shall be accompanied by the investigator's references on the measures taken to ensure the possible confiscation of the material evidence, their location, the civil suit, the possible confiscation of the property, indicating the period of detention, indicating the period of detention of the person.

Article 272 SENDING A criminal case to the prosecutor

Signing the indictment, the investigator sends the criminal case to the prosecutor supervising the preliminary investigation on the same day.

Article 273 ISSUES RESOLVED BY THE PROSECUTOR IN CASE WITH A concluding conclusion

The prosecutor examines the case received with the indictment to check:

1) whether the act accused of the accused has been proven; whether it contains a corpus delicti;

2) is the guilt of the accused substantiated?

3) Are all the crimes committed by the accused included in the accusation?

4) Are all the persons involved in the crime involved in the case as defendants?

5) Are there circumstances to terminate the criminal proceedings or to terminate the criminal prosecution?

6) the actions committed by the accused are correct;

7) the precautionary measure is chosen correctly;

8) Are measures taken to secure the civil suit, possible confiscation of property, court costs?

9) whether the circumstances contributing to the crime have been revealed, whether measures have been taken to eliminate them;

10) Has a comprehensive, complete and objective investigation of the circumstances of the case been carried out?

11) Does the indictment meet the requirements set forth in Articles 270 և 271 of this Code?

12) Are all other rules of this Code determining the order of conducting the preliminary investigation observed?

Article 274 DECISION of the attorney in the case made with the accusation conclusion

1. Within 5 days after receiving the case with the indictment, the prosecutor is obliged to make one of the following decisions:

1) confirm the indictment;

2) by his / her decision to remove certain points from the accusation, to qualify the crime in accordance with the law, which, in contrast to the qualification made by the indictment, envisages less serious responsibility, հաստատ to confirm the indictment with those changes;

3) return the case to the investigator with his / her instructions for conducting an additional investigation or reorganizing the indictment;

4) suspend the criminal proceedings;

5) terminate the criminal case or terminate the criminal prosecution.

2. If there are grounds for supplementing the charge or replacing it with a charge significantly different from the previous one due to more serious or factual circumstances, the prosecutor shall return the case to the investigator to file additional charges or change the charge.

Article 275 decision on the measure of DETENTION

In the case of an indictment, the prosecutor has the right to lift or change the measure of restraint, and if no measure of restraint has been applied, to choose one of them or to apply to the court to choose detention as a measure of restraint.

Article 276 CHANGING the list of persons to be called at the session

Before sending the case to court, the prosecutor has the right to reduce or supplement the list of persons to be summoned to court. The accused, the able-bodied victim, the legal representatives of the victims - the accused, the civil plaintiffs, the civil defendants - their representatives may not be removed from the list.

Article 277 SENDING case to court

1. Confirming the indictment, the prosecutor sends the case to the court to which the case is adjudicated. In case of objection to the application of conciliation proceedings, the prosecutor shall mention it at the same time as confirming the indictment. In case of cooperation proceedings, when sending the case to court, the prosecutor initiates a motion to apply a special procedure for co-operation proceedings.

2. The prosecutor shall immediately inform the accused - the defense counsel, the victim, the civil plaintiff, the civil defendant, their representatives - about sending the case to court, explaining that they have the right to send their applications and motions to the court in the future.

3. At the same time, the prosecutor shall hand over to the accused, and in case of mediation, to the defense counsel, the victim, the other appropriate participants in the trial, the certified copies of the indictment and the attached appendices. If changes have been made to the indictment or the annexes attached to it, the indictment shall be filed only in the final edition. If the indictment has been changed by the decision of the prosecutor, a copy of the relevant decision of the prosecutor shall be submitted.

4. The accused's defense counsel, who does not speak the language of the criminal proceedings, shall be provided with the certified translations of the indictment signed by the translator and the appendices attached to it.

(Article 277 supplemented on 21.02.07 HO-93-N, amended, supplemented on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

CHAPTER 39

JUDICIAL SUPERVISION OF PRE-TRIAL PROCEEDINGS

Article 278 D field of judicial control

1. The court examines the motions to apply investigative, restrictive measures to restrict the basic rights of a person to carry out investigative, operative-investigative actions.

2. The court, in the cases defined by this Code, in accordance with the procedure, examines the complaints on the legality of the decisions of the bodies of investigation, investigator, prosecutor, bodies carrying out operative-investigative activities.

3. Decisions of the court in the cases provided for in part 1 of this Article may be reviewed by a superior court on the basis of a complaint by the prosecutor, the mediating body, the persons or their representatives whose interests are at stake.

(Article 278 amended on 16.01.18 HO-69-N)

Article 279 INVESTIGATIVE actions carried out by decision

According to the court decision, the apartment is searched, as well as investigations related to the secrecy of correspondence, telephone conversations, postal, telegraphic and other messages, as well as searches and confiscations for obtaining information constituting banking, insurance, notarial information.

(Article 279 was supplemented by 21.06.14 HO-115-N)

Article 280 LEGAL COURSES applicable by decision

The following measures are applied only on the basis of a court decision: application of detention as a measure of restraint, confirmation of the legality of the decision on suspension of the authority of an employee with the status of a suspect or accused, suspects, accused persons Accommodation in a facility for forensic psychiatric, forensic psychiatric or forensic medical examination.

(Article 280 was amended on 25.05.06 HO-91-N, 25.03.21 HO-123-N)

Article 281 operative-investigative measures carried out by DECISION

1. By the decision of the court, the operative-investigative actions are carried out, which are connected with the restriction of the right to privacy of citizens' correspondence, telephone conversations, postal, telegraphic or other messages.

2. The types of operative-investigative measures carried out on the basis of a court decision are defined by the Law on Operative-Investigative Activities.

Article 282 MEDIATIONS against performing actions or application of legal court measures

1. The basis for initiating proceedings in court shall be the motion contained in the reasoned decision of the investigative body, investigator or prosecutor to obtain permission to take appropriate action.

2. In the reasoning part of the decision, data on the crime for which there is an intention to carry out a relevant investigative action, what information should be obtained as a result of such actions related to the restriction of fundamental rights and freedoms of citizens, time, place, direct perpetrators, results the booking form, as well as other information necessary for the court to make a legally sound decision. If these materials are not sufficient, the judge has the right to request that they be completed.

3. The investigative body, the investigator shall send a copy of the decision to initiate a motion to the supervising prosecutor. The decision (copy) provided for in Article 279-280 of this Code to initiate

investigative actions, to apply for coercive measures, the documents (copies) submitted to substantiate it may be sent to the supervising prosecutor electronically.

(Article 282 amended on 16.01.18 HO-69-N, supplemented on 14.11.19 HO-217-N, edited on 17.09.20 HO-424-N)

Article 283 PROCEDURE for discussion of mediations on performance actions or application of trial courts

1. The judge examines the motions alone. A motion to enforce a court order is heard in camera with the participation of the official or his / her representative. The mediating official or his / her representative or prosecutor participates in the discussion of the motion for investigative actions at the request of the court or on the initiative of the mediating official or prosecutor.

2. The prosecutor has the right to participate in the court session if he / she deems it necessary to personally defend the motion. The prosecutor has the right to withdraw the motion.

3. The judge has the right to:

Require the mediator to provide the necessary documents to verify the merits of the motion - material evidence.

provide explanations.

4. Petitions shall be heard by a judge immediately, but not later than the day following their receipt.

Apartment search motions should be considered immediately.

5. After completing the examination of the mediation, the judge shall make a decision on approving or rejecting the mediation, stating the grounds for satisfaction or rejection.

6. On the day the decision is made, the court shall deliver it to the body conducting the proceedings, which shall immediately, but not later than 12 hours, send a copy of the decision to the supervising prosecutor.

7. The decision of the court on approving or rejecting the motion may also be submitted electronically to the body conducting the proceedings, the body conducting the proceedings may send it to the supervising prosecutor in the same manner.

(Article 283 amended on 25.05.06 HO-91-N, edited, amended on 14.11.19 HO-217-N, amended on 17.09.20 HO-424-N)

Article 283.1. Peculiarities of the procedure for reviewing the motion on confirmation of the decision on the suspension of the powers of the employee with the status of a suspect or accused

1. The motion to suspend the powers of the employee with the status of a suspect or accused shall be examined by the judge alone.

2. The court examines the motion defined in part 1 of this article and makes a decision on it through a written procedure, without convening a court session, except for the case provided for in part 3 of this article.

3. At the request of the court or on the initiative of the official who submitted the motion, the accused or his / her lawyer, the motion shall be considered in a closed court session.

4. The court examines the motion immediately, but not later than the next day after receiving it.

5. Upon completion of the examination of the mediation, the court shall make a decision on approving the legality of the decision on granting the motion or on revoking the decision on suspending the motion, stating the grounds for satisfaction or rejection. On the day of making the decision, the court hands it over to the official who submitted the motion, the accused and his / her lawyer.

6. In the case provided for in part 3 of this Article, the rules provided for in Article 285 of this Code shall apply to the procedure of examination of mediation, unless otherwise provided by this Article.

(Article 283.1 was supplemented on 25.03.21 HO-123-N)

Article 284 PROCEDURE for discussion of mediations on implementing measures

1. Operative-investigative measures restricting the right to privacy of correspondence, telephone conversations, postal, telegraphic and other messages, except in cases when one of the participants in the conversation or one of the communicators has previously agreed to listen or control them, may be carried out only by a court decision.

2. The Court of General Jurisdiction of the city of Yerevan gives permission to carry out operative-investigative measures envisaged by this Article.

3. The reasoned decision of the head of the body carrying out operative-investigative activity, which contains a mediation on obtaining a permit for carrying out those measures, shall be the basis for issuing a permit for carrying out operative-investigative measures envisaged by this Article. The decision shall state the grounds for the implementation of the operative-investigative measure, the data intended to be obtained as a result, the place and time of the measure, as well as all the data necessary for the court to make a decision. All the materials that substantiate the necessity of carrying out operative-investigative measure are attached to the decision. Decision ԱյոԼթ The materials attached to it are submitted to the court by the head of the operative-investigative body or his deputy.

4. The motion is considered by the judge alone. The mediating official or his / her representative participates in the mediation hearing at the request of the court or on the initiative of the mediating official. The petition must be considered, Ա a decision made within 12 hours of receipt.

5. At the request of a judge, he / she shall be provided with other materials substantiating the necessity of carrying out operative-investigative measures, except in cases when there is a danger of violation of state or official secret or when it may reveal secret staff of operative-investigative bodies. Collaborative persons, sources of relevant information, methods of obtaining them. In order to verify the adequacy of the grounds for carrying out the operative-investigative measure, the judge may request explanations and additional materials from the relevant official.

6. Based on the results of the discussion of the issue, the court shall make a decision on carrying out the operative-investigative measure, granting permission or rejecting the motion, stating the grounds for satisfaction or rejection. The court returns the relevant materials to the operative-investigative body.

7. The validity period of the court decision shall be calculated from the date of its adoption; it may not exceed six months, unless otherwise provided by the decision. The term of carrying out the operative-investigative measure may be extended on the basis of a substantiated decision of the head of the body carrying out operative-investigative activity containing such a motion, in the manner prescribed by this Article.

8. In cases when the delay in the implementation of the operative-investigative measure envisaged by this Article may lead to the execution of a terrorist act, or events or actions threatening the state, military or environmental security of the Republic of Armenia are possible, based on the decision of the head of the operative-investigative body. Implementation of such measures by notifying the court within 48 hours, submitting to it the documents provided for in part three of this article. In cases when the court does not consider the grounds for carrying out the operative-investigative measure defined by this article to be sufficient, its implementation shall be terminated immediately, and the information obtained as a result of its implementation shall be subject to immediate destruction.

(Article 284 edited 14.11.19 HO-217-N, amended on 25.03.20 HO-210-N)

(Part 1 of Article 284 was declared invalid by the decision 28.11.2010 SDO-926 of Article 23 of the Constitution of the Republic of Armenia, contradicting parts 1, 5)

Article 285 EXAMINATION OF mediations to choose alana as a measure of prevention or extension

(title added: 25.05.06 HO-91-N)

1. If it is necessary to choose detention as a measure of restraint or to extend the period of detention, the prosecutor or investigator shall file a motion to the court to extend the term of detention or to detain him. The decision to initiate a mediation shall state the motives and grounds on which the need to detain the accused arose. The materials confirming the substantiation of the mediation are attached to the decision.

2. The decision to initiate a motion to choose detention as a measure of restraint shall be subject to immediate examination in the court of the place of preliminary investigation, by the judge alone, with the participation of the person who filed the motion, the accused, his / her legal representative, or defense counsel. Failure of the ombudsman to appear in a timely manner does not preclude the examination of the motion. The court is obliged to duly notify the petitioner, the accused, his / her legal representative, the defense counsel about the place and time of the court hearing, if he / she participates in the case.

The court examines the motion to detain the wanted defendant as a measure of restraint with the participation of the person who filed the motion and the defense attorney of the wanted defendant, if he participates in the case.

3. The issue of his / her participation in the court session on the motion on choosing detention as a measure of restraint against the accused in custody shall be ensured by the body conducting the proceedings.

4. When considering the motion, the judge has the right to request additional materials and explanations substantiating the motion.

5. Examining the motion, the judge shall make a decision on choosing detention as a measure of restraint against the accused, extending the term of detention or rejecting the motion. On the day of the decision, the court signs it and submits it to the person who initiated the motion to choose detention as a measure of restraint or to extend the period of detention, the accused, the defense counsel or the victim, The decision is subject to immediate execution.

5.1. The body conducting the proceedings on the court decision on choosing detention as a measure of restraint or extending the period of detention shall immediately notify the accused's place of work in writing.

6. After the judge rejects the motion to choose the measure of restraint, it is possible to go to court again with the motion to detain the same person in the same case only in the event of new circumstances justifying the detention.

7. In case of a decision to replace the detention with another measure of restraint, the accused shall remain in custody until the necessary actions for the application of the measure of restraint provided for in paragraphs 2-7 of Article 134, Part 2 of this Code have been taken.

8. In the cases defined in part 7 of this article, the bail or the amount of the guarantee shall be paid as a court deposit.

(Article 285 edited, amended, amended on 25.05.06 HO-91-N, edited, supplemented on 14.04.20 HO-196-N, amended on 25.03.21 HO-123-N, amended on 30.06 .21 HO-280-N)

Article 286 COURT decisions on implementing actions, operating-investigative measures or application of legal court measures

The decision of the court shall indicate the day, month, year, place of the decision, the surname of the judge, the official who submitted the motion, the note on the conduct of investigative or operative measures or the application of coercive measures, indicating the action or means. The validity period of the decision, the official or body authorized to execute the decision, the signature certified by a judge's seal shall apply.

Article 287 APPEAL against choice or possibility

1. Appeals against a judge's decision to choose or not to choose detention as a measure of restraint, as well as to extend or refuse to extend detention, shall be brought by the prosecutor, the

accused, his defense counsel or legal representative to the court of appeal directly or to the court or detention center. through:

2. The administration of the place of detention of detainees, upon receiving complaints addressed to the court, is obliged to register them և send them to the jurisdiction, informing the supervising prosecutor.

3. The court of appeal, upon receiving the appeal, immediately requests the materials substantiating the need for detention և the court decision.

(Article 287 amended on 25.05.06 HO-91-N)

Article 288 JUDICIAL examination on the legality and ground

1. Judicial review of the legality and justification of choosing or not to choose detention as a precautionary measure, as well as to extend the term of detention or to refuse to extend it, shall be carried out by the Court of Appeal.

2. Legality of arrest or detention և justification և justification The court shall verify the legality of the chosen precautionary measure և within three days from the day of receiving the substantiating materials.

3. The judicial examination is carried out in a closed court session with the participation of the prosecutor-ombudsman. Failure to notify the party in advance of the date of the hearing of the complaint shall not preclude a judicial review. The court may summon an investigator or an investigator, as well as the victim, for an explanation.

4. At the beginning of the session, the presiding judge announces what kind of complaint will be examined, introduces the persons who have appeared in court, explains their rights and responsibilities. The applicant, if he / she participates in the examination of the complaint, then substantiates the complaint, after which the other persons present at the hearing are heard.

5. As a result of the judicial review, the court makes one of the following decisions:

1) to abolish detention as a measure of restraint; to release a person from detention;

2) on choosing detention as a precautionary measure or extending its term;

3) on leaving the complaint without satisfaction.

6. In the event that the court does not present materials proving the legality and justification of the extension of the term of detention as a measure of restraint, as well as the reasons for the extension of detention, the court shall make a decision to lift the measure of restraint and release the person from detention.

7. A copy of the court decision shall be sent to the prosecutor-applicant, and in case of a decision to release the person from detention, to the administration of the place where the detainees are being held, for immediate execution.

8. If the appeal is left unsatisfied, the court shall re-examine the appeal of the same person in the same case, in accordance with the procedure established by this Article, in each case of extension of the detention period.

(Article 288 amended on 25.05.06 HO-91-N)

Article 289 INVESTIGATIVE actions և decision on court measures to make operative-investigative measures

Investigative actions, operative-investigative measures, as well as appeal of court decisions on application of coercive measures, inspection, except for the cases provided for in Article 289.1 of this Code, shall be carried out in accordance with the rules provided for in Articles 287 և 288 of this Code.

(Article 289 supplemented on 16.01.18 HO-69-N)

Article 289.1. Arrest Appeal Procedure

1. The arrest may be appealed in court. An appeal against the arrest shall be made in accordance with the procedure established by this Chapter, with the features defined by this Article.

2. The person detained, his / her legal representative և defense counsel may file an appeal against the arrest.

3. An appeal against the arrest may be lodged within one month of the actual detention of the person.

(Article 289.1 was supplemented on 16.01.18 by HO-69-N)

Article 289.2. Content of the protest against the arrest

1. An appeal against an arrest contains:

1) the name of the competent court;

2) the name, patronymic, surname of the appellant, if any, the status;

3) year, month, day, hour of submitting the complaint to the court;

4) if available, the case proceedings number;

5) if available, the decision of arrest or the protocol;

6) the arguments of the complaint ը the claim;

7) Facts substantiating point 1 of part 4 of Article 289.4 of this Code;

8) the list of materials attached to the complaint.

(Article 289.2 was supplemented on 16.01.18 by HO-69-N)

Article 289.3. Return the arrest complaint առանց Leave the complaint unchecked

1. If the appeal does not comply with the requirements of paragraphs 1-5 և 8-8 of Article 289.2, Part 1 of this Code, the court shall return the appeal to the person who filed it, giving him three working days, and Article 289.4 of this Code. In the case provided for in part 2 of Article, to correct those errors within three hours և to resubmit the complaint. In case of elimination of the errors in the complaint within the defined period and re-submitting it to the court, the complaint shall be considered accepted in court on the day of initial submission.

2. The complaint shall be left without examination within three working days, and in the case provided for in part 2 of Article 289.4 of this Code, within three hours, unless any of the requirements set forth in Articles 289.1 and 289.2 of this Code is observed, except for Article 1- of the cases provided for in

(Article 289.3 was supplemented by 16.01.18 HO-69-N)

Article 289.4. Procedure for examining an appeal against an arrest

1. The court examines the appeal against the arrest and makes a decision within 15 days from the moment of receiving it, except for the cases defined in parts 2, 4 and 4 of this article. The appeal is heard by the court in a single, closed court session.

2. If the appeal is lodged within 60 hours of the person being detained within 60 hours of the actual detention, the court shall consider the appeal against the arrest and make a decision within 24 hours, but not later than the 72nd hour after the actual detention of the person, except of the cases provided for in Part 4 of this Article.

3. If a motion for detention on remand has been filed with the court prior to the filing of the appeal against the arrest, the appeal against the arrest shall be lodged after the court hearing has been duly notified of the time of the hearing, before the hearing or during the hearing.

4. The court examines the appeal against the arrest and decides:

1) immediately, if the complaint substantially substantiates that there is a threat to the life of the person, or he has been tortured;

2) in case of a motion to detain a given person as a measure of restraint, at the same time as its consideration.

5. The examination of the complaint against arrest shall be carried out with the obligatory participation of the person who filed the complaint or his / her legal representative or lawyer.

6. Persons participating in the court session have the right to give explanations. With the decision to initiate proceedings, the court may require the prosecuting authority that made the appealed act to submit to the court materials related to the appeal or to appear at the court session.

7. The prosecutor supervising the criminal prosecution body that made the appealed act or detained the person has the right to participate in the examination of the appeal against the arrest. In the case mentioned in part 6 of this article, the participation of the criminal prosecution body in the court session is mandatory.

(Article 289.4 was supplemented on 16.01.18 by HO-69-N)

Article 289.5. Decisions made as a result of an investigation into an arrest warrant

1. As a result of the examination of the appeal against the arrest, the court upholds or rejects the appeal by a decision.

2. A person shall be released immediately if:

1) there is a threat to the life of the person, հնարավոր the possibility of neutralizing that danger has not been substantiated;

2) the court confirms the fact that the arrest was unlawful, except when the appeal against the arrest was examined at the same time as the detention motion, նրդ the motion was upheld.

3. If the appeal is upheld, the court shall confirm the fact that the arrest was unlawful

1) apply to the competent bodies or officials to initiate legal proceedings in connection with the fact of violation; or

2) if necessary, obliges the competent bodies to take measures to eliminate the violations of the rights of the arrested person.

4. A copy of the decision made as a result of the examination of the complaint against arrest shall be immediately handed over or sent to the person who filed the complaint, the body that made (executed) the appealed act, the investigator և the supervising prosecutor.

5. Appeals against court decisions made under this Article shall be brought to the Court of Appeals directly by the prosecutor, the detainee, his / her lawyer or legal representative, through the court that made the decision, the place of detention, the place of detention or the administration of the correctional facility.

(Article 289.5 was amended on 16.01.18 by HO-69-N)

Article:290. ON THE UNLIMITED DECISIONS AGAINST THE ILLEGAL EMPLOYEE , the investigator or the prosecutor

1. Complaints against the illegality of the decisions, actions, actions of operative-investigative actions of the employee of the investigation body, investigator, prosecutor, bodies carrying out operative-investigative actions may be submitted to the court by the suspect, accused, defense counsel, victim, participants of criminal proceedings and other persons. rights և legitimate interests were violated by those decisions և actions և if their complaints were not upheld by the prosecutor.

2. The persons mentioned in part 1 of this Article have the right to appeal to the court against the decision of the investigation body, the investigator or the prosecutor to accept the reports on crimes, to initiate a criminal case, as well as the decisions on suspending, terminating or terminating the criminal prosecution in cases provided by this Code.

3. The appeal may be submitted to the court of the location of the body conducting the proceedings to receive information on its rejection or, if no response has been received, within one month from the date of expiration of the appeal within one month.

4. The complaint shall be examined by the judge alone within ten days of receiving it, informing the applicant ին the body conducting the proceedings. The absence of the applicant or the body conducting the proceedings does not preclude the examination of the complaint, but the judge may consider the presence of such persons mandatory. The body conducting the proceedings is obliged

to submit materials on the complaint to the court. The body conducting the proceedings և the applicant has the right to give explanations.

5. Recognizing the complaint as grounded, the judge makes a decision on the obligation of the body conducting the proceedings to eliminate the violation of the rights and freedoms of the person. Finding that the appealed actions have been taken in accordance with the law, ի the rights or freedoms of the person have not been violated, the court decides to reject the appeal. A copy of the judge's decision shall be sent to the applicant իև the body conducting the proceedings.

(Article 290, part 1, "... նրանց if their complaints have not been upheld by the prosecutor", in relation to the content attributed to it in the case-law, also attributed to "inaction", which in practice extends paragraph 1 to part 2 of the same article Applying the condition provided for in part 1 and applying part 1 of the article to applicants with such an interpretation, the constitutional rights of a person to access the court were restored, a fair trial was declared invalid, contradicting part 1 of Article 18 of the RA Constitution, by decision 07.12.2009 SDO-844)

SECTION 9

TRIAL IN THE COURT OF FIRST INSTANCE

CHAPTER 40

PREPARATION OF JUDICIAL EXAMINATION

Article 291 ADMISSION of the case by the court

1. Judges shall accept the criminal case submitted to the court in accordance with the established procedure, on which a decision shall be made.

2. Within 3 days from the moment of receiving the criminal case, the court is obliged to inform the accused, his / her defense counsel, as well as the victim, civil plaintiff, civil defendant or their representatives by sending them a horse memorandum explaining the rights and responsibilities of the addressee, including: Clarification on the deadlines for submitting petitions to the court.

(Article 291 was amended on 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

Article 292 case decisions made in preparation of judicial EXAMINATION

The judge who accepted the criminal case examines the materials of the case and makes one of the following decisions within 15 days from the moment of accepting the criminal case:

1) on appointing a court examination;
2) on termination of the criminal case proceedings or termination of the criminal prosecution;
3) on suspending the criminal case proceedings;
4) on returning the case to the accuser;
5) on returning the criminal case for additional preliminary investigation;
6) on sending the case according to jurisdiction;
7) on self-withdrawal.

(Article 292 edited 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N)

(The provisions of Article 292, Clause 5 were declared invalid, contradicting Article 19 (Part 1) of the RA Constitution, by decision 24.07.2007 SDO-710)

Article 293 D decision on appointing a judicial examination

1. The court shall decide on the appointment of a trial if the circumstances of the termination of the proceedings are absent in the materials of the criminal case, as the pre-trial proceedings have been conducted without significant violations of the criminal procedure law.

2. The decision on appointing a court trial shall contain a note on the accused, the criminal law, the violation of which is attributed to the accused, a decision on precautionary measures to eliminate, change or select the means of compensation for the damage caused, decisions on motions and appeals initiated by the trial participants. In connection with other announcements, decision on the composition of the court, decision on allowing the person elected or appointed as a defense counsel by the accused, the list of persons to be summoned to the court session, information on the place and time of the trial, decision on holding a closed trial in this case decision on the application of protection measures against the participants of the trial.

3. The trial must be scheduled within 10 days of the decision to call the trial.

(Recognize the provision of Article 293, Part 1, "... how is the pre-trial proceedings conducted without significant violations of the criminal procedure law" invalid, contradicting the requirements of Articles 6-19 of the RA Constitution, by decision 09.06.2015 SDO-1213)

Article 294 DECISION on disclosure of criminal proceedings or termination of criminal prosecution

1. If there are grounds provided by this Code, when it is possible without a trial, the court shall make a reasoned decision to terminate the criminal proceedings or to terminate the criminal prosecution. If the circumstances precluding criminal prosecution apply to one defendant, the criminal prosecution shall be terminated only against him.

2. The decision to terminate the proceedings in the case or to terminate the criminal prosecution shall include the precautionary measures chosen at the preliminary investigation stage, the decision on elimination of damages, the decision on elimination of other criminal coercive measures, as it decides the fate of material evidence.

3. A copy of the decision to terminate the proceedings or terminate the criminal prosecution shall be handed over to the accused, the defense counsel, the prosecutor, the victim, the civil plaintiff, the civil defendant and their representatives.

(Article 294 amended on 28.11.07 HO-270-N)

Article 295 decision on suspension of criminal CASE

1. If the accused is in hiding, or his / her whereabouts are unknown, or he / she has a serious illness, or enjoys immunity from criminal prosecution, or an invincible force acts, which excludes the possibility of his / her participation in the court session, as well as other Article 31 of this Code. In these cases, the court makes a reasoned decision to suspend the case.

Moreover, if the proceedings of the case are suspended on the grounds of exercising the immunity of criminal liability, the competent body shall resolve the issue of depriving the person of immunity or changing the measure of restraint in accordance with the procedure established by law.

2. Proceedings may also be adjourned against one of several defendants, provided that this does not restrict his or her right of defense.

(Article 295 supplemented on 25.05.06 HO-91-N)

Article 296 DECISION on returning the case to the accusator

1. The decision to return the case to the accuser shall be made by the judge in the event that the indictment does not meet the requirements of this Code, or the legal qualification of the act does not correspond to the description of the act or does not follow from the evidence in the case.

2. The decision to return the case to the accuser, in addition to the grounds for making such a decision, shall indicate the period during which the prosecutor must eliminate the shortcomings in the indictment. If the accused is in custody, the period should not exceed 3, and in other cases - more than 7 days.

(Article 296 supplemented 28.11.07 HO-270-N)

Article 297 resolution on returning the case to additional INVESTIGATION

The judge shall make a decision to return the criminal case to additional preliminary investigation in order to carry out the necessary legal actions, in case significant violations of the criminal procedure law have been committed by the investigative bodies, which cannot be eliminated during the main trial.

(The provisions of Article 297 were declared invalid, contradicting Article 19 of the RA Constitution (Part 1) by the decision SDO-710 of 24.07.2007)

Article 298 decision on sending the criminal case according to the JUDICIARY

If the court finds that the case is not within its jurisdiction, it makes a decision on sending the case according to the jurisdiction, stating the legal grounds for such a decision և the court to which the case is sent.

(Article 298 amended on 28.11.07 HO-270-N)

Article 299 A DECISION on self-disclaimer

If the judge finds out that there is a ground for self-withdrawal defined by Article 90 of this Code, he / she shall make a decision on self-withdrawal. In that case, the presiding judge shall present the case in the general order of redistribution.

(Article 299, edited 28.11.07 HO-270-N)

Article 300 DECISION on measures of prevention

At the same time as making a decision, in addition to the decision to remand the case by court, the court is obliged to consider whether or not to choose a measure of restraint against the accused, whether the type of precautionary measure is reasonable or not, if the measure of restraint is chosen.

(Article 300, in that it does not provide for the defendant's choice of whether or not to choose detention as a measure of restraint, or whether the defendant's / or his defense counsel may be present at the hearing if the case is chosen as a measure of restraint; Recognize Article 27 մասին 5 of the Constitution of the Republic of Armenia, Article 63 1 1, Article 75 և contradicting և 81 և invalid by decision 26.06.18 SDO-1421)

CHAPTER 41

GENERAL CONDITIONS OF JUDICIAL EXAMINATION

Article 301 THE IMMUNITY OF the court in examining the case անընդ continuity of the trial

(title added: 25.05.06 HO-91-N)

1. Each case shall be heard by the same court.
2. If it is impossible for a judge to participate in the trial, he / she shall be replaced by another judge, and the trial shall be resumed.
3. The court session in each case takes place continuously, except for the time defined by the legislation for rest. It is not allowed for the same judge (judges) to consider other criminal cases before the end or suspension or postponement of the trial.

(Article 301 supplemented on 25.05.06 HO-91-N)

Article 302 A defendant's participation in the trial

The trial is conducted with the participation of the defendant, whose appearance in court is mandatory, except for the case provided for in Part 6 of Article 314.2 of this Code.

(Article 302 was amended on 05.02.09 HO-45-N, amended on 23.03.18 HO-211-N)

Article 303 the consequences of defending A DEFENDANT

1. In case of non-appearance of the accused, the examination of the case is postponed.

2. If the accused fails to appear without good reasons, he / she may be brought by a court decision;

Article 304 DEFENDANT 's participation in the trial and the results of not appearing

1. The Defender enjoys equal rights with the Prosecutor while participating in the trial.

2. If the Defender does not appear, if it is not possible to replace him / her with another Defender at that hearing, the examination of the case shall be postponed. The replacement of a lawyer who did not appear at the court hearing is allowed only with the consent of the defendant. If the defense counsel summoned by the defendant is unable to attend three consecutive hearings or due to illness requiring medical treatment or the impossibility of appearing in court for a long time on any other grounds, the court may postpone the trial and offer the defendant to choose another defense counsel. new defender. When postponing the case, when resolving the issue of replacing the defense counsel, the court takes into account the expediency of such a decision (the time already spent on the trial, the complexity of the case (related to the review of the case materials by the newly participating defense counsel և other circumstances). The court gives the new participant's case sufficient time to study the case materials. He has the right to mediate to repeat any action that was taken during the trial before his involvement in the case, as a result of which significant circumstances for the case were revealed.

(Article 304 amended, supplemented on 25.05.06 HO-91-N)

Article 305 CITIZEN'S DEFENDANT PARTICIPATION IN judicial examination

1. The civil defendant shall use his / her rights defined by this Code during the court proceedings in order to protect his / her rights related to the filed lawsuit.

2. The absence of the civil defendant or his / her representative shall not prevent the continuation of the trial or the examination of the civil suit.

Article 306 D attendance participation in the judicial examination and the results of not appearing

1. The prosecutor, using his / her rights defined by this Code during the trial, defends the accusation in court.

2. The prosecutor, defending the accusation, is guided by the requirements of the law, based on his inner conviction based on the evidence examined during the trial.

3. The prosecutor is obliged to drop the charge if he / she is convinced that it has not been confirmed during the trial.

4. In case the prosecutor rejects the accusation, the court terminates the criminal proceedings, terminates the criminal prosecution, and if the prosecutor rejects the individual accused, terminates the criminal prosecution against that accused.

5. In case of impossibility to appear before the prosecutor or to replace him / her with another prosecutor, the examination of the case shall be postponed. The newly involved prosecutor is given time to prepare and defend the case.

Article 307 THE PARTICIPANT 's participation in the judicial examination and the results of not appearing

1. The victim, participating in the court hearing, enjoys his / her rights defined by this Code.

2. In case the victim does not appear, the court, hearing the opinion of the parties, resolves the issue of the possibility of a full, comprehensive, objective examination of the circumstances of the case, and of making a legal and reasoned verdict.

3. In case the victim does not appear in court without good reasons, the court has the right to detain him / her, if the court deems his / her presence necessary.

Article 308 CITIZEN PLAINTIFF PARTICIPATION IN judicial examination

1. The civil plaintiff defends his / her civil suit during the court hearing.

2. In case of non-appearance of the civil plaintiff or his / her representative, the court leaves the civil suit without examination, moreover, the civil plaintiff has the right to initiate a claim through a civil procedure. The court has the right to examine the civil suit in the absence of the civil plaintiff, his / her legal representative.

Article 309 D limits of the judicial examination

1. The case shall be heard in court only against the accused, only within the limits of the accusation against him.

2. A change of accusation is allowed during the trial, if it does not worsen the condition of the defendant,: does not violate the right of the defendant to defense. Changing the charge in terms of aggravation is allowed only in the cases defined by this Code:.

(Article 309, edited 28.11.07 HO-270-N)

Article 309 [1] . Boundaries to supplement or change the charge

1. If during the trial in the court of first instance the accuser finds that the accusation is subject to supplementation or modification in terms of aggravation or mitigation, as circumstances have arisen which were not known, could not have been known in the pre-trial proceedings, if the case The factual circumstances do not allow the accusation to be supplemented or changed without postponing the trial, then it submits a motion to the court to supplement or change the accusation or to postpone the trial to bring a new accusation. The prosecutor may make such a motion before leaving the courtroom.

2. If there are grounds provided for in part 1 of this Article, the court shall, with the mediation of the prosecutor, adjourn the hearing in order to bring a new charge to carry out the necessary investigative, other judicial actions. The hearing may be postponed for not more than one month, except when a longer period of time is reasonably required to carry out the necessary investigative or other legal action.

In case of supplementing or changing the accusation, the accuser makes a decision to supplement or change the accusation, to file a new accusation, which he submits to the court together with the obtained materials.

3. The accuser may change the charge before leaving the deliberation room of the court, including in terms of aggravation, if the evidence examined during the trial shows irrefutable evidence that the defendant has committed a crime other than the one he is charged with.

4. The court shall allow the victim, the civil plaintiff, the civil defendant or their representatives to get acquainted with the new charge in case of their mediation, and the defendant and his / her lawyer, regardless of the mediation.

5. If during the trial it turns out that the legal qualification of the defendant's act is incorrect, and the accuser does not make a decision to re-qualify the act in terms of aggravation or does not submit a motion to postpone the court session for re-qualification, the court shall postpone the court session for up to 10 days. to reaffirm the indictment of the prosecutor or deputy.

After reaffirming the indictment, the court issues a judicial act in accordance with the indictment.

6. If, as a result of the re-qualification of the act, the jurisdiction of the criminal case changes, the issue shall be resolved in accordance with the general procedure established by this Code.

(Article 309 supplemented on 28.11.07 HO-270-N)

(The provisions of Article 309 , Part 5 were recognized as invalid, contradicting Article 19 (Part 1) of the RA Constitution, by decision 02.04.2010 SDO-872)

Article 309 [2] . Charging another person during the trial

If a trial in a court of first instanceIn the process, circumstances arise that give grounds to charge another person (persons) with the same criminal case, who has not been charged in the given case, then the accuser has the right to initiate a new criminal case. If the results of the newly opened criminal case may lead to a change or supplement to the accusation against the defendant, the court shall adjourn the trial on the motion of the accuser. The examination of the postponed criminal case shall be carried out in accordance with the rules established by Article 309 1 of this Code. The proceedings of the newly initiated criminal case are carried out on a general basis.

(Article 309 supplemented on 28.11.07 HO-270-N)

Article 310 POSTPONEMENT of the first investigation or suspension of criminal proceedings

1. If it is not possible for one of the summoned persons to appear at the court hearing due to the need to request new evidence through the mediation of the parties or on the initiative of the court, the court shall postpone the examination; In that case, the court sets a deadline by which the case is adjourned.

2. If the accused is in hiding, as in the case of a mental or other serious illness which deprives him of the opportunity to appear in court, the court shall suspend the proceedings against that accused until he is found or he recovers; the investigation shall continue against the other defendants. If the separate examination complicates the comprehensive, complete, objective examination of the circumstances of the case, the court shall suspend the entire proceedings.

3. The court has the right to declare the wanted defendant wanted.

Article 311 SENDING an additional investigation to criminal case

The court sends the case for additional preliminary investigation

1) when a significant violation of the criminal procedure law has been committed by the investigation or preliminary investigation bodies, if it cannot be eliminated during the court examination;

2) through the mediation of the accuser, when there are grounds to change the accusation with an accusation different from the original due to more serious or factual circumstances.

(The provisions of points 1 և 2 of Article 311 were recognized as invalid [hwy] by the decision of SDO-710 of 24.07.2007 contradicting Article 19 (Part 1) of the RA Constitution)

Article 312 RESOLUTION of the issue of measurement

The court, after hearing the explanations of the defendant, the opinions of the parties, has the right to choose, change or lift the measure of restraint against the defendant.

Article 313 THE PROCEDURE for making a decision in the session

1. The court shall make decisions on all matters to be resolved by the court during the trial.

2. Decisions on sending the case for additional examination, termination or suspension, change or elimination of the measure of restraint, challenges, appointment of expertise shall be made by the court in the deliberation room; they shall be written in separate documents signed by the entire court.

3. All other decisions may be made at the discretion of the court, either in the above-mentioned manner, or after consulting the judges on the spot, by entering the decision in the minutes of the court session.

4. The decisions made by the court during the trial are published.

Article 314 PROCEDURE of the first session

1. At the moment of entering the courtroom of the judges, the secretary of the court session announces: "The court is coming." Everyone present in the courtroom stands up.

2. All participants in the trial address the court with the phrase "Dear Court", after which they stand up, make the necessary statements, initiate motions and challenge. Deviations from the rules of appeal to the court are allowed with the permission of the presiding judge.

3. The orders of the presiding judge are obligatory for every person participating in the court hearing or present at the court session.

4. Persons under the age of sixteen are not allowed to enter the courtroom unless they are parties or witnesses.

5. ***(part has expired on 21.02.07 HO-93-N)***

6. ***(part has expired on 21.02.07 HO-93-N)***

(Article 314 was amended on 25.05.06 HO-91-N, amended on 21.02.07 by HO-93-N)

Article 314.1. Judicial sanctions ընդհանուր general procedure for their application
(title edited on 09.02.18 HO-119-N)

1. On the grounds provided by the Constitutional Law "Judicial Code of the Republic of Armenia", the court has the right to apply the following sanctions to the persons participating in the criminal proceedings against other persons present at the court session:

1) reprimand.

2) removal from the courtroom;

3) court fine.

2. If necessary, the judge shall warn in an understandable manner about the jurisdiction of the court to apply a judicial sanction, clarify the grounds and consequences of the application of a judicial sanction.

3. When imposing a judicial sanction on a person present in the courtroom, the court shall, if necessary, give him / her the opportunity to express himself / herself. The court shall refuse to grant a person the right to speak during the imposition of a fine or to remove a person participating in the criminal proceedings from the courtroom.

4. If a person admits the illegality of his act և apologizes to the court, then a court sanction may not be applied to the mentioned person.

5. If a person subject to a judicial sanction abuses the right provided for in paragraphs 3 և 4 u of this Article օգտագործում uses the right to express himself to continue the act that is the basis for the application of a judicial sanction or to commit a new act, the judge has the right to apply a more severe judicial sanction.

6. If the court finds that the person participating in the criminal proceedings or another person present at the court session has manifested such behavior towards the court or has committed an act that gives rise to criminal liability, the court shall apply a judicial sanction to him / her and apply a criminal case to the prosecutor. to mediate.

Article 314.1 was amended on 21.02.07 HO-93-N, edited on 05.02.09 HO-45-N, edited, supplemented, amended on 08.02.11 HO-44-N, amended on 16.01.18 HO -69-N, edited 09.02.18 HO-119-N)

Article 314.2. Note ություններ Peculiarities of using removal from the courtroom

1. Removal from the courtroom may be applied to persons participating in criminal proceedings for not more than 36 hours, and to other persons present at the court hearing for a certain period of time or for the period of completion of a certain procedural action or until the end of the trial.

2. Removal from the courtroom shall not apply to the prosecutor participating in the trial, the defense counsel, the lawyer participating in the trial, the witness testifying at the moment, the expert or the translator.

3. The court, through the mediation of the person participating in the criminal proceedings removed from the courtroom, his / her representative, has the right to restore the participation of the removed person in the court session before the expiration of the sanction.

4. Reprimand և Removal from the courtroom shall be applied by a court decision made in the same court session, which shall enter into force upon publication.

5. In case the decision on removal from the courtroom is not immediately and voluntarily executed, it shall be enforced through court bailiffs.

6. In case the defendant violates the order of the court session, obstructs the normal course of the session or does not follow the lawful orders of the presiding judge, the court shall apply a reprimand. At the same time, the presiding judge explains to the defendant that if he / she violates the order of the court session again, obstructs the normal course of the session again or does not follow the lawful orders of the presiding judge, he / she can be removed from the courtroom.

In the same court session, the defendant again obstructs the normal course of the trial or does not comply with the lawful orders of the presiding judge, as well as the defendant's disrespectful treatment of the court, which gives rise to criminal liability. in the absence of the defendant, but the verdict is announced in the presence of the defendant or is served on him immediately after publication.

(Article 314.2 amended on 09.02.18 HO-119-N, amended, supplemented on 23.03.18 HO-211-N)

Article 314.3. Peculiarities of applying a court fine

1. The court fine is applied in the amount of 100,000 AMD of the Republic of Armenia.

2. The decision of the court on imposing a court fine shall enter into force from the moment it is made; The decision is implemented in accordance with the law of the Republic of Armenia "On Compulsory Execution of Judicial Acts".

3. The decision of the Court of First Instance or the Court of Appeal to impose a court fine may be appealed to the Court of Appeal or the Court of Cassation, respectively, within seven days from the moment of its receipt. The appeal suspends the execution of the court decision.

(Article 314.3 was supplemented on 09.02.18 HO-119-N)

Article 315 Record of the court session

1. Minutes shall be kept in the court hearings of the first instance, appellate and cassation courts, as well as when performing separate procedural actions outside the court hearings.

2. In case a recording system is installed in the courtroom, the protocol shall be kept by simultaneously summarizing the audio recording of the court session by computer. The summary is the notes on the actions taken in the courtroom. The detailed procedure for the operation of a special computer recording system, data archiving and system protection shall be established by the Ministry of Justice of the Republic of Armenia.

3. In the absence of a special computer recording system or when performing separate legal actions outside the court session, the protocol shall be kept by means of a simple paper recording.

4. The minutes kept in plain paper form of the court session shall indicate:

1) place, year, month, date of the court session;

2) the time to start or end the court session;

3) the case under investigation;

4) The name of the court examining the case: the staff, the secretary, the translator, the accuser, the defense counsel, the defendant, as well as the victim, the civil plaintiff, the civil defendant, their representatives, other persons summoned by the court, if they are present;

5) information about the defendant ան the measure of restraint;

6) the actions of the court in the manner in which they took place;

7) Statements and motions of the persons participating in the case;

8) the court decisions that were made without leaving the deliberation room;

9) Reminder: the decisions were made in the consultation room;

10) Clarification of the rights and responsibilities of the persons participating in the case;

11) the content of the testimonies;

12) Questions asked to the expert և his / her answers;

13) the results of the examinations and other actions carried out in the court session in order to gather evidence;

14) the facts about which the persons participating in the case have mediated to certify in the protocol;

15) Summary of the last word of the defendant in court disputes;

16) Information on the publication of the verdict, clarification of the procedure and terms of its appeal;

17) Information on the facts of violation of the order in the courtroom, the facts of disrespectful treatment of the court, the person of the violator, as well as the means of influence applied to him by the court;

18) Information on clarifying the rights of the persons participating in the case, other participants in the proceedings to get acquainted with the protocol, to submit remarks on it;

19) the content of the decisions enacted in the form of a separate judicial act;

20) the final part of the final judicial act.

5. The information provided for in points 7, 8 և 11-20 of Part 4 of this Article shall be recorded by the Registrar of Courts literally.

6. The record is kept by the secretary of the court session.

7. A simple paper protocol is kept in writing or by computer during the session. It is attached to the case file, certified by the signature of the presiding judge և secretary.

8. When recording a protocol with a special computer recording system, its summary shall be done simultaneously by computer. The audio recording is attached to the case materials on a laser carrier. The summary is attached to the case file on paper, certified by the signature of the court secretary.

9. A copy of the computerized record of the court session with its summary shall be provided on the basis of a written application of the persons participating in the case immediately after the court session.

10. In case of a simple paper recording of the court session, a copy of the written record shall be provided to the persons participating in the case on the basis of a written application no later than the next day.

(Article 315 edited on 07.07.05 HO-147-N)

Article 316 Remarks on a plain written protocol

1. The participants of the trial have the right to get acquainted with the minutes of the court session drawn up in plain paper, to submit remarks on the completeness or accuracy of the drafting of the verdict before it enters into legal force.

2. Remarks on the minutes shall be examined by the presiding judge who signed the minutes within three days of their submission.

3. The presiding judge shall make a decision on accepting or rejecting the remarks on the protocol.

(Article 316 edited on 07.07.05 HO-147-N)

CHAPTER 42

PREPARATORY PART OF THE COURT SESSION

Article 317 OPENING of the first session

The presiding judge opens the court session at the appointed time for examining the criminal case, announces which case is to be examined.

Article 318 CHECKING the presence of persons called at the session

The Registrar shall report to the Court on the reasons for the parties, such as witnesses, experts, specialists, translators, to appear in court and the reasons for their absence.

Article 319 REMOVING women from the court hall

The presiding judge orders the Witnesses to leave their room.

Article 320 EXPLAINING his rights, obligations, responsibility to the translator

The chairperson informs who participates as a translator, explains to him / her his / her rights, responsibilities and responsibilities defined by Article 83 of this Code.

Article 321 THE solution of the issue to discuss the translator

1. The chairperson shall explain to the nominated parties their right to challenge the translator քեղ the grounds for the challenge provided by law.
2. After hearing the persons mentioned in the first part of this article, the court shall resolve the challenge. If necessary, the court leaves the deliberation room to make a decision.

Article 322 ANNOUNCEMENT of the staff of the court
(title changed on 28.11.07 HO-270-N)

1. The presiding judge announces the composition of the court և Explains to the parties both the individual judges in the collegial composition of the court and their right to submit a motion for self-recusal to the entire court. He explains the reasons for the judge's recusal.
2. A motion for self-recusal submitted to a judge, judges or the entire staff of the court shall be resolved in accordance with the procedure established by Article 90 of this Code.
(Article 322 amended, edited 28.11.07 HO-270-N)

Article 323 A defendant ի identity և clearing the circumstances of temporary conclusion in time

1. The presiding judge verifies the identity of the accused by finding out his / her last name, first name, patronymic, year of birth, month, day, place of birth, marital status, as well as other circumstances characterizing the accused's personality.
2. The presiding judge shall ask the defendant if he has been served with a copy of the indictment and when it has been served. If the document is not submitted, the court session is postponed for three days, handing a copy of the indictment to the defendant.
(Article 323 supplemented on 25.05.06 HO-91-N)

Article 324 ANNOUNCEMENT about the plaintiff և resolution of the issue of his disclaimer

1. The presiding judge declares who is defending the accusation (surname, first name, rank, position held); explains to the parties their right to challenge the prosecutor;

2. If one of the parties challenges the prosecutor, the court shall hear the opinion of the other party before making a decision. The court decision on the appeal must be reasoned.

3. In case of impossibility to satisfy the challenge, it is impossible to replace the accuser in the given court session, the trial is postponed.

4. The new prosecutor participating in the case is provided with an opportunity to study the materials of the case.

Article 325 RESOLUTION ABOUT THE PLAINTIFF , civil plaintiff representative and their issue resolution

1. The presiding judge, informing who is the legal representative of the victim (civil plaintiff), shall explain to the parties their right to challenge the representatives of the victim (civil plaintiff) and the grounds for the challenge.

2. The decision on the challenge is made after hearing the opinion of the parties; it must be reasoned.

Article 326 DEFENSE A defense ը resolution on the existence of circumstances excluding the defendant's participation

1. The presiding judge announces who the ombudsman is, explains to the parties the circumstances provided for in Article 93 of this Code, excluding the ombudsman from participating in the case, asks the parties whether they are mediating the dismissal of the ombudsman.

2. In the presence of the circumstances provided for in points 1-3 of part 1 of Article 93 of this Code, the court has the right to remove the defense counsel from the proceedings on its own initiative.

Article 327 the expert, the specialist - the resolution of the issue about excluding those PEOPLE

1. The chairperson, in turn, introduces the expert, the specialist ղեկավար, guided by the rules defined by Articles 96 և 97 of this Code, resolves the issue of challenging them.

2. If the challenge to the expert is accepted, the court shall decide to invite another expert, taking into account the opinion of the parties. The issue of challenging the newly invited expert is resolved in a general manner.

3. The rules provided for in this Article shall apply even if a specialist is involved in the case.

Article 328 explaining his rights and obligations to A DEFENDANT

The presiding judge shall explain to the defendant his / her rights and responsibilities provided for in Article 65 of this Code, as well as his / her rights in case of applying a court sanction in accordance with Article 314.2, Part 6 of this Code.

(Article 328 was amended on 05.02.09 HO-45-N, amended on 09.02.18 HO-119-N)

Article 329 EXPLAINING their rights to the responsible, civil plaintiff, civil defendant

The presiding judge shall explain to the victim, the civil plaintiff, the civil defendant, their representatives, respectively, their rights and responsibilities under Articles 59, 61, 79, 75 of this Code during the trial.

Article 330 EXPLAINING their rights and obligations to the expert

1. The chairperson shall explain to the expert his / her rights and responsibilities provided for in Article 85 of this Code.

2. The chairperson shall explain to the specialist his / her rights and responsibilities provided for in Article 84 of this Code.

Article 331 MAKING mediations և resolving

1. The presiding judge shall ask the prosecution և the defense whether they have motions to seek new evidence կg to attach to the case. The mediator is required to indicate what particular circumstances are needed to establish additional evidence.

2. The court is obliged to discuss each petition and hear the opinion of the parties. If the circumstances for which the motion was brought may be relevant to the case, or the material whose substantive value is challenged has been obtained in material violation of the law, the court shall grant the motion. The court makes a reasoned decision to reject the motion. The rejection of the motion by the court does not restrict the right of the person initiating the motion to file the same motion later.

3. The court has the right to make a decision on its own initiative to call witnesses, appoint an expert, and request other evidence.

Article 332 SOLVING the question about the possibility of investigation of the case in the absence of a non-present witness, expert, specialist

1. In case of absence of any of the witnesses summoned to the trial, expert, specialist, the court, after hearing the opinion of the parties, shall decide whether to continue or postpone the trial. The trial may continue if the absence of any of the above-mentioned persons does not impede a comprehensive, full and objective examination of the circumstances of the case.

2. When making a decision to postpone the hearing of a case, the court has the right to interrogate the witnesses, expert, specialist, victim, civil plaintiff, civil defendant or their representatives. If after the postponement of the examination of the case it is examined by the same court, then the mentioned persons are summoned to the court session for the second time only if necessary.

CHAPTER 43

TRIAL

Article 333 THE BEGINNING of the trial

The presiding judge announces that the court is proceeding with the trial. The trial begins with the publication of the final part of the indictment by the prosecutor.

Article 334 correction of the defense of A

1. The presiding judge shall explain to the defendant the substance of the accusation made against him, the legal qualification of the act, the grounds and extent of the civil suit presented to him. In the presence of several defendants, such an explanation is given to each of them.

2. The presiding judge asks each of the defendants whether he pleads guilty to what. The defendant should be made aware that he is not constrained by the statement made during the preliminary investigation to admit or not to plead guilty, he is not obliged to answer the questions posed, that the refusal to answer cannot be interpreted to his detriment.

3. The presiding judge shall ask the defendant whether he or she fully or partially accepts the civil suit submitted to him or her. If the defendant answers this question, he has the right to reason.

4. The parties have the right to ask the defendant questions aimed at clarifying the position of the defendant.

Article 335 A research investigation a

After hearing the opinion of the parties, the court decides on the procedure for examining the evidence.

Article 336 A defense interview

1. The presiding judge offers the defendant to testify about the other circumstances of the case against him. It is clarified to the defendant that he has the right not to testify, it can not be interpreted to his detriment.
2. After the defendant has testified, he / she is first interrogated by his / her lawyer, the other defendants - their lawyers, the civil defendant - his / her representative, and then the accuser, the victim, the civil plaintiff - his / her representative.
3. The judge shall ask the defendant questions after being questioned by the persons referred to in paragraph 2 of this Article. The right to ask questions to the defendant at the end is in all cases reserved for his lawyer.
4. The chairperson removes questions that are not relevant to the case.
5. The defendant, with the permission of the presiding judge, has the right to testify at any time during the examination of each piece of evidence.
6. During the interrogation, the defendant has the right to use notes and documents.
7. Notes on the defendant's testimony և After reading the documents, the documents are submitted to the court at the request of the defendant, and the notes are submitted to the court at the request of the defendant for attachment to the case.
8. During the interrogation of the accused, the parties ներկայացնել the court may present objects or documents attached to the case or in the possession of the party. The parties have the right to petition to publish these documents and attach them to the case. The parties և the court have the right to ask the defendant questions related to the objects և documents presented to him. The minutes of the court hearing should indicate what items and documents were submitted by the defendant during the interrogation.
9. In exceptional cases, when it is necessary for a comprehensive, complete and objective examination of the circumstances of the case, the defendant may be questioned in the absence of the other defendant by a reasoned decision of the court. After the defendant returns to the courtroom, the testimony of the defendant included in the minutes of the court hearing, interrogated in his absence, is read to him; he is given the opportunity to give the necessary testimony;

Article 337 PUBLICATION of testimony, defendant testimony

1. The publication of the testimony of the accused during the preliminary investigation, during the previous trial or during the given trial, as well as the reproduction of the video recordings of those testimonies, is allowed if:
1) the defendant refuses to testify about the substance of the accusation during the court trial;
2) there are significant discrepancies between the "previous testimonies" given during the trial. In this case, the publication of the defendant's testimony is possible only after the defendant has testified and answered the questions.

(Article 337 supplemented. 15.04.20 HO-214-N)

Article 338 D dispute investigation

The convict shall be interrogated in connection with the circumstances established by the verdict that has entered into force against him / her for the interrogation of the defendant in accordance with the rules established by this Code.

Article 339 C clarification of the grounds for refusing to give testimony or warning to refuse to give testimony.

1. Before the interrogation, the presiding judge clarifies the identity of the witness անում clarifies:

1) her right to refuse to testify about herself, her husband or close relatives, if she reasonably assumes that it can be used against her or them in the future;

2) on the responsibility for refusing or avoiding to testify or giving false testimony.

2. The fulfillment of the requirements of the first part of this article is mentioned in the minutes of the court session.

3. A witness under the age of sixteen shall not be held liable for refusing or evading testimony or giving false testimony.

(Article 339 amended on 25.05.06 HO-91-N, edited on 16.01.18 HO-69-N)

Article 340 V there is a procedure procedure

1. Witnesses shall be questioned separately in the absence of witnesses who have not yet been questioned.

2. The presiding judge clarifies the relationship of the witness with the defendant, the victim, the civil plaintiff, the civil defendant, and other persons involved in the case. Witness interruption is not allowed.

3. A witness summoned to a court hearing or presented by a party shall first be questioned by the person who initiated the motion or presented to the witness, then by other persons appearing on the party, and finally by the representatives of the other party արանը by the court.

4. The witness summoned on the initiative of the court is first interrogated by the prosecution, then by the defense, and then by the court.

Article 341 Interrogation of a juvenile witness or juvenile victim
(title edited on 03.06.20 HO-300-N)

1. A juvenile witness or juvenile victim may be questioned in court if his or her interrogation has not been videotaped during the preliminary hearing. The video recording of the interrogation of a juvenile witness or juvenile victim is reproduced in the courtroom. If the juvenile needs to ask questions after the video has been played back, the juvenile witness or juvenile victim is summoned to testify.

2. The interrogation of a juvenile witness or a juvenile victim, if it is necessary for a full, comprehensive and objective examination of the circumstances of the case, as in the cases provided for in part 6 of Article 207 of this Code, may be carried out in the absence of the defendant. After returning to the courtroom, the testimony of a juvenile witness or juvenile victim is published for the defendant;

3. The interrogation of a witness or a victim under the age of 16 in court is carried out with the mediation of a party or on the initiative of a court with the participation of a qualified psychologist, and in case of impossibility of his involvement, with the participation of a pedagogue. A juvenile witness or juvenile victim has the right to be present at the interrogation of his / her legal representative.

4. A witness or victim under the age of sixteen shall be removed from the courtroom upon completion of his or her interrogation, except when the court, upon the motion or on its own initiative, deems it necessary for the witness or the victim to be present.

5. The court, upon the motion or on its own initiative, has the right to allow the juvenile victim to temporarily leave the courtroom if his / her presence at the examination of the evidence will have a negative impact on him / her. Upon return to the courtroom, the results of the examination of the evidence for the juvenile victim are briefly published.

(Article 341, edited on 03.06.20 HO-300-N)

Article 342 V there is a publication of testimony

1. The publication of the testimony of a witness during the investigation, pre-trial or previous trial, as well as the reproduction of a video recording or recording of his testimony during the trial, is allowed when the witness is absent from the court for reasons that exclude the possibility of appearing in court. between the testimony of a witness in court, as in other cases provided for by this Code.

2. The video recording or recording of the testimony of a witness may be reproduced only after the publication of the minutes of his interrogation or the part of the minutes of the court session where the testimony of the witness is recorded.

(Article 342 was amended on 15.04.20 HO-214-N)

Article 343 question T

The victim is interrogated in accordance with the rules set forth in Articles 339-342 of this Code.

Article 344 EXAMINATION of the expert's conclusion during the judicial examination

1. If an expert examination was carried out during the preliminary investigation, during the main trial the parties ապանը the court shall examine the expert's conclusion. If necessary, the expert is summoned to court; participates in the examination of evidence related to the subject of the examination; during the interrogation of the defendant, the victim, witnesses, asks questions related to the subject of the examination; participates in the examination of material evidence;: other investigative actions.

2. After examining the expert's conclusion, the court has the right to appoint a double or additional expert examination upon the motion or on its own initiative, hearing the opinion of each of the parties.

Article 345 EXPERT examination during judicial examination

1. If no expert examination has been ordered during the preliminary investigation, the parties shall have the right to mediate during the preliminary hearing.

2. The party requesting the examination shall submit in writing the questions on which the expert opinion should be given, indicate what should be examined, and may indicate who should be involved as the expert. The other party has the right to express its opinion on all these issues.

3. When ordering an expert examination initiated by a court, the presiding judge shall propose to the defense parties to formulate the questions addressed to the expert, to state their opinion on who should be assigned the expertise, and what should be examined. The final decision is made by the court.

4. A break may be declared in the presence of a person acting on the prosecution or defense in order to state his / her opinion on the mentioned issues. The parties have the right to submit objects and documents as objects of expert examination. When removing them from the number of such objects, the court is obliged to make a reasoned decision.

5. A copy of the court decision on appointing an expert examination shall be handed over to the person appointed as an expert; his / her rights and responsibilities shall be clarified. The expert opinion is published and examined in accordance with Article 344 of this Code.

Article 346 QUESTION of the expert

1. After the conclusion is published by the expert, he / she may be asked questions to clarify or supplement the conclusion.

2. The expert is first interrogated by the person through whom the expertise was appointed, then by other persons acting on that party, and then by the representatives of the opposite party ադանը the court.

3. If the expert examination was carried out with the consent of the parties or on the initiative of the court, the expert shall be interrogated first by the prosecution, then by the defense, and then by the court.

Article 347 APPOINTING an extraordinary or double examination

In case the expert opinion is not considered sufficiently clear or complete, as well as in case of disagreement between the experts, the court may order an additional or double expertise, observing the rules of expert examination in pre-trial proceedings, defined by this Code.

Article 348 EXAMINATION OF recent evidence

1. The material evidence in court ամեղը the items presented in the court session ված recognized as material evidence are examined by the prosecution, the defense և the court. If the item presented as material evidence was presented by the party, it is the first to participate in its examination. During the examination, the presiding judge may present the material evidence to witnesses, an expert, or a specialist. These persons are obliged to draw the court's attention to all the circumstances relevant to the case found during the examination of the material evidence.

2. The examination of material evidence, which can not be brought to court, is carried out in compliance with the rules of the first part of this article.

Article 349 PUBLICATION of papers

During the preliminary investigation, the documents attached to the case or submitted to the court during the court session are published if they reflect or confirm the circumstances relevant to the case.

Article 350 T breaking ղ building inspection

1. If the court, after hearing the opinion of the parties, finds that it should not be limited to publishing the minutes of the inspection of the site or building during the preliminary investigation or investigation, or if those actions have not been performed, the inspection of the site or building shall be carried out.

2. If necessary, the site և building may be inspected with the participation of witnesses, an expert, a specialist.

Article 351 Ճ submitting recognition, conducting an investigative experiment, receiving samples for research

1. Submission for recognition, investigative experimentation, receipt of samples for examination during the court examination shall be carried out in compliance with the rules established by this Code, with the participation of the parties, without attendants.

2. Receipt of samples for examination, submission of recognition, investigative experiment, if necessary, may be carried out in a closed court session, depending on the circumstances of the case.

Article 352 LIMITATION OF A research a

1. The accuser has the right to mediate so that the examination of the evidence is limited to the evidence examined so far. The court, after hearing each of the parties, has the right to grant that motion. The court rejects the motion if it finds that the as yet unexamined evidence relates to material circumstances of the case which have not yet received sufficient coverage.

2. The defense has the right to refuse to examine the unexamined evidence which has been submitted and attached to the case through the mediation of that party. Such a waiver is mandatory for the court.

Article 353 FINISHING the investigation

1. When the evidence is examined, the presiding judge:

1) Explains to the parties that they have the right to rely only on the evidence examined during the trial at the stage of litigation, and the court when making a judgment;

2) asks the defense's accusers whether they are mediating to complete the trial by examining what evidence to find out the specific circumstances of the case.

2. If a motion is filed to complete the trial, the court shall resolve it, guided by the requirement to ensure a comprehensive, complete and objective examination of the circumstances of the case. If the motion is upheld, the trial continues.

3. In the absence of a motion to continue the trial or a reasoned rejection of the motion by the court, the presiding judge shall declare the trial closed.

CHAPTER 44

JUDICIAL DISPUTES AND THE DEFENDANT'S FINAL WORD

Article 354 CONTENTS and procedure of departments

1. At the end of the trial, the presiding judge announces that the court is proceeding to hear the litigation and to hear the last word of the defendant.

2. If any of the persons participating in the litigation intercedes to take the time to prepare for the litigation, the presiding judge shall announce a break, indicating its absence.

3. Judicial disputes consist of speeches made by the accuser, the victim or his / her representative, the civil plaintiff or his / her representative, the civil defendant or his / her representative, the defense counsel, the defendant in the following sequence.

4. If the accusation is defended by several accusers, several victims, defense counsel, civil defendants - their representatives, civil plaintiff - their representatives, defendant, presiding judge - give them time to decide the sequence of their speeches. If necessary, a break can be announced. If the mentioned persons do not agree on the sequence of appearances in the disputes, the court, after hearing their opinion, makes a relevant decision.

5. In their speeches, the parties have no right to rely on evidence that has not been examined at trial. If it is necessary to use new evidence to substantiate its findings, the party shall file a motion to reopen the trial, stating which circumstances require further investigation, and on what new evidence. The court, after hearing the opinion of the other party, makes a reasoned decision to grant or reject the motion.

6. The court may not limit the duration of litigation for a certain period of time, but the presiding judge has the right to terminate the persons involved in the litigation if they touch upon circumstances unrelated to the case under consideration.

7. All the participants in the court disputes have the right to make a reply once in a while after the speeches they have made. The right of the last reply always belongs to the defense counsel, the defendant.

Article 355 THE LAST WORD OF M absanyal

1. After the court disputes are over, the last word is given to the defendant. Defendant is not allowed to ask questions during the last speech.
2. The court may not limit the defendant's last word for a certain period of time. The presiding judge has the right to terminate the defendant if he or she touches on circumstances that are clearly unrelated to the case.
3. If in his last speech the defendant announces new circumstances relevant to the case, the court shall resume the trial.

Article 356 DEPARTURE department in consulting room

After hearing the last word of the defendant, the court leaves the deliberation room to make a verdict or decision, announcing the place or date of publication of the verdict or decision.
(Article 356 supplemented by 21.02.07 HO-93-N)

CHAPTER 45

MAKING SENTENCES

Article 357 MAKING a judgment

Courts make judgments on behalf of the Republic of Armenia.

Article 358 D leaving is legal, grounded and reasonable

1. The judgment of the court must be lawful and reasoned.
2. The judgment of the court is legal if it has been made in compliance with the requirements of the Constitution of the Republic of Armenia, this Code, the laws, the norms of which are applied in resolving the given criminal case.
3. The court verdict is grounded if:
Its findings are based only on the evidence examined during the trial.
that evidence is sufficient to assess the accusation.
The circumstances recognized by the court correspond to the evidence examined in court.
4. The judgment of the court must be reasoned. All the consequences և decisions set forth in the judgment by the court are subject to reasoning.

Article 359 CONFIDENCE of the conference room

1. The court renders the judgment in the deliberation room. Only the judges of the court hearing the case may be present in the deliberation room. The presence of other persons is not allowed.
2. Judges may adjourn the deliberations for their required rest at the end of the working day, as well as on weekends.
3. Judges have no right to disclose the confidentiality of the deliberation room.

Article 360 ISSUES subject to the court's settlement

1. When making a verdict, the court shall resolve the following issues in the following order:
1) whether the act for which the defendant is accused is proven;
2) does that act correspond to the features of the norms of the special part of the Criminal Code?
3) whether the defendant has committed that act;

4) Is the guilt of the accused in committing the given crime proved? If so, by which article, part, point of the Criminal Code is it provided?

5) whether the existence of mitigating or aggravating circumstances of the defendant's responsibility has been proved;

6) Is the accused subject to punishment for the crime he has committed?

7) what punishment should be imposed on the defendant?

8) Should the defendant serve the sentence imposed on him?

9) ***(the point expired on 24.12.04 HO-61-N)***

10) Is the civil suit subject to satisfaction, to whom, to what extent, as well as the property damage caused is subject to compensation, if no civil suit has been initiated;

11) Will the compensation for the property damage caused by the crime or the arrest imposed on the property to ensure the possible confiscation of the property be abolished?

12) What to do with the material evidence?

13) Will the precautionary measure be abolished, changed or chosen?

14) on whom, to what extent should the court costs be imposed?

15) Is it necessary to apply compulsory treatment for alcoholism or drug addiction to a defendant found guilty of committing a crime, or to appoint custody for him / her?

16) Is it proven that the property subject to confiscation was obtained as a result of a crime or from the use of that property or was used or intended to be used as a tool or means of crime or directed at terrorist financing or is Article 75.1 of the Criminal Code of the Republic of Armenia? subject to smuggling.

2. When accusing a defendant of committing several crimes, the court shall resolve the issues mentioned in points 1-8 of part 1 of this article separately for each crime.

3. In the case of several defendants, all issues referred to in paragraph 1 of this Article shall be resolved separately for each defendant.

(Article 360 amended on 24.12.04 HO-61-N, supplemented on 21.06.14 HO-115-N, amended on 16.05.16 HO-84-N)

Article 360 [1]. Additional court decision

1. If the court, together with the verdict or decision, has relevant grounds, it is obliged to make an additional decision, which draws the attention of the relevant officials of the state body to the significant violations that occurred during the trial, which were committed during the pre-trial criminal case.

2. The additional decision of the court must be reasoned. The additional decision may be published at the discretion of the court.

3. The additional decision is sent to the superior of the official who committed the violation, and in the absence of such, to the official who committed the violation. The official who made the additional decision is obliged to discuss the decision no later than one month after receiving it, to take appropriate measures to eliminate the existing violations or to exclude such violations.

(Article 360 was supplemented on 28.11.07 HO-270-N)

Article 361 discussing the case of debate A

1. In the event that during the course of an investigation, pre-trial or judicial examination the question arises as to the defendant's sanity or ability to be accountable for his actions at the time of the proceedings, in connection with which a forensic psychiatric examination has been ordered, the court shall consider the matter. Once again.

2. Finding that the accused was insane at the time of the commission of the offense, or that he or she had a mental illness after the commission of the offense, which deprived him or her of the opportunity to be held accountable for his or her actions or to direct those actions, the court shall make a decision.

Article 361 [1]. Making a judicial act while examining the case in court with a collegial staff

(title changed on 05.02.09 HO-45-N)

1. When a case is heard in a collegial court, only the judges involved in the case may be present in the deliberation room during the consultation of the judges. The presence of other persons is prohibited. Judges have no right to publish opinions expressed during the deliberations.

2. The chairperson shall submit the issues to the court for decision in the sequence specified in Articles 360 և 361 of this Code.

3. Each judge must give a positive or negative answer to each question. Judges have no right to abstain from voting.

4. In each of the issues mentioned in Article 360 of this Code, the proposal that is most favorable for the defendant shall be put to a vote first.

5. Judicial act in full յուրաքանչյուր Each page of it is signed by all judges. A judge who disagrees with the majority shall have a special opinion on his / her signature, which shall be indicated in the judicial act. The special opinion is attached to the judicial act with the signature of the judge who submitted it.

6. The special opinion can refer to both the reasoning and the final part of the judicial act.

7. The special opinion is published simultaneously with the judicial act.

(Article 361 supplemented on 28.11.07 HO-270-N, amended on 05.02.09 HO-45-N, edited on 23.03.18 HO-211-N)

Article 362 RESOLVING the issue of establishing control over convicted convicted

(Article expired on 25.05.06 HO-91-N)

Article 363 RESUMPTION of the investigation or sending the criminal case to an additional investigation

1. If during the discussion of the issues referred to in Articles 360-362 of this Code, the court finds that it is necessary to complete the trial in order to resolve them, the court shall decide to reopen the trial. After the resumption of the trial, the court resumes the court disputes, hears the last word of the defendant, after which he leaves the deliberation room.

2. Revealing the existence of grounds for sending the case for additional examination provided for in Article 311 of this Code, the court shall make a reasoned decision.

(The provisions of Part 2 of Article 363 were declared invalid, contradicting Article 19 (Part 1) of the RA Constitution, by decision 24.07.2007 SDO-710)

Article 364 D types of treatments

The court verdict can be accusatory or acquittal.

Article 365 M suspension

1. The conviction shall contain the decision of the court to find the accused guilty of committing a crime, to impose a criminal punishment on him, and in cases provided for by this Code, not to apply a criminal punishment or to release him from punishment.

2. A guilty verdict may not be based on assumptions; it is made only when the guilt of the accused in committing the crime is proved during the trial. The guilt of the accused in committing the crime can be considered proven if the court, guided by the presumption of innocence, based on the results of the examination of the circumstances of the case during the trial, based on reliable evidence examined during the trial, dispelling all doubts about the guilt of the accused. Gives

affirmative answers to the questions mentioned in points 1-4 of the first part of Article 360 of the Code.

(Article 365 amended on 25.05.06 HO-91-N)

Article 366 THE JUDGMENT of justification

1. The verdict of acquittal recognizes և declares the innocence of the accused in the commission of a crime on the charge with which he was involved as an accused.

2. The court is obliged to make a verdict of acquittal at the given court session in case of any of the grounds provided for in points 1-3, part 1, points 1-3 of this Code.

3. If the person who committed the crime remains unknown while making a verdict of acquittal, the court shall, after the verdict enters into force, send the case to the prosecutor to resolve the issue of instituting criminal proceedings against the new person.

4. In case the prosecutor defending the accusation in court rejects the accusation, the court shall make a verdict acquitting that part of the accusation.

(Article 366 supplemented on 28.11.07 HO-270-N)

Article 367 SOLVING A civil lawsuit by making a sentence

When making a verdict, the court, depending on the fact that the grounds and size of the civil lawsuit have been proven, satisfies the lawsuit in full or in part, or rejects its satisfaction, or leaves it without examination.

Article 368 DECISION on security of civil lawsuit

If the civil suit is upheld, the court has the right to decide on the security of the claim before the judgment enters into force, if such measures have not been taken before.

Article 369 MAKING a decision

1. After resolving all the necessary issues, the court proceeds to draw up a verdict. The verdict is drafted and published within two weeks.

2. The verdict shall be worded in clear and understandable terms.

3. The verdict consists of introductory, descriptive-causal-concluding parts.

4. The verdict in its entirety յուրաքանչյուր Each page must be signed by all judges. The remaining judge also signs the verdict.

5. The correction in the verdict must be agreed և approved by the signatures of all judges, in the deliberation room, before the verdict is announced.

(Article 369 was amended on 21.02.07 HO-93-N)

Article 370 introductory part of question D

The introductory part of the verdict shows:

1) that the judgment was rendered on behalf of the Republic of Armenia;

2) time and place of the verdict;

3) the name of the court that made the verdict, the composition of the court, the secretary of the court session, the accuser, the defense counsel, the victim, the civil plaintiff, the civil defendant, their representatives;

4) the name, patronymic, surname, surname, date of birth, month, day և place of birth, marital status, place of work, occupation, education այլ other information about the accused's person, which is relevant to the case;

5) the criminal law by which the accused has been charged for committing a crime.

(Article 370 supplemented on 25.05.06 HO-91-N)

Article 371 DESCRIPTION description-research part

The descriptive-causal part of the verdict shows:

1) the content of the accusation;

2) the investigations of the court on the circumstances of the case, the proof of the accusation, the guilt of the defendant;

3) the evidence on which the investigations of the court are based, as well as the arguments of considering this or that evidence unreliable;

4) the norms of the law by which the court was guided when making a decision.

If the court applied the international treaty of the Republic of Armenia when making the verdict, the corresponding treaty is also mentioned.

(Article 371 supplemented: 25.05.06 HO-91-N, 30.09.13 HO-102-N)

Article 372 D final part of the rent

The final part of the verdict states:

1) court decisions;

2) the procedure for appealing the court verdict.

If there is an international treaty of the Republic of Armenia regulating the relations mentioned in the verdict, then the verdict shall indicate the relevant treaty, the right (s) arising from it, from which the convict or the acquitted can enjoy.

(Article 372 was amended on 25.05.06 HO-91-N)

Article 373 D publication of the treatment

1. After signing the verdict, the court returns to the courtroom, nnn the presiding judge announces the verdict. Everyone present in the courtroom stands to hear the verdict.

2. If the verdict is written in a language that the defendant does not speak, the translator must read it in translation immediately after the verdict is published in the language that the defendant speaks.

3. The presiding judge shall explain to the defendant and the other participants the procedure for appealing the judgment. The acquitted person must be explained his / her right to compensation for unlawful arrest, involvement as a defendant, application of precautionary measures, illegal lawsuit, as well as the procedure for exercising that right.

4. The defendant is explained the right to submit a pardon petition.

(Article 373 edited 07.03.18 HO-151-N)

Article 374 A release from detention

To acquit the accused, such as a conviction acquittal, or conditional non-application of the sentence, or postponement of the sentence, or imprisonment for a term not related to imprisonment or a term of imprisonment not exceeding the term of the defendant's pre-trial detention; He was immediately released from custody in the courtroom.

(Article 374 amended on 25.05.06 HO-91-N, 01.06.06 HO-121-N)

Article 375 DELIVERING the judgment of judgment to the convicted or justified

No later than 5 days after the announcement of the verdict, a copy of it should be handed over to the convict or the acquitted, his defense counsel or the accuser. The copy of the verdict shall be delivered to the victim, the civil plaintiff, the civil defendant, and their representatives within the same period through their mediation.

SECTION 9.1:
(section edited 05.05.21 HO-200-N)
(05.05.21 HO-200-N law has a transitional provision)

AGREEMENTS AND COOPERATION PROCEDURES
(title edited on 05.05.21 HO-200-N)

CHAPTER 45.1

AGREEMENT PROCEDURE
(title edited on 05.05.21 HO-200-N)

Article 375.1. Grounds for applying conciliation proceedings

1. The court shall conduct conciliation proceedings on the basis of the motion of a defendant accused of a minor, medium or serious crime.
2. The accused may file a motion for conciliation proceedings from the moment the criminal case is sent to court until the beginning of the trial.
3. Before the commencement of the trial, the accuser may change his / her position when confirming the indictment on the conciliation proceedings.
4. Conciliation proceedings may not be instituted if:
1) the defendant does not agree with the accusation leveled against him;
2) the defendant does not have a lawyer, or has submitted the motion without consulting a lawyer;
3) the defendant does not realize the nature of the mediation or its consequences;
4) it is substantiated that the motion was filed unintentionally, including under the influence of torture or inhuman or degrading treatment or other violence or threats or unlawful promises;
5) at least one of the several defendants involved in the proceedings objects to the use of conciliation proceedings;
6) the accuser has a substantiated objection against the application of conciliation proceedings;
7) it is substantiated that the damage caused by the crime is not compensated, the victim objects against the application of conciliation proceedings.

Article 375.2. Resolution of the motion for conciliation proceedings

1. The court satisfies the motion to apply for conciliation proceedings, if there is a ground provided for in Article 375.1, Part 1 of this Code, there are no circumstances precluding the application of conciliation proceedings provided for in Article 375.1, Part 4 of this Code. :
2. If the defendant's motion is granted, the court shall set a maximum period of one month for the parties to negotiate.
3. The court shall reject the motion for conciliation proceedings by a decision.

Article 375.3. Negotiations on the agreement

1. After satisfying the motion for conciliation proceedings, the prosecutor shall enter into negotiations with the defendant and his / her lawyer in order to reach an agreement.
2. In the event that the damage caused by the crime is not compensated, but the victim has not objected to the application of conciliation proceedings, the accuser shall involve him in the negotiations with the consent of the victim. The victim participates only in negotiations on the nature and extent of compensation for the damage caused by the crime. In case of damage to the state, the accuser acts in the negotiations on behalf of the state.
3. The parties shall negotiate on the nature of the compensation for the damage caused by the crime, the amount of punishment to be applied to the accused (type of punishment), the expediency of serving it, as well as the amount of confiscated property defined by Article 103.1 of the Criminal Code of the Republic of Armenia. is available.
4. As a result of the negotiations, the parties must agree on the nature and extent of the damages to be compensated, the sentence to be applied to the defendant (type of punishment ա¿ապի punishment), including the expediency of serving it.

5. As a result of negotiations, the parties may agree on the size of the property subject to confiscation.

6. In case of reaching an agreement as a result of negotiations, the parties shall draw up a protocol on the agreement, which shall state:

1) place and time of drawing up the protocol;

2) the name, surname, position held by the accuser;

3) the name, surname, patronymic, birth number, month, day և place of birth, address of residence, citizenship, education, mother tongue, place of work or study, the existence of a conviction of the defendant, as well as other relevant information;

4) Defender's surname;

5) the name ողի surname of the victim, if the victim participated in the making of the agreement;

6) the measure of restraint applied to the defendant ժամկետ the period of its application;

7) the factual description of the accusation presented to the defendant ակամ the legal assessment of the act;

8) The nature of the compensated or compensable damage և the amount, if any, .

9) the agreed punishment (type of punishment այապի punishment), including the issue of expediency of serving it;

10) the property subject to confiscation, its amount, if the parties have reached an agreement on these issues.

7. In case of participation of more than one defendant in the negotiations, a separate agreement is signed with each of them.

8. In the case of a combination of crimes, the protocol shall indicate separately the type և amount պատ of the agreed punishment for each crime, as well as the type և final punishment և amount. The sentence agreed upon as a result of the negotiations must comply with the requirements set out in the General Part of the Criminal Code of the Republic of Armenia.

9. The agreement is considered signed by the parties from the moment the protocol on the agreement is signed.

10. The prosecutor submits one copy of the protocol on the agreement to the court and the other participants in the negotiations.

11. In case of disagreement on the issues defined in Part 4 of this Article, the court shall continue the examination of the case in a general manner.

Article 375.4. The actions of the court after receiving the protocol on the agreement

1. The examination of the case by conciliation proceedings shall be conducted in accordance with the procedure provided for in Chapters 41, 42 and 45 of this Code, taking into account the requirements of this Chapter.

2. After accepting the protocol on the agreement, the court makes a decision on holding the trial in a special order.

3. If the protocol on the agreement does not comply with the relevant requirements established by law, the court, indicating the deficiencies, shall return the protocol on the agreement to the parties by decision, setting a period of fifteen days to eliminate the deficiencies.

4. The court does not accept the protocol on the agreement by decision և continues the examination of the case in general, if:

1) the act charged against the defendant was obviously committed by another person who is not a defendant;

2) the legal assessment given to the accused act of the accused obviously does not correspond to the factual circumstances of the accusation;

3) the shortcomings mentioned in the decision on returning the consent protocol are not eliminated within the period established by the court, or new shortcomings are allowed in case of re-submission.

Article 375.5. Conciliation proceedings

1. The trial shall be held in a special manner with the obligatory participation of the defendant, his defense counsel, the accuser, and in case of participation in the negotiations.

2. The trial begins with the publication of the consent protocol by the prosecutor.

3. After the publication of the protocol on the consent, the court asks the defendant whether he is clear about the content of the agreement, whether he agrees with it. The court then finds out whether the defendant has expressed his real will, is aware of the consequences of the agreement, asserts that the agreement was not concluded due to violence, threats or other coercive measures.

4. The court asks the defense counsel և the prosecutor whether they assert the agreement.

5. The court asks the victim whether he insists on the agreement regarding the amount of damages to be compensated.

6. If the court finds that the defendant did not express his / her real will in the consent protocol, did not realize the consequences of the agreement, does not claim the agreement or does not claim that the agreement was not due to violence, threats or other coercion, or if before the court If one of the parties refuses to leave the deliberation room, the court then decides to continue the examination of the case in general.

7. After examining the protocol on the agreement, the court leaves the deliberation room, announcing in advance the place of publication of the verdict, year, day and hour.

Article 375.6. Making a judgment by conciliation proceedings

1. As a result of conciliation proceedings, the court shall make an accusatory verdict in the manner prescribed by this Code, taking into account the peculiarities provided by this Article.

2. The conviction shall contain a literal transcript of the text of the minutes of the agreement.

3. The issues agreed between the parties shall be settled by a court verdict in accordance with the protocol on the agreement.

4. If there is a civil suit, it is left without examination.

5. The court expenses provided for in points 2-8 of part 1 of Article 168 of this Code shall not be subject to confiscation from the defendant.

6. After announcing the verdict, the judge shall also explain to the parties the restrictions on appealing the verdict provided by this Code.

Article 375.7. Limits for appealing a judgment by conciliation

1. A verdict rendered in accordance with Article 375.6 of this Code may be appealed in the manner prescribed by this Code, but it may not be appealed on the grounds provided for in Article 395, Part 1, Clauses 1 and 4 of this Code.

CHAPTER 45.2

(Chapter supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

COOPERATION PROCESS

Article 375.8. Purpose of cooperation proceedings և basis for application

1. Cooperation proceedings are used to ensure the detection of serious, particularly serious, criminal subculture-related or corruption crimes.

2. Cooperation proceedings may be initiated in case the accused submits a written motion (hereinafter referred to as a cooperation motion) to conclude a cooperation agreement.

3. The motion of co-operation by a person accused of a crime shall relate to an offense commensurate with the gravity of the crime attributed to him or more serious than the offense relating to the charge against the accused, committed by another person except in the cases provided for in paragraph 4 of this article.

4. The motion of co-operation by a person accused of a crime may relate to a crime commensurate with the gravity of the crime attributed to him or her or to a corrupt crime or a corrupt crime committed by him or another person.

Article 375.9. Procedure for submitting cooperation mediation

1. The motion for cooperation is submitted to the supervising prosecutor, signed by the accused and his / her defense counsel.

2. A motion for cooperation may be filed from the moment a person is involved as an accused until the announcement of the end of the preliminary investigation.

3. The motion for co-operation shall state that the accused agrees with the charge against him, what the nature of the defendant's co-operation will be, as well as the actions that the defendant undertakes to take to assist in the detection of the crime.

4. The co-operation motion is submitted by the accused or his / her lawyer to the supervising prosecutor through the investigator. If the accused does not have a lawyer at the time of filing, the investigator shall take measures to ensure the participation of the lawyer in the proceedings; the accused shall be given the opportunity to discuss the motion with the lawyer.

5. Within three days after receiving the petition signed by the accused's defense counsel, the investigator shall submit it to the supervising prosecutor, attaching his / her written position on its approval or rejection.

6. If more than one of the defendants in the same proceedings wishes to conclude a pre-trial cooperation agreement (hereinafter referred to as the cooperation agreement), each of them shall submit a separate motion for cooperation.

Article 375.10. Cooperation mediation solution

1. Mediation of Cooperation և Within three days after receiving the position of the investigator, the supervising prosecutor shall make a decision on approving or rejecting the mediation of cooperation.

2. A motion for cooperation shall be rejected if it does not comply with the conditions set forth in Articles 375-8 և 375-9 of this Code, or if the supervising prosecutor deems such cooperation unnecessary.

Article 375.11. Procedure for drawing up a cooperation agreement

1. In case of satisfying the cooperation motion, the supervising prosecutor shall conclude a cooperation agreement with the participation of the accused and his / her defense counsel.

2. The Cooperation Agreement shall specify:

1) place և time of its compilation;

2) name, surname և position of the supervising prosecutor;

3) Name, surname, patronymic, birth number, month, day և place of birth, address of residence, citizenship, education, place of work or study, existence of conviction, as well as other relevant information;

4) the measure of restraint applied to the accused և its term;

5) the name and surname of the Defender; the basis of his / her participation in the proceedings;

6) the factual description of the accusation presented to the accused և the legal assessment of the act;

7) the nature of the cooperation և the actions that the accused is obliged to perform in order to achieve the purpose of the cooperation;

8) In accordance with the requirements defined by the General Part of the Criminal Code of the Republic of Armenia, the agreed punishment (type of punishment այլափ punishment), including the issue of expediency of serving it;

9) Property subject to confiscation under Article 103.1 of the Criminal Code of the Republic of Armenia և its amount, if any, and an agreement has been reached on it .

10) written notification of the accused that in case of refusal of cooperation, the factual data obtained as a result of cooperation can be used as evidence;

11) the written statement of the accused that the cooperation agreement is voluntary, aware of its nature and consequences, the conclusion of the agreement is not the result of torture or inhuman or degrading treatment or other violence or threats or illegal promises.

3. The actions taken by the accused to achieve the purpose of cooperation may include, but are not limited to, the provision of information on the identification of accomplices, the ownership of the property to be confiscated, its location or its possible conversion.

4. If there is damage caused by a crime, which is not compensated at the time of concluding the agreement, which occurred only as a result of the actions of the accused, then the cooperation agreement shall also indicate the obligation of the accused to fully compensate that damage.

5. If in case of security threat to the accused, his / her close relative or other person related to the accused, it is necessary to take protection measures against the relevant person provided by this Code, this shall be stated in the cooperation agreement.

6. The cooperation agreement is signed by the supervising prosecutor, the accused և the defense counsel. One copy of the cooperation agreement is given to the accused և defense counsel.

7. In case of satisfying the motions of more than one defendant to conclude a cooperation agreement, the supervising prosecutor shall conclude a separate agreement with each of them.

8. During the preliminary investigation conducted by the cooperation proceedings, the cooperation agreement may be amended or supplemented by the agreement of the parties, in compliance with the requirements set forth in this Article.

Article 375.12. Preliminary investigation conducted through cooperation proceedings

1. The preliminary investigation of the cooperation proceedings shall be carried out in accordance with the general procedure established by this Code, taking into account the rules provided for in this Chapter.

2. After drawing up a cooperation agreement, the proceedings against the accused shall be terminated. The materials of the separate proceedings must be accompanied by the mediation of cooperation, the opinion of the investigator, the decision of the supervising prosecutor to satisfy the mediation, as well as the cooperation agreement.

3. In case of security threat to the accused, his / her close relative or other person related to the accused, the investigator shall make a decision to keep the documents provided for in part 2 of this Article in a sealed envelope, as well as to take protective measures against the relevant person provided by this Code.

4. After the completion of the preliminary investigation, the investigator, in accordance with the procedure established by Article 272 of this Code, shall submit the criminal case to the supervising prosecutor to confirm the indictment and file a motion to apply a special trial procedure to the accused.

Article 375.13. Refusal to cooperate

1. Prior to the performance of the obligations assumed by the cooperation agreement, the accused has the right to refuse to cooperate with a written application. In that case, by the decision of the supervising prosecutor, the cooperation shall be terminated; և the criminal case shall continue in accordance with the general procedure established by this Code.

Article 375.14. Petition to apply a special trial order to the accused who signed a cooperation agreement

1. In accordance with the procedure established by Article 274 of this Code, the supervising prosecutor shall, after examining the criminal case received from the investigator, as well as the factual data confirming the proper performance of his / her duties under the agreement, confirm the indictment; refuses to submit the materials of the proceedings to the court by such mediation, if the defendant has not fulfilled his / her obligations under the agreement or has been performed improperly.

2. The petition states:

1) the nature and limits of the accused's cooperation;

2) the importance of the accused's cooperation in ensuring the detection of the crime;

3) factual data confirming the proper performance of his / her obligations assumed by the agreement under the agreement;

4) the agreed punishment (type of punishment and punishment), including the issue of expediency of serving it;

5) the property subject to confiscation - its amount, if any, and an agreement has been reached on it;

6) Measures of protection applied to the accused, his / her close relative or other related person, their grounds և purpose.

3. A copy of the petition shall be handed over to the accused և his / her lawyer, who shall have the right to submit his / her considerations to the court.

4. The accused և defense counsel shall be served with the decision to refuse to transfer the criminal case to the court through the application of a special procedure for the accused, which may be appealed to the superior prosecutor within seven days from the moment of receiving it. The criminal case cannot be sent to court until the appeal is resolved.

Article 375.15. Grounds և conditions for conducting a special trial through cooperation proceedings

1. The examination of a case under cooperation proceedings shall be conducted in accordance with the procedure provided for in Chapters 41, 42 and 45 of this Code, taking into account the requirements of this Chapter.

2. Before the commencement of the trial, the court shall consider the issue of conducting the trial of the defendant who has entered into a cooperation agreement in a special manner, if the prosecutor has initiated such a motion while submitting the criminal case to the court.

3. The court satisfies the motion to conduct the trial in a special order, if it is convinced that:

1) the defendant entered into the cooperation agreement voluntarily, he realizes the consequences of concluding the agreement; claims that the agreement was not concluded due to the influence of violence, threats or other means of coercion;

2) the cooperation agreement was concluded by the defendant with the participation of the Defender, in compliance with the other requirements provided for in this Chapter;

3) the defendant agrees with the accusation leveled against him;

4) Substantially sufficient factual data on the proper performance of the obligations assumed by the defendant under the agreement have been submitted;

5) the cooperation of the defendant did not result until the cooperation provided information about his / her participation in the commission of the act he / she was accused of;

6) there is no obvious information that he did not commit the act accused of the defendant;

7) there is no obvious information that the legal assessment given to the accused act does not correspond to the factual circumstances of the accusation.

4. In the absence of one of the conditions set forth in part 3 of this Article, the court shall make a decision to refuse to hold the trial in a special manner and to continue the examination of the case in a general manner.

5. If the prosecutor's motion is granted, the court shall make a decision to hold the trial in a special manner.

Article 375.16. Cooperation proceedings

1. The co-operation proceedings shall be conducted in a special manner with the obligatory participation of the defendant, his defense counsel, the accuser or the victim.

2. The trial begins with the publication of the cooperation agreement by the prosecutor. The accuser presents the fact of the defendant's cooperation to the court, explains why it was expressed in particular.

3. The defendant և defense counsel has the right to express their views on the nature of the defendant's cooperation և other significant circumstances.

4. During the trial, the cooperation agreement is examined և the factual data, which confirm:

1) the nature and limits of the defendant's cooperation;

2) proper performance of the obligations assumed by the defendant under the agreement;

3) the role and significance of cooperation with the defendant in ensuring the detection of the crime;

4) the degree of security threat to the defendant, his / her close relative or any other person related to the defendant as a result of cooperation.

5. After examining the factual data provided for in part 4 of this Article, the court shall leave the deliberation room, announcing in advance the place, year, day and hour of the publication of the judgment.

Article 375.17. Judgment in cooperation proceedings

1. As a result of the cooperation proceedings, the court shall make an accusatory verdict in the manner prescribed by this Code, taking into account the peculiarities provided by this Article.

2. The verdict states:

1) the factual description of the crime being charged to the defendant և the legal assessment;

2) the facts of the court on the fulfillment of the obligations assumed by the defendant under the cooperation agreement, as well as the factual data confirming those obligations;

3) the details of the court on the achievement of the goal of cooperation, as well as the factual data confirming those shortcomings.

3. Based on the examined factual data, the fulfillment of his / her obligations by the defendant under the cooperation agreement, as well as in case he / she is deemed to have achieved the goal of cooperation, the court shall issue a guilty verdict against the defendant. The issues agreed between the parties shall be settled by a court of law in accordance with the cooperation agreement.

4. The court expenses envisaged by points 2-8 of part 1 of Article 168 of this Code are not subject to confiscation from the defendant.

5. In case the circumstances provided for in part 3 of this Article are not confirmed, the court shall make a decision to resume the examination of the case and to conduct a general trial.

6. After announcing the verdict, the judge shall also explain to the parties the restrictions on appealing the verdict provided by this Code.

Article 375.18. Limits of appeal against the verdict in cooperation proceedings առանձնահատ Peculiarities of its review

1. The verdict made in the cooperation proceedings may be appealed in the manner prescribed by this Code, but it may not be appealed on the grounds provided for in Article 395, Part 1, Clauses 1 and 4 of this Code.

2. If, after the entry into force of the judgment of the accused in accordance with the rules of this Chapter, it is found that he / she intentionally provided false information to the prosecuting authority or concealed any significant information or obstructed further investigation of the crime revealed as a result of cooperation, the judgment shall be reviewed. in accordance with Chapter 49.1 of this Code.

SECTION 9.2:
(section supplemented 30.06.21 HO-307-N)

PROCEEDINGS IN THE ABSENCE OF THE DEFENDANT

CHAPTER 45.3

PROCEEDINGS IN THE ABSENCE OF THE DEFENDANT

Article 375.19. Grounds և conditions for conducting proceedings in the absence of the accused

1. Proceedings in the absence of the accused (hereinafter referred to as absentee proceedings) shall be conducted only if the accused avoids participating in the criminal proceedings.

2. Remote proceedings may not be conducted if:

1) the accused has not been duly notified of the criminal prosecution against him, or it is impossible to participate in the proceedings, regardless of his will;

2) Necessary և sufficient measures have not been taken to ensure the participation of the accused in the investigation of the case;

3) the accused is a minor;

4) the accused was insane at the time of committing the act or became mentally ill after committing the crime, which deprived him of the opportunity to be held accountable for his actions or to lead those actions, or there is a reasonable suspicion that the accused is in such a state.

3. From the moment of making a decision on conducting remote proceedings, the participation of the Defender in the criminal proceedings is mandatory. In this case, the body conducting the

proceedings does not accept the resignation of the accused from the defense counsel; appoints a defense counsel in accordance with the procedure established by this Code or retains the powers of the appointed defense counsel.

Article 375.20. Preliminary investigation carried out in the absence of the accused

1. In the absence of the grounds provided for in part 1 of Article 375-19 of this Code, in the absence of the conditions provided for in part 2 of the same Article, the investigator shall make a decision to conduct proceedings in absentia against the accused. That decision may be made before the end of the investigation.

2. In case of making a decision on conducting remote proceedings, the preliminary investigation shall be conducted in accordance with the general procedure established by this Code, taking into account the rules provided for in this Chapter.

3. Immediately after making a decision on conducting remote proceedings, the investigator shall send a copy of that decision to the supervising prosecutor, as well as to the participants in the proceedings.

4. Within three days after making a decision on conducting remote proceedings, the investigator shall send a copy of the decision on conducting remote proceedings to the accused, and in case of its objective impossibility to one of his close relatives. Consequences of conducting remote proceedings and not inviting a lawyer during that period. If a lawyer is not invited within that period, the investigator shall request the Chamber of Advocates of the Republic of Armenia to appoint a lawyer.

5. If the accused has not been charged before the decision on conducting the proceedings in absentia, the time limit for filing an indictment provided for in part 1 of Article 203 of this Code shall start from the moment a lawyer is involved in the criminal case in accordance with part 4 of this article.

6. The charge shall be deemed to have been filed as a defendant after the decision on involving the accused has been provided to the defense counsel of the accused, as well as from the moment of explaining its essence to him / her. The performance of these actions is confirmed by the relevant protocol, which is signed by the investigator և the ombudsman.

7. From the moment of filing an accusation, the rights of the accused provided by this Code are exercised only through a lawyer. Inalienable rights of the accused are not exercised.

8. The Defender may admit the connection of the accused with the case or his guilt in its execution only if the accused has informed the body conducting the proceedings in writing in a clear, clear and proper manner.

Article 375.21. Termination of remote proceedings during the preliminary investigation

1. If during the preliminary investigation the ground provided for in part 1 of Article 375-19 of this Code disappears, or any of the conditions provided for in part 2 of the same Article arises, the investigator shall decide to continue the criminal case in the general manner prescribed by this Code. About:

2. In case of making a decision to continue the criminal proceedings in a general manner, the investigator shall immediately send a copy to the supervising prosecutor մասնակից to the participants in the trial.

Article 375.22. Motion to conduct a trial against the accused in absentia

1. When sending a case to court in the manner prescribed by Article 277 of this Code, the prosecutor shall make a note in the relevant decision on conducting the preliminary investigation in absentia, as well as initiate a motion to conduct a remote trial on the accused, if Article 375.19 1 of

this Code has not disappeared. or one of the conditions provided for in Part 2 of the same Article has not arisen.

2. A motion by the accuser to conduct a trial in absentia against the accused may be submitted from the moment the criminal case is sent to court until the beginning of the trial.

Article 375.23. Resolution of the motion to conduct a remote trial against the accused

1. Before initiating the examination of the accuser's motion to conduct an in-court trial against the accused, the court shall find out whether a copy of the indictment has been handed over to the defense counsel of the evading defendant. If this document is not handed over to the Defender, the court session is postponed for three days, handing over a copy of the indictment to the Defender.

2. The examination of the motion of the accuser on conducting a forensic examination of the accused in absentia shall begin with the submission of information by the accuser on the absence of the grounds provided for in part 1 of Article 375.19 of this Code and the conditions provided for in part 2 of the same article.

3. The court, after hearing the opinions of the parties, satisfies the motion to conduct a remote trial against the accused, if:

1) there is a basis for conducting remote proceedings provided by this Code;

2) the conditions defined by this Code excluding the implementation of remote proceedings are absent;

3) at the time of making the decision on conducting the proceedings in absentia, the accused had a lawyer involved in the criminal proceedings, or after making a decision on conducting the proceedings in absentia, the defense attorney was involved in the criminal proceedings in accordance with Article 375.20, Part 4 of this Code.

4. In case of non-confirmation of any of the circumstances provided for in part 3 of this Article, the court shall make a decision to refuse to conduct a trial in absentia against the given accused.

5. If the ground for conducting distance proceedings against the defendant provided by this Code has emerged during the trial, աժամանակ at the same time the conditions defined by this Code excluding the conduct of distance proceedings are absent, the court, hearing the opinions of the parties, on its own initiative or through the mediator to leave the deliberation room to make a decision on conducting remote proceedings against the defendant. If this decision is made, the proceedings will not be resumed.

Article 375.24. Procedure for conducting a trial in absentia against the accused կայ Making a verdict

1. Judicial examination shall be carried out in absentia.

2. During the remote court hearing, the rights defined by the defendant under this Code may be exercised only through a lawyer. The rights inseparable from the accused are not exercised.

3. If the accused testified during the preliminary investigation and the defendant testified during the trial, it shall be published in accordance with Article 337 of this Code.

4. If during the court hearing the ground for conducting distance proceedings provided by this Code disappears, or any of the conditions excluding the conduct of distance proceedings defined by this Code arises, the proceedings shall continue in a general manner.

5. In the case provided for in part 4 of this article, the defendant shall be provided with a reasonable period of time to get acquainted with all the materials of the case.

Article 375.25. Peculiarities of appealing the judicial act resolving the case as a result of the remote court hearing

1. A judicial act resolving a case that has not entered into legal force as a result of a remote judicial examination may be appealed in accordance with the general procedure established by this Code.

2. A judicial act resolving a case that has entered into legal force as a result of a remote judicial examination may be appealed by the defendant on the grounds provided for in Article 398, Part 3, Clause 12 of this Code, if it has not been previously appealed by the defendant on the same grounds. :

3. In case of overturning the judicial act on the grounds provided for in Article 398, Part 3, Clause 12 of this Code, the evidence examined during the remote trial during the new examination may not be used.

Article 375.26. The peculiarity of the execution of the judicial act that essentially resolves the case made as a result of the remote judicial examination

1. In the case provided for in Part 2 of Article 375.25 of this Code, in case the appeal is accepted by the superior court, the serving of the sentence shall be suspended.

CHAPTER 10:

THE TRIAL IN THE COURT OF APPEAL

CHAPTER 46

APPEAL APPEALS
(title changed on 28.11.07 HO-270-N)

Article 376 The right to file an appeal

1. The defendant, his / her lawyer ակամ legal representative, accuser or superior prosecutor, the victim, his / her representative, legal representative ը the legal successor have the right to appeal against the judicial acts of the courts of first instance, and 376 [1] of this Code Against the acts envisaged by points 2, 2.1 of Article 1, he - the acquitted, the convict, their lawyers - the legal representatives. The civil plaintiff, the civil defendant or their representatives have the right to appeal the court decision regarding the civil suit. Persons who are not parties to the case have the right to file an appeal against the civil suit, if the court act is related to their interests. The suspect, the accused, their lawyers, the legal representatives, as well as the applicant, have the right to appeal the judicial acts provided for in paragraphs 3-6 of Article 376 [1] of this Code.

2. The accuser or the superior prosecutor has no right to appeal the judicial act resolving the case on the merits of the civil suit, except in cases when the civil suit affects the property interests of the state.

Article 376 amended, amended 18.02.04 HO-34-N, amended 13.09.05 HO-178-N, edited 25.05.06 HO-91-N, amended, amended 21.02.07 HO -93-N, supplemented on 22.02.07 HO-129-N, edited 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N)

Article 376 [1] . Appeal of Judicial Acts of the Court of First Instance

The following are subject to appeal:

1) Judicial acts of the courts of first instance that have not entered into legal force resolving the case on the merits;

2) Judicial acts of the courts of first instance that have entered into legal force resolving the case on the merits in exceptional cases when such fundamental violations of substantive or procedural law were committed during the previous trial of the case, as a result of which the adopted judicial act undermines the essence of justice;

2.1) Judicial acts of the courts of first instance that have entered into legal force resolving the case on the merits, with new or new circumstances;

3) decisions of the courts of first instance to suspend the proceedings in the case;

4) in the courts of first instance to select, change or eliminate detention as a measure of restraint, in cases provided for by this Code, search, confiscation, placement of persons in a medical institution, as well as restriction of the right to privacy of correspondence, telephone conversations, postal, telegraphic and other messages. Decisions on confirming the legality of the decision on suspension of the employee with status.

4.1) the decision of the court of first instance to refuse to conduct the trial in a special procedure և to continue the examination of the case in a general manner;

4.2) the decision of the court of first instance to refuse to conduct a trial in absentia;

5) decisions made in connection with the decisions of the court of first instance, the employee of the investigation body, the investigator, the prosecutor, the bodies carrying out operative-investigative actions և against the actions (inaction);

6) court decisions on extradition;

7) the decisions made by the court in connection with the issues envisaged by Chapter 49 of this Code;

8) in cases provided for by this Code, other judicial acts.

Article 376.1 was amended on 28.11.07 HO-270-N, 26.12.08 HO-237-N, amended on 05.02.09 HO-45-N, amended on 25.03.21 HO-123-N, 05.05.21 HO-200-N, 30.06.21 HO-307-N)

(05.05.21 HO-200-N law has a transitional provision)

Clause 4 of Article 376.1, in that it does not provide for the possibility of direct appeal against decisions on modification or rejection of motions chosen as a measure of restraint, was recognized as Article 27 մասին 5, Article 61 1 by decision 06.11.19 SDO-1487 , which contradicts Articles 75 և 81 .

The deadline for repealing the constitution, which is considered unconstitutional, is April 15, 2020.

Article 377 THE COURT EXAMINING cases with appeals

Cases with appeals against judicial acts of the courts of first instance are heard by the Criminal Court of Appeal (hereinafter referred to as the Court of Appeal).

(Article 377 amended on 21.02.07 HO-93-N, 28.11.07 HO-270-N)

Article 378 the procedure for submitting an appeal COMPLAINT

The appeal shall be submitted to the court of appeal, and its copy to the court that issued the judicial act, in order to fulfill the requirements of Article 382 երկրորդ Part 2 of Article 383 of this Code.

(Article 378 amended on 28.11.07 HO-270-N)

Article 379 V time to appeal a complaint

1. An appeal shall be lodged with:

1) Judicial acts of the courts of first instance resolving the case on the merits, within one month after the date of publication;

2) in the case provided for in point 2 of Article 376 [1] of this Code , the judicial act within six months from the moment it enters into legal force;

2.1) in the case provided for in Clause 2.1 of Article 376.1 of this Code, within the timeframes defined by Articles 426.3 և 426.4 of this Code;

3) the decisions of the court of first instance on detention, extension of detention, placement of persons in a medical institution, refusal to conduct a forensic examination in absentia within five

days from the moment of publication, and other acts that do not resolve the case within ten days from publication;

3.1) the decision of the court of first instance to refuse to conduct the trial in a special procedure և to continue the examination of the case in a general manner within five days from the moment of its publication.

2. ***(part lost its force 13.09.19 HO-155-N)***

Article 379 amended on 25.05.06 HO-91-N, edited 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N, amended on 13.09.19 HO-155-N, amended 05.05.21 HO-200-N, 30.06.21 HO-307-N)

(05.05.21 HO-200-N law has a transitional provision)

(Article 379, Part 1, Clause 2, insofar as it provides for a time limit for reviewing the merits of the case of the Court of First Instance aimed at improving the legal status of the person, when substantive or procedural law was allowed during the previous trial) Such fundamental violations, as a result of which the judicial act undermines the essence of justice, was declared invalid by the decision 23.10.2018 SDO-1431 , contradicting parts 1 of Articles 61-63, contradicting Articles 69-78 .)

Article 380 PROCEDURE FOR RESTORING the appeal term

1. In case of missing the deadline for appeal for good reasons, the persons entitled to file an appeal may petition the court that made the judicial act to restore the missed deadline. The motion to reinstate the missed period shall be heard by the court that made the judgment or decision in the court session, which has the right to summon the person who initiated the motion to give explanations.

2. The decision to reject the motion for reinstatement of the missed period may be appealed to the Court of Appeals within fifteen days, which has the right to restore the missed period, examine the case, observing the requirements set forth in Article 382, Part 2 of Article 383 of this Code. The Court of Appeals shall consider the term missed on the basis of the motion of the appellant to be legally respectable if the appellant substantiates that the time limits for appeal have not expired from the moment of receiving the judicial act.

3. In case of restoration of the missed term, the execution of the judicial act may be suspended.

(Article 380 amended, edited 28.11.07 HO-270-N, supplemented 13.09.19 HO-155-N)

Part 1 of Article 380, in the part by which the restoration of the missed period for filing a complaint for reasons beyond the control of the person entitled to file a complaint is left to the discretion of the court. Contradictory to the requirements of the articles մասը invalid by the decision SDO-1052 of 16.10.2012 :)

Article 380 [1] . Grounds for filing an appeal

1. The grounds for filing an appeal are:

1) Judicial error - a violation of substantive or procedural law, which could affect the outcome of the case;

2) new or new circumstances.

(Article 380 supplemented on 28.11.07 HO-270-N, edited on 26.12.08 HO-237-N)

Article 381 COMPLAINT COMPLAINT ընդուն acceptance of proceedings

(title added: 28.11.07 HO-270-N)

1. The appeal must contain:

1) the name of the court to which the appeal is addressed;

2) information about the person who brought the complaint, indicating his / her legal status, residence or location;

3) the judicial act that is being appealed, անվանումը the name of the court that made it;

4) an indication of whether the judicial act is appealed in whole or in part;

5) Grounds for complaint և claim;

5 [1]) the reasons for the violation of the norms of substantive or procedural law mentioned in the appeal, as well as their impact on the outcome of the case, referring to the decisions of the Constitutional Court of the Republic of Armenia, the Court of Cassation of the Republic of Armenia, the European Court of Human Rights. citing their conflicting parts, making a comparative analysis, or what are the grounds for reviewing the case as a result of new or new circumstances?

6) if available, the evidence on which the applicant substantiates his claims, which should be examined in the court of appeal, including the evidence not previously examined in the court of first instance;

7) the list of materials attached to the complaint;

8) the signature of the person submitting the complaint.

2. The Court of Appeal shall return the appeal if it does not comply with the requirements set forth in Paragraphs 1-4 և 6-8 of Part 1 of this Article.

2.1. The Court of Appeal leaves the appeal without examination if:

1) the appeal was filed in violation of the requirements set forth in Clauses 5 և 5.1 of Part 1 of this Article;

2) the appeal was filed after the expiration of the established term, միջ the motion to restore the missed term is missing or rejected;

3) the appeal was filed by the person who did not have the right to file an appeal;

4) the judicial act has been appealed, which is not subject to appeal;

5) the person who filed the appeal has submitted an application to withdraw the appeal before the decision on accepting the appeal is made;

6) the Court of Appeals has already made a decision on the same case on the grounds mentioned in the appeal;

7) the complaint was brought in violation of the requirement of Article 375.4 of this Code;

8) the shortcomings mentioned in the decision on returning the appeal have not been eliminated, or new shortcomings have been allowed in case of re-submitting the appeal.

2.2. The Court of Appeals shall make a decision on leaving the appeal without examination or returning it within 15 days after receiving the case in the Court of Appeals, noting the existing shortcomings.

2.3. In case of elimination of the deficiencies in the appeal after the return of the appeal and within 15 days after receiving the decision, in case of re-submitting the appeal in the prescribed manner, it shall be considered the day of the initial submission to the court of appeal. In case of failure to correct the deficiencies or to allow new deficiencies, the appeal is left without examination.

3. The grounds, substantiations of the appeal;

4. ***(part lost its force 23.03.18 HO-211-N)***

5. The issue of accepting the appeal brought by the lower court against the judicial act that does not resolve the case on the merits shall be resolved by the presiding judge.

6. The Court of Appeals may reject an appeal against a judicial act of a lower court only if the requirements of the appeal have not been complied with, except when the appeal has been brought in accordance with Article 376 [1] , Clause 2 of this Code. against which the issue of satisfaction of grounds is decided by the appellate court in a collegial composition.

(Article 381 edited on 21.02.07 HO-93-N, edited, amended, supplemented 28.11.07 HO-270-N, supplemented on 26.12.08 HO-237-N, 10.06.14 HO-48 -N, amended on 23.03.18 HO-211-N, edited, supplemented on 13.09.19 HO-155-N)

Article 382 NOTICE of the complaint given

1. The court that made the judicial act on the appeal shall notify the suspect, the accused, the accused, the convict, the acquitted, their legal representatives, the lawyer, the accuser, the victim, his legal successor, the representative, the legal representative, as well as the civil plaintiff, the civil

defendant. if the complaint relates to their interests, as well as to the applicant, if any. A copy of the complaint shall be sent to the said persons, explaining the possibility of submitting a response to the appeal և the deadline for submission, which may not exceed 15 days.

2. The responses to the complaint shall be attached to the case file.

3. In exceptional cases, the parties have the right to submit new materials to the court or to request a court to nominate the witness or expert they have nominated, to substantiate their complaint, as well as to respond to the other party's complaint, if they substantiate that they objectively did not have the opportunity to present it. materials, to call a witness or expert, such as to appoint an expert to mediate in the court of first instance, or to substantiate that the submitted motion was rejected by the court of first instance unreasonably.

(Article 382 amended, supplemented 25.05.06 HO-91-N, edited, amended 28.11.07 HO-270-N)

Article 383 consequences of appeal B

1. The appeal of a judicial act that has not entered into legal force shall suspend its entry into legal force.

2. After the expiration of the time limit set for the appeal, the court that made the judicial act shall send the case with the answers to the appeals to the court of appeal, which shall be notified to the parties.

3. The appellant և the person for whose protection the appeal was brought, has the right to withdraw it before the beginning of the court session in the court of appeal. Defender has no right to withdraw his complaint without the consent of the defendant. An appeal brought by a prosecutor may be withdrawn by a superior prosecutor.

4. If the term of the appeal has expired and no other appeals have been filed against the given judicial act, in case of withdrawal of the appeal, the court shall make a decision to terminate the appeal proceedings. The judicial act of the court of first instance enters into force from the moment of making the decision.

(Article 383 amended, edited on 25.05.06 HO-91-N, amended on 21.02.07 HO-93-N, edited, amended, amended on 28.11.07 HO-270-N)

Article 384 decisions of the court of first instance to be APPEALED

(Article expired 28.11.07 HO-270-N)

CHAPTER 47

EXAMINATION OF THE CASE IN THE COURT OF APPEAL

Article 385 BOUNDARIES of case examination in the court of appeal

1. The Court of Appeals shall review the judicial act within the limits of the grounds and grounds of the appeal.

2. Except for the cases examined in accordance with the rules of Chapters 45.1 և 45.2 of this Code, the Court of Appeal shall review the existing judicial act, and in exceptional cases provided for in the third part of Article 382 of this Code, also with additional evidence.

3. During the examination of the appeal in the Court of Appeal, the factual circumstances established in the Court of First Instance shall be accepted as a basis, unless a factual circumstance is disputed in the appeal. The Court of Appeal shall conclude that allowed In such cases, the appellate court has the right to consider a new factual circumstance established or not to consider the factual circumstance confirmed by the lower court confirmed, if on the basis of evidence examined by the court of first instance or in accordance with the third part of Article 382 of this Code, such a conclusion can be reached.

4. If the court of first instance has not concluded a factual circumstance on the basis of the examined evidence, which it was obliged to do, the appellate court has the right to consider a new factual circumstance established if based on the evidence examined by the court of first instance or Article 382 of this Code. In accordance with the third part, it is possible to reach such a conclusion with the additional evidence presented.

(Article 385 supplemented: 21.02.07 HO-93-N, edited 28.11.07 HO-270-N, amended on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 386 SUBJECT to the investigative review

(title changed on 28.11.07 HO-270-N)

On the basis of the appeal, the court of appeal checks the accuracy of the disclosure of the factual circumstances of the case, the application of the criminal law, as well as the observance of the norms of the criminal procedural law during the examination and resolution of the case.

(Item 386 amended on 28.11.07 HO-270-N)

Article 387 staff of the court examining the case under the JUDGMENT

Judicial acts resolving the case on the merits are reviewed collegially in the Court of Appeals by three judges, one of whom is the presiding judge. Judicial acts that do not resolve the case on the merits are reviewed by a judge alone in the Court of Appeal.

(Article 387 ed. 28.11.07 HO-270-N)

Article 388 DEADLINES for starting the examination of cases in the court of appeal

1. The examination of the cases received on the basis of the appeal shall be initiated by the court of appeal within 15 days after the day of receiving the criminal case or the material. If there are good reasons, the decision of the court hearing the case may be extended, but not more than 10 days.

1.1. In the Court of Appeal, the examination of the appeal against the decision of the Court of First Instance to refuse to conduct the trial in a special procedure, to continue the examination of the case in a general manner, begins and ends within three days from the day of receiving the case. If there are good reasons, the decision of the court hearing the case may be extended, but not for more than five days.

2. The Court of Appeal is obliged to examine the case and make a decision within a reasonable time. When determining the reasonable time for the examination of the case, the time of the examination of the case in the court of first instance shall be taken into account.

(Article 388, edited 28.11.07 HO-270-N, supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 389 APPOINTING the session of the court of appeal

1. After receiving the case or the material in the court of appeal, the composition of the court shall be handed over to the presiding judge.

2. Examining the received case or material, the presiding judge by its decision appoints it for examination in the court session. The materials of the case are also being studied by the other judges of the court.

3. The following issues shall be resolved in the decision to schedule a court hearing: the time and place of the commencement of the trial, the need to properly verify the legality of the judicial act, the volume of evidence to be examined directly at the court hearing, witnesses called to the court hearing, experts, etc. it is necessary to maintain, change or eliminate the measure of restraint

against the defendant, in cases provided for by this Code, the need to consider the case in a closed court session.

(Article 389 amended 13.09.05 HO-178-N, supplemented, edited, amended 28.11.07 HO-270-N)

Article 390 THE PROCEDURE of examination of the case in the court of appeal

1. The examination of cases in the Court of Appeal shall be carried out in accordance with the rules set forth in this Chapter, as well as the rules established for the examination of cases in the Court of Cassation, except for the procedure established by the written procedure for examination of appeals in the Court of Cassation.

2. The parties shall be notified of the place and time of the hearing.

3. The following must participate in the court session:

1) the prosecutor

2) the defendant who filed the complaint, or for whose interests the defense attorney or the legal representative filed a complaint, or when the prosecutor filed a complaint not in favor of the convict;

3) the Defender in the cases provided for in Article 69 of this Code.

4. The non-appearance of the other participants in the trial does not prevent the case from being examined and a judicial act made.

4.1. Failure of the notified party to appear in advance on the date of the hearing of the appeal against the decision of the Court of First Instance to refuse to conduct the trial in a special procedure or to continue the examination of the case in a general manner shall not preclude the judicial review.

5. Failure of the defendant to appear at the examination of the appeal against the judicial act made in accordance with the procedure provided for in Chapter 45.3 of this Code shall not prevent the judicial examination.

(Article 390 edited, supplemented, amended on 28.11.07 HO-270-N, supplemented on 24.06.20 HO-344-N, 05.05.21 HO-200-N, 30.06.21 HO-307-N)

(24.06.20 HO-344-N law has a transitional provision)

(05.05.21 HO-200-N law has a transitional provision)

Article 391 D investigation in the court of appeal

1. The trial begins with the presiding judge stating the content of the judicial act, as well as the essence of the appeal and the answers against it.

2. After the report of the presiding judge, the court hears the speech of the party presented in the appeal, substantiating his / her findings, պատասխան the answers of the other party who did not appeal the judicial act.

3. ***(part has expired 28.11.07 HO-270-N)***

4. Evidence examined in the court of first instance shall be examined in the court of appeal only with the mediation of a party, if the court deems it necessary.

5. ***(part lost its force 28.11.07 HO-270-N)***

(Article 391 amended on 28.11.07 HO-270-N)

Article 392 DATAL disputes. THE LAST WORD OF M absanyal

1. Upon completion of the examination of the evidence, the presiding judge shall ask the parties whether they are mediating to complete the trial, and resolving those motions shall proceed to litigation.

2. Judicial disputes shall be conducted in accordance with the rules established by Article 354 of this Code, moreover, the person who brought the complaint shall be the first to speak.

3. Concluding the court disputes, the presiding judge gives the defendant the last word, after which the court leaves the deliberation room.

Article 393 making a court decision
(title changed on 28.11.07 HO-270-N)

1. As a result of examining the appeal, the court of appeal shall issue a judicial act, which shall completely or partially replace the judicial act of the court of first instance.
2. The Court of Appeal shall make a judicial act in accordance with the general rules established by this Code, taking into account the requirements set forth in this Article.
3. When examining the case by a collegial panel, the Court of Appeal shall make a judicial act in accordance with the rules established by Article 361 1 of this Code, taking into account the requirements set forth in this Article.
4. The judicial act of the Court of Appeal shall state the grounds on which the judicial act of the Court of First Instance is considered correct and the conclusions reached in the appeal unfounded, which served as a basis for overturning or changing the judicial act of the Court of First Instance in whole or in part.
5. ***(part lost its force 28.11.07 HO-270-N)***
6. ***(part lost its force 28.11.07 HO-270-N)***
7. ***(part has expired 28.11.07 HO-270-N)***
8. ***(part lost its force 28.11.07 HO-270-N)***
9. ***(part lost its force 28.11.07 HO-270-N)***
10. When issuing a judicial act, the appellate court has the right to rely on the testimony of persons not summoned to the session of the appellate court, but interrogated in the court of first instance, in order to substantiate its judicial acts.
11. ***(part lost its force 28.11.07 HO-270-N)***
12. The correction in the judicial act must be agreed և approved by the signatures of all judges, in the deliberation room, before the publication of the judicial act.
13. The publication of a judicial act shall be carried out in accordance with the rules established by Article 373 of this Code.
(Article 393 supplemented on 25.05.06 HO-91-N, amended, edited 28.11.07 HO-270-N)

Article 394 Powers of the Court of Appeal

1. As a result of the review of the judicial acts resolving the case on the merits, the Court of Appeal:
1) rejects the appeal, leaving the judicial act in legal force. In the event that the appellate court rejects the appeal, but the judicial act resolving the case's case is in fact incomplete or erroneously reasoned, the appellate court shall justify the judicial act left unchanged.
2) Satisfies the appeal in whole or in part, respectively completely or partially overturning the judicial act. The overturned part is a judicial act resolving the case on the merits, or the case is sent to the relevant lower court for a new examination, setting the scope of the new examination. The judicial act enters into legal force with the undisturbed part.
3) in case of a civil suit, completely or partially overturns the judicial act, approves the conciliation agreement of the parties in that regard;
4) partially or completely overturns և amends the act of the lower court, if the factual circumstances established by the lower court allow to make such an act, և if it is in the interests of the efficiency of justice;
5) completely or partially overturns the judicial act; terminates the proceedings of the case in whole or in part or leaves the civil suit in whole or in part without examination.
2. As a result of the examination of appeals against judicial acts that do not resolve the case on the merits, the Court of Appeals shall reject the appeal, leaving the judicial act in legal force, or issue a new judicial act, which enters into legal force from the moment of its formation.
(Article 394, edited 28.11.07 HO-270-N, amended on 08.02.11 HO-38-N)

Article 395 GROUNDS for revolution or amendment of the appealed judicial act
(title changed on 28.11.07 HO-270-N)

The appealed judicial act is overturned or changed if a judicial error has been committed, ie:

1) the facts of the court set forth in the judicial act on the factual circumstances of the case do not correspond to the evidence examined by the Court of Appeal;

2) the criminal law or the international treaty of the Republic of Armenia has not been applied correctly;

3) there is a significant violation of the criminal procedure law;

4) the sentence imposed by the verdict does not correspond to the gravity of the crime committed ђu the person of the accused.

2. The appealed judicial act is overturned or amended if a new or new circumstance has been established, which has affected the legality or substantiation of the judicial act.

(Article 395 amended on 25.05.06 HO-91-N, amended on 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N)

Article 396 JUDGMENT OF case facts or expressed in responsibility of court investigations defended in the court of appeal

1. Finding out that the facts of the case are not in line with the factual circumstances of the case as set forth in the Judicial Act of the Court of First Instance, the Court of Appeal shall, in whole or in part, overturn, amend the judicial act or remand the case to the Court of First Instance for retrial.

2. The Court of Appeals, assessing the evidence examined by it during the trial, has the right to recognize as facts the facts that were not confirmed or not taken into account in the first instance judicial act. In that case, the appellate court overturns in whole or in part, amends the judicial act or sends the case to the court of first instance for a new examination.

3. When amending a judicial act, the appellate court may sentence a person to a more serious crime or to a more severe punishment than the lower court, only if the appeal was brought by the prosecutor, the victim or his / her representative.

(Article 396, edited 28.11.07 HO-270-N)

Article 397 Improper application of criminal law or international treaty
(title edited on 25.05.06 HO-91-N)

1. Incorrect application of a criminal law or international treaty is the application of a criminal law or an article or part of an international treaty of the Republic of Armenia that was not applicable, or the non-application of that article or part of an article that was subject to application, or criminal law or is a misinterpretation of an international treaty that does not correspond to its true meaning.

2. As a result of the examination of the case, finding that the act is not legally qualified, the Court of Appeal has the right to change the qualification of the crime according to the article of the criminal law, which envisages responsibility for a lighter crime.

3. The Court of Appeal has the right to apply the law for a more serious crime or to impose a more severe punishment within the limits of the accusation brought as a result of the examination of the case only if the accuser, as well as the victim or his / her representative, has appealed on those grounds.

(Article 397 edited on 25.05.06 HO-91-N, amended on 28.11.07 HO-270-N)

Article 398 SIGNIFICANT violation of the rules of procedure

1. Significant violations of the Criminal Procedure Code are violations of the principles of this Code և other general provisions during the trial, which deprived the participants of the case of the rights guaranteed by law or restricted them or otherwise hindered the comprehensive, full or objective examination of the circumstances of the case. to influence the right decision in the case.

2. A judgment shall be quashed where the unilaterality or incompleteness of the proceedings is reversed after the admissible removal of evidence from the case or the unreasonable rejection of a party's motion to examine the evidence which might have been relevant to the case.

3. The verdict is subject to reversal in all cases, if:

1) in case of existence of grounds for termination of the proceedings in the case or termination of the criminal prosecution, the court of first instance has not terminated the proceedings or has not terminated the prosecution;

1.1) the conviction was rendered on the basis of a sufficiently unsubstantiated confession of evidence;

2) the verdict was rendered by an illegal court;

3) the case was examined in the absence of the accused, except for the case provided for in part 6 of Article 314.1 of this Code;

4) the case was examined in the absence of a lawyer, when his / her participation was obligatory according to the law, or otherwise the accused's right to have a lawyer was violated;

5) the right of the defendant to use the services of a mother tongue և translator has been violated in court;

6) the defendant who has personally defended himself has not been reserved the right to participate in court disputes;

7) the defendant was not given the last word;

8) the confidentiality of the consultation room has been violated;

9) the minutes of the court session are missing in the case;

10) the descriptive-causal part of the verdict is completely absent;

11) the jurisdiction of the examination of the case has been violated;

12) in case of lack of grounds for conducting remote proceedings or in case of any of the conditions defined by this Code, which excludes the implementation of absentee proceedings, a court hearing has been conducted in absentia.

4. Finding that the court of first instance has committed a violation provided for in paragraphs 2-11 of part 3 of this article, the appellate court overturns the verdict և makes a new verdict, in the case provided for in paragraph 1, overturns the verdict, terminates the proceedings և terminates the criminal prosecution, and in the case provided for in paragraph 12, the verdict is overturned, sending the case to the court of first instance for a new examination with a different composition.

5. If the court of first instance has committed another significant violation of the criminal procedure law, the appellate court, taking into account the results of the examination of the case, changes the judicial act of the court of first instance or overturns it; sends the case to the relevant court of first instance

6. The Court of Appeal overturns the verdict; sends the case for additional preliminary investigation, if such violations of the criminal procedure law have been committed, which have affected the objective, comprehensive, complete examination of the case, which cannot be eliminated by the judicial examination.

7. The provisions of this Article shall also apply to the review of other judicial acts by the Court of Appeal insofar as they are applicable to them.

Article 398 supplemented 25.05.06 HO-91-N, amended, edited 28.11.07 HO-270-N, supplemented 05.02.09 HO-45-N, 10.06.14 HO-48 -N , supplemented, amended 30.06.21 HO-307-N)

(The provisions of Part 6 of Article 398 were declared invalid, contradicting Article 19 (Part 1) of the RA Constitution, by decision 24.07.2007 SDO-710)

Article 399 IRRESPONSIBILITY OF sentenced punishment to severe crime to a defendant

1. Finding that the sentence imposed in the verdict is unjust due to the obvious severity or apparently mild, does not correspond to the gravity of the crime իև the defendant, the Court of Appeal mitigates or tightens the sentence, guided by the general principles of sentencing.

2. The Court of Appeal may impose a more severe punishment on the accused than the one envisaged by the judgment of the Court of First Instance only if the appeal has been brought by the prosecutor, as well as by the victim or his / her representative.

(Article 399 supplemented on 25.05.06 HO-91-N)

Article 400 REVOLUTION OR AMENDMENT OF A judgment

1. The verdict of acquittal may be overturned by the court of appeal by making an accusatory verdict upon the complaint of the prosecutor, the victim or his / her representative that the acquittal of the accused is unfounded.

2. The verdict of acquittal may be changed by the appeal of the acquitted on the grounds of acquittal.

Article 401 MINUTES of the court session of the court of appeal

During the court session of the Court of Appeal, the secretary of the court sessions shall keep a record in accordance with the rules provided for in Article 315 of this Code. The parties may make remarks on the protocol, which the chairman shall consider in accordance with Article 316 of this Code.

Article 402 ENTRY into the legal power of the court of judgment or decision and delivering them to the parties

1. The judicial act of the Court of Appeal enters into legal force within one month from the moment of its publication.

2. The judicial act of the Court of Appeal shall be sent to the convict, the acquitted, their lawyers, legal representatives, accuser, victim, his representative, as well as to the civil plaintiff, civil defendant or their representatives, if they have participated in the case, no later than 3 days after its publication. examination in the Court of Appeal.

(Article 402 amended on 07.07.06 HO-152-N, amended on 28.11.07 HO-270-N, supplemented on 05.02.09 HO-45-N)

CHAPTER 11:

THE TRIAL IN THE COURT OF CASSATION

CHAPTER 48

THE TRIAL IN THE COURT OF CASSATION

Article 403 REVIEW of discussion and decisions by case

The Court of Cassation reviews the judicial acts of the Court of Appeals that resolve the case on the merits, as well as the decisions made by the Court of Appeals as a result of the review of the judicial acts that do not resolve the case on the merits.

(Article 403 was amended on 25.05.06 HO-91-N, amended on 07.07.06 HO-152-N, edited on 28.11.07 by HO-270-N)

Article 404 PERSONS who have the right to bring a complaint

1. Judicial acts of the Court of Appeal resolving the case on the merits, as well as decisions made by the Court of Appeals as a result of review of judicial acts that do not resolve the case on the merits, have the right to appeal to the Court of Cassation:

1) the participants of the trial, except for the criminal prosecution bodies, and in the cases provided by law, the applicants;

2) the Prosecutor General and his / her deputies in cases provided by law.

2. Judicial acts subject to appeal may be appealed to the Court of Cassation if he has not appealed the judicial act on the same grounds in the Court of Appeal.

3. A person may file an appeal against a judicial act only against a part unfavorable to him.

4. The persons provided for in point 1 of part 1 of this article may file an appeal only through a lawyer.

Article 404 amended on 18.02.04 HO-34-N, 13.09.05 HO-178-N, supplemented on 25.05.06 HO-91-N, amended, edited on 01.06.06 HO-108 -N, ed., Amended 21.02.07 HO-93-N, edited 28.11.07 HO-270-N, amended 26.12.08 HO-237-N, supplemented 10.06.14 HO-48-N)

Article 404 , Part 4, for those participants in the trial who do not have a lawyer for whom the opportunity to provide free legal aid is not guaranteed in accordance with the law, by recognizing SDO-1196 , Article 14.1 of the Constitution of the Republic of Armenia, 18 Article 19, 1, Article 19 հակ 1 inconsistent (invalid)

Article 405 COURT EXAMINING cases with drawing complaints

Judicial acts of the Court of Appeal resolving the case on the merits, as well as decisions made by the Court of Appeals as a result of reviewing judicial acts that do not resolve the case on the merits, are reviewed by the Criminal Chamber of the Court of Cassation.

(Article 405 amended on 07.07.06 HO-152-N, edited 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N, 23.03.18 HO-211-N)

Article 406 FOUNDATIONS for making a complaint

1. The grounds for filing an appeal are:

1) Judicial error - a violation of substantive or procedural law, which could affect the outcome of the case;

2) new or new circumstances.

2. The Court of Cassation shall be guided by the rules of Articles 397 և 398 of this Code during the resolution of the issue of violation of the material or procedural right of the participants in the proceedings.

3. ***(part has expired 01.06.06 HO-108-N)***

4. ***(part lost its force 28.11.07 HO-270-N)***

(Article 406 was amended on 25.05.06 HO-91-N, amended on 01.06.06 HO-108-N, edited on 28.11.07 by HO-270-N, on 26.12.08 by HO-237-N)

Article 407 V grabek complaint

1. The appeal must contain:

1) the name of the court to which the appeal is addressed;

2) information about the person who brought the complaint, indicating his / her legal status, residence or location;

3) the verdict or other decision that is being appealed, անվանումը the name of the court that made that decision;

4) an indication of whether the judgment or other decision is being appealed in whole or in part;

5) a reasoned indication of which material or procedural right has been violated, which has influenced or could have influenced the outcome of the case, or what new or new circumstances have arisen;

6) the claim of the person who brought the complaint;

6.1) the justifications of any point of the first part of Article 414 2 of this Code;

7) the list of materials attached to the complaint;

8) the signature of the person submitting the complaint.

2. ***(part has expired 01.06.06 HO-108-N)***

2 [1] . Attached to the complaint are a copy of the complaint, documents proving that the case was sent to the trial court (except for the investigator մարմնի the investigating body).

2.2. In case of filing an appeal on the basis of Article 414.2, Part 1, Clause 1 of this Code, the appellant must substantiate that the decision of the Court of Cassation may be essential for the uniform application of the law and other normative legal acts, in particular in the appeal. substantiating that:

1) in at least one other case, the same norm has been applied or not applied in a judicial act of a lower court that has entered into legal force with a contradictory interpretation, attaching the judicial act in that case, quoting its contradictory parts, making a comparative analysis of the appealed judicial act; on the contradictory interpretation of the same norm of the judicial act of the lower court;

2) the interpretation of the norm in the appealed judicial act contradicts the interpretation of the given norm in the decision of the Court of Cassation, attaching the judicial act of the Court of Cassation, quoting its contradictory parts, making a comparative analysis of the appealed judicial act; on the existing contradiction.

3) there is a problem of law development in connection with the norm of substantive or procedural law applied by the court in the appealed judicial act.

2.3. In case of submitting the cassation appeal on the basis of Article 414.2, Part 1, Clause 2 of this Code, the person who brought the cassation appeal must indicate in the cassation appeal the substantive or procedural norm that has been violated, substantiating that this violation has violated the essence of justice. the existence of a new or new circumstance.

3. ***(part lost its force 10.06.14 HO-48-N)***

4. ***(part lost its force 10.06.14 HO-48-N)***

5. The appeal shall be signed by the representative of the appellant, the Prosecutor General or his / her Deputy. The power of attorney of the representative shall be attached to the complaint in accordance with the procedure established by this Code. The electronic version of the cassation appeal (electronic media) is attached to the appeal.

Article 407 amended on 25.05.06 HO-91-N, 01.06.06 HO-108-N, supplemented, amended on 07.07.06 HO-152-N, supplemented on 21.02.07 HO-93-N, amended, supplemented 28.11.07 HO-270-N, amended 26.12.08 HO-237-N, supplemented, amended 10.06.14 HO-48-N, edited 23.03.18 HO-211-N)

Recognize the provisions of Article 407 , Part 5, in the first and second sentences of the case of the participants of the trial, who did not have the opportunity to provide free legal aid in the manner prescribed by the cassation appeal, by the decision SDK -1196 of 17.03.15 . Article 1, contradict Article 19 nդ (invalid)

Article 408 FUNDAMENTALS AND TERMS OF REPAIR OF cases due to newly appeared circumstances

(Article 408 supplemented on 25.05.06 HO-91-N)
(Article expired 28.11.07 HO-270-N)

Article 408 [1] . Grounds for repairing cases due to new circumstances

(Article 408 was supplemented on 14.12.04 HO-57-N)
(Article expired 28.11.07 HO-270-N)

Article 409 Initiation of proceedings due to newly emerged circumstances

(Article 409 edited 01.06.06 HO-108-N, 21.02.07 HO-93-N)
(Article expired 28.11.07 HO-270-N)

Article 410 Activities of the Prosecutor ա\ի Accredited Advocate after completing the investigation (study) of newly emerged circumstances

(Article 410, edited on 01.06.06 HO-108-N, 21.02.07 HO-93-N)
(Article expired 28.11.07 HO-270-N)

Article 410 [1] . Initiation of proceedings due to a new circumstance

(Article 410 supplemented on 14.12.04 HO-57-N)
(Article expired 28.11.07 HO-270-N)

Article 411 Procedure for appealing decisions
(title added: 25.05.06 HO-91-N)

The appeal shall be brought to the Court of Cassation, and a copy to the court that rendered the judgment or decision to comply with the requirements of Part 2 of Article 413 of this Code.
(Article 411 supplemented on 25.05.06 HO-91-N)

Article 412 DEADLINES for appeals of decisions

1. An appeal may be brought to the Court of Appeals within one month from the moment of publication against the judicial act resolving the case on the merits, and against the judicial acts not resolving the case on the merits within 15 days from the moment of receiving that act, unless otherwise provided by law.
2. In the cases provided for in part 6 of Article 21 of this Code, an appeal on the grounds of improvement of the person's condition may be brought without limitation, and on the grounds of deterioration of the person's condition, within six months from the entry into force of the judicial act.
Article 412 amended on 25.05.06 HO-91-N, edited, amended on 07.07.06 HO-152-N, amended on 21.02.07 HO-93-N, amended on 28.11.07 -270-N, ed. 05.02.09 HO-45-N)

Article 413 consequences of appeal B

1. ***(part lost its force 07.07.06 HO-152-N)***
2. The court that issued the judicial act, upon receiving the cassation appeal, immediately sends the case to the cassation court.
3. The appellant has the right to withdraw it before the beginning of the court session in the Court of Cassation.
4. In case of conducting the examination of the cassation appeal through a written procedure, the person who brought the appeal has the right to withdraw it until the day of the publication of the judicial act to be made as a result of the examination of the appeal.
(Article 413 amended, edited 07.07.06 HO-152-N, supplemented 24.06.20 HO-344-N)
(24.06.20 HO-344-N law has a transitional provision)

Article 414 DECISIONS subject to appeal
(Article expired 28.11.07 HO-270-N)

Article 414 [1]: Return the appeal or leave it without examination
(title edited 10.06.14 HO-48-N)

1. The cassation appeal shall be returned if the cassation appeal does not comply with the requirements of Article 407 of this Code.
2. The cassation appeal is left without examination if:

1) the cassation appeal was filed after the expiration of the established term, միջ the motion to restore the missed term is missing or rejected;

2) the cassation appeal was filed by the person who did not have the right to file an cassation appeal;

3) the judicial act that is not subject to appeal by the cassation procedure has been appealed;

4) the person who filed the cassation appeal has submitted an application to withdraw the cassation appeal before the decision on accepting the cassation appeal is made;

5) the Court of Cassation has already made a decision on the same case on the grounds mentioned in the appeal;

6) the complaint was brought in violation of the requirement of Article 375.4 of this Code.

3. The Court of Cassation shall make a decision on returning the appeal or leaving it without examination within one month from the moment of receiving the case in the Court of Cassation, noting the existing shortcomings. In case of re-filing the cassation appeal, the deadlines are recalculated.

4. The decision of the Court of Cassation on the return of the appeal shall set a period of up to one month for the correction of the errors in the decision to re-submit the appeal.

4.1. After reviewing the legality of the decision to refuse to conduct the trial in a special procedure, as a result of checking the legality of the decision to continue the investigation in general, the Court of Cassation shall make a decision on returning the appeal against the judicial act or leaving it without examination within fifteen days. The decision of the Court of Cassation sets a deadline of fifteen days for the correction of the errors in the decision to return the appeal, for re-filing the appeal.

(414 Article [1] supplemented 07.07.06 HO-152-N, amended, supplemented 21.02.07 HO-93-N, amended 28.11.07 HO-270-N, amended 26.12.08 HO-237 -N, edited 04.02.10 HO-23-N, 10.06.14 HO-48-N, supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 414 [2]: Grounds for accepting an appeal

(title edited on March 23, 18 HO-211-N)

1. An appeal shall be considered if the Court of Cassation finds that:

1) The decision of the Court of Cassation on the issue raised in the appeal may be essential for the uniform application of the law և other normative legal acts;

2) there is a fundamental violation of human rights and freedoms.

2. For the purposes of this Article, the decision of the Court of Cassation on the issue raised in the appeal may be essential for the uniform application of the law և other normative legal acts, if:

1) in at least one other case, the same norm has been applied or has not been applied in a judicial act that has entered into legal force with a contradictory interpretation;

2) the interpretation of a norm in the appealed judicial act contradicts the interpretation given to the given norm in the decision of the Court of Cassation;

3) There is a problem of law development in connection with the norm of substantive or procedural law applied by the court.

3. For the purposes of this article, there is a fundamental violation of human rights and freedoms if:

1) when making the appealed judicial act, the court made a judicial error, which distorted the essence of justice;

2) there is a new or new circumstance.

4. In the sense of point 1 of part 3 of this article, the cases provided for in article 395 of this Code are considered a judicial error.

5. The Court of Cassation shall make a decision on accepting the cassation appeal within three months from the day of receiving the case in the Court of Cassation.

5.1. The Court of Cassation shall make a decision on accepting the appeal against the judicial act of the Court of Appeals within one month from the day of receiving the case in the Court of

Cassation, as a result of checking the legality of the decision to refuse to conduct the trial in a special procedure.

6. The decision of the Court of Cassation on accepting the cassation appeal shall enter into force from the moment it is made, it is final, it is not subject to appeal. The decision on accepting the cassation appeal is sent to the participants of the trial (except for the investigator և the investigative body) within two weeks from the moment of making it.

(414 Article [2] supplemented: 07.07.06 HO-152-N, 21.02.07 HO-93-N, edited 28.11.07 HO-270-N, supplemented, edited, amended 26.12.08 HO- 237-N, ed. 10.06.14 HO-48-N, 23.03.18 HO-211-N, supplemented 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 414 [3] Refusal to accept the cassation appeal

(title edited 10.06.14 HO-48-N)

1. The cassation appeal shall be rejected if the grounds provided for in Article 414.1 1 1 և 2 և և 414.2 1 1 of this Code are absent.

2. The decision to reject the cassation appeal must be reasoned. In the decision to reject the cassation appeal, the cassation court must substantiate the absence of any grounds provided for in Article 414.2, Part 2, Clauses 1 և 2 of this Code, for accepting the cassation appeal referred to in the cassation appeal.

3. The Court of Cassation shall make a decision on the rejection of the cassation appeal within three months from the moment of receiving the case in the Court of Cassation.

3.1. The Court of Cassation shall make a decision on the rejection of the cassation appeal against the judicial act of the Court of Appeals within one month from the day of receiving the case in the Court of Cassation, as a result of checking the legality of the decision to refuse to conduct the trial in a special procedure.

4. The decision to reject the cassation appeal is made on behalf of the Republic of Armenia.

(414 Article [3] supplemented: 21.02.07 HO-93-N, edited 28.11.07 HO-270-N, 10.06.14 HO-48-N, amended 23.03.18 HO-211-N, supplemented. 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 414.4. Response to the appeal

1. The participant in the proceedings has the right to file a response to the cassation appeal from the day of receiving the copy of the cassation appeal until the 15th day following the receipt of the decision on accepting the cassation appeal. The participant of the trial must send a copy of the answer to the participants of the trial (except for the investigator մարմնի the investigating body) at the same time as sending the answer to the Court of Cassation. The answer is signed by the participant of the trial or his / her authorized person.

(Article 414.4 was supplemented on 10.06.14 HO-48-N, edited on 24.06.20 by HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 415 boundaries of case investigation in vrabek COURT

1. The Court of Cassation reviews the judicial acts of the Court of Appeals that have entered into force within the limits of the grounds and justifications mentioned in the appeal.

2. If several persons have been convicted in the case, and the appeal is brought against only one or several convicts, the court is obliged to examine the case only in respect of the given convicts within the limits of the grounds mentioned in the cassation appeal.

(Article 415 amended on 07.07.06 HO-152-N, edited on 28.11.07 HO-270-N)

Article 415.1. Procedure for hearing the appeal in the Court of Cassation և Deadline:

1. The Court of Cassation shall consider the cassation appeals against the judicial act of the Court of Appeal and shall make decisions on them by written procedure, except for the cases when the Court of Cassation has concluded that it is necessary to examine the cassation appeal at the court session.

2. A decision is made to consider the cassation appeal in court.

3. The appeal shall be examined in the Court of Cassation within a reasonable time.

(Article 415.1 was supplemented on 24.06.20 by HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 416 Sessions of the Court of Cassation

A sitting of the Chamber is valid if at least four judges are present.

(Article 416 amended 07.07.06 HO-152-N, edited 28.11.07 HO-270-N, 26.12.08 HO-237-N)

Article 417 PREPARATION of the sitting of the secretary court

(Article expired on 24.06.20 HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 418 Examination of the cassation appeal in the court session

(title edited on 24.06.20 HO-344-N)

1. In case a decision is made to examine the cassation appeal in the court session, the person who brought the appeal, the other participants in the trial shall be notified about the time and place of the court session. Their non-appearance is not an obstacle to the examination of the complaint.

2. The examination of the appeal at the court session begins with the report of the judge of the Chamber of the Court of Cassation. The rapporteur presents the circumstances of the case, the content of the judgment or decision, the arguments of the cassation appeal or the response to the cassation appeal.

3. The judges of the Court of Cassation have the right to ask questions to the rapporteur եւ to the participants in the trial, after which the examination of the appeal is declared completed.

(Article 418 amended on 28.11.07 HO-270-N, edited on 24.06.20 HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 418.1. The written procedure for examining an appeal in the Court of Cassation

1. The examination of the cassation appeal shall be carried out by a written procedure without convening a court session.

2. In case a decision is made on the written examination of the cassation appeal, the participants of the trial shall be informed only about the date of the judicial act to be made as a result of the examination of the appeal.

3. During the examination of the cassation appeal through a written procedure, the reporting judge shall prepare a draft decision of the Court of Cassation, which shall be provided to the other judges of the Court of Cassation together with the case file.

4. Judges of the Court of Cassation may submit comments or suggestions on the draft decision, on the basis of which the Judge Rapporteur may amend the draft decision.

5. Remarks on the draft decision of the Court of Cassation by the judges of the Court of Cassation դեպքում in case the draft is not submitted or after the draft is amended or the submitted remarks և the proposals are not accepted, the rapporteur submits it for voting.

6. If the draft submitted by the rapporteur as a result of the voting is not accepted, the new draft decision on the given case shall be composed of the judges who voted against, the judge appointed by them.

(Article 418.1 was supplemented on 24.06.20 by HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 419 Powers of the Court of Cassation

1. As a result of the review of the judicial acts resolving the case on the merits, the Court of Cassation:

1) rejects the cassation appeal, leaving the judicial act in legal force. In case the cassation court rejects the cassation appeal, but the judicial act resolving the case's case is in fact incomplete or erroneously reasoned, the cassation court shall justify the judicial act left unchanged.

2) satisfies the cassation appeal in full or in part, respectively completely or partially overturning the judicial act. The case is sent to the relevant lower court for a new examination, setting the scope of the new examination. The judicial act remains in legal force.

3) in case of a civil suit, completely or partially overturns the judicial act, approves the conciliation agreement of the parties in that regard;

4) partially or completely overturns և amends the act of the relevant lower court, if the factual circumstances approved by the relevant lower court allow to make such an act, և if it is in the interests of the efficiency of justice;

5) completely or partially overturns the judicial act; terminates the proceedings of the case in whole or in part or leaves the claim in whole or in part without examination;

6) In case the court act is changed by the Court of Appeal, the Court of Cassation shall completely or partially overturn the judicial act of the Court of Appeal, giving legal force to the judicial act of the Court of First Instance. In this case, the Court of Cassation additionally reasoned the judicial act of the court of first instance, if it was incomplete or incorrectly reasoned.

2. As a result of the review of judicial acts that do not resolve the case on the merits, the Court of Cassation rejects the cassation appeal, leaving the judicial act in legal force, or issues a new judicial act, which enters into legal force from the moment it is made.

(Article 419 edited 07.07.06 HO-152-N, 28.11.07 HO-270-N, amended on 08.02.11 HO-38-N)

Article 420 revocation of A CERTIFICATE

1. A verdict of acquittal may be overturned by an appeal other than on the appeal of the prosecutor, the victim or his / her representative, or on the appeal of the acquitted person, if he / she does not agree with the grounds for acquittal.

2. The verdict of acquittal, the dismissal of the case or any other decision made in favor of the accused may not be overturned for the purpose of substantial violation of the criminal procedure law, if the innocence of the acquitted person is not in doubt.

Article 421 Reversal of the verdict by sending the case for additional preliminary investigation

(title edited on 21.02.07 HO-93-N)

1. ***(part has expired on 21.02.07 HO-93-N)***

2. ***(part of it expired on 21.02.07 HO-93-N)***

3. The verdict is subject to reversal by sending the case for additional preliminary investigation, if a significant violation of the criminal procedure law or the international treaty of the Republic of Armenia has been allowed, which cannot be eliminated during the court hearing.

(Article 421 supplemented, amended on 25.05.06 HO-91-N, amended on 21.02.07 HO-93-N)

(The provisions of Part 3 of Article 421 were declared invalid, contradicting Article 19 (Part 1) of the RA Constitution, by decision 24.07.2007 SDO-710)

Article 422 CONTENT of the decisions of the first court

1. The decision of the Court of Cassation based on the results of the examination of the case shall state:

1) case number ապրիլ year, date of decision making, staff of the cassation court that made the decision;

2) the name (title) of the person who brought the cassation appeal;

3) the name of the court that examined the case, the year, date of the verdict or decision, the composition of the court;

4) a brief statement of the essence of the verdict or decision;

5) the names, patronymics, surnames of the participants in the trial;

5.1) substantiation of the existence of at least one of the grounds provided for in part 1 of Article 414.2 of this Code for accepting the cassation appeal;

6) the grounds on which the issue of verification of the legality of the verdict or decision was raised;

7) the laws by which the Court of Cassation was guided in making a decision;

8) the motives for overturning the verdict or decision, by which the Court of Cassation did not agree with the actions of the court that made the verdict or decision;

9) the conclusion on the results of the examination of the cassation appeal.

2. The Court of Cassation, finding that there are no grounds to overturn the judgment or decision, shall indicate this in the decision.

3. The decision of the Court of Cassation must be reasoned, ensure the correct interpretation of the law, promote the development of law. The decision is signed by the entire court.

4. The decisions of the court are attached to the case together with the appeal.

(Article 422 amended on 25.05.06 HO-91-N, amended, edited on 07.07.06 HO-152-N, amended on 10.06.14 HO-48-N)

Article 423 Publication of the decision of the Court of Cassation մտ Entry into legal force

(title edited 10.06.14 HO-48-N, 24.06.20 HO-344-N)

1. The decision of the Court of Cassation made as a result of the examination of the cassation appeal shall be published through the official website of the judiciary.

2. The decision made as a result of the examination of the cassation appeal in the court session shall enter into legal force from the moment of its publication in the courtroom, it shall be final, it shall not be subject to appeal.

3. The decision made as a result of the examination of the cassation appeal in the written procedure, as well as the decisions provided for in Article 1 և 1 և 2 և 2 և 414 . 3 of this Code, shall enter into legal force from the moment it is made, shall be final ապկման on appeal are not subject.

(Article 423 amended on 07.07.06 HO-152-N, 28.11.07 HO-270-N, edited on 26.12.08 HO-237-N, 10.06.14 HO-48-N, 24.06.20 HO- 344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 424 The decision of the Court of Cassation to send the participants of the trial to the relevant court

(title edited on 24.06.20 HO-344-N)

1. The decision of the Court of Cassation made as a result of the examination of the cassation appeal shall be sent to the participants of the trial to the relevant court within a reasonable time.

(Article 424 edited on 24.06.20 HO-344-N)

(24.06.20 HO-344-N law has a transitional provision)

Article 425 specific decision of the court of JRABEK

(Article has expired on 23.10.01 HO-242)

Article 426 CASE INVESTIGATION AFTER REJECTION OF the sentence or decision by the court

After the verdict or decision has been overturned by the Court of Cassation, the case is subject to general consideration.

SECTION 12

ENFORCEMENT OF JUDGMENTS

CHAPTER 49

ENFORCEMENT OF JUDGMENTS

Article 427 ENTRY into the legal power of judicial acts and their exchange

(title changed on 28.11.07 HO-270-N)

1. The judicial act of the court of first instance resolving the case on the merits shall enter into legal force after the expiration of the appeal period, if it has not been appealed. The judicial act of the Court of First Instance, which does not resolve the case on the merits, enters into force from the moment it is made. Judicial acts of the Court of Cassation and the Court of Cassation shall enter into force upon publication, except in cases provided for by this Code.

2. A court decision that has entered into force shall be executed by the court that made the decision no later than 3 days after its entry into force or the return of the case from the appellate or cassation instance.

3. The decision on acquittal or release of the accused shall be executed by the court that rendered the judgment. In this case, the detained defendant is released immediately from the courtroom after the verdict is announced.

4. In accordance with the procedure provided for in part 3 of this Article, a defendant who has been sentenced to a non-custodial sentence, a decision not to apply the sentence conditionally or to postpone serving the sentence shall be released from detention or for a term not exceeding the sentence the period of detention of the person by virtue of the decision changed by the cassation procedure in the given case.

(Article 427 amended 25.05.06 HO-91-N, 01.06.06 HO-121-N, amended, edited 28.11.07 HO-270-N)

Article 428 D urban decision to enforce the decision

1. The judge's order on the execution of the court decision shall be sent with the copy of the decision, and in case of change of the decision with the copy of the decision of the Court of Appeal, it shall be sent to the persons or body entrusted with the task of executing the court decision.

2. At the same time, the judge is obliged to inform the family of the detainee about the sending of the court decision for execution.

If the person sentenced to imprisonment is a citizen of a foreign state with whom the Republic of Armenia is bound by an international agreement on the provision of legal aid in criminal matters or by an agreement on reciprocity of such assistance, the court shall decide on the execution of the court decision on that person. notifies the state of the citizenship of that person through diplomatic channels.

3. The bodies executing the court decision shall immediately inform the court that made the court decision about the execution of the court decision. The administration of the penitentiary institution shall decide on the court that made the court decision, on the place of serving the sentence by the convict known to the convict's family, on his transfer or release.

Where the judgment is enforced against nationals of the foreign States referred to in the second paragraph of paragraph 2 of this article, the executing authority shall communicate the information

provided for in this paragraph to the States referred to in the second paragraph of the second paragraph of this article in the manner prescribed by that paragraph.

4. ***(part of it expired on 24.12.04 HO-61-N)***

(Article 428 amended on 24.12.04 HO-61-N, supplemented on 25.05.06 HO-91-N)

Article 429 ENSURING the rights of the condemned at the stage of execution

1. At the stage of execution of the court decision, the judicial protection of the rights of the convict in connection with the delivery and execution of the court decisions is ensured.

2. The convict has the right to apply to the court that made the decision, to postpone the execution of the court decision, to release him / her from serving the sentence due to a serious illness or the expiration of the period of delay, as well as announcements on other issues provided by this Code.

3. When the court examines the issues related to the execution of court decisions, the convict has the right to participate in the court session, to testify, present evidence, file motions, challenge, get acquainted with all the materials of the case, appeal the court actions and decisions.

If the convict is a citizen of a foreign state, with which the Republic of Armenia is bound by an international agreement on the extradition of convicts, or the possibility of extradition is provided by an agreement on reciprocity, he has the right to apply to the court that made the decision.

The court shall take measures in accordance with the norms of Chapters 54 54 ^{1} ^{1} of this Code to process the inquiry addressed to it, without suspending the implementation of the provisions of this Chapter for the submission of the decision.

4. The convict may exercise his rights in person or with the assistance of a lawyer. The presence of a lawyer during the court examination of issues related to the execution of court decisions against a juvenile, as well as a convict suffering from a physical or mental disability, is mandatory.

(Article 429 amended on 24.12.04 HO-61-N, amended, supplemented on 25.05.06 HO-91-N, amended on 13.06.06 HO-67-N)

Article 430 resolution of doubts or incorrections about DECISION

The court that made the verdict or other court decision has the right to resolve the doubts, uncertainties that arose during its execution, in particular:

1) clearly determine the amount of the calculated penalty, if it is not defined in the court verdict;

2) ***(the point expired on 24.12.04 HO-61-N)***

3) resolve the issue of the fate of precautionary measures, redistribution of court costs և material evidence, if it has not been resolved or has not been resolved clearly;

4) comment on the ambiguities of its decisions.

(Article 430 amended on 24.12.04 HO-61-N)

Article 431 DELAYING the implementation of the decision

1. The execution of a court decision against a person sentenced to imprisonment may be postponed by the court that made the decision, if there is one of the following grounds:

1) a serious illness of a convict, which prevents him from serving his sentence until he recovers;

2) the pregnancy of the convict at the moment of execution of the court decision, for not more than one year;

3) the presence of minor children of a convicted woman before the child reaches the age of three;

4) ***(the point has expired on 24.12.04 HO-61-N)***

2. Payment of the fine may be delayed or deferred for up to one year if immediate payment of the fine by the convict is impossible.

3. The issue of postponement or deferral of a court decision on a civil suit or other damages shall be resolved by the court, taking into account the specific circumstances of the case և the material condition of the convict.

4. The issue of postponement of the execution of the court decision is examined by the court through the mediation of the convict, his legal representatives, close relatives, defense counsel, prosecutor, other participants, as well as on the initiative of the court that made the court decision.

(Article 431 amended on 24.12.04 HO-61-N, supplemented on 13.06.06 HO-67-N)

Article 431.1. Replacing the fine with public works

1. The court shall replace the fine or the unpaid part of the fine with the impossibility to pay the fine through public works, as well as in cases of malicious evasion of the fine.

2. The issue of replacing the fine or the unpaid part of the fine with public works shall be examined by the court through the mediation of the body executing the sentence or the convict.

3. The burden of proving the impossibility of paying the fine shall be borne by the convict.

4. The court shall decide on the impossibility of paying the fine or its malicious evasion, taking into account the motion to replace the fine with public works, the explanations of the convict or his lawyer on non-payment of the fine, the submitted documents.

(Article 431.1 was supplemented on 01.03.17 by HO-61-N)

Article 432 RELEASE from bearing due to disease

1. In the event that a person sentenced to imprisonment has a chronic mental or other serious illness while serving his sentence, which is an impediment to serving the sentence, the court, upon the motion of the administration of the penitentiary institution, which must be based on the conclusion of the medical commission, has the right to decide. to release him from serving his sentence later. The court will consider the petition immediately, but not later than the next day after receiving it. Upon completion of the examination of the petition, the court makes a decision on the approval or rejection of the petition, stating the grounds for the approval or rejection.

2. When releasing a convict suffering from a chronic mental illness after serving his sentence, the court has the right to apply compulsory medical measures against him or to transfer him to the health authorities or relatives for custody.

3. In resolving the issue of release from serving a sentence for persons with a serious illness, the court shall take into account the gravity of the crime committed, the personality of the convict and other circumstances.

4. Releasing a convict from serving a sentence due to illness, the court has the right to release him not only from the main, but also from the additional punishment.

(Article 432 was supplemented on 08.07.20 HO-357-N)

Article 433 RELEASE OF A convicted person for which the execution of a court decision is delayed, as is the delay of execution of

1. The court shall release the convict against whom the execution of the court decision has been postponed through the mediation of the body executing the sentence. The convict, his defense counsel or legal representative may also submit a motion for release to court.

2. The court eliminates the postponement of the execution of the sentence of imprisonment; sends the convict to serve the sentence through the mediation of the body executing the sentence.

Article 434 RELEASE the conditional period or replace the penalty with a more modern penalty

1. In the cases provided for in Article 115 5 5 և 6 մաս 6 of the Penitentiary Code of the Republic of Armenia, the head of the penitentiary institution shall submit to the court the issue of conditional early release of the convict from serving the sentence or replacement of the unserved part of the sentence with a milder one. The court applies these measures to those serving a sentence in a disciplinary battalion through a petition of the disciplinary battalion command. ***(the sentence was removed on 25.05.06 HO-91-N, 13.06.06 HO-67-N)***

2. ***(part has expired on 25.05.06 HO-91-N)***

3. In case of rejection of the conditional parole or replacement of the unserved part of the sentence with a milder sentence, the issue may be reconsidered not earlier than 6 months after the entry into force of the judicial act on denial, and in the case of persons sentenced to life imprisonment: three years later.

(Article 434 amended on 25.05.06 HO-91-N, 13.06.06 HO-67-N, edited, amended, supplemented 01.03.17 HO-64-N, amended on 23.05.18 HO-334 -Ն)

Article 434 [1] . The search for the convict

The court has the right to announce the search for the convicted fugitive through the mediation of the competent body supervising the convict's behavior.

(***Article 434 supplemented. 15.11.06 HO-181-N)***

Article 435 CHANGING the conditions of periods sentenced to imprisonment when sentence

(Article expired on 24.12.04 HO-61-N)

Article 436 CALCULATION OF time to be in direct institution with penalty period

The time spent in a medical institution by a person serving a sentence of imprisonment shall be included in the term of the sentence.

Article 437 COURTS resolving issues concerning the execution of decisions

1. Issues related to the enforcement of court decisions are resolved by the court that made the court decision.

2. If the court decision is executed outside the court premises of the court that made the decision, the issue shall be resolved by the court of the same instance of the given court area. In this case, a copy of the decision is sent to the court that made the court decision.

3. The issues of release from serving the sentence due to illness or disability, parole, or replacement of the unserved part of the sentence with a milder sentence shall be resolved by the decision of the court where the convict is serving his sentence, regardless of which court made the court decision.

4. In case of non-conditional application of the sentence, to eliminate the non-conditional application of the sentence, to send the convict to serve the sentence imposed on the verdict; The issues of replacing most of them with public works are resolved by the decision of the convict's place of residence.

(Article 437 amended on 24.12.04 HO-61-N, 25.05.06 HO-91-N, 15.11.06 HO-181-N, supplemented 01.03.17 HO-61-N)

Article 438 D procedure for resolution of issues related to enforcement

1. Issues related to a court decision are examined by the court in a court session with the participation of the convict. In cases provided by this Code, the participation of the Defender and the Prosecutor is mandatory.

2. If the issue concerns the execution of a part of the civil suit of the court decision, the civil plaintiff is also called. The non-appearance of the mentioned persons does not hinder the examination of the case.

3. The presence of a representative of the medical commission that has made a conclusion is mandatory when the court resolves the issue of releasing a convict due to illness or disability or placing him / her in a hospital.

3.1. The issue of parole or replacement of the unserved part of the sentence with a milder one shall be considered by the court on the motion of the administration of the penitentiary institution or in the case envisaged by Article 115, Part 8 of the Penitentiary Code of the Republic of Armenia within ten days of receiving the convict. Properly notifying the convict, the prosecutor, the victim (the legal successor of the victim), the probation service or the penitentiary service.

3.2. ***(part expired on 23.05.18 HO-334-N)***

3.3. The court shall obligatorily participate in the examination of the issue of parole of the convict from serving the sentence or replacement of the unserved part of the sentence with a milder type of punishment:

1) the prosecutor

2) the convict և his / her lawyer, if the convict has a lawyer;

3) representatives of the probation service և penitentiary service.

3.4. The victim (the legal successor or the victim's representative) may also participate in the examination of the issue, but the absence of a duly notified victim (the victim's legal successor, the victim's representative) is not an obstacle to the examination of the issue. The representative of the body executing the sentence may be summoned to the court session on the initiative of the court or upon the mediation of the party.

3.5. The examination of the issue of parole of the convict or replacement of the unserved part of the sentence with a milder type of punishment shall be held in an open court session. The investigation begins with the publication of the reports by the representatives of the probation service and the penitentiary service. The court then hears the position of the prosecutor, then the convict or his lawyer, if the convict has a lawyer.

3.6. As a result of the examination of the issue of conditional early release of the convict from serving the sentence or replacement of the unserved part of the sentence with a milder type of punishment, the court shall make a decision:

1) on conditional parole of the convict or replacement of the unserved part of the sentence with a milder type of punishment, or

2) on refusing parole or replacing the unserved part of the sentence with a milder type of punishment.

3.7. Within three days after the court decision is made, it is sent to the convict, the prosecutor, the victim, the probation service, the penitentiary service.

4. When considering the issue of parole in the disciplinary battalion, replacing the unserved part of the sentence with a milder one, the representative of the body executing the sentence shall be summoned to the court, who shall submit a written description of the convict given by the command of the disciplinary battalion.

5. The hearing of the case begins with the publication of the petition by the presiding judge, after which the court examines the evidence, hears the persons present at the court session, and the opinions of the prosecutor. The latter is represented by the convict or his lawyer. The court then leaves the deliberation to make a decision.

(Article 438 amended on 24.12.04 HO-61-N, 25.05.06 HO-91-N, supplemented 01.06.06 HO-121-N, 13.06.06 HO-67-N, supplemented, amended 01.03.17 HO-64-N, amended 23.03.18 HO-278-N, 23.05.18 HO-334-N)

SECTION 12[1]

REVIEW OF JUDICIAL ACTS WITH NEW ARRIVALS IN YEREVAN OR NEW CIRCUMSTANCES
(SUPPLEMENTARY SECTION: 28.11.07 LA -270- N)

CHAPTER 49 [1:]

REVIEW OF JUDICIAL ACTS WITH NEW OR NEW CIRCUMSTANCES

Article 426 [1] . A court that has just appeared or is reviewing a judicial act under new circumstances

1. A judicial act that has just entered into force or is subject to review under new circumstances is subject to review only.

2. The judicial act of the Court of First Instance shall be reviewed by the Court of Appeal, and the judicial acts of the Courts of Cassation shall be reviewed by the Court of Cassation.

(Article 426 supplemented on 28.11.07 HO-270-N, edited on 26.12.08 HO-237-N, 20.05.10 HO-96-N)

(426 The phrase "only" in Article 1 մաս [1] , in so far as it precludes the revision of other final legal acts in accordance with the law in the light of new or new circumstances, thereby endangering the effective protection of the person, in particular before the competent state bodies in pre-trial proceedings). The right to funds was declared invalid by the decision 04.02.2011 SDO-935 , contradicting the requirements of Part 1 of Article 18 of the RA Constitution).

Article 426 [2] . Persons who have just arrived or have the right to appeal against a judicial act under new circumstances

(title changed on 26.12.08 HO-237-N)

They have the right to file an appeal to review a judicial act that has just appeared or under new circumstances

1) persons interested in the case related to that circumstance, except for criminal prosecution bodies;

2) Persons who, as of the date of the decision of the Constitutional Court on the issue of constitutionality of the provision of the law, had the right to exercise that right in accordance with the requirements (terms) of the Constitutional Law of the Republic of Armenia or Article 29, Part 1 of Article 3 of the same law. They were deprived of the opportunity to examine their case in the Constitutional Court by virtue of points 4 or 4.

3) those persons who, at the time of making the relevant judicial act by the international court with the participation of the Republic of Armenia, had the right to apply to an international court in accordance with the requirements (terms) of the international treaty;

4) The Prosecutor General of the Republic of Armenia and his deputies.

(426 Article [2] supplemented 28.11.07 HO-270-N, amended, edited 26.12.08 HO-237-N, edited 20.05.10 HO-96-N, amended, supplemented 17.01.18 HO-48-N)

Article 426 [3] . Grounds and deadlines for review of judicial acts due to new circumstances

1. Judicial acts are reviewed due to new circumstances, if:

1) a judicial act that has entered into force confirms the obvious erroneousness of the witness, the victim's testimony, the translator's translation or the expert falsification of the expert's conclusion, as well as the falsification of material evidence, records of investigative and judicial actions or other documents. to make.

2) the criminal act of the judges, which they allowed during the examination of the given case, is confirmed by a judicial act that has entered into legal force;

3) the court act, which has entered into legal force, confirms such criminal actions of the persons conducting the investigation of the case, which led to an ungrounded, illegal verdict or a decision to dismiss the case;

4) other circumstances unknown to the court during the issuance of the judicial act, which prove themselves or with the previously clarified circumstances the innocence of the convict or the fact that the crime he committed is less or more serious than the one for which he was convicted, as he proves the guilt of the acquitted person or the person against whom the criminal prosecution has been terminated or the proceedings in the case have been terminated;

5) After the verdict in the co-operation proceedings, circumstances have arisen which substantiate that the person who signed the co-operation agreement intentionally provided false information to the criminal prosecution body or concealed any essential information or obstructed the further investigation of the crime revealed as a result of the co-operation.

2. An appeal for review of a judicial act in the new circumstances may be brought within 4 months from the moment when the appellant knew or could have known about their appearance.

3. If due to the expiration of the statute of limitations, the adoption of a law on amnesty or the pardon of certain persons, such as the impossibility of making a judicial act following the death of the accused, the new circumstances referred to in paragraphs 1-3 of part 1 of this Article shall be clarified. by examination.

4. Review of acquittals ŋŋշ Review of decisions on termination of proceedings or termination of criminal prosecution is allowed only during the statute of limitations for criminal prosecution.

5. The review of a judicial act by which a conviction has been rendered in the light of circumstances which show the conviction of a convicted person or the fact that he has committed a more serious offense than the one for which he was convicted is not limited in time.

6. The death of a convict is not an obstacle to the revision of the judicial act in the light of new circumstances in order to restore the rights of the convict or other persons.

7. The provisions of this Article shall apply to criminal cases for which a judgment has not been rendered.

(Article 426 amended on 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N, 01.11.18 HO-415-N, amended on 05.05.21 HO-200-N)

(05.05.21 HO-200-N law has a transitional provision)

Article 426 [4] . Grounds and deadlines for review of cases due to new circumstances

1. Due to new circumstances, judicial acts are reviewed in the following cases:

1) The Constitutional Court of the Republic of Armenia recognized the provision of the law applied by the court in the given criminal case as unconstitutional, invalid or in accordance with the Constitution, but revealing its constitutional content in the final part of the decision, found that this provision was applied with a different interpretation.

2) the fact of violation of the right of a person envisaged by the international treaty ratified by the Republic of Armenia has been substantiated by a judgment or decision of an international court acting on the basis of an international treaty ratified by the Republic of Armenia;

2.1) The Supreme Judicial Council has adopted a decision by which the judge who made the given judicial act has been subject to disciplinary liability for obvious gross violation of a material or procedural norm while administering justice in the given case;

3) in cases of other new circumstances envisaged by the international treaty of the Republic of Armenia.

2. The new circumstances provided for in points 1 և 2 of part 1 of this Article shall be considered approved by the decision of the Constitutional Court of the Republic of Armenia, respectively, from the moment of their entry into force by the decision of the international court acting with the participation of the Republic of Armenia.

3. An appeal for review of a judicial act under new circumstances may be brought within 3 months from the moment when the appellant knew or could have known about their occurrence.

4. In the case provided for in paragraph 2 of part 1 of this Article, the calculation of the three-month period shall begin from the date of delivery of the judgment or decision of the international court acting with the participation of the Republic of Armenia to the person who applied to that court.

(426 Article [4] supplemented 28.11.07 HO-270-N, amended 26.12.08 HO-237-N, supplemented, edited 20.05.10 HO-96-N, edited 26.10.11 HO-270 -N, supplemented 21.06.14 HO-87-N, edited 23.03.18 HO-211-N)

(Article 426.4, part 1, point 1: "or recognized it as in accordance with the Constitution, but in the final part of the decision, revealing its constitutional content, found that this provision was applied with a different interpretation" in the provision* "in the final part" *28.03 . 17 by the decision SDO-1359 to declare invalid ոդ contradict Articles 93- 103 արդությանն of the RA Constitution / with the amendments of 2005 / Insofar as it exists, the legal positions of the RA Prosecutor General or his deputies on the basis of a new circumstance in the cassation part of the Constitutional Court decision, revealing the constitutional content of the law, are not taken into account in the case law.

Article 426 [5] . Initiation of the proceedings due to new circumstances

1. Statements and reports on new circumstances are sent to the Prosecutor.

2. In the presence of any of the grounds provided for in part 1 of Article 426 [3] of this Code , the prosecutor shall make a decision to initiate proceedings in accordance with the new circumstances, to conduct an investigation into those circumstances or to instruct the investigator to do so.

3. If the prosecutor who received the report does not find grounds to initiate proceedings in connection with the new circumstances, he / she shall refuse to initiate proceedings by a reasoned decision. The decision is communicated to the interested parties, who can appeal it to the superior prosecutor.

4. ***(the point has expired on 26.12.08 HO-237-N)***

(Article 426 was supplemented by 28.11.07 HO-270-N, amended on 26.12.08 by HO-237-N)

Article 426 [6] . The actions of the prosecutor after completing the investigation of the new circumstances (investigation)

(title changed on 26.12.08 HO-237-N)

1. Upon completion of the investigation of the new circumstances, considering the grounds for reviewing the judicial act, the Prosecutor shall send the conclusion drawn up on the results of the examination to the Prosecutor General or his Deputy.

2. The Prosecutor General and his / her Deputy, considering the grounds for review of the case available, shall submit a complaint to the court, attaching to it the acts of examination or examination, respectively.

3. If there are no grounds to review the judicial acts, the prosecutor shall terminate the proceedings by his / her reasoned decision. A copy of the decision is sent to the person submitting the report within three days.

(Article 426 supplemented [on] 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N)

Article 426 [7] . Complaints to review new or emerging judicial acts պահանջ their claims

(title changed on 26.12.08 HO-237-N)

1. An appeal to review a judicial act that has just appeared or under new circumstances must contain:

1) Name, surname, address or place of residence, position of the person who filed the complaint;

2) the name of the court to which the appeal is addressed;

3) day, month, year of the judicial act subject to review;

4) the statement of a new or new circumstance that served as a basis for the review of the judicial act;

5) the claim of the person who submitted the complaint;

6) the list of documents attached to the complaint;

7) the signature of the person submitting the complaint.

2. Newly arrived or new materials are attached to the complaint, as well as other materials.

3. The appellant duly sends a copy thereof, along with copies of newly arrived or new evidence, to the participants in the proceedings (except for the investigator սպոմի the investigating body).

4. On the basis of the new circumstances, the person concerned may file a complaint instead of the person authorized by him / her, who must submit the document confirming his / her powers to the court at the same time as the complaint.

(Article 426 supplemented on 28.11.07 HO-270-N, amended on 26.12.08 HO-237-N, 20.05.10 HO-96-N)

Article 426[8]. Initiation of judicial review proceedings with new or new circumstances

1. The court shall review the judicial act on the basis of a decision to initiate review proceedings on new or new circumstances.

2. The court rejects the initiation of review proceedings if:

1) the complaint has been submitted in violation of the term provided by this Code, մի no motion has been submitted to restore it, or

2) there is absolutely no new circumstance, or

3) ***(sub-item has expired on 26.12.08 HO-237-N)***

4) no evidence has been submitted to prove the new circumstance that became the basis for reviewing the judicial act, և if the court is not aware of the existence of such a circumstance, or

5) the complaint was submitted or signed by an inappropriate person, or it was not signed at all.

3. The court shall make a decision to reject the initiation of the review proceedings within 10 days after receiving the appeal. The decision to reject the initiation of review proceedings may be appealed in accordance with the procedure established by this Code.

(Article 426 supplemented on 28.11.07 HO-270 -N, amended, edited on 26.12.08 HO-237-N)

Article 426[9]. Review of Judicial Acts

1. As a result of the examination of the case, the court shall issue a judicial act in accordance with the general procedure provided by this Code, as a result of the examination of the case.

2. In a judicial act concluded as a result of that proceeding, the court may not change the final part of the revised judicial act only if it substantiates by pointing out solid arguments that the circumstances provided for in Articles 426.3 or 426.4 of this Code could not substantially affect the outcome of the case.

3. The judicial act of the Court of Appeal may be appealed to the Court of Cassation in the general manner prescribed by law.

(Article 426[1] supplemented on 28.11.07 HO-270-N, amended, edited on 26.12.08 HO-237-N, edited on 26.10.11 HO-270-N)

(SECTION COMPLETE: 28.11.07 LA -270- N)

SECTION 13

CHARACTERISTICS OF CASE OF INDIVIDUAL CRIMES

CHAPTER 50

CHARACTERISTICS OF CASE OF JUVENILE MINORS

Article 439 A procedure for minor cases

1. The provisions of this Chapter shall apply to cases involving persons under the age of eighteen at the time of the commission of the offense.
2. The procedure for proceedings in juvenile cases is regulated by the general rules of this Code, as well as by the articles of this chapter.

Article 440 the circumstances to be approved in the cases of MINORS

In addition to the circumstances to be confirmed in all cases, in the case of minors it is necessary to find out the following:
1) age (day of birth, month, year).
2) living conditions. Upbringing;
3) state of health և general development.

Article 441 THE LEGAL REPRESENTATIVE OF A minor participates in the investigation of the case

The legal representative of the juvenile suspect or accused participates in the investigation of juvenile delinquency cases.

Article 442 ARRESTS AGAINST A minor as a measure of detention

Detention of a juvenile suspect or accused may be used as a measure of restraint only if he or she is charged with committing a serious, serious or particularly serious crime.

Article 443 RELEASE OF A juvenile by application of courses of educational nature

The court, concluding that the juvenile can be corrected without imposing criminal sanctions, can release the juvenile from punishment and apply coercive measures of educational nature to him / her.

CHAPTER 51

CHARACTERISTICS OF PROCEDURE FROM INTERNATIONAL ADVANTAGES AND CASES OF PERSONS ENJOYING IMMOVABILITY

Article 444 D ESTABLISHMENT OF PERSONS beneficiaries UNDER the jurisdiction of the republic of armenia

Persons enjoying diplomatic immunity may be under the jurisdiction of the Republic of Armenia only if the relevant foreign state or international organization gives its express consent.

Article 445 D persons using religious immunity

The following persons enjoy diplomatic immunity:

1) the heads of the diplomatic missions of a foreign state, the members of the diplomatic staff of those missions, the cohabiting members of their families, if they are not citizens of the Republic of Armenia;

2) on the basis of reciprocity, the employees of the administrative-technical staff of the diplomatic missions, the cohabiting members of their families, if they are not citizens of the Republic of Armenia, do not permanently reside in the Republic of Armenia;

3) on the basis of reciprocity, the staff of the diplomatic mission, who are not citizens of the Republic of Armenia, do not permanently reside in the Republic of Armenia;

4) diplomatic messengers;

5) heads of consular institutions և other officials;

6) Representatives of a foreign state, members of parliamentary "governmental delegations", on the basis of reciprocity, members of foreign delegations who have arrived in the territory of the Republic of Armenia for international negotiations, international assemblies, consultations or other official missions or for the same purposes. who accompany them չեն are not citizens of the Republic of Armenia.

7) Heads, members, staff, officials of foreign representations of foreign states in international organizations, who are in the territory of the Republic of Armenia by virtue of international agreements or internationally known customs;

8) Heads of diplomatic missions in a third country, members of the diplomatic staff of diplomatic missions of a foreign state, who are in transit in the territory of the Republic of Armenia, և their family members who accompany the mentioned persons or travel separately to join them or return to their country.

Article 446 A personal immovability

1. The persons listed in Article 445 of this Code shall enjoy the right to personal immunity. They may not be arrested or detained except when necessary for the execution of a legally binding sentence.

2. The pre-trial body arrested by the persons mentioned in part 1 of this Article, the prosecutor or the court shall be obliged to immediately inform the Ministry of Foreign Affairs of the relevant state by telephone, telegram or other means.

Article 447 INVIOLABILITY of criminal persecution

1. The persons listed in Article 445 of this Code shall enjoy immunity from criminal prosecution in the Republic of Armenia. The issue of involving such persons as suspects or accused is resolved through diplomacy.

2. The staff of the diplomatic mission, who are not citizens of the Republic of Armenia, do not permanently reside in the Republic of Armenia, the heads of consular posts, other officials in the Republic of Armenia enjoy immunity from criminal prosecution only in the performance of their official duties.

Article 448 PROVISION A to give indications

1. The persons listed in Article 445 of this Code may not testify as witnesses or victims, and in case of consent to testify, they are not obliged to appear before the investigator, prosecutor or court.

2. When the given persons testified as witnesses, victims during the preliminary investigation, and did not appear at the court hearing, the court may publish their testimonies.

3. Heads of Consular Institutions և Other officials may not refuse to testify as witnesses or victims, except in the case of matters relating to the performance of their official duties. Consular officials may not be subject to coercion if they refuse to testify.

4. In case of receiving the consent mentioned in the first part of this Article, the summons-notification handed over to the relevant persons shall not contain a note on the application of coercive measures in case of non-appearance to the body conducting the proceedings.

5. Persons exercising diplomatic immunity shall not be obliged to submit to the investigator, prosecutor, or court any correspondence or other documents relating to the performance of their official duties.

Article 449 INVISIBILITY of buildings and documents

1. The building occupied by the diplomatic mission, the residence of the head of the diplomatic mission, the residential buildings of the members of the diplomatic staff, their property և vehicles are inviolable. Access to such premises, such as searches, seizures, seizures of property, may be made only with the consent of the head of the diplomatic mission or the person holding that position.

2. The rights provided for in part 1 of this Article shall, on the basis of reciprocity, apply to the residential buildings occupied by the administrative and technical staff of the diplomatic mission and their cohabiting family members, if the said persons, their family members are not citizens of the Republic of Armenia, do not permanently reside in the Republic of Armenia.

3. The building occupied by the consular posts - the residence of the heads of the consular posts on a reciprocal basis, are inviolable. Access to such premises, such as searches, seizures, or seizures of property, may be made only at the request or with the consent of the heads of diplomatic missions or consular posts.

4. The archives, documents and official documents of diplomatic missions and consular posts are inviolable. Diplomatic mail can not be opened or retrieved.

5. In cases provided for in the first, second and third parts of this Article, the bodies conducting criminal proceedings shall obtain the consent of the heads of diplomatic missions and consular posts through the Ministry of Foreign Affairs of the Republic of Armenia.

6. Search, seizure and arrest in the above-mentioned buildings shall be carried out in the presence of the Prosecutor and the representative of the Ministry of Foreign Affairs of the Republic of Armenia.

SECTION 14

SPECIAL PROCEEDINGS

CHAPTER 52

PROCEDURE OF APPLICATION OF MEDICAL COURSES AGAINST INSANE PERSONS

Article 450 basics for using courses of A MEDICAL NATURE

1. The court shall apply coercive measures of a medical nature to persons who have committed an act not permitted by criminal law in a state of insanity, if those persons continue to be dangerous to society.

2. The procedure for proceedings on the application of coercive measures of a medical nature shall be determined by the general rules of this Code and the articles of this chapter.

(Article 450 amended on 25.05.06 HO-91-N)

Article 451 B PRE- trial procedure for application of medical courts

1. Pre-trial preparation of materials on cases of application of compulsory medical measures is carried out by means of preliminary investigation.

2. The investigator and the prosecutor make a decision on initiating proceedings to apply compulsory medical measures.

3. The Defender, the legal representative, the person against whom coercive medical proceedings have been instituted may participate in the investigative actions, except in cases when his / her mental condition prevents him / her from participating.

4. If the person against whom coercive medical measures are being taken cannot participate in the proceedings due to his / her mental condition, the investigator or the prosecutor shall draw up a protocol, which shall be sent to the judge to resolve the issue of declaring the person incompetent.

Article 452 the circumstances of disclosure in the cases of A

In the case of persons subject to coercive medical measures, it should be clarified:

1) the time, place, means և committing an act not allowed by them under criminal law և other circumstances;

2) the performance of the act by the given person;

3) the presence of a mental illness of the given person before the commission of the act, the degree of illness nյթը the nature of the moment of the commission of the act, after that, during the examination of the case;

4) the behavior of the given person before committing the act;

5) the amount and nature of the damage caused.

(Article 452 amended on 25.05.06 HO-91-N)

Article 453 DISCONTINUING the criminal case

If during the criminal case it turns out that one of the accomplices was in a state of insanity at the time of committing the act, the case against him is separated in a separate proceeding.

Article 454 THE DEFENDANT 's participation

Defender's participation is mandatory from the moment of initiating proceedings for the application of compulsory medical measures.

Article 455 LEGAL representative

In the cases of persons subject to coercive medical measures, close relatives or a representative of the medical institution where the person is located participate in the case as legal representatives by the decision of the investigator, prosecutor, court.

Article 456 THE RIGHTS OF THOSE who are exercised to apply medical courses

The person against whom coercive medical measures are being exercised enjoys all the rights of the accused. He has the right, depending on the degree and nature of the disease, to know that he is guilty of committing a crime, to have a lawyer, to give explanations, to present evidence, to participate in the investigation with the permission of the investigator, to get acquainted with the records of the investigation. on completeness և on authenticity, to initiate motions և to challenge, to get acquainted with all the materials of the case after the end of the proceedings և to make any notes, without limiting their volume, to receive a copy of the decision to send the case to court

Article 457 A security means

1. In the case of insanity, precautionary measures may not be applied to persons who have committed an act not permitted by the Criminal Code. The measure of restraint applied after the fact of insanity is confirmed by the court is subject to immediate abolition.

2. If necessary, the following security measures shall be applied to those persons:

1) handing over the patient for control to relatives, trustees, guardians, informing the health authorities;

2) Placement in a psychiatric organization եվ treatment.

(Article 457 amended, supplemented 25.05.06 HO-91-N, 18.06.20 HO-348-N)

Article 458 HANDING over relatives, trustees, trustees for department

1. From the moment of confirmation of the insanity of a person who has committed an act not permitted by criminal law, but does not pose a danger to the society, he / she may be placed under the control of relatives, guardians, trustees, notifying the health authorities.

2. The investigator, the prosecutor, the court shall make a reasoned decision on the choice of the given measure.

(Article 458 amended on 25.05.06 HO-91-N)

Article 459 PLACEMENT OF A person in psychiatric organization և treatment

(title supplemented, amended on 18.06.20 HO-348-N)

1. From the moment of confirmation of the fact of insanity of a person who has committed an act not permitted by criminal law and poses a danger to the society, he / she can be accommodated and treated in a psychiatric organization.

2. Placement in a psychiatric organization և treatment is allowed by a reasoned decision of the investigator, which is approved by the court.

(Article 459 amended on 25.05.06 HO-91-N, supplemented, amended on 18.06.20 HO-348-N)

Article 460 END of pre-trial preparation

1. If the evidence gathered is sufficient to conclude the proceedings, the investigator shall make one of the following decisions:

1) on sending the case to court for the application of compulsory medical measures;

2) on termination of the proceedings in the case, if the person who committed the act not permitted by the criminal law in a state of insanity has recovered at the time of the examination և does not need to apply compulsory medical measures;

3) to terminate the criminal proceedings on general grounds and to terminate the criminal prosecution.

2. At the end of the proceedings in the case, the investigator shall present the materials of the completed proceedings to the victim, his / her representative, the person against whom the proceedings were conducted, his / her legal representative, the defense counsel.

3. A protocol shall be drawn up on the persons envisaged by the second part of this article getting acquainted with the materials of the case.

(Article 460 amended on 25.05.06 HO-91-N)

Article 461 D at the authorities 'powers at the completion of the investigation in cases of the inspiratory

The materials of the completed proceedings shall be handed over to the prosecutor with the decision of the investigator to send the case to court for the application of compulsory medical measures, who shall make one of the following decisions:

1) approves the decision of the investigator և sends the case to court;

2) sends the case to the investigator for additional investigation;

3) terminates the proceedings in the case; terminates the criminal prosecution.

Article 462 CASE examination in court

1. The trial shall begin with a report by the prosecutor on the necessity of applying coercive medical measures against a person who has committed an act not permitted by criminal law. The court then examines the evidence presented by the parties, hears the person against whom the proceedings are being conducted, his lawyer, his legal representative, as well as the opinion of the prosecutor.

2. The court then leaves the deliberation room to make a decision.

(Article 462 amended on 25.05.06 HO-91-N)

Article 463 THE ISSUES DISCUSSED BY THE COURT MAKING A decision

When deciding on a case, the court must resolve the following issues:

1) Has a publicly dangerous act been committed?

2) whether the act was committed by the person against whom a coercive medical procedure was carried out;

3) whether the act was committed in a state of insanity, whether the person is in a given state at the time of the court examination;

4) Does the person need to be subjected to coercive medical measures, especially what measures?

Article 464 MAKING A DECISION ?

1. Considering the commission of an act not permitted by a criminal law in a state of insanity proved, the court shall make a decision on releasing the person from criminal liability, punishment and applying coercive medical measures against him / her.

2. If the person does not pose a great danger to the society, does not need to be subjected to coercive measures of a medical nature, the court shall make a decision to terminate the proceedings in the case, to terminate the criminal prosecution. If at the time of the act the person was in a state of insanity, and at the time of the trial he recovered, the court also decides to terminate the proceedings in the case and to terminate the criminal prosecution.

(Article 464 amended on 25.05.06 HO-91-N)

Article 465 removing or modificing the mandatory of A MEDICAL NATURE

1. If after the improvement of the health condition of the person or full recovery the necessity of further application of the compulsory medical measure disappears, the court, based on the conclusion of the medical commission, examines the issue of eliminating or changing the compulsory medical measure through the mediation of the health body.

2. A close relative, legal representatives or other interested persons may file a motion to abolish or change the compulsory medical measure.

3. All issues are resolved by the court of the place of application of the compulsory medical measure, with the obligatory participation of the prosecutor, through whose mediation the issue of eliminating or changing the compulsory medical measure is decided.

CHAPTER 53

THE COURSE OF APPLICATION OF MEDICAL MEASURES FOR PERSONS SICKLY MENTALLY

Article 466 PRE -trial preparation

1. Pre-trial preparation for cases of this category is carried out by means of preliminary investigation.

2. A person with a mental illness after the incident, his / her lawyer, legal representative may participate in the criminal proceedings.

3. If a person with a mental illness is unable to participate in the proceedings due to a health condition, the investigator and the prosecutor shall draw up a report.

4. Considering the evidence gathered to be sufficient, the investigator shall make one of the following decisions:

1) suspend the criminal proceedings և send the materials to the prosecutor to resolve the issue of sending the case to court for the application of compulsory medical measures;

2) terminate the criminal proceedings; terminate the criminal prosecution.

5. Upon receiving the materials referred to in paragraph 4 of this Article, the Prosecutor shall make one of the following decisions:

1) approves the decision of the investigator to send the materials of the case to court for the application of compulsory medical measures;

2) returns the case to the investigator for additional investigation;

3) terminates the criminal proceedings; terminates the criminal prosecution.

Article 467 THE DEFENDANT 's participation

The participation of the Defender is mandatory from the moment the fact of mental disorder is confirmed, if he / she has not participated in the case before.

Article 468 DISCONTINUING the criminal case

If during the investigation of the case it is found out that one of the accomplices got a mental disorder after committing the crime, the case against him can be separated in a separate proceeding.

Article 469 MEASURES of destruction

1. Persons with mental disorders after committing a crime may be subject to precautionary measures, if their health condition does not prevent it. If these individuals are in custody, they should be placed in special medical facilities under medical supervision.

2. If, due to their health condition, no precautionary measures can be applied to persons with mental disorders, the security measures provided for in Articles 458 և 459 of this Code shall be applied to them.

Article 470 M believe nomination

1. If there is sufficient evidence to charge a crime, the investigator shall make a reasoned decision to involve the person as a defendant.

2. The decision may be presented to the person, if it is not hindered by his / her health condition. In case of impossibility to get acquainted with the decision, a protocol is drawn up. The lawyer, as well as the legal representative of the accused, get acquainted with the decision.

Article 471 CASE examination in court

1. The participation of the prosecutor and the defense counsel in the examination of the case in court is mandatory. An expert may be invited to the court hearing.

2. The trial begins with the publication of the investigator's decision, after which the court proceeds to examine the evidence.

3. At the end of the trial, the prosecutor makes a speech, the opinion of the defense attorney is heard.

4. The court then leaves the deliberation room to make a decision, where the following issues must be resolved:

1) whether the act was committed;

2) does the act contain a corpus delicti?

3) whether the accused committed that act;

4) whether the person became ill with a mental illness, what is its nature, when the illness started?

5) Does the person need to apply compulsory medical measures - what measures?

5. If the mental illness occurred during the trial, the court must also resolve the issue of suspending the criminal proceedings.

Article 472 removing or modificing the mandatory of A MEDICAL NATURE

1. If, after the improvement of the health condition or full recovery, the need for further application of the compulsory medical measure disappears, the court, based on the conclusion of the medical commission, shall consider the issue of eliminating or changing the compulsory medical measure through the mediation of the health body.

2. A motion to abolish or change a compulsory medical measure may be initiated by close relatives or other interested persons.

3. All issues are resolved by the court of the location of the medical institution where the compulsory medical measures are applied.

Article 473 resumption of V ARU

1. If the court finds that the person against whom a compulsory medical measure has been applied has recovered, it shall make a decision on the abolition of the compulsory medical measure on the basis of a medical opinion, resolve the issue of sending the case for preliminary investigation or judicial examination.

2. The time spent in a medical institution is included in the period of detention.

CHAPTER 54

LEGAL ASSISTANCE IN CRIMINAL CASES IN ACCORDANCE WITH INTERNATIONAL TREATIES

(Chapter ed. 14.12.04 HO-57)

Article 474 Procedure for providing legal aid in criminal cases in interstate relations

1. Upon the assignment or request (hereinafter referred to as the request) of the courts, prosecutors, investigators, investigation bodies of the Republic of Armenia (hereinafter referred to as the inquiry) in the territory of a foreign state, other procedural actions At the request (hereinafter referred to as the competent authorities), the judicial actions envisaged by this Code shall be carried out in the territory of the Republic of Armenia in accordance with the international treaties of the Republic of Armenia, in accordance with those treaties and in the manner prescribed by this Code.

2. When carrying out legal actions envisaged by this Code at the request of the competent authorities of a foreign state, the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body shall apply the norms of this Code, with exceptions provided by relevant international agreements.

According to the inquiries of the competent authorities of a foreign state, when conducting legal proceedings in the territory of the Republic of Armenia, the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body may apply the norms of the criminal procedure legislation of the respective foreign state.

Requests of the competent authorities of foreign countries shall be made within the time limits provided for in this Code, unless otherwise specified by the relevant international treaty.

(Article 474, edited 14.12.04 HO-57-N)

Article 475 Legal Aid Communication Bodies

1. Communication on the provision of legal aid in criminal cases under international agreements of the Republic of Armenia is carried out:

1) in connection with the execution of inquiries on conducting judicial actions in cases under pre-trial proceedings, through the Prosecutor General's Office of the Republic of Armenia;

2) Proceedings in court cases, including in connection with the execution of requests for execution of judgments through the Ministry of Justice of the Republic of Armenia.

In case it is envisaged by the international treaties of the Republic of Armenia, the communication may be carried out through diplomatic channels, through the diplomatic missions of the Republic of Armenia և consular institutions, which, upon receiving the relevant inquiries, immediately submit to the competent body envisaged for this part.

2. If the request for judicial action is submitted by the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body, they shall submit the inquiries made in accordance with the international treaties of the Republic of Armenia to the competent body defined in part 1 of this article. for.

Upon submission of the request by the competent bodies of a foreign state to the court, prosecutor, investigator, investigative body of the Republic of Armenia;

3. If the request for legal action has been submitted by the competent authorities of a foreign state, համապատասխան in accordance with the international treaties of the Republic of Armenia, it has been submitted to the competent body provided for in part 1 of this Article, the latter shall submit the request for execution to the court, prosecutor, investigator, investigative body. , who, in accordance with this Code, are authorized to make the given request.

After the execution of the assignment by the court, the prosecutor, the investigator, the investigative body, it shall submit it to the relevant body competent for the first part of this article, which shall immediately transfer the execution to the competent body of the foreign state.

4. In cases stipulated by international treaties of the Republic of Armenia, making a request for legal action, delivery of the request, transfer of the results of its execution may be carried out through direct communication between the relevant competent body of the foreign state, the relevant court, prosecutor, investigator and investigative body.

Moreover, if the execution of a request received from a competent body of a foreign state through direct communication does not fall within the competence of the court, prosecutor, investigator, investigative body of the requested Republic of Armenia, the request shall be immediately forwarded to the competent court of the Republic of Armenia, the prosecutor, investigator, notifying the relevant competent authority of the requested foreign State.

The competent court of the Republic of Armenia, the prosecutor, the investigator, the investigative body that received the request by redirection shall make the request and transfer it to the competent body of the foreign state in accordance with the procedure provided for in this part.

In the cases provided for in this part, the relevant court of the Republic of Armenia, the prosecutor, the investigator, the investigative body shall notify the relevant competent body mentioned in part 1 of this Article of each reciprocal request made by direct communication. position), the content of the request, the executing body or official, the content of the execution, the deadlines for submitting the request.

5. If, in accordance with the international treaties of the Republic of Armenia, the execution of a request received from a competent body of a foreign state is impossible or does not follow from the given international treaty, the relevant body of the foreign state shall notify the impossibility of the request in accordance with this Article.

(Article 475, edited 14.12.04 HO-57-N)

Article 476 Making inquiries under more than one international treaty

1. If the obligation to conduct inquiries on legal actions by a competent body of a foreign state derives from more than one international treaty concluded with the given state of the Republic of Armenia, the following rules shall apply:

1) If the request states on the basis of which international agreement it was drafted and submitted, then the court of the Republic of Armenia conducting the request, the prosecutor, the investigator, the investigative body shall be governed by that international agreement;

2) If the request mentions more than one international treaty in force in the given foreign country "between the Republic of Armenia", then the court of the Republic of Armenia conducting the request, the prosecutor, the investigator, the investigative body shall be guided by the international agreement mentioned in the request. while applying the provisions of the other treaty (treaties), which are not provided for in a more comprehensive international treaty, but allow the request to be made more fully and quickly.

3) If there is no mention in the request of any international treaty in force between the Republic of Armenia, the court, the prosecutor, the investigator, the investigating body of the requesting Republic of Armenia shall be governed by the international treaty which provides a more complete solution to the issues related to the full execution of the request. , during which the application of the provisions of other treaties in force between the given foreign state and the Republic of Armenia, which supplement the contract governed by the court, the prosecutor, the investigator, the investigative body, is not excluded.

2. If there is a multilateral international treaty with the participation of the foreign state submitted by the Republic of Armenia, which gives priority to that extradition treaty over other international treaties between the parties, the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body are governed. by that multilateral international treaty.

(Article 476, edited 14.12.04 HO-57-N)

Article 477 Refusal to make inquiries under international treaties

Requests for legal proceedings submitted by the competent authorities of a foreign state on the basis of international agreements of the Republic of Armenia may be refused on the grounds provided for in those agreements.

Moreover, if the request was submitted by the competent body of the foreign state with which the Republic of Armenia is bound by more than one relevant international treaty, the request may be rejected only if the circumstance (condition) provided for in all international treaties, regardless of whether the request was made, submitted in accordance with the international treaty stipulating the circumstance (condition) of the refusal or in accordance with another international treaty, or if the execution of the request may damage the constitutional order, sovereignty, state security of the Republic of Armenia; թեկ at least one of the international agreements with the participation of the Republic of Armenia.

(Article 477 edited on 14.12.04 HO-57-N, amended on 16.01.18 HO-69-N)

Article 478 Extradition of persons who have committed a crime to a foreign country

1. Citizens of a foreign state who have committed a crime in the territory of the Republic of Armenia, as well as stateless persons with permanent residence in the territory of a foreign state, may initiate criminal proceedings against them in the relevant foreign state or continue the proceedings initiated in accordance with this Code to be extradited to that State in cases provided for by an international treaty with the participation of that State և the Republic of Armenia.

All the documents available in the proceedings of the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body on the crime committed by the extradited person և other materials in accordance with the procedure defined by the relevant international treaty shall be transferred to the competent authorities of the given foreign state.

In case the procedure for transfer of documents և other materials is not provided or defined by an international agreement, their transfer may be carried out in accordance with the agreement reached with the central bodies of the Republic of Armenia or the court, prosecutor, investigator, investigative body or competent body of the foreign state.

One copy of the transferred documents (copies) must be kept by the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body that prepared or provided the documents.

2. The extradition of the persons provided for in part 1 of this Article to a foreign state for the purposes provided for in that part may be carried out by such persons from the moment of

committing a criminal act or initiating criminal proceedings in that territory until the verdict against that person. in another term provided.

(Article 478, edited 14.12.04 HO-57-N)

Article 478.1. Procedure for arresting persons who have committed crimes outside the territory of the Republic of Armenia

1. In case of arrest of persons who have committed a crime outside the territory of the Republic of Armenia, the body that carried out the arrest shall immediately inform the initiator of the search, requesting the decision or verdict on detention as a measure of restraint made by the competent body of that State.
2. The report on the arrest of a person with the necessary documents shall be immediately sent to the Prosecutor General's Office of the Republic of Armenia.
3. Upon receipt of the arrest report, the Prosecutor General's Office of the Republic of Armenia shall immediately notify the competent authorities of the state declared internationally wanted (or) the Ministry of Foreign Affairs of the Republic of Armenia.
4. If the decision of the Court of the Republic of Armenia on temporary detention has not been made within 72 hours from the moment of arrest, the arrested person shall be subject to immediate release.

(Article 478.1 was supplemented on 19.03.12 HO-42-N)

Article 478.2. Procedure for temporary detention of persons who have committed crimes outside the territory of the Republic of Armenia

1. Persons arrested in the territory of the Republic of Armenia who have committed a crime outside the territory of the Republic of Armenia shall be subject to temporary detention for a period of up to 40 days or for another period stipulated by an international treaty. If the motion for extradition has not been received within the maximum period for temporary detention, or the court of the Republic of Armenia has rejected the motion for detention on remand, or the circumstances precluding extradition have been established, the person shall be released. The release of a person from temporary detention on the ground of failure to file a motion for extradition shall not prevent the subsequent detention on remand.
2. Upon receipt of a request for extradition, a decision or sentence of a competent authority of a foreign State on a temporary detention order or a decision on detention as a measure of restraint may be delivered by mail, including by e-mail or telegram or other technical means, such as International Criminal through the police (Interpol) or other international organization conducting a search for a person, of which the Republic of Armenia is a participant.
3. The prosecutor shall submit a motion for temporary detention to a person to the court of the place of arrest. The motion shall be accompanied by a copy of the arrest report, the motion or decision of the competent authority of the foreign state on the temporary detention of the person or one of the documents provided for in part 2 of this article - the identity documents of the detainee.
4. When considering the motion, the court, after hearing the prosecutor, the arrested person and his / her lawyer, examining the submitted materials, shall decide whether to grant the motion, to apply temporary detention or to reject the motion. The decision of the court to apply temporary detention or to reject the motion may be appealed in accordance with the procedure established by this Code.
5. The prosecutor shall immediately inform the competent body of the foreign state about the results of the mediation hearing in accordance with the procedure defined in part 2 of this article.

(Article 478.2 was supplemented on 19.03.12 HO-42-N, 21.01.20 HO-8-N)

Article 478.3. Detention procedure for extradition

1. When receiving a motion to extradite a person, the prosecutor and the Ministry of Justice of the Republic of Armenia shall submit a motion to detain a person for extradition in criminal cases pending in a court of another state.

2. A copy of the extradition request shall be attached to the motion for detention on remand; a certificate of citizenship of the person.

3. When considering the motion, the court, after hearing the motion, the detainee's lawyer, examining the extradition motion, examining the other documents submitted, shall decide whether to grant the motion, detain him or extend his detention or reject the motion. The decision of the court may be appealed in accordance with the procedure established by this Code.

4. When considering a motion, the court has no jurisdiction to examine the guilt of the person or to check the legality of the judicial documents adopted by the bodies of a foreign state.

5. Detention shall be imposed for a period of two months for extradition. 10 days before the end of the detention period, the prosecutor or the Ministry of Justice of the Republic of Armenia submits a motion to the court to extend the detention period of the person. The period of detention for extradition shall not exceed 8 months.

6. If the issue of extradition is not resolved within the maximum period of detention for extradition or if he / she is not actually extradited, the person shall be subject to immediate release. Release of a person on this ground shall not preclude detention on remand for de facto extradition.

7. In case of release from detention, other pre-trial detention measures provided for in Articles 144-148 of this Code may be applied to him / her for a period of up to 8 months.

8. The provisions of this Article հոդված Article 478.2 of this Code shall apply to the citizens of the Republic of Armenia who have committed a grave, especially grave crime outside the territory of the Republic of Armenia, in order to transfer the criminal case to the Republic of Armenia. From the moment of accepting the transferred criminal case for proceedings, the issue of choosing a measure of restraint against a person shall be resolved in accordance with the general procedure established by this Code.

(Article 478.3 was supplemented on March 19, 2012 HO-42-N)

Article 478.4. Rights of persons detained

1. In the cases provided for in Articles 478.1, 478.2, 478.3, 491, 492 of this Code, detainees have the right to appeal, to receive an arrest record free of charge, as well as a copy of the decision to apply temporary detention or detention or to choose a measure of restraint. to refuse a lawyer, to defend himself / herself, to meet with his / her lawyer in a private, confidential manner without limitation of the number of visits, to withdraw his / her lawyer's appeal, to appeal against the decisions և actions մարմնի of the investigative body, prosecutor, court.

2. Persons who do not speak the language of criminal proceedings are given the opportunity to exercise their rights with the help of an interpreter at the expense of state funds. Persons who do not speak the language of the criminal proceedings shall be provided with copies of the documents to be served in the first part of this article in the language they speak.

3. The investigative body shall explain in writing the rights of the detained persons, ensure their implementation in accordance with the procedure established by this Code.

4. The issue of meeting persons temporarily detained or detained for extradition with relatives or other persons shall be resolved by the body considering the extradition motion.

(Article 478.4 was supplemented on 19.03.12 by HO-42-N)

Article 479 The bodies authorized to make a decision on the handover permit or the refusal of the handover և the procedure for appealing that decision

1. If international treaties of the Republic of Armenia provide for the extradition of a person who has committed a crime to a foreign state considered a party to that treaty,

1) Decisions on extradition permission or refusal of extradition shall be made by the Prosecutor General of the Republic of Armenia, if the case is in pre-trial proceedings;

2) The decision to refuse extradition is made by the Minister of Justice of the Republic of Armenia, if the case is during the court proceedings, as well as in the case when there is a verdict that has entered into legal force for the given person;

3) The decision on the extradition permit is made by the court examining the case or passing the verdict, mediated by the Minister of Justice of the Republic of Armenia, in case the case is in court or there is a verdict in force for the given person.

2. The competent body that has made a decision on the handover permit or the refusal of the handover shall inform the person against whom the decision has been made of the decision made; explain its right to appeal.

3. Decisions of the Prosecutor General of the Republic of Armenia on refusal of extradition or refusal of extradition nրnշ Decisions of the Minister of Justice of the Republic of Armenia on refusal of extradition may be appealed to the Court of Appeals within 10 days, : The Court of Appeal (the Court of Cassation) examines the case and makes a decision within 5 days after receiving the appeal.

4. In the cases provided for in paragraph 3 of part 1 of this Article, the court shall examine the case and make a decision within 10 days after receiving the mediation of the Minister of Justice of the Republic of Armenia.

Decisions of the court provided for in paragraph 3 of part 1 of this Article may be appealed, reviewed, and appealed within the time limits provided for in paragraph 3 of this Article.

5. In case of appealing the decision on the extradition permit or refusing the extradition, the competent body that made it shall send to the court within 3 days the documents confirming the legality and justification of the mentioned decision.

6. In the courts of first instance nւթյունն the examination of the case is carried out with the participation of the person about whom a decision on extradition or refusal of extradition has been made, և (or) his / her lawyer և the prosecutor.

During the trial, the court does not consider the guilt of the person who brought the complaint, limiting it only to checking the compliance of the decision on the extradition permit or the refusal of extradition with the laws of the Republic of Armenia and international treaties.

7. As a result of the inspection, the court makes one of the following decisions:

1) not to satisfy the complaint և to leave the decision on the handover permit or on the decision to reject the handover unchanged;

2) satisfy the complaint ացնել annul the decision on the handover permit or on the refusal of the handover.

8. If the extradition under the international treaty of the Republic of Armenia is conditioned by the guarantee given by the State party to the Republic of Armenia to the Republic of Armenia, the fact that the guarantee of that state is sufficient or acceptable for the Republic of Armenia shall be determined by the Prosecutor General of the Republic of Armenia. գործ in the case of execution of the judgment.

9. If the extradition of a person, including a citizen of the Republic of Armenia, to a foreign state or to an international court is refused, but there are sufficient grounds provided for by this Code to prosecute him / her for which extradition has been requested from a foreign state or international court; then the Prosecutor General of the Republic of Armenia initiates criminal prosecution against that person, and in cases envisaged by the relevant international treaty of the Republic of Armenia, replaces the case on relevant criminal prosecution with a court of a foreign state or an international court, accepts his proceedings against that person. the case initiated by the body, carrying out the relevant criminal prosecution in the manner prescribed by this Code.

(Article 479 edited on 14.12.04 HO-57-N, 07.07.06 HO-152-N)

Article 480 Extradition of the person who committed the crime to the Republic of Armenia by a foreign state

1. In cases provided for by international treaties of the Republic of Armenia, foreign states may extradite to the Republic of Armenia persons who have committed crimes in the territory of the Republic of Armenia and are in the territory of a foreign state for criminal prosecution of crimes committed in the territory of the Republic of Armenia.

For the same purpose, in cases provided for by international treaties of the Republic of Armenia, in accordance with the procedure, foreign states may also extradite to the Republic of Armenia the citizens of the Republic of Armenia who have committed a crime in the territory of that foreign state.

2. When conducting criminal proceedings against persons provided for in part 1 of this Article in the territory of the Republic of Armenia, the rules of this Code shall apply, with the exceptions provided by the relevant international treaty.

3. If the foreign state refuses to extradite the requested person to the Republic of Armenia, the court, the prosecutor, the investigator, the investigative body shall, in the cases provided for by the given international treaty, transfer the case under consideration to the competent foreign state body for criminal prosecution.

4. If the extradition under the international treaty of the Republic of Armenia is conditioned by the Republic of Armenia giving any guarantee to the state party to the given treaty, that guarantee shall be given by the Prosecutor General of the Republic of Armenia for pre-trial proceedings, the Court of Cassation to do.

(Article 480, edited 14.12.04 HO-57-N, 07.07.06 HO-152-N)

Article 481 Summoning the Republic of Armenia as a witness, victim, civil plaintiff, civil defendant, their representatives, expert, specialist կատարո conducting legal actions

In the criminal case carried out in the territory of the Republic of Armenia as a witness, victim, civil defendant, civil plaintiff, their representatives, experts or specialists, who are outside the Republic of Armenia, in accordance with the international treaties of the Republic of Armenia, may be summoned to the Republic of Armenia. for carrying out the necessary investigative or judicial actions by the court, prosecutor, investigator, investigative body conducting the criminal case with their participation.

The rules of this Code shall apply during investigative or judicial actions with the participation of such persons, with the exceptions provided by the relevant international treaties.

(Article 481, edited 14.12.04 HO-57-N)

(Chapter ed. 14.12.04 HO-57-N)

CHAPTER 54 [1]

LEGAL ASSISTANCE IN CRIMINAL CASES IN THE ABSENCE OF INTERNATIONAL TREATIES (Chapter Ed.

Article 482 Terms of legal aid in the absence of international agreements

1. In the absence of international agreements on the provision of legal aid for criminal proceedings in a foreign state "between the Republic of Armenia" on the basis of reciprocity between the competent authorities, officials (hereinafter referred to as the competent authorities), the court, the prosecutor, the investigator and the investigative body. Legal aid may be provided in exceptional cases, in accordance with the agreement reached through diplomatic channels on the provision of mutual assistance in the legal sphere of the given foreign country "Republic of Armenia", which must be agreed in advance:

1) with the Ministry of Justice of the Republic of Armenia in connection with the execution of the verdict in criminal cases under court proceedings;

2) in connection with the conduct of judicial actions in cases under pre-trial proceedings with the Prosecutor General's Office of the Republic of Armenia.

2. In accordance with the procedure provided for in part 1 of this Article, the communication of the competent authorities of the given foreign state դատարո the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body և the mutual state և the Republic of Armenia gnɹg the mutual legal assistance shall continue) the conclusion of the Republic of Armenia, a foreign state in the multilateral international treaty on mutual legal assistance in criminal matters, unless the Republic of Armenia or the State concerned has unilaterally or by mutual agreement terminated the provision of reciprocal legal assistance through diplomatic channels. the agreement reached.

3. The court of the Republic of Armenia, the prosecutor, the investigator, the investigative body shall communicate legal assistance with other bodies of the given foreign state on the basis of reciprocity in accordance with the procedure provided for in part 1 of this Article. accordingly.

4. The Ministry of Justice of the Republic of Armenia, through the Ministry of Foreign Affairs of the Republic of Armenia, shall provide the competent central body of the relevant foreign state with the translated text of this Chapter in a language acceptable to that State for mutual reciprocal legal assistance.

(Article 482, edited 14.12.04 HO-57-N)

Article 483 The content of the request for mutual legal assistance

1. The assignment, request or request (hereinafter referred to as the request) to perform certain procedural actions addressed to the competent body of a foreign state by reciprocity must be made in writing, signed by the sending official and approved by the official seal of the court, prosecutor's office and investigation body.

2. A request for legal aid for legal proceedings shall contain:

1) The name of the court, prosecutor, investigator, investigative body of the Republic of Armenia sending the request;

2) the name of the body of the foreign state to which the request is sent;

3) the name of the case nuյթը the nature of the request;

4) information on the persons in connection with whom the request is sent; Name, patronymic և surname, year of birth, month, date, place (address), citizenship, type of occupation, residence or location, for legal entities, name և location (address).

5) the statement of the circumstances to be disclosed, as well as the list of documents, material and other evidence that are expected to be received from the executor of the request;

6) information on the factual circumstances of the crime committed, its qualification, if necessary, the nature of the damage caused by the given crime, as well as other information available to the sender of the request, which can contribute to the effective execution of the request.

(Article 483, edited 14.12.04 HO-57-N)

Article 484 Execution of a request for legal action

1. The request submitted by the competent body of a foreign state on the provision of legal aid in criminal cases on the basis of reciprocity shall be fulfilled by the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be executed, the received documents shall be returned to the competent authority of the foreign state that sent the request, stating the reasons hindering its execution.

The request is not fulfilled Ե is subject to return if its fulfillment may damage the independence, constitutional order, sovereignty or security of the Republic of Armenia or contradict the legislation of the Republic of Armenia.

(Article 484, edited 14.12.04 HO-57-N)

Article 485 Sending case materials to a foreign country to initiate or continue criminal prosecution

In the territory of the Republic of Armenia, a body of a foreign citizen or a stateless person residing in the territory of a foreign state, in case of leaving the Republic of Armenia, all the materials of the case initiated or examined or subject to initiation sends through the body to the relevant body of the given foreign state, in accordance with the legislation of that state, with a request to initiate or continue criminal prosecution against the mentioned persons.

Copies of all the documents of the case provided for in this Article shall be kept by the court of the Republic of Armenia, the prosecutor, the investigator, the investigating body, along with the list of material evidence, which have also been sent to the competent authority of the relevant foreign state.

(Article 485 edited on 14.12.04 HO-57-N)

Article 486 Fulfilling the request to continue the criminal prosecution received from a foreign country

1. The request of the competent body of the foreign state to carry out criminal prosecution against a citizen of the Republic of Armenia who has committed a crime in the territory of a foreign state and has returned to the Republic of Armenia shall be transferred to:

1) to initiate a criminal prosecution on the basis of the materials submitted to the request by the competent investigation or investigative body of the Republic of Armenia նելու to investigate the case;

2) to the competent prosecutor of the Republic of Armenia or a court to continue the preliminary investigation or trial of a criminal case already initiated against a citizen of the Republic of Armenia in a foreign state in the territory of the Republic of Armenia.

2. In case of initiating or continuing the criminal proceedings in the territory of the Republic of Armenia, the evidence obtained in the course of investigation in the territory of a foreign state shall be obtained legally equal to the evidence received in the Republic of Armenia in the case defined by the laws of that State.

The additional evidence presented by the competent body of the foreign state during the examination in the Republic of Armenia shall be added to the other evidence available in the case.

3. The competent body of the requested foreign state shall be notified of the request of the competent body of a foreign state to initiate criminal prosecution or to continue the initiated prosecution in the manner prescribed by part 1 of this Article.

(Article 486, edited 14.12.04 HO-57-N)

Article 487 Delivery:

1. In case of receiving a request from a competent body of a foreign state on extradition of a person who has committed a crime, the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body shall take measures to obtain permission to extradite the person mentioned in the request. to extradite that person to a foreign country for execution.

2. Extradition in connection with criminal liability shall be committed for acts that are punishable under the laws of the sending foreign state, the Republic of Armenia, for the execution of which a sentence of imprisonment of not less than one year is envisaged.

3. The serving of a sentence in connection with the execution of a sentence shall be carried out for acts which are punishable under the law of the sending foreign state, the Republic of Armenia, for the execution of which the person has been sentenced to not less than six months of imprisonment.

(Article 487 edited on 14.12.04 HO-57-N, amended on 07.07.06 HO-152-N)

Article 488 Refusal to surrender

1. The request of a competent body of a foreign state for the extradition of a person shall be refused if:

1) Upon receipt of the request for extradition by the competent body of the Republic of Armenia (Part 1 of Article 475 of this Code), in accordance with the law of the requesting foreign state, criminal prosecution may not be instituted, or the judgment may not be enforced due to the statute of limitations or other legal on the basis of

2) a verdict has already been made for the same act against a person, or a decision on terminating the criminal proceedings or terminating the criminal prosecution has been made;

3) the request refers to the extradition of a citizen of the Republic of Armenia;

(4) In the event of extradition, the death penalty may be imposed in accordance with the law of that foreign State;

2. The execution of a request for extradition may be refused if the person whose extradition is requested:

1) has acquired the right to political asylum in the Republic of Armenia in accordance with the established procedure;

2) is persecuted for political, racial or religious motives;

3) is persecuted for committing a war crime in peacetime;

4) committed the crime in the territory of the Republic of Armenia.

Extradition may be refused if the foreign state does not provide reciprocity in the field of legal aid in criminal matters.

(Article 488, edited 14.12.04 HO-57-N)

Article 489 The content of the request for delivery

1. A request for the extradition of a person within the framework of reciprocal legal aid submitted by the competent authority of a foreign state shall contain:

1) the name of the addressee of the request: the court of the Republic of Armenia, the Prosecutor's Office, the investigative or investigative body;

2) a description of the factual circumstances of the act; the original text of the law of the foreign state submitting the request, on the basis of which the act is considered a crime;

3) the name, patronymic of the person և surname of which is requested, his / her citizenship, residence or location (address) դեպքում if possible, other information about him / her;

4) a note on the amount of damage caused by the crime մասին on its compensation at the time of sending the request.

2. A copy of the decision of the competent authority of the foreign State on the detention of the person shall be attached to the request for extradition.

3. The request for execution of the verdict in the territory of the Republic of Armenia or for serving the unserved part of the sentence shall be accompanied by a certified copy of the verdict made by the competent court of the foreign state with a note on its entry into force; was convicted. If the convict has already served part of the sentence, the information about it is also reported.

(Article 489, edited 14.12.04 HO-57-N)

Article 490 Additional information:

1. If the request for extradition does not contain all the necessary information, the court of the Republic of Armenia, the prosecutor, the investigator, the investigating body that received the request may request additional information; if necessary, set a period of up to one month to receive that information.

2. If the competent body of the requesting foreign state does not submit additional information within the period defined in part 1 of this Article, the court, prosecutor, investigator and investigative body of the requested Republic of Armenia shall release the person to be extradited if he is detained by the competent body of the foreign state attached to the request. In accordance with the decision defined by this Code, he was detained on the basis of a decision of the competent court of the Republic of Armenia.

(Article 490, edited 14.12.04 HO-57-N)

Article 491 Arrest for extradition

1. In the presence of a decision (a copy thereof) of the competent authority of a foreign state on the request for extradition, the Prosecutor of the Republic of Armenia, who has received the request, shall take measures to detain the person to be extradited in accordance with this Code, if they do not consider it possible.

2. In the cases provided for in part 1 of this Article, the decision of the competent court of the Republic of Armenia on the detention of a person shall be made in the presence of the person to be extradited.

If the decision of the competent court of the Republic of Armenia on detention was made without the presence of the person to be extradited, for his absence or for other reasons hindering his presence, he must have the opportunity to appeal the court decision to a higher court before being extradited.

The rules of this Article shall not apply to a person subject to extradition who, before receiving the request for extradition, is serving a sentence in the relevant penitentiary institution of the Republic of Armenia in accordance with the procedure established by this Code.

The consideration of the motion for detention for extradition by the court of the Republic of Armenia shall be carried out in accordance with the procedure defined by the third to seventh parts of Article 478.3 of this Code.

(Article 491, edited 14.12.04 HO-57-N, amended, supplemented 19.03.12 HO-42-N)

Article 492 Arrest or arrest before receiving a request for extradition

1. Through the mediation of a competent body of a foreign state, a person may be detained in the Republic of Armenia before receiving a request for extradition. The petition shall contain references to a decision of a competent authority of a foreign State on arrest or a judgment which

has entered into force, stating that the request for extradition shall be submitted in addition. Prior to submitting a request for extradition, a request for the arrest of a person may be made by mail, including by e-mail or telegram or other technical means, such as through the International Criminal Police (Interpol) or another international wanted organization of which the Republic of Armenia is a party.

2. A person may be arrested in the manner prescribed by this Code without a request for mediation or extradition of a competent body of a foreign state, if there are grounds provided for by this Code to suspect that he has committed a crime in the territory of the foreign state with which the Republic of Armenia is involved. by arrangement to provide assistance. In the event of a request for extradition by the competent authority of that State, the arrested person shall be subject to extradition.

3. In the cases provided for in parts 1 and 2 of this Article, the rules of Part 2 of Article 491 of this Code shall apply to the arrest of a person, and in the case provided for in Part 2, the general rules established by this Code shall apply to the arrest of a person.

4. In the cases provided for in paragraphs 1 and 2 of this Article, the competent body of the foreign state shall be immediately notified of the application of the appropriate measure of restraint to the detained or arrested person.

5. A person detained in accordance with the procedure provided for in part 1 of this Article shall be released if the request for his extradition has not been received within 30 days after the date of his arrest.

A person arrested in accordance with the procedure provided for in paragraph 2 of this Article shall be released if, at the time of expiration of the period laid down in this Code, a request for his extradition or a request for detention is not submitted to the competent authority of the relevant foreign state.

The rules of Article 491 of this Code or the first part of this Article shall apply mutatis mutandis to the detention upon the request for extradition or before the request is sent.

(Article 492 edited 14.12.04 HO-57-N)

Article 493 Delaying handover, temporary handover

1. If a person whose extradition is requested is prosecuted in the territory of the Republic of Armenia, or that person has been convicted of another crime in the Republic of Armenia, his / her extradition may be postponed until the end of the criminal prosecution in accordance with this Code, execution of the verdict or release from punishment.

2. If the postponement of the extradition of a person referred to in paragraph 1 of this Article may lead to the expiration of the statute of limitations for criminal prosecution established by the law of the foreign state requesting extradition or cause damage to the investigation in that State, that person may be extradited temporarily.

A person temporarily extradited must be returned by a foreign state after the criminal proceedings for which he or she was extradited are completed, but no later than three months after the date of extradition. In case of a substantiated request of a competent body or official of a foreign state, with the consent of the court of the Republic of Armenia, the prosecutor, that term may be extended, but not for more than one month.

3. The period of stay of a temporarily extradited person in a foreign country is calculated on the period of his / her pre-trial detention or serving a sentence.

(Article 493, edited 14.12.04 HO-57-N)

Article 494 The procedure for satisfying several requests for submission

1. If requests for extradition have been received from several States, the Prosecutor of the Republic of Armenia or the court receiving the requests shall decide which of them shall be satisfied first.

Moreover, when considering the satisfaction of any of the requests, first of all, it is necessary to take into account all the circumstances, especially the gravity of the crime, the place of commission, the year, month, date, citizenship of the person to be extradited, the possibility of further extradition to another state.

2. If, in addition to requests for extradition of the same person, inquiries or inquiries have been received from foreign countries or international organizations with which the Republic of Armenia is bound by multilateral or bilateral international treaties governing extradition, the Republic of Armenia shall give preference to those extraditions. ensuring the fulfillment of the undertaken obligations.

(Article 494, edited 14.12.04 HO-57-N)

Article 495 Carrying out the handover

1. After making a final decision on the extradition of a person, the competent authority of the relevant foreign State whose request for extradition has been granted shall be informed of the time և of the actual extradition of the person.

2. If the competent authority of the foreign State to which the notification provided for in paragraph 1 of this Article has been sent does not accept the person to be extradited within 15 days after the period specified in the notification, that person shall be released from detention if he has been detained before.

(Article 495, edited 14.12.04 HO-57-N)

Article 496 Double submission

If the extradited person evades criminal prosecution or punishment in the given foreign state and returns to the territory of the Republic of Armenia, he / she shall be extradited at the new request of the same foreign state without submitting the information and data provided for in Articles 489-490 of this Code. There were no grounds for refusing extradition under Article 488.

(Article 496, edited 14.12.04 HO-57-N)

Article 497 Transit permit

1. The Prosecutor General of the Republic of Armenia shall resolve the issue of a permit for the transfer of a person through the territory of the Republic of Armenia, whose transfer has been agreed by any third country, through the written mediation of the competent body of the foreign state providing legal assistance to the Republic of Armenia.

The application for a transit permit shall be examined in the same manner as the request for extradition.

2. In case of a transit permit, the Prosecutor General of the Republic of Armenia simultaneously determines the mode of transportation, which he / she deems most expedient (by air, rail or road transport).

In case of making a stop in the territory of the Republic of Armenia during transit, the person handed over must not leave the relevant vehicle, and in case of need to leave, it can be done only under the supervision of the operative group appointed by the Prosecutor General of the Republic of Armenia.

3. The Republic of Armenia may refuse a transit permit if:

1) According to the law of the Republic of Armenia, the act for which the extradition of a person is requested is not considered a crime.

2) the person subject to extradition is a citizen of the Republic of Armenia.

Transit shall not be permitted in a country where the life or liberty of the person to be extradited may be endangered by torture, cruel or inhuman or degrading treatment or punishment, nationality or race, religion, civic or political views.

(Article 497 edited on 14.12.04 HO-57-N)

Article 498 Compulsory prosecution

1. The Prosecutor of the Republic of Armenia, at the request of a competent body of a foreign state in accordance with the procedure established by this Chapter, in accordance with this Code, shall prosecute citizens of the Republic of Armenia, as well as foreign citizens or stateless persons whose extradition has been refused. in committing a crime in the territory of the foreign state that submitted the request.

2. If the crime for which a criminal case has been initiated raises civil claims of the victims of the crime, then in case of their motion for compensation, the relevant claims shall be examined in the proceedings of the given case in accordance with this Code.

(Article 498, edited 14.12.04 HO-57-N)

Article 499 Limits of criminal prosecution of the extradited person

1. If, in accordance with the norms of this Chapter, a person has been transferred to the jurisdiction of a court, prosecutor, investigator or investigative body of the Republic of Armenia to initiate or continue criminal prosecution or execute a sentence, that person shall not be extradited without the consent of the competent foreign body. may be criminally prosecuted for a crime committed before he was extradited.

2. Without the consent of the competent authority of the foreign State authorizing the extradition, the extradited person may not be extradited to a third state.

3. The consent of the competent body of the foreign state authorizing the extradition shall not be required if the extradited person, being a foreign citizen or stateless person, completes the relevant legal actions in the territory of the Republic of Armenia and, in case of conviction, serves the sentence or is released early then, within 30 days, does not leave the territory of the Republic of Armenia, or if after leaving he voluntarily returns there. The time during which the extradited person could not leave the territory of the Republic of Armenia due to circumstances beyond his control is not counted in the mentioned period.

(Article 499, edited 14.12.04 HO-57-N)

Article 499 [1] . The request to conduct criminal proceedings

1. The request of the competent body of a foreign state related to the Republic of Armenia to conduct criminal proceedings in the Republic of Armenia shall contain:

1) the name of the competent body of the foreign state submitting the request;

2) the description of the act in connection with which the request for criminal prosecution is sent;

3) as accurate notes as possible about the time and place of the act;

4) a copy of the original text of the law of the requesting foreign state, which considers the given act as a crime, as well as copies of the texts of the legislative norms, which are essential for the proceedings of the case;

5) the name, patronymic, surname, citizenship of the suspect, as well as other information about him / her;

6) the amount of damage caused by the given crime մասին about the state of its compensation at the time of sending the request.

2. The request shall be accompanied by the evidence and other materials available to the competent authority of the requesting foreign state.

All documents in the case must be signed by the relevant official, indicating his / her position, և certified with a stamp with the image of the coat of arms of the competent authority of the foreign state that sent the request.

(Article 499 supplemented on 14.12.04 HO-57-N)

Article 499 [2] . Informing about the results of the criminal case

The court of the Republic of Armenia that has received a request for criminal prosecution, the prosecutor, the investigator, the investigative body shall inform the competent body of the foreign state that sent the request about the final decision on the criminal case by sending a certified copy.

(Article 499 supplemented on 14.12.04 HO-57-N)

Article 499 [3] . Delivery of items

1. The court of the Republic of Armenia, the prosecutor, the investigator, the body receiving the request for mutual legal assistance, through the mediation of the foreign competent body that sent the request, without harming the investigation of the criminal case conducted by it, shall submit to it the following subjects:

1) have been used in committing a crime, including the tools of the crime, items that have been obtained in a criminal way, or the criminal has received as compensation instead of items obtained in a criminal way;

2) may have probative value in a criminal case conducted in a foreign state. These items are handed over in case the extradition of the criminal is impossible due to his death, escape or other reasons.

2. The instruments and objects mentioned in this Article may be handed over to the competent body of a foreign state on the condition that they be returned to the court of the Republic of Armenia,

the prosecutor, the investigator, the investigating body immediately after the completion of the criminal proceedings in the foreign state.

3. The rights of third parties to the instruments and objects handed over to the competent body of a foreign state remain in force.

(Article 499 supplemented on 14.12.04 HO-57-N)

Article 499 [4] . Procedure for applying to foreign competent authorities for mutual legal assistance on the basis of reciprocity, using the materials received in connection with it

1. When compiling a request for legal aid on the basis of reciprocity, when sending it to the competent body of a foreign state, the court, prosecutor, investigator, investigative body of the Republic of Armenia shall comply with the requirements of the request of the foreign state, and in the absence of foreign law It is drawn up and sent to the competent body of a foreign state in accordance with the procedure established by Articles 483 and 489 of this Code.

2. During the request of the court, prosecutor, investigator, investigative body of the Republic of Armenia by the competent body of the given foreign state, the provision of additional documents, materials, including evidence, objects shall be carried out by the court, prosecutor, investigator, investigation body of the relevant foreign body. in accordance with the provisions of this Chapter.

3. The documents, objects, materials, including evidence, received by the competent body of a foreign state in connection with the execution of the request, shall be used by the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body in accordance with this Code.

If the competent authority of a foreign state requests the return of the documents, materials or items provided to it, it shall do so in accordance with the agreements reached with it.

4. If, as a result of reciprocal legal assistance, a person who has committed a crime has been extradited to the Republic of Armenia, criminal prosecution shall be instituted against that person or the prosecution initiated in the given foreign state shall be continued by the court, prosecutor, investigator, investigative body carrying out relevant legal actions arising from this Code against a person.

If the extradition of a person by the competent authority of a foreign state is conditioned by his return to the territory of that state, it shall be carried out in accordance with a mutual agreement.

Moreover, if the extradition is conditioned by the fact of keeping the person in custody, he / she may be detained in the Republic of Armenia in the manner prescribed by this Code for the period during which that person is subject to return to the territory of the given foreign state. That term may not exceed the terms of pre-trial detention established by this Code.

5. The court, the prosecutor, the investigator, the investigative body of the Republic of Armenia, when providing the necessary information on the criminal case conducted by him / her at the request of the competent body of a foreign state, handing it over to persons, transferring tools or objects of crime, shall draw the attention of the competent body of the foreign state on the relevant rules.

(Article 499 supplemented on 14.12.04 HO-57-N)

Article 499 [5] . Introduction of persons to the Republic of Armenia

1. In accordance with the agreements on mutual legal assistance in criminal cases, upon request, the Republic of Armenia may be summoned as a witness, victim, civil defendant, civil plaintiff, civil plaintiff, their representatives in the criminal case under investigation by the court, prosecutor, investigator, investigative body; Experts, persons (hereinafter referred to as other persons) who, being outside the borders of the Republic of Armenia, are known to be in the territory of a foreign state to whose competent authorities a relevant request is sent.

2. If other persons voluntarily appear in the Republic of Armenia with their consent, the court prosecuting the relevant criminal case, the prosecutor, the investigator, the investigative body shall carry out the relevant judicial actions with their participation in the manner prescribed by this Code, with the following reservations: if the other person represented is a citizen of a foreign State or a person who does not have a nationality domiciled in accordance with the laws of that State; to prosecute.

3. Other persons may be summoned to the Republic of Armenia և to express themselves of their own free will also in the absence of agreements on reciprocity between the country of their stay and the Republic of Armenia.

The rules provided for in part 2 of this Article shall also apply to other persons represented in the Republic of Armenia provided for in this part.

(Article 499 supplemented on 14.12.04 HO-57-N)

(Chapter edited, supplemented 14.12.04 HO-57-N)

CHAPTER 54 [2]

RELATIONS ON LEGAL ASSISTANCE WITH INTERNATIONAL AUTHORITIES

(Chapter supplemented 14.12.04 HO-57-N)

Article 499 [6] . The basis for communication with international bodies

1. For the purposes of this Code, international bodies are courts established under international treaties or other bodies which have jurisdiction to carry out certain criminal proceedings, to assist, facilitate, support the efforts of States in the fight against crime, as well as to impose criminal penalties on them. Submitting a performance.

2. Relations with international bodies The court of the Republic of Armenia, the prosecutor, the investigator, the investigative body carry out the establishment (establishment) of those bodies in accordance with the international agreements defining their powers, in which the Republic of Armenia participates.

If the Republic of Armenia is not a party to the establishment of an international body and the international agreements arising from it, which regulate the relations of criminal cases, the court, the prosecutor, the investigator, the investigative body shall communicate with those bodies in cooperation with the criminal body concluded by the international body. in accordance with the international agreement on assistance.

3. If the Republic of Armenia is a party to not all of the several international treaties establishing the given international body or defining its powers, the provisions of the other treaty (treaties) to which the Republic of Armenia is not a party may be applied by the court, prosecutor, investigator or investigative body. when carrying out legal actions, if they do not contradict the requirements of this Code այլ other laws containing norms of criminal procedure.

(499 Article [6] supplemented. 14.12.04 HO-57-N, amended on 23.03.18 HO-214-N)

Article 499 [7] . Procedure for communication with international bodies gnւյg Provision of legal aid in criminal cases

1. The court, the prosecutor, the investigator, the investigative body of the Republic of Armenia shall receive their request for legal assistance or proposal on issues arising from the competence of international bodies ;

Moreover, when submitting a request to the given international body, the courts of the Republic of Armenia shall do it through the Ministry of Justice of the Republic of Armenia, and the prosecutor, investigator, investigative body through the Prosecutor General's Office of the Republic of Armenia, unless otherwise provided by the relevant international treaty.

2. In case of the participation of a judge, prosecutor, investigator, investigative body (his / her representative) in the provision of legal assistance or assistance in criminal cases by an international body, the latter shall be obliged to fulfill their responsibilities under this Code and other laws. with exceptions arising from international treaties.

3. The requests of the international body shall be made by the court of the Republic of Armenia, the prosecutor, the investigator, the investigative body in accordance with the rules provided for by this Code, with the exceptions arising from the international treaty.

If, according to the inquiries of an international body, a competent official of an international body appears in the Republic of Armenia to participate in legal proceedings in the Republic of Armenia, the procedure և conditions for communication with him / her shall be determined by an international treaty The following rules apply:

1) In connection with legal proceedings related to the courts of the Republic of Armenia, the official of the international body submits to the Minister of Justice of the Republic of Armenia the

case, the scope of issues related to it, which are subject to clarification or resolution in the courts of the Republic of Armenia.

The Minister of Justice of the Republic of Armenia shall decide the court or courts of the Republic of Armenia involved in the clarification or solution of the issues submitted by the official of the international body in accordance with the requirements of this Code.

2) In connection with the proceedings related to the criminal case under pre-trial proceedings, the official of the international body submits to the Prosecutor General of the Republic of Armenia the case, the scope of issues related to it, which are subject to clarification and resolution by the investigation or preliminary investigation bodies of the Republic of Armenia.

The Prosecutor General of the Republic of Armenia shall determine the body of the preliminary investigation or investigation of the Republic of Armenia (bodies) responsible for clarifying or resolving the issues submitted by the official of the international body in accordance with the requirements of this Code.

No later than three days after the completion of the relevant proceedings, the court, the prosecutor, the investigator, the investigative body of the Republic of Armenia shall notify the Minister of Justice of the Republic of Armenia or the Prosecutor General in writing of the proceedings.

The Minister of Justice of the Republic of Armenia, the Prosecutor General of the Republic of Armenia within the scope of their powers coordinate the actions of the officials of the bodies of the Republic of Armenia involved in the execution of the relevant judicial actions, involving, if necessary, officials of other competent state bodies.

(499 Article [7] supplemented. 14.12.04 HO-57-N)

(Chapter completed: 14.12.04 HO-57-N)

CHAPTER 54 [3]

RECOGNITION OF COURTS OF FOREIGN STATES AND INTERNATIONAL COURTS IN THE TERRITORY OF THE REPUBLIC OF ARMENIA AND ITS LEGAL

CONTENTS.

Article 499 [8] . Recognition of judgments of foreign states in the Republic of Armenia

1. In cases provided for by international treaties of the Republic of Armenia, the judgments of courts of foreign states are subject to recognition in the Republic of Armenia.

2. The grounds for recognition of judgments of courts of foreign states in the Republic of Armenia, the types of judgments (decisions) subject to recognition shall be defined by an international treaty of the Republic of Armenia concluded with the state or acting with its participation.

3. The judgment of a court of a foreign state is recognized in the Republic of Armenia by:

1) The Criminal Chamber of the Court of Cassation of the Republic of Armenia, if the judgment subject to recognition has been rendered by the highest judicial body of a foreign state;

2) The Criminal Court of Appeal of the Republic of Armenia, if the judgment subject to recognition has been rendered by the competent Court of Appeal of a foreign state;

3) The Court of First Instance of the Republic of Armenia, in accordance with the jurisdiction defined by this Code, if the judgment subject to recognition has been rendered by the court of first instance of a foreign state.

4. The court of the Republic of Armenia competent to recognize the verdict of a court of a foreign state shall make a decision on the third part of this article.

The judgment of a court of a foreign state recognized in the Republic of Armenia shall be enforced in accordance with the penitentiary legislation of the Republic of Armenia, and in respect of damages and other property confiscations, in accordance with the legislation on compulsory execution of judicial acts of the Republic of Armenia.

(499 Article [8] supplemented: 14.12.04 HO-57-N, amended on 07.07.06 HO-152-N, 21.02.07 HO-93-N)

Article 499 [9] . Conditions for recognition of the judgment of a court of a foreign state - grounds for rejection

1. When making a decision on the recognition of a judgment of a court of a foreign state, the courts of the Republic of Armenia competent under the third part of Article 499 of this Code shall find out to what extent the conditions stipulated by the relevant international treaty, which are grounds for making a decision on recognition, are observed.

The observance of these conditions, as well as the recognition of the verdict under the given international treaty, the absence of grounds for refusal of execution are grounds for submitting the execution of the decision to recognize the verdict of a foreign state in the Republic of Armenia.

2. Recognition of a judgment of a court of a foreign state may be refused on the grounds provided for by an international treaty of the Republic of Armenia, taking into account the declarations or reservations made by the Republic of Armenia in accordance with the international treaty applicable to it, as if:

1) the act for which the person has been convicted is not criminally punishable by the law of the Republic of Armenia;

2) the death penalty envisages the death penalty as a punishment.

(Article 499 supplemented on 14.12.04 HO-57-N)

Article 499 [10] . Recognizing or rejecting the judgment of the International Court of Justice

1. The judgment of an international court acting with the membership (participation) of the Republic of Armenia is subject to recognition in the territory of the Republic of Armenia, if it is envisaged by the establishment of that court or other international treaty (treaties) defining its jurisdiction.

The decision on the recognition of the judgment of the International Court of Justice in the Republic of Armenia is made by the Criminal Chamber of the Court of Cassation of the Republic of Armenia in accordance with the procedure established by the international treaty defining the jurisdiction of the international court.

2. The judgment of the International Court of Justice shall be recognized in the Republic of Armenia in accordance with the procedure established by international treaties defining the jurisdiction of that court .

3. An international court is an intergovernmental body with the membership (participation) of the Republic of Armenia, which, by its establishment or other international treaty (treaties) defining its powers, is authorized to examine criminal cases and make a verdict on them.

4. Execution of judgments of the International Court of Justice in the Republic of Armenia is carried out in accordance with the penitentiary legislation of the Republic of Armenia, and in terms of compensation for damages and other property confiscations, in accordance with the legislation on compulsory execution of judicial acts of the Republic of Armenia.

(499 Article [10] supplemented on 14.12.04 HO-57-N, amended on 07.07.06 HO-152-N)

Article 499 [11] . Legal consequences of recognizing a judgment of a foreign court or an international court

Recognition of a judgment of a court of a foreign state or an international court in the territory of the Republic of Armenia shall have the same legal consequences as a judgment of a court of the Republic of Armenia which has entered into force.

(499 Article [11] supplemented 14.12.04 HO-57-N)

Article 499 [12] . Execution of the judgment of the International Court of Justice without recognition

1. If the founder of an international court or other international treaty (agreement) defining his / her jurisdiction envisages execution of the judgment of that court without recognition, the verdict shall be sent to the relevant penitentiary institution for execution as soon as it is received by the Ministry of Justice of the Republic of Armenia.

2. If the rules of the International Court of Justice do not provide for the obligation of direct execution or recognition of his judgment, then on the basis of that judgment, in accordance with Articles 408 [1] և 410 [1] of this Code , a case review proceedings shall be initiated.

(499 Article [12] supplemented 14.12.04 HO-57-N)

Article 499 [13] . Legal basis for the execution of the judgment of the International Court of Justice և Procedure

1. The judgment of the International Court of Justice may be enforced in the territory of the Republic of Armenia in case the Republic of Armenia participates in the international agreements on the given court.

2. The judgment of the International Court of Justice may be enforced in the territory of the Republic of Armenia, even though it has not assumed such an international obligation in the Republic of Armenia and has reached a written agreement with the international court within the jurisdiction of that court.

3. The judgment of the International Court of Justice shall be executed in the territory of the Republic of Armenia in accordance with the international obligations of the Republic of Armenia, without making a decision on the recognition of the judgment by the competent court of the Republic of Armenia, unless otherwise provided by the mentioned obligations.

4. For the purpose of execution of the judgment of the International Court in the territory of the Republic of Armenia, the Minister of Justice of the Republic of Armenia, in accordance with the international obligations assumed by the Republic of Armenia, decides the penitentiary institution where the convicted person should serve the sentence.

5. According to the judgment of the International Court of Justice, the regime of penitentiary law of the Republic of Armenia shall apply to a person serving a sentence in the Republic of Armenia, with the exceptions provided by international treaties.

(499 Article [13] supplemented 14.12.04 HO-57-N)

Article 499 [14] . Legal implications of the execution of a judgment of a foreign court or an international court

1. The regime of the penitentiary law of the Republic of Armenia shall apply to the execution of a judgment of a court of a foreign state or an international court.

It entails the same legal consequences for a person serving a sentence as it would have if the person had been convicted in the territory of the Republic of Armenia by a verdict entered into force by a competent court.

2. A person serving a sentence imposed by a court of a foreign state or an international court in full or in part in the territory of the Republic of Armenia shall enjoy the rights of early release from the sentence deriving from the relevant international treaties of the Republic of Armenia, including the right of pardon or amnesty.

3. After serving the full or part of the sentence or early release on the grounds provided for in part 2 of this article, a person may be in the territory of the Republic of Armenia in accordance with his / her status (in accordance with the legislation of the Republic of Armenia).).

At the same time, if the person who served the sentence or was released early is not a citizen of the Republic of Armenia, according to the international treaty of the Republic of Armenia, he can be transferred to any foreign state that is obliged to accept him or to another state that has agreed to accept him. is transferred to the given state with consent.

4. If during the execution of the judgment of a court of a foreign state or an international court in the territory of the Republic of Armenia, the court of a foreign state or an international court having jurisdiction reviews it, the execution shall be terminated or continued in accordance with the verdict made in accordance with the international treaty of the Republic of Armenia. on terms.

5. The judgment of a court of a foreign state or an international court may be reviewed by the competent court of the Republic of Armenia only in the cases envisaged by the international treaty of the Republic of Armenia.

(499 Article [14] supplemented. 14.12.04 HO-57-N)

(Chapter completed: 14.12.04 HO-57-N)

CHAPTER 54 [4]

APPLICATION TO THE INTERNATIONAL COURT
(Chapter supplemented 14.12.04 HO-57-N)

Article 499 [15] . The right to apply to an international court

1. Any person who considers that the rights provided for in the international treaties of the Republic of Armenia have been violated by a final court decision in accordance with the procedure established by this Code, has the right to apply to an international court with the participation of the Republic of Armenia. in accordance with the procedure established by the treaties (hereinafter the Rules of Procedure of the International Court of Justice).

2. For the purposes of this Chapter, a final court decision shall be a decision entered into force in accordance with Article 424 of the Criminal Chamber of the Court of Cassation of the Republic of Armenia in accordance with the procedure established by this Code.

3. The right to apply to an international court shall arise after the entry into force of the final judgment, from the moment established by the rules of the relevant international court. The person loses that right in the cases defined by the rules of the international court և in the order:.

4. The scope of persons entitled to apply to an international court shall be determined by the rules of that international court.

(499 Article [15] supplemented on 14.12.04 HO-57-N, amended on 07.07.06 HO-152-N)

Article 499 [16] . Procedure for applying to an international court

1. The procedure for applying to an international court shall be established by the rules of the relevant international court.

2. A person who intends to exercise the right to apply to an international court, as well as his / her legal representative, shall have the right to obtain documents from the Court of Cassation of the Republic of Armenia in the manner prescribed by this Code, as well as documents related to the case from other courts of the Republic of Armenia. Copies, photocopies, extracts from them.

3. The costs of applying to an international court shall be borne by the applicant, unless otherwise provided by the rules of that court.

(499 Article [16] supplemented. 14.12.04 HO-57-N)

Article 499 [17] . The obligation to support the International Court of Justice

1. The Court of Cassation of the Republic of Armenia shall respond to inquiries sent by that International Court to find out the circumstances of the case or to present additional evidence, documents and other materials within 15 days after receiving the relevant request, if the international court There is no other term set by the regulations.

2. The Court of Cassation of the Republic of Armenia provides assistance to the International Court of Justice in clarifying all the circumstances of interest in the case, based on the need for the courts of the Republic of Armenia to identify the judicial errors made during the examination of the case and to defend the interests of justice.

(499 Article [17] supplemented. 14.12.04 HO-57-N)

(Chapter completed: 14.12.04 HO-57-N)

SECTION 15

FINAL PROVISIONS

CHAPTER 55

TRANSITIONAL PROVISIONS

Article 500 THE CODE getting into force

1. This Code shall enter into force on January 12, 1999.

2. Citizens against whom the criminal prosecution has been terminated on the grounds provided for in points 1-3, part 1, part 2 of the second part of this Code, or for whom a verdict of acquittal has been rendered on June 1, 1981, have the right to compensation in accordance with Article 66 of this Code. after.

3. From the moment this Code enters into force, the Criminal Procedure Code adopted by the Supreme Council of the Armenian SSR on March 7, 1961, with further amendments, shall be repealed.

President of the Republic of Armenia **R. Kocharyan**

Yerjan
September 1, 1998
HO-248: