THE REPUBLIC OF ARMENIA
CODE OF CRIMINAL PROCEDURES

Article 17. Fair Trial

1. Everyone has the right to a fair trial with observance of all requirements of fairness, by an independent and impartial court, of any criminal case affecting one's interests.
2. The judge, the prosecutor, the investigator, the officers of the agency for inquest cannot participate in the proceedings of a criminal case, if they are directly or indirectly interested in its outcome.
3. The body of criminal charge is obligated to undertake all measures prescribed by this Code for a comprehensive, full and objective investigation of the case circumstances, to reveal all the circumstances both convicting and absolving the suspect or accused, and also the circumstances reducing and aggravating his responsibility.
4. All statements of the suspect, the accused, and their defense attorney about their innocence, on the availability of evidence absolving the suspect or the accused or reducing their responsibility, all appeals on violation of the law in the course of criminal proceedings shall be thoroughly examined by the body conducting the criminal proceedings.

CHAPTER 7. PARTY OF CRIMINAL CHARGE

Article 52. The Prosecutor

1. The prosecutor is a state official, who conducts, within the limits of his/her competence, at all stages of the criminal procedure, the criminal charge, supervises the legitimacy of the investigation and inquest, supports the prosecution in court, appeals against the court verdicts and other decisions. The prosecuting attorney supporting the prosecution in court is called the prosecutor.
2. The prosecutor is entitled to lodge to the accused or to a person, who bears proprietary responsibility for the actions of the latter, a claim [suit] in protection of the interests of the state.
3. During the exercise of his/her powers at the proceedings of criminal case the prosecutor is independent and submits only to law. He/she shall execute the legitimate instructions of the superior prosecutor. If the subordinate prosecutor considers the instruction illegitimate, he/she appeals it to a superior prosecutor without executing it.
4. The subordinate prosecutor is obliged to execute all written instructions of the superior prosecutor with an exception of the case indicated by part five of the given article as well as the case when the prosecutor considers the instruction illegitimate. In case if the instruction given by the superior prosecutor is considered illegitimate the subordinate prosecutor should and in case of the instruction is considered ungrounded can appeal it to the superior of the prosecutor who gave the instruction.
5. In the process of controlling the legitimacy of the pro and post investigation the prosecutor is obliged to execute the instruction given by the superior prosecutor excluding the cases if the instruction is recognized as ungrounded or illegitimate. In such cases the controlling prosecutor should refuse the further execution of the instruction and immediately inform in a written form the superior prosecutor who has a right to overtake the control or instruct other prosecutor to continue the further execution of the case.

(additions in article 52 dated on 01.06.06 ՀՕ-121-Ն, 13.06.06 ՀՕ-67-Ն, edited with additions 22.02.07 ՀՕ-129-Ն)

Article 53. The Powers of the Prosecutor at the Pre-trial Proceedings of the Criminal Case

1. The prosecutor is authorized to conduct the following during the pre-trial proceedings:

1) to institute and carry out criminal charge and to start proceedings of cases instituted by the body of inquest, the investigator, to cancel the decision of the body of inquest and the investigator on suspension of a case, to institute a criminal case based on court motion, to cancel the decision of the body of inquest and the investigator rejecting the institution of a criminal case and to institute a criminal case.
2) To investigate personally the criminal case in its full volume, passing necessary decisions during the investigation and implementing investigatory and other procedural actions in accordance with provisions of this Code;
3) In case of a crime, instructs the body of inquest and the investigator to prepare the materials for the institution of a criminal case.
4) To instruct the body of inquest and the investigator to conduct urgent investigatory measures or conduct them personally;
5) To participate in the inquest;
6) To carry out prosecutorial management of the inquest and the investigation.
2. During the implementation of the procedure of prosecutorial management of the inquest and the investigation, the prosecutor is exclusively entitled to the following:
1) to check the implementation by the body of inquest the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents;
2) to request from the investigator and the body of inquest for examination of criminal cases, materials and documents and to get acquainted with the data on the course of investigation at the place of their location;
3) to withdraw from the inquirer and to transfer to the investigator or subordinate prosecutor any criminal case, to transfer the criminal case from the investigator to the subordinate prosecutor or vice versa, to transfer the criminal case from one body of inquest to another, or from one investigator and subordinate prosecutor to another, or to accept the criminal case for his/her proceedings: in order to ensure the comprehensive, full and objective investigation;
4) to instruct an investigating team to undertake a criminal case, to establish the composition of the team, to appoint the team leader or to lead the team personally;
5) to resolve issues regarding challenges (rejections) declared to subordinate prosecutor, investigator, or the officer of the body of inquest, and also their self-rejections;
6) to give written instructions to subordinate prosecutor, investigator, and the body of inquest on the decisions passed and on implementation of investigatory and other procedure actions;
7) to resolve objections, prescribed by this Code, brought by the body of inquest and its employee, the investigator, who disagree with the instructions of inferior prosecutor, conducting the procedure management of the investigation;
8) to cancel illegitimate and ungrounded resolutions of the inferior prosecutor, the investigator, the body of inquest, and its officer and also the instructions of the inferior prosecutor;
9) to resolve the appeals against the decisions and actions of the subordinate prosecutor, investigator and the body of inquest, with the exception of appeals the consideration of which is in the competence of the court;
10) to dismiss inferior prosecutor, the investigator, and the officer of the body of inquest from further participation in the implementation of criminal proceedings on that case, if they have violated the law during the investigation of the case;
11) to apply to the appropriate bodies for deprivation from immunity for criminal charge of persons, possessing that immunity, if these persons are subject to involvement in the criminal case as accused;

12) to return criminal cases to the investigator and the body of inquest with his/her obligatory instruction on implementation of additional investigation;
13) to cancel the decision of the body of inquest or the investigator to suspend the case, and other decisions, in cases envisaged in this Code;
14) to approve the criminal information, and for the criminal cases with respect to the persons, committed crimes in the state of insanity or became insane, the final decision [act].
15) To forward the case to the court for investigation.
3. The prosecutor, during administration of the procedural management, is also entitled to:
1) pass separate necessary decisions personally and to conduct separate investigatory and other procedure decisions, and also the consideration of the cases in their full volume;
2) to receive from the body of inquest data on the conduct of operative-investigatory activity and the undertaken measures on the disclosure of crimes, on revealing of disappeared persons and lost property;
3) to demand documents and materials, which might contain data on accidents and the persons involved in it;
4) to give to the body of inquest written instructions, obligatory for them, on the implementation of operative-investigatory measures in connection with the criminal case proceedings;
5) to apply to the court in order to select arrest as a measure securing the appearance and to extend arrest, to impose arrest upon the arrest of communications, telephone conversations, postal, telegraph and other messages, and for warrants for wire-tapping the telephone conversations, searching apartments;
6) to refuse from the criminal charge of the accused, to suspend the criminal proceedings or to terminate the criminal charge;
7) to assign the body of inquest the execution of the resolutions on detention, bringing to court, arrest, the implementation of other procedure actions, and also to receive immediate assistance upon from the body of inquest, for implementation of investigatory and other procedural actions;
8) to undertake measures for the protection of the injured, the witness, and other persons participating in the criminal proceedings;
9) to address the court with motions, prescribed by this Code;
10) to release the persons, imprisoned without legitimate bases or without necessity;
11) to cancel the arrest of communications, telephone conversations, postal, telegraph and other messages when the necessity for such arrest terminates.
. The prosecutor, during the pre-trial proceeding of the criminal case, exercises also other powers, prescribed by this Code.
(amendments and additions in article 53 dated 25.05.06 ՀՕ-91-Ն, amendments and additions 22.02.07 ՀՕ-129-Ն)

Article 54. Powers of the Prosecutor During Consideration of the Criminal Case or Materials in the Court
1. During consideration of the criminal case by the court, the prosecutor:
1) declares challenges;
2) brings motions;
3) expresses opinion regarding the motions of other participants of the trial;
4) ensures the presentation to the court of the evidences; gives to the body of inquest mandatory assignments for the submission of the evidence to court;
5) participates in the examination of case materials;

6) objects against unlawful actions of other party;
7) objects against unlawful, groundless actions of the presiding person;
8) requests the inclusion into the protocol of court session of records regarding circumstances mentioned by him;
9) exercises the right to dismiss criminal charge against the accused;
10) announces the indictment in the court, makes the opening and closing speeches and a remarks in the court of first instance and the appellate court, and be present at the session of the Cassation Court;
11) appeals the verdict and other court decisions in cases prescribed by this Code;
12) exercises other powers, prescribed by this Code.
2. The prosecutor, participating in the court session is obligated to:
1) To obey to the order in the court session and observe the legitimate instructions of the presiding person;
2) Exercise other powers, prescribed by this Code.
3. Participation of the prosecutor in court is mandatory during consideration of criminal cases.
(additions in article 54 dated 13.06.06 ՀՕ-67-Ն)

Article 55. The Investigator
1. Investigator is a state official, who is authorized to conduct investigation of the criminal case within the limits of his/her competence.
2. The investigator is authorized to prepare materials on the event of the crime and in accordance with the rules of subordination established by this Code, the investigator accepts the case for his/her proceedings or forwards it to other investigator or the body of inquest; the investigator can institute a criminal case during his proceedings, if an event of a new crime by another person has been discovered. The investigator is also entitled, in accordance with the provisions of this Code, to reject the institution of the proceedings of the criminal case.
3. After accepting the criminal case for his/her proceeding, the investigator, for the purpose of comprehensive, full and objective investigation shall independently lead the course of investigation, make necessary decisions, conduct investigatory and other procedural actions in accordance with the provisions of this Code with the exception of cases, when criminal procedure law stipulates to receive warrants from the prosecutor. The investigator bears responsibility for the lawful and timely implementation of investigatory and other procedural actions.
4. The investigator, in particular, is authorized to conduct the following:
1) Prior to the institution of the criminal case, to conduct the examination of the site and to appoint expert inquiry;
2) To interrogate the suspect, the accused, the injured, the witness, appoint expert examination, conduct observations, searches, seizures, and other investigatory actions;
3) Undertake measures for the compensation of the damage caused to the injured;
4) Request documents and materials of the case, which may contain data on accidents and the persons involved in it;
5) Request the conduct of revision, inventory, institutional expert examination, other check up actions;
6) Receive from the body of inquest, in connection with the prepared materials and the case under investigation, data on the implementation of operative-investigatory actions and the measures undertaken for disclosure of the crime, finding disappeared persons and lost property;
7) Give to the body inquest mandatory written assignments on implementation of operative-investigatory measures in connection with prepared materials and proceedings of the criminal case;

8) Assign to the body of inquest the fulfillment of resolutions on detention, bringing to court, arrest, conducting of other procedural actions, and also receive without delay from the body of inquest facilitation at the execution of investigatory and other procedure actions;
9) When receiving a report from the body of inquest about a committed crime, to go to the site of the crime and to get involved in the investigation of the case by means of institution of a criminal case or undertaking the instituted case in one's proceedings.
10) Assign the body of inquest the execution of separate investigatory actions;
11) Summon persons as witnesses;
12) Draw in for the participation [in the actions] the witnesses to the search, interpreters, translators, specialists and experts;
13) Detain the person suspected in crime commitment;
14) Pass resolution on impleading the person to the case as the accused, put forward charges and to inform the prosecutor within 24 hours;
15) Recognize respective persons as the injured, civil plaintiff, civil defendant;
16) Ensure the appointment of lawyers in the capacity of defense attorneys and to permit the persons to participate in the capacity of defense attorneys and the representatives;
17) Dismiss defense attorneys and representatives from the participation in proceedings of the criminal case, if circumstances are revealed which exclude their participation in the criminal proceedings, as mentioned in article 93 this Code;
18) Exempt respective persons from the payment for the legal counsel;
19) Resolve challenges declared to the witness to the search, the translator and the interpreter, the specialist, the expert;
20) Resolve motions of persons participating in criminal proceedings, and also applications and requests submitted by other persons;
21) Resolve the complaints of the persons participating in criminal proceedings, within the limits of his/her competence;
22) Pass resolutions on the selection, alteration, cancellation of the precautionary measures and on implementation of other measures of procedural compulsion, with the exception of arrest; release upon his/her resolution the suspect and the accused kept in detention after expiration of the prescribed period;
23) Pass resolution on the suspension of criminal proceedings;
24) Appeal to the court with motions: on selection of arrest with respect to the accused as a precaution measure and on prolongation of the period of his/her detention; on imposing arrest on telephone conversations, postal, telegraph and other communications wire-tapping, with motion on the permission for search of the apartment;
25) Cancel the arrest on telephone conversations, postal, telegraph and other communications and wire-tapping, in case the necessity for such action ceases to exist;
26) Appeal any illegitimate instruction of the prosecutor, without suspending its execution;
27) Appeal instructions of the prosecutor to a superior prosecutor without executing it in case of disagreement with the instructions on calling the person as accused, on qualifying the action and on the volume of indictment, on sending the case for taking the accused to court or on abating the case;
28) Pass resolution on abatement of the criminal proceedings and on termination of criminal charge;
29) Prepare and present for the approval of the prosecutor the indictment, and as for criminal cases with respect to persons, committed actions forbidden by criminal law in the state of insanity or who has fallen into such state after the accomplishment of the action, the final act.
5. The investigator is obligated the legitimate instructions of the prosecutor.

5.1 The decision of the investigator during the pre-trial criminal case proceeding made within the scope of his authorities should be mandatory executed by all organizations, authorities and citizens.
6. The investigator also carries out other authorities envisaged in this Code.
(amendments and additions in article 55 dated on 5.05.06 HO-91-N, amendments 21.02.07 HO-93-N)

Article 56. Bodies of Inquest
The following are the bodies of inquest:
1) the police;
2) the commanders of military units, the heads of military institutions, regarding the cases of military crimes, and also regarding the cases of the deeds, committed on the territory of military units or incriminated to the conscripts;
2.1 The military police: regarding the cases within their competencies
3) The bodies of state fire control: regarding the cases on fires;
4) The state tax bodies: regarding the tax crimes ;
5) The custom's bodies: regarding the cases on smuggling;
6) The national security bodies: regarding the cases within their competence.
7) The agencies of criminal execution: regarding the criminal offence implemented within the territory of the agency
8) The aircraft commander: regarding the criminal offence implemented in the craft during the flight
(additions in article 56 dated on 07.03.00 HO-39, 25.05.06 HO-91-N, 21.12.06 HO-15-N, 22.02.07 HO-86-N, edited on 09.04.07 HO-144-N)

Article 57. Powers of the Body of Inquest
1. The head of the body of inquest personally, and also with the assistance of the officer of the body of inquest ensures the exercise of the powers of the body of inquest.
2. The body of inquest executes the following:
1) Undertakes the necessary operative-investigatory and criminal procedure measures for detection of the crime and the persons, who conducted it, for prevention and the suppression of the crime;
2) Implements examination of the crime site based on prepared materials and appoints expert inquiry prior to institution of the criminal case,.
3) Institutes a criminal case, undertakes the proceeding of the case or sends it by subordination, or rejects the institution of the criminal case, as envisaged in this Code, the copy of the decision to institute or reject the case is forwarded to the prosecutor within 24 hours.
4) Immediately informs the prosecutor or the investigator about the revealed crime and the initiated inquest;
5) After having instituted the criminal case, to discover the criminal, the traces of the crime, implements urgent actions, examination, searches, monitoring of correspondence, mail, telegrams, etc., wire-tapping, seizures, investigation, arrest of the suspect and interrogation, and questioning of the injured and the witness, cross-examination, appoints expert inure;
6) Within 10 days after the institution of the criminal case, and in the case of the discovery of the criminal and impleading, the case is forwarded to the investigator;
7) The instructions of the prosecutor are carried out based on the cases under consideration of the investigator;
8) Registers statements made about committed crimes;
9) Brings to the investigation the persons suspected in the crime, examines and searches them, and sets free the persons detained without sufficient grounds;

10) Allows the prosecutor to inspect the activities of inquest body;
11) Provides the prosecutor and the investigator within their authority, necessary information demanded by them;
12) Takes measures to compensate the damages inflicted by the crime;
13) Interviews the witnesses of the case, familiarizes himself with the circumstances of the case, and the documents and cases which can contain information on the incident and persons related to it;
14) Demands contain information on the incident and persons related to it.
15) Demands to conduct checks, inventorizations, etc.
16) Suspends the proceedings of the criminal case, and the copy of the decision forwards to the prosecution within 24 hours.
17) Organizes the implementation of the legitimate instructions of the court.
18) Carries out other actions to which he is authorized by this Code.
3. Only the head of the body of inquest can use the authorities of the body of inquest, institute the criminal case, reject institution of criminal case, suspend the criminal case proceedings, arrest the suspect, or apply means of securing the presence of the suspect, to eliminate or change these means, to apply to the court with a motion to implement operative-investigatory measures.
4. The head of the body of inquest is entitled to instruct the officer of the inquest body to conduct inquest of the case, to give him mandatory written instruction for implementation of certain investigatory actions, to transfer the case from one officer to another, to instruct several officers to investigate the case, to participate in the inquest, and to conduct inquest personally.
5. The instructions of the prosecutor on the criminal cases, given pursuant to the rules, established by this Code are obligatory for the head of the body of inquest.
6. The body of inquest implements other authorities envisaged in this law.
(amendments and edits in article 57 dated on 25.05.06 ՀՕ-91-Ն, additions dated on 21.02.07 ՀՕ-93-Ն)

Article 58. The Injured
1. The person is recognized as the injured, in respect to whom bases are available to suppose, that a moral, physical or proprietary damage has been caused to him/her directly by a deed forbidden by Criminal Code. A person also is recognized as aggrieved, to whom moral or physical damage might be directly caused, if the deed, forbidden by the Criminal Code would have been finished.
2. The decision on recognition as an injured is passed by the body of inquest, the investigator, the prosecutor or by the court.

Article 59. The Rights and Obligations of the Injured
1. The injured has the right, in the manner prescribed by this Code:
1) to know the essence of the indictment;
2) to give evidences;
3) to give explanations;
4) to present materials for the inclusion into the criminal case and examination;
5) to declare challenges;
6) to declare motions;
7) to object against the actions of the bodies of criminal charge and to demand on inclusion of his/her objections into the protocol of the investigatory or other procedure action;
8) to get acquainted with the protocols of the investigatory and other procedure actions, in which he/she participated, and to submits remarks on the correctness and fullness of the records in the protocol; to demand, during the participation in investigatory or other procedure action, the inclusion

into the protocol of the mentioned action or the court session the records on the circumstances, which, upon his/her opinion, have to be mentioned; to get acquainted with the protocol of the court session and to bring remarks on it;
9) to get acquainted with all materials of the case, from the moment of accomplishment of the investigation, make copies from them and to write out from the case any data in any volume;
10) to participate in the sessions of the court of first instance and review court;
11) to receive upon his/her request, free of charge copies of the decisions on the abatement of criminal proceedings, on inclusion into case as an accused, the copy of the indictment or final act, and also the copy of verdict or other final decision of the court;
12) appeals the actions and decisions of the body of inquest, the investigator, prosecutor, the court, including the appeal of the verdict and other final court decision, as established in this Code;
13) reconciles with the suspect and the accused in cases, prescribed by this Code;
14) objects to the appeals of other participants of the trial regarding the verdict or other final court decision;
15) receives the compensation, stipulated by law, of the damage caused by unlawful actions;
16) receives the compensation of expenses incurred during the criminal proceedings back the property, seized by the body, conducting criminal proceedings as a material evidence or on other bases, the originals of the documents, belonging to him/her; receives back the property belonging to him/her seized from the person, conducted a deed forbidden by the criminal law;
17) get back the property, seized by the body, conducting criminal proceedings as a material evidence or on other bases, the originals of the documents, belonging to him/her;
18) to have a representative and to terminate the powers of representative.
2. The injured has the following obligations:
1)To arrive upon the call of the body, conducting criminal proceedings;
2) To give evidences upon the demand of the body, conducting criminal proceedings;
3) To present the items, documents and also samples under his/her discretion for the comparative study upon the demand of the body, conducting criminal proceedings;
4) To be subjected to examination upon demand of the body, conducting criminal proceedings on the crime supposedly committed with respect to him/her;
5) To be subjected, upon the demand of the body conducting criminal proceedings, to the medical investigation in order to check the ability to perceive and to reproduce correctly the circumstances, subject to discovery in criminal case, if forcible arguments are available to suspect the lack of such abilities;
6) To obey the legitimate instructions of the prosecutor, the investigator, the body of inquest, obeys the legitimate instructions of the presiding person;
7) To observe the order at the court session.
3. The injured has also other rights and bears other obligations, prescribed by this Code.
4. The aggrieved enjoys the rights belonging to him/her and executes the obligations imposed on him/her personally or, if it is corresponding to the nature of respective rights and obligations, through a representative. The rights of the juvenile or incapable aggrieved are exercised instead of them, by their legitimate representative, in the manner, prescribed by this Code.
5. A legal entity, to which moral or material damage was caused by the crime, can be recognized as the inured party. In this case the rights and obligations of the aggrieved party are exercised by the representative of the legal entity.
(amendments in article 59 dated on 18.02.04 ՀՕ-34-Ն, 25.05.06 ՀՕ-91-Ն)

Article 60. Civil Plaintiff

1. A physical or legal entity, which prosecutes a claim during the proceedings of the criminal case, with respect to which sufficient bases are available to assume, that a material damage, subject to compensation in the manner of criminal proceedings, was caused to the latter upon a deed forbidden by Criminal Code, is recognized as civil plaintiff.
2. The decision on recognizing as civil plaintiff is passed by the body of inquest, the investigator, the prosecutor or the court.

Article 61. The Rights and Obligations of Civil Plaintiff

1. The civil plaintiff, with a purpose of the support of the claim prosecuted by him/her, has the following rights in the manner prescribed by this Code:
1) to know the essence of the indictment;
2) to give explanations on the claim submitted by him/her;
3) to present materials for the inclusion in the criminal case and examination;
4) to declare challenges;
5) to declare motions;
6) to object against the actions of the bodies of criminal charge and to demand on inclusion of his/her objections into the protocol of the investigatory or other procedure action;
7) to get acquainted with the protocols of the investigatory and other procedure actions, in which he/she participated, and to submits remarks on the correctness and fullness of the records in the protocol; to demand, during the participation in investigatory or other procedure action, the inclusion into the protocol of the mentioned action or the court session the records on the circumstances, which, upon his/her opinion, have to be mentioned; to get acquainted with the protocol of the court session and to bring remarks on it;
8) to get acquainted with all materials of the case, from the moment of accomplishment of the investigation, make copies from them and to write out from the case any data in any volume;
9) to participate in the sessions of the court of first instance and appellate court;
10) to address the court with a speech and a remark;
11) to receive upon his/her request, free of charge copies of the indictment or final act, and also the copy of verdict or other final decision of the court;
12) to appeal the actions and decisions of the body of inquest, the investigator, prosecutor, the court, including the appeal of the verdict and other final court decision;
13) to recall any objection given by him/her or his/her representative;
14) to issue objections, in the part regarding the claim submitted by him/her, on the appeals of other participants of the trial on verdict or other final decision of the court;
15) to express at the court session opinions regarding the motions and proposals of other participants of the trial;
16) to protest against illegitimate actions of other parties;
17) to object against the actions of the presiding person;
18) to have a representative and terminate the powers of representative.
2. The civil plaintiff has also a right in the manner, prescribed by this Code:
1) to refuse from the claim at any moment of the conduct of criminal proceedings;
2) to receive the compensation of the expenses, incurred during the proceedings of the criminal case;
3) to receive back the property, seized by the body, conducting criminal proceedings as a material evidence or on other bases, the originals of the official documents, belonging to him/her.
3. The civil plaintiff has the following obligations:

1) to arrive upon the call of the body, conducting criminal proceedings;
2) to ensure the presentation to the court of copies of the claim equal to the number of civil defendants;
3) to present the items, documents and also samples under his/her discretion for the comparative study upon the demand of the body, conducting criminal proceedings;
4) to obey the legitimate instructions of the prosecutor, the investigator, the body of inquest, to obey the legitimate instructions of the presiding person;
5) to observe the order at the court session.
4. The civil plaintiff can be summoned on as a witness.
5. The civil plaintiff has also other rights and bears other obligations, prescribed by this Code.
6. The civil plaintiff enjoys the rights belonging to him/her and executes the obligations imposed on him/her personally or, if it is corresponding to the nature of respective rights and obligations, through a representative. The rights of the juvenile or incapable aggrieved are exercised instead of them, by their legitimate representative, in the manner, prescribed by this Code.

CHAPTER 14. CONCEPT, PURPOSE AND USE OF EVIDENCE

Article 104. Concept of evidence

1. In criminal cases any facts are evidences, based on which, and as provided by law, the inquest body, the investigator, the prosecutor and the court can determine whether or not crime has been committed, whether or not the crime has been committed by the accused, or whether or not the accused is guilty or innocent as well as other circumstances relevant to the case.
2. The following can be considered as evidence in criminal proceedings:
1) testimony of the suspect
2) testimony of the accused
3) testimony of the injured
4) testimony of witness
4^{1}) ttestimony of the accused or suspect related to the guild of the given case
5) testimony of convict's
6) expert's report
7) material/demonstrative evidence
8) records of court and investigative proceedings
9) other documents
3. Only facts and evidentiary materials obtained according to the requirements and in the manner prescribed by this Code are to be heard at criminal proceedings.
(additions in article 104 dated on 25.05.06 ՀՕ-91-Ն)

Article 105. Facts inadmissible as evidence

1. In criminal procedure it is illegal to use as evidence or as basis for an accusation facts obtained:
1)by force, threat, fraud, violation of dignity, as well with the use of other illegal actions;
2) by violation of the rights of the suspect and accused to defense and that of the additional guaranties prescribed by this Code to persons unable to use the language of the court proceeding;
2^{1}) by violation of the rights of the witness foreseen by part 5 of article 86 of the given Code
3)by person not entitled to conduct a given criminal case or carry out an investigation or any other legal actions;

4) from a person who is subject to exclusion from the criminal proceeding when he was or had to be aware of the existence of the circumstances for such an exclusion;
5) by violation of the investigatory or other essential court proceedings;
6) from any person who is unable to recognize a document or object, confirm its truth, and provide information about the circumstances of its origin and source;
7)seizure or from any source unannounced at the court hearing;
8) as a result of applying methods unacceptable for the principles of modern science.
2. Any violation of the constitutional rights, freedom of a person and citizen, or of any requirements of this Code in the form of a restriction or elimination of the rights guaranteed by law to the persons involved in the case, that influenced or could have influenced the reliability of the facts, shall be considered an essential violation in the process of obtaining evidence.
3. If the evidentiary importance of any material is lost due to the violation of the requirements of the Criminal Code by the prosecution, it shall be considered evidence if the defense so petitions. This evidence is to be considered relevant exclusively to the case of a given suspect or accused.
(additions in article 105 dated on 23.05.06 ՀՕ-104-Ն)

Article 106. Establishment of the evidence inadmissibility
1. The inadmissibility of facts as evidence as well as their restricted use in the proceeding shall be established by either the body which conducts the proceeding or one of the sides.
2. The acceptability of the evidence shall be substantiated by the side which obtained the evidence. If the evidence was obtained in accordance with the requirements/regulations of the present Code, the grounds for the inadmissibility of the evidence are to be presented by the side which argues its acceptability.

Article 107. Circumstances which are subject to Proof
The following shall be determined during the proceeding solely on the basis of the evidence:
1) The facts and circumstances of the incident (the time when committed, the venue, method, etc.);
2) Involvement of the suspect and accused in the incident;
3) Features of crime provided by the Criminal law;
4) The guilt of a person alleged to have committed an action forbidden by Criminal law;
5) Mitigating or aggravating circumstances provided by the Criminal law;
6) Circumstances on the basis of which a person involved in a case or any other person involved in a criminal proceeding lays his claims if not provided otherwise by law
(amendments in article 107 dated on 25.05.06 ՀՕ-91-Ն)

Article 108. Circumstances determined in case of availability of certain evidence
In criminal procedure, the following circumstances are to be determined only upon availability and preliminary examination of the following evidence:
1) Cause of death and nature of health damage - report of the expert in forensic medicine is to be presented;
2) Incapability of the accused to control and realize the nature and importance of his actions (inaction), their being dangerous at the time of the incident as a result of mental disease, temporary mental depression, other mental incompetence or mental alienation - report of the experts in forensic psychiatry and psychology is to be presented;

3) Incapability of the witness or injured to perceive and reconstruct the circumstances to be determined at the criminal proceeding as a result of mental disease, temporary mental depression, other mental incompetence or mental alienation - report of the experts in forensic psychiatry is to be presented;
4) Information on the injured, suspect, accused of reaching a certain age if it is relevant to the case, the document asserting the age is to be presented, if it is not available, a report of the experts in forensic medicine and psychology is to be presented;
5) Availability of the previous conviction(s) and sentence(s) of the suspect and the accused - corresponding document and if possible a copy of the court decision must be submitted.
(amendments in article 108 dated on 25.05.06 ՀՕ-91-Ն)

CHAPTER 15. TYPES OF EVIDENCE

Article 109. Testimony of the Suspect
1. Testimony given by the suspect in written or oral form at the pre-trial proceeding conducted in the manner prescribed by this Code is the information provided by him.
2. The suspect is entitled to testify about suspicions against him as well as about circumstances and evidence known to him, relevant to the case.

Article 110. Testimony of the Accused
1. Testimony given by the accused in written or oral form at the pre-trial proceeding as well as in court conducted in the manner prescribed by this Code is the information of the accused.
2. The accused is entitled to testify about the accusation brought against him as well as about circumstances and evidence known to him, relevant to the case.

Article 111. Testimony of the Injured
1. Information given by the injured in written or oral form at the pre-trial proceeding as well as in court conducted in the manner prescribed by this Code is the testimony of the injured.
2. The injured may be interrogated about any circumstances which need to be proved for the case as well as about his relations to the suspect and the accused. If the injured is unable to indicate the source of his information, such information shall not be considered.

Article 112. Testimony of the Witness
1. Information given by the witness in written or oral form at the pre-trial proceeding as well as in court conducted in the manner prescribed by this Code is called testimony of the witness.
2. The witness may be interrogated about any circumstances relevant to the case including his relations with the accused, the injured and other witnesses. If the witness is unable to indicate the source of his information, such can not serve as a source.

Article 113. Convict’s testimony
1. The convict’s testimony in the pre-trial proceedings as well as in court, as established in this Code, during the interrogation in the written or oral form are the information provided by the latter.
2. The convict is entitled to testify about those circumstances of the case which are proved through his passed court verdict which came into force.

Article 131.1. Testimony of suspect, or accused or offender in other criminal case

1. The suspect's or accused or offendants's testimony in other criminal case during a pre-trial proceedings as well as in court as established in this Code, during the interrogation in the written or oral form are the information provided by the latter.

2. The suspect or accused or offendant in other criminal case can be examined as for the given or other criminal case within the frame of his guilt about any circumstances for which he has been involved in the
3. The examination of the suspect or accused or offendant in other criminal case should take place by the regulations defined by the code for the suspect or accused or offendant
(additions in article 113[1] dated 25.05.06 ՀՕ-91-Ն)

Article 114. Expert's Report

1. The expert's report shall consist of grounded conclusions about issues through the examination of the materials of the case, and shall be written form, based on the knowledge of the expert in the sphere of science, technology, crafts or art, in his competence.
2. The expert can be interrogated for the purpose of explanation of his conclusions.
3. The protocol of the expert's interrogation can not replace the expert's conclusions.

Article 115. Material Evidence

1. Objects which served as the crime instruments or have preserved traces of the crime or were objects of criminal actions as well as money, valuables and other objects and documents which can serve as means to discover a crime, determine factual circumstances, expose the guilty person, prove a person's innocence or mitigate responsibility are acknowledged to be material evidence.
2. An object shall be acknowledged as material evidence upon the decision of the body which carries out the criminal proceeding.
3. The court shall acknowledge an object as evidentiary material only if the possibility of its substitution or any change of the indications and qualities of the traces found on it, are eliminated upon receiving, fully describing, sealing and carrying out similar procedure, or in case the object is identified by the suspect, accused, injured or witness before being examined in the court.

Article 116. Safe-keeping of material evidence and other objects

1. Material evidence shall be kept with the criminal case, except for evidence which is unusually large in size which may be forwarded to enterprises, organizations or individuals to be maintained under their direct responsibility.
2. Precious stones and metals, foreign currency, money, checks, and securities confiscated while carrying out a criminal proceeding which may be considered material evidence for the corresponding criminal case may be, immediately upon being examined, are sent to enterprises of the State bank for maintenance as long as their individual characteristics have no evidentiary value.
3. Material evidence and other confiscated items, except perishable objects, are to be kept by the body which carries out the criminal case until the final verdict about its ultimate disposition rendered by the court or the body which carries out the criminal proceeding comes into legal force or the case is dismissed. In cases provided by this Code the decision about the material evidence may be carried out before the end of the criminal case.
4. If the argument about the rights for an object attached as material evidence is a subject to civil litigation, such an object shall be kept until the decision of the civil proceeding is final.

Article 117. Ensuring safety of objects during the criminal proceedings

1. While keeping or removing objects every measure shall be taken to prevent them from being lost, damaged, destroyed, touched or mixed with other objects.
2. While forwarding the case all the objects submitted for the case and those forwarded with the case as well as the disposition of material evidence not attached to the case shall be inventoried in the supplementary letter and in the document attached to the indictment. Material evidence is sent to the court in packaged and sealed form.
3. The received objects shall be compared with the information provided in the supplementary letter or the document attached to the indictment. Should a discrepancy be found, a protocol is to be created to that effect. Packaged and sealed materials are opened and examined only during criminal trial.

Article 118. Decisions about material evidence made before the end of the criminal proceeding
1. Before the end of the criminal proceeding the body which carries out the criminal proceeding shall return the following to the owner or legal possessor:
1) Perishable objects;
2) Objects needed in everyday life/daily use, on which confiscation is not extended by law;
3) Cattle and poultry; automobile or other means of transportation, if they are not subject to seizure on civil process or possible property recovery/confiscation, and court fees.
2. In cases when the owner or legal possessor of the objects enumerated in the first part of the present article is unknown or the return of the objects is impossible due to other reasons, the objects shall be submitted to corresponding organizations for realization, maintenance or care.

Article 119. Decisions about material evidence made after the end of the criminal proceeding
1. In the sentence of the court or the decision of the body which carries out the criminal proceeding about the dismissal of the case, the issue of material evidence shall be solved in accordance with the following rules:
1) Crime instruments which belong to the accused as well as objects which are subject to withdrawal from circulation shall be confiscated and forwarded to the corresponding institutions. Those which have no value shall be destroyed.
2) Items which have no value shall be destroyed, as established by law and if the interested parties petition to have the items returned to them.
3) Money and other valuables which cannot be legally possessed due to committing a crime or any other action prohibited by law shall be returned to the owners, possessors or their successors.
4) Money, items and other valuables obtained in an illegal way shall be used to cover the court expenses and damages of the crime, and if the person who suffered the damages is unknown, the money shall be forwarded to the state budget.
5) Documents which are considered material evidence shall be kept with the case or forwarded to the interested organization and citizens.

Article 120. Consequences of the damage, destruction or loss of items
1. The cost of an object damaged, destroyed or lost while conducting examination or other legal actions is included into court expenses.
2. Upon a verdict of acquittal or dismissal of the case, according to article 35, part 1, paragraphs 1-3, and part 2, the cost of the objects damaged or lost while conducting examination or other legal actions shall be reimbursed from the state budget.

Article 121. Records of investigations and court proceedings

1. Documents which contain information about circumstances relevant to the case made by the body which carries out the criminal proceeding in written form and in the manner provided by this Code are called records of proceedings.
2. The records of the following investigative and court proceedings conducted by the body of the criminal persecution, in accordance with the requirements of the present Code may be used as evidence:
1) Examination
2) Investigation
3) Identification
4) Exhuming
5) Confiscation
6) Search
7) Seizure of property
8) Interception of written, telephone, mail, telegraphic and other communication
9) Wire-tapping
10) Obtaining samples
11) Expert Investigation of samples
3. Records made while accepting a verbal statement about a crime, surrender, a confession of guilt, or while detaining or explaining to persons their rights and responsibilities may also be used as evidence.
4. If the record of the investigation is not complete, it cannot be completed by the testimony of the officer of the inquest body, investigator, or prosecutor, witness to the search, to serve as basis for accusation.

Article 122. Other documents
1. Any record registered on a paper, electronic or other media made in verbal, digital, graphic or other sign/symbol form which can provide information relevant to the criminal case is a document.
2. Documents which possess qualities mentioned in the first part of Article 115 of the present Code may also serve as material evidence.
3. Other documents are considered documents by decision of the body in charge of proceedings.

Article 123. Attachment, maintenance and return of the documents
1. The documents shall be attached to the materials of the criminal case by the body which carries out the criminal proceeding and kept with the case throughout the proceedings.
2. If the legal owner needs the documents confiscated or attached to the case for accounting, registration or other legal purposes, he shall be given the opportunity to use them temporarily or to make copies of them.
3. Six months after either the sentence of the court has come into legal force or the dismissal of the case by the body which carries out the criminal proceeding, the originals of the documents attached to the case shall be returned to their legal owners upon their request. However, a copy of the document the authenticity of which is certified by the investigator, prosecutor.

CHAPTER 16. PROOF

Article 124. Proof
1. Proof includes collection, examination, evaluation of the evidence with the purpose of determining the circumstances necessary for a legal, grounded and fair resolution of the case.

2. The bodies of the criminal persecution shall be responsible for proving the existence of evidence aggravating the criminal responsibility and guilt of the accused.

Article 125. Collection of evidence
1. Evidence shall be collected in the process of inquest, investigation and court proceeding by carrying out investigatory and trial proceedings provided by this Code.

Article 126. Verification of evidence
1. Evidence collected for the case shall be subject to a thorough and objective examination. Examination consists of analyzing the obtained evidence, comparing it with other evidence, collecting new evidence, checking the sources of the obtained evidence.

Article 127. Evaluation of evidence
1. All evidences are subject to scrutiny concerning its admissibility, and the totality of the evidence obtained is a subject to scrutiny concerning its sufficiency for the determination of the case.
2. The officer of the inquest body, investigator, prosecutor or judge, governed by law, shall carry out a detailed, thorough and impartial evaluation of the totality of the evidence, based on their internal conviction.

CHAPTER 25. INITIATION OF CRIMINAL CHARGE

Article 175. The duty for initiation of criminal charge
The prosecutor, the investigator, the inquest body must institute criminal charge, within their authority, provided there are reasons and grounds for the initiation of criminal charge envisaged in this Code.

Article 176. The reasons for initiation of criminal charge
1. The reasons for initiation of criminal charge are:
1) statements about crimes sent to the inquest body, investigator, prosecutor by physical persons and legal entities;
2) mass media reports about crimes;
3) the discovery of information about crime, material traces of crime and consequences of crime by the inquest body, the investigator, the prosecutor, the court and the judge in their line of duty.

Article 177. The statements of physical persons about crimes
1. The statements of physical persons about crimes can be written or oral.
2. The oral statement made about a crime during investigation or court trial is registered in the protocol of the investigation or the court session, respectively. In other cases separate protocols are written. The protocol must indicate the surname and the first name of the applicant, date of birth, home and work address, the relation to the crime and the source of information, as well as data about personal documents submitted by him. If the applicant has not submitted personal documents, other measures must be taken to check the information about the identity of the person.
3. If the applicant is 16 years old, he is warned about the responsibility for fraudulent representation which is confirmed by the signature of the latter.
4. The statement in the protocol is narrated in the first person.
5. The protocol is signed by the applicant and the recipient official.

6. Rules specified in paragraphs 1, 2, 4 and 5 of this Article are also extended to the statement made by the applicant about crime committed, in case of surrender.
7. A letter, a statement or other anonymous message about crime, unsigned or with false signature or written on behalf of fictitious person, cannot be a reason for initiation of criminal charge.
(amendments in article 177 dated 25.05.06 ՀՕ-91-Ն)

Article 178. Statements by legal entities
A statement by a legal entity must be in the form of an official letter, or confirmed telegram, telephone or radio message, e-mail, or other accepted form of communication. Enclosed to the message can be documents confirming the crime.

Article 179. Mass media reports
1. Reports on committed or prepared crimes, in press, on the radio, on TV, in documentary films, as well as reports forwarded to mass media and unpublicized, are considered mass media reports.
2. Mass media which publicized reports about crimes or sent to the media, as well as the authors of these reports must, at the request of the head of the investigating body, investigator, prosecutor, submit the materials in their possession confirming the report about the crime.

Article 180. The examination procedure of reports about crimes
1. Reports about crimes must be considered and resolved without delay, and when necessary to check the legitimacy of the reason for the initiation of criminal charge and the sufficiency of the grounds, no less than in 10 days after their receipt.
2. Within this period additional documents can be requested, explanations and other materials, as well as the examination of the locus criminis and expert examination.

Article 181. Decisions made as a result of examination of statements about crimes
In each case of the receipt of information about a crime, one of the following decisions is made:
1. on initiation of criminal charge;
2. on the dismissal of initiation of criminal charge;
3. on the transfer of the statement by subordination.

Article 182. Procedure of initiation of criminal charge
1. In case of availability of reasons and grounds for initiation of criminal charge, the prosecutor, the investigator, and the investigating body make a decision on initiation of criminal charge.
2. The decision must indicate: the reason and grounds for criminal charge, the article of the penal code by the elements of which the criminal charge is initiated, and the further progress of the case after initiation.
3. If at that moment the person injured by the crime is known, simultaneously with the initiation of the criminal charge this person is recognized as the injured party, and if a civil claim has been submitted at the same time with the statement about crime, that person is recognized as civil claimant, by the same decision.
4. The prosecutor sends a copy of the decision to initiate criminal charge to the physical person or the legal entity which reported about the crime.

5. At the same time, with the initiation of criminal charge, measures must be taken to prevent the crime, as well as to keep and preserve the traces of the crime, objects and documents, which can be significant for the case.

Article 183. Initiation of a criminal case based on the complaint of the injured person

1. Based on circumstances envisaged in part 1 of article 113, part 1 of article 114, part 1 of article 115, part 1 of article 116, article 117,; article 118, part 1 of article 119; part 1 and 2 of article 120; part 1 and 2 of article 121; part 1 of article 124; part 1 of article 128; part 1 and 2 of article 135; part 1 and 2 of article 136; part 1 of article 137 part 1 of article 158; ; article 174, part 1 and 4 of article 177; part 1 of article 178; part 1 of article 179; part 1 of article 181; part 1 of article 183; part 1 of article 184; part 1 of article 185; part 1 and 2 of article 186; article 197; part 1of article 213; part 1of article 242 of the Criminal Code of the Republic of Armenia, the case is initiated only based on the complaints of the injured, and in case of his reconciliation with the suspect or the accused, the case is subject to termination. Reconciliation is allowed until the court's retreat to the conference room to adopt a verdict.

2. ***(part 2 void of force as of 21.02.07 ՀՕ-93-Ն)***

3. The deviations from part 1 of the given article can be defined by International Agreements of the Republic of Armenia

(article 183 edited on 14.12.04 ՀՕ-57-Ն, edited and amended on 21.02.07 ՀՕ-93-Ն)

Article 184. Initiation of new case based on the materials of a criminal case

1. The inquest body, the investigator, the prosecutor make a decision to initiate a new case based on the materials of a criminal case under his examination and to separate it in separate proceedings, and the court appeals for such a decision to the prosecutor, provided another crime, not related to the crimes incriminated to the defendant has been revealed which was committed not by the defendant but by some other person, without the participation of the defendant.

2. The decision must indicate: the grounds for initiation of case and separation, episodes and persons against whom the new case was initiated and separated, the article in the penal code by which the case was initiated and separated in separate proceedings, the decision to send the separated case for further pretrial examination or to undertake the case in one's own proceedings.

3. The list of separated materials, in the originals or copies, is included or attached to the decision: decisions, protocols, documents, real evidence.

4. The first copy of the decision and the attached list of the separated materials are included in the initial case and the second copy in the separated case.

5. The defendant, his legal representative and lawyer, as well as the injured party, civil claimant, civil defendant and their representatives who participated in the initial proceedings, are informed about the separation of the new case and its further progress.

(additions in article 184 dated on 25.05.06 ՀՕ-91-Ն)

Article 185. Dismissal of initiation of criminal charge

1. In case if illegitimacy of the reason or lack of grounds for initiation of criminal charge, the prosecutor, the investigator, the inquest body make a decision to dismiss the initiation of criminal charge.

2. The copy of the decision is sent to the physical person or legal entity which reported about the crime.

3. The decision dismissing the initiation of criminal charge can be appealed to higher prosecutor or in the court of appeal.
4. Based on the complaint concerning the dismissal of initiation of criminal charge, the higher prosecutor eliminates the decision appealed against, initiates criminal charge and sends it for preliminary examination to the investigator or takes the case under his own consideration or confirms the legitimacy of dismissal of the initiation of the criminal charge.
5. Based on the complaint concerning the dismissal of initiation of criminal charge, the court of appeal eliminates the decision appealed against, or confirms its adequacy. The elimination of the decision appealed against makes the initiation of the case by the prosecutor mandatory.
(additions, amendments and edits in article 185 dated on 25.05.06 HO-91-N, additions dated on 21.02.07 HO-93-N, amendments dated on 22.02.07 HO-129-N)

Article 186. Transfer of statements about crime by subordination
The official authorized to initiate a criminal case is entitled to transfer the statement about crime, without initiation of case, by subordination only in case when the crime was committed outside the given district, when inspection activities are necessary in the locus criminis to make a decision on the initiation of criminal charge.
(article 186 edited on 25.05.06 HO-91-N)

Article 187. The progress of the criminal case after initiation of the criminal case.
After initiation of the criminal case:
1. The prosecutor sends the case for investigation to the investigator or takes it under his own consideration.
2. The investigator performs investigation, immediately advising the prosecutor.
3. The head of the inquest body instructs the officer of the inquest body to perform immediate investigation activities or performs them personally, the decision on initiation of criminal case is immediately sent to the prosecutor for confirmation.
4. ***(amendments in article 187 dated on 22.02.07 HO-129-N)***

CHAPTER 26. GENERAL CONDITIONS FOR INVESTIGATION

Article 188. Mandatory nature of investigation
1. Investigation is mandatory for all cases.
2. Inquest can be considered the initial phase of criminal proceedings within 10 days after initiation of the criminal case.
(article 188 edited on 25.05.06 HO-91-N)

Article 188.1. General conditions of investigation
1. It is forbidden to conduct investigation at night times with an exception of emergency cases
2. It is forbidden to apply violence, threat or any illegal activity as well as promoting a life and health threatening conditions towards the participants of the investigation during the investigation proceedings
3. While involving the accused, suspect, witness, injured, civil petitioners, their representatives or any other person forseen by articles 81, 83-86 of the given code the investigator should identify their state of being,, explain their rights and responsibilities as well as the general terms of investigation

process. If the injured, witness, expert or translator are participating in the investigation proceedings the investigator should then inform them correspondingly on the criminal liabilities foreseen by articles 338 and 339 of the Criminal Law of the Republic of Armenia.

4. The investigator has a right to involve authorities from operative investigation structures for implementing investigation proceedings. This should be noted in relevant investigation protocol

(additions in article 188[1] dated on 23.05.06 ՀՕ-104-Ն)

Article 189. Investigation bodies

Investigators of the Special Investigatory Service, Police investigators, investigators of the Ministry of Defense, National Security bodies, Tax and Customs bodies conduct investigation of criminal cases.

(amendments in article 189 dated 25.05.06 HO-91-N, 22.02.07 HO-129-N, 02.11.07 HO-248-N, 28.11.07 HO 270-N)

Article 190. Investigative subordination

1. Police investigators conduct investigation concerning the crimes specified in articles 104-164, 166-187, 191, 192, 195-201, 204, 212-214, 218, 222, 223, 225, 225.1, 227-232, 235-249, 251-298, 300, 308-328, 331-332.2, 336, 341, 343-345.1, 347-355112-121; 123-124; 128; 135-137; 166-167; 170-171; 173-187; 190-192; 195-199; 202; 204; 212-214; 233-239; 242-247; 251-276; 292; 294-298; 321-326; 354-355 of the Criminal Code of the Republic of Armenia.

2. Police or tax investigators conduct investigation concerning the crimes specified in Articles 188, 189, 193, 194, 202, 203, 205-211 of the Criminal Code of the Republic of Armenia.

3. Investigators of national security bodies conduct investigation concerning the crimes specified in Articles 188-189; 193-194; 203; 205-211 of the Criminal Code of the Republic of Armenia.

4. Investigators of national security bodies or customs bodies conduct investigation of criminal cases specified in Article 215 of the Criminal Code of the Republic of Armenia.

5. Investigators of the Ministry of Defense conduct investigation of crimes directed against the military service code as well as crime committed in military unit or towards military contractor services.

6. Investigators of the Special Investigatory Service conduct investigation of crimes committed by managerial officials of the legislative, executive or judiciary authorities, officials of special state authorities in the course of their official duties, as well as crimes specified in Articles 149, 150, 154.1, 154.2 of the Criminal Code of the Republic of Armenia.

Whenever necessary, the General Prosecutor of the Republic of Armenia can withdraw certain cases from other investigatory agencies and transfer them to the Special Investigatory Service, if such cases are connected with the crimes committed solely or in complicity by the officials specified by this part or if such officials have been recognized as injured.

7. Investigators who institute criminal case, conduct investigation thereof in respect of cases specified by parts 2 and 4 of this Article, except for cases when the prosecutor transfers the investigation of that case to other investigatory bodies.

8. Investigators of those investigatory agencies, which have disclosed such crimes in the course of their investigatory competencies conduct investigation of criminal cases specified in Articles 128, 165, 200, 208, 209, 216, 308-310, 314, 315, 333-335, 337-340, 342, 345 and 346 of the Criminal Code of the Republic of Armenia.

9. Investigators of national security bodies and customs bodies conduct investigation concerning the crimes specified in Articles 188, 189, 205, 206, 235, 263, 266, 268, 271, 272, 275 and 325 188-189; 193-194; 203; 205-211 of the Criminal Code of the Republic of Armenia if such crimes have

been disclosed in the course of their investigatory competencies, except for cases when the prosecutor transfers the investigation of that case to other investigatory bodies. .

10. When investigation of cases conducted by different investigatory agencies is combined into one proceeding, or the investigation of disclosed crime belongs to other investigator's competency, which is not foreseen by the part 8 of this Article, the investigation competency is decided by the prosecutor.

The Special Investigatory Service can not investigate any case belonging to the competency of other investigators, except for the cases specified by part 6 of this Article.

(amendments in article 190 dated on 19.03.99 HO-287, additions dated on 11.09.01 HO-215, amendments dated on 01.06.06 HO-61-N, edited on 25.05.06 HO-91-N, edited and amended on 22.02.07 HO-129-N)

Article 191. The place of investigation

1. The investigation is conducted at the place where the crime was committed.

2. For reasons of fast and complete investigation, it can be conducted at the place where the crime was discovered, as well as at the place where most of the suspects, accused or witnesses are located.

3. When necessary to conduct investigation at another place, the investigator is entitled to conduct this activity personally or to delegate it to the investigator of the given locale or to the inquest body.

Article 192. Beginning the investigation

1. Investigation is conducted only when the decision to initiate criminal case has been made.

2. After the initiation of criminal case the investigator and the officer of the inquest body immediately start the investigation of the case.

3. If the investigator or inquest body initiated the criminal case, and the case was taken over by them, a joint decision is made on the initiation of criminal case. These proceedings document should immediately be forwarded to the prosecutor, not later than 24 hours.

Article 193. The authority of the chief of investigation department

1. The chief of investigation department:

1) instructs the investigator to conduct investigation, transfers the case from one investigator to another;

2) supervises the timeliness of actions of investigators concerning criminal cases they are in charge, the observance of investigation deadlines and detention periods, the execution of the prosecutor's instructions, as well as the instructions of other investigators.

3) instructs on the implementation of individual investigative activities;

4) delegates investigation to several investigators;

2. The chief of investigation department is entitled to participate in the investigation of cases taken over by an investigator, using the authorities of the investigator in this case.

3. The instructions given by the chief of investigation department on the criminal case can not restrict the initiative of the investigator and the rights specified in this Code. The instructions to the investigator are given in the written form and are mandatory for execution, however, they can be appealed to the prosecutor, except cases envisaged in part 4 of article 55, paragraph 27.

4. The instructions of the prosecutor are mandatory for the chief of investigation department.

In case of emergency the prosecutors's instructions can be given orally however the latter ones should be formulated in a written way not later than in 24 hours

(article 193 edited on 25.05.06 ՀՕ-91-Ն)

Article 194. The investigation conducted by investigation group

In case of complexity or large size of the case, the investigation can be delegated to several investigators, which is indicated in the decision to initiate criminal charge or a separate decision is made. The prosecutor or chief of investigation department is entitled to make such decision. The decision must indicate all investigators who have been instructed to conduct the investigation, including the head investigator of the group who takes over the case and supervises the activities of other investigators. The suspect, the accused, the injured person, the civil claimant and their representatives must be familiarized with the decision on conducting the investigation by a group of investigators and they are advised that they are entitled to challenge any investigator in the group.

(amendments in article 194 dated on 22.02.07 ՀՕ-129-Ն)

Article 195. The authority of the head of the investigation group

1. The head of the investigation group takes over the case, organizes the work of the investigation group, supervises the activities of other investigators.
2. Decisions concerning the joinder or disjoinder of criminal cases, the termination, suspension or resumption of proceedings, as well as the extension of investigation period, choosing arrest as measure to secure appearance of the defendant and the extension of its term are taken only by the head of the investigation group.
3. The decision to transfer a case to the court to discuss the indictment or enforcement of medical measures is made by the head of investigation group.
4. The head of investigation group is entitled to participate in the investigation activities conducted by other investigators, to conduct investigative activities in the case and to make decisions.
5. ***(additions in article 195 dated on 25.05.06 ՀՕ-91-Ն)***

Article 196. The end of investigation

1. The investigation is concluded with a decision to transfer the case to the court for indictment, enforcement of medical measures or termination of the criminal case.
2. After the inquest, the chief of the inquest body forwards the case to the investigator, about which an appropriate decision is made. Inquest is over when:

1) the inquest deadline is over;
2) the person who committed the crime appears before the expiration of the inquest deadline;
3) the prosecutor transfers the case under consideration of the investigating body to conduct investigation, or the investigator is involved into the investigation.

Article 197. Investigation deadlines

1. Inquest is over within 10 days after initiation of the criminal case.
2. Investigation of a criminal case must be over no later than in two months. This deadline is calculated from the day of initiation of the criminal case and is over when decision is made on forwarding the case to the court or dismissal of the case.
3. The time of familiarization with the materials by the defendant or his lawyer is not included into the case investigation deadline. If the defendant and his lawyer delay the familiarization with the criminal case on purpose and without good motives, the investigator can limit the familiarization deadline by his own decision.

4. The time when the investigation was suspended on the grounds specified in this Code, is not calculated in the investigation period.
5. The investigation period specified in this Code can be extended by the prosecutor, based on the argumented decision of the investigator.
6. The investigator must submit the argumented decision on extension of the investigation period to the prosecutor, at least 3 days before the expiration of the investigation deadline.
7. In case of restarting the investigation of the criminal case, conducting additional investigation as well as restarting the terminated case the investigation should be completed in one month accordingly starting the day after the final decision made on restarting the investigation of the criminal case, conducting additional investigation as well as restarting the terminated case the expansion of this deadline can be done in accordance with the procedure foreseen in part 5 of the given article
(additions in article 197 dated on 25.05.06 ՀՕ-91-Ն)

Article 198. Mandatory elucidation and ensuring of rights for participants of the proceedings
The prosecutor, the investigator, inquest body officer is obliged to elucidate the rights and duties to the suspect, the accused, the injured person, civil defendant, civil plaintiff and their representatives and other persons participating in the investigation activities, as well as the consequences for failure to carry out their duties.

Article 199. Consideration and resolutions of petitions
1. The prosecutor, the investigator, the investigating body is obliged to consider all petitions initiated by the participants of the investigation.
2. Written and oral petitions must be considered and resolved within five days. The investigator or investigating body officer must make an argumented decision on the complete or partial dismissal of the petition.

Article 200. The obligation to reveal and eliminate the circumstances conductive to committed crime
1. The prosecutor, the investigator, the investigating body, during the investigation are obliged to reveal the circumstances conductive to the committed crime and, when necessary, to submit a legal appeal to the appropriate legal entity or official on the elimination of these circumstances.
2. The appeals are liable to mandatory consideration, and within a month the body which forwarded these appeals must be informed about the results.

Article 201. Prohibition to publicize the investigation data
1. The investigation data is liable to publication only by permission of the body in charge of case proceedings.
2. When necessary, the investigator, the investigating body warns in written form the witness, the injured person, the civil plaintiff and civil defendant, their representatives, specialists, experts, translators, witnesses to the search, lawyers and other persons related to the case about their responsibility not to publicize investigation data without the permission.

CHAPTER 31. SEARCH AND SEIZURE

Article 225. Grounds for conducting search

1. The investigator, having sufficient ground to suspect that in some premises or in some other place or in possession of some person, there are instruments of crime, articles and valuables acquired by criminal way, as well as other items or documents, which can be significant for the case, conducts a search in order to find and take the latter.
2. The search can also be conducted to find searched-for persons and corpses.
3. The search is conducted only by a court decision.
(additions in article 225 dated on 25.05.06 ՀՕ-91-Ն)

Article 226. Grounds for seizure
1. When necessary to take articles and documents significant for the case, and provided it is known for sure where they find themselves and in whose possession, the investigator conducts seizure.
2. The seizure of documents which contain state secrets is conducted only by permission of the prosecutor and in agreement with the administration of the given institution.
3. No enterprise, institution or organization, no official or citizen has the right to refuse to give the investigator the articles, documents or their copies which he would demand.

Article 227. Persons present at search and seizure
1. Search and seizure is done in the presence of attesting witnesses.
2. When necessary, an interpreter and an expert take part in the search and seizure.
3. When performing search and seizure, one must provide the presence of the person or the full-age members of his family where the search or seizure is conducted. If their presence is impossible, the representative of the apartment maintenance office or local administration is invited.
4. Search and seizure at the premises owned by enterprises, institution, organizations and military units is done in the presence of their representative.
5. The persons whose premises are searched and whose items are seized, as well as the attesting witnesses, experts, interpreters, representatives, lawyers are entitled to be present during all actions of the investigator, make statements which must be recorded in the protocol.

Article 228. Procedure of search and seizure
1. Based on search or seizure warrant, the investigator is entitled to enter apartments or other buildings.
2. Prior to the search or seizure the investigator must familiarize the searched person or the one from whom seizure is done, with the warrant about which a signature is taken from the latter.
3. When conducting a search the investigator or the expert can use technical devices about which a record is made in the search protocol.
4. The investigator is obliged to take measures not to publicize the fact of the search and seizure, as well as their results and the facts of the private life of the searched person.
5. The investigator is entitled to prohibit the persons present at the search or seizure site to leave the site, as well as prohibit communication between each other until the investigatory actions are over.
6. When conducting a seizure, after presenting and announcing the warrant, the investigator proposes to hand over the articles and documents subject to seizure of one's own accord, in case of refusal, compulsory seizure is done. If the searched-for articles (none official copy) are not discovered at the place indicated in the warrant, by discretion of the investigator and by court decision, a search can be conducted.

7. When conducting a search, after presenting and announcing the decision, the investigator proposes to hand over the articles and documents or the hiding person subject to seizure. If the latter are handed over of one's own accord, this is recorded in the protocol. If the searched for items and documents are not handed over or are handed over partially, or the hidden person does not surrender, a search is conducted.
8. All taken items and documents are presented to the participants of investigatory actions, are described in detail in the protocol and when necessary, are sealed with the investigator's seal.
9. When conducting a search and seizure the investigator is entitled to open closed premises and warehouses, if their owner refuses to open the latter of his own accord. One must avoid from damaging locks, doors and other objects without necessity.
10. ***(additions in article 228 dated 14.12.04 ՀՕ-28-Ն, 25.05.06 ՀՕ-91-Ն)***

Article 229. Personal search
1. When conducting searches in the premises, in case of sufficient grounds, the investigator is entitled to conduct personal search and take items and documents possessed by the person at whose premises the investigatory actions are conducted, found in his personal effects, clothes or on the body which can have probatory value.
2. Personal search can be conducted without warrant in the following cases:
1) when arresting the suspect, and bringing him to the police or other law enforcement institution;
2) when using arrest as a measure to secure the appearance of the suspect or the accused;
3) when there are sufficient grounds to suspect that the person in the given premises where the search is made, may conceal documents or other items which have probatory value for the case.
3. Personal search can be conducted by the investigator, with the expert and attesting witness, provided they are of the same sex as the searched person.
(article 229 edited on 25.05.06 ՀՕ-91-Ն)

Article 230. Search and seizure protocol
1. When the search and seizure are over, the investigator writes an appropriate protocol which must indicate the place where investigatory actions were conducted, the time, the considerations, whether the searched for items and persons were surrendered of one's own accord, the name, surname, position of the person who conducted the search, the names, surnames and addresses of attesting witnesses, as well as the surnames, position and the legal status of other participants of the search.
2. All the seized articles must be indicated in the protocol of investigatory activities, mentioning their quantity, size, weight, individual features and other peculiarities.
3. If attempts were made to eliminate or hide the revealed articles or documents during investigatory actions, this fact is indicated in the protocol.
4. The investigator is obliged to familiarize all participants of investigatory actions with the protocol and they are entitled to demand for their comments to be incorporated in the protocol.

Article 231. The mandatory presentation of the copy of the search and seizure protocol
1. The copy of the search and seizure protocol with a signature is presented to the person in whose premises the investigatory actions had been conducted or to the full-age members of his family, and in case of their absence, to the representative of the apartment maintenance office in whose area the investigatory actions were conducted.

2. If the seizure or search took place in the territory of enterprise, entity, military unit or organization the copy of the protocol should be submitted to the respective representatives.

CHAPTER 32. SEIZURE OF PROPERTY

Article 232. Seizure of property

1. Seizure of property is practiced as a remedy to secure property in civil claim and to prevent possible seizure and for coverage of court expenses.
2. Seizure of property is imposed on the property of the suspect and the accused as well as those persons whose actions can cause financial responsibility, regardless who posses what property.
3. The seizure of property commonly shared by spouses or the family is imposed on the part owned by the accused. In case of sufficient evidence that the commonly shared property increased or was acquired in a criminal way, the seizure can be imposed on the whole property of the spouses or the family or on a larger part of it.
4. Seizure can not be imposed on the property which according to law cannot be seized.

Article 233. Grounds for seizure of property

Seizure of property can be applied by the bodies conducting criminal proceedings only in the case when the materials collected for the case provide sufficient ground to suspect that the suspect, the accused or other person who has the property, can hide, spoil or consume the property, which is liable to seizure.

1.1 During the investigation of criminal case on the basis of articles 104, 112-113, 117, 122, 131-134, 166, 168, 175-224, 233-235, 238, 261-262, 266-270, 281, 284, 286-289, 291-292, 295, 297-298, 308-313, 329, 352, 375, 383 and 389 of the Criminal Code of the Republic of Armenia, the prosecuting body shall impose seizure on the property derived or obtained, directly or indirectly, through commission of those offences, including income or other benefits, instruments used or intended to be used in the commission of those offences, immediately after their disclosure. Seizure on that property will be imposed regardless of whether it is owned or held by a defendant or a third party.

2. Seizure of property is carried out based on the decision of the investigating body, the investigator or the prosecutor.
3. The decision on the seizure of property must indicate the property subject to seizure, the value of the property based on which it sufficient to impose seizure to secure the civil claim and court expenses.
4. When necessary, if there is a grounded suspicion, that the property will not be surrendered for seizure of one's own accord, the prosecutor appeals to the court for a search permission, as established in this Code.

(additions in article 233 dated on 28.11.06 ՀՕ-207-Ն)

Article 234. Valuation of the property to be seized

1. The value of property to be seized is determined at market prices.
2. The value of the property which is seized as provision for civil claim or court expenses initiated by the prosecutor or civil plaintiff must be adequate to the amount of the claim.

3. When determining the portion of property to be seized from a number of accused or persons responsible for the actions of the latter, the degree of participation in the crime is taken into account however to provide a civil claim, the property of one of the relevant persons can be seized in full amount.

Article 235. Procedure of implementation of the decision for property seizure

1. The inquest body, the investigator or the prosecutor hand over the property seizure decision to the property owner or the manager and demands the submission of property. When the demand is rejected, an enforced seizure is done.
2. After the end investigation, by court ruling, the marshal of the court implements the seizure of property.
3. When imposing property seizure, when possible, an expert in commodity is involved who determines its approximate value.
4. The owner or the manager of the property is entitled to decide which articles or valuable items should be seized first to provide for the amount indicated in the property seizure decision.
5. The investigating body, the investigator or the prosecutor write a protocol on property seizure and the court marshal compiles other documents envisaged in law. The protocol (document) enumerates the whole seized property, accurately indicating the name, quantity, means, weight, degree of wear and tear, other individual features and when possible its value; it indicates what property was seized and what property was left for keeping, the seized property is described, the statements of present persons about the ownership of other people.
6. The copy of the appropriate protocol (document) with a signature is handed over to the owner or manager of the seized property, and in case of their absence, to the full-age members of their family, to the apartment maintenance office or local self-government representative. When seizing the property of an enterprise, institution or organization, the copy of the appropriate protocol (document) with signature is given to the administration representative.

Article 236. The preservation of seized property

1. Except real estate and large-sized items, other seized property as a rule is taken away.
2. Precious metals and stones, diamonds, foreign currency, cheques, securities and lottery tickets are handed for safe keeping to the Treasury of the Republic of Armenia, cash is paid to the deposit account of the court which has jurisdiction over this case, other taken items are sealed and kept at the body which made a decision to seize the property or is given for safe keeping to the apartment maintenance office or local self-government representative.
3. The seized property that has not been taken away is sealed and kept with the owner or manager of the property or his full-age members of his family who are advised as to their legal responsibility for spoiling or alienation of this property, for which they undersign.

Article 237. Appeals against seizure of property

The property seizure decision can be appealed against to the prosecutor however the submitted complaint does not prevent the execution of the decision.

Article 238. Release of property from seizure by criminal proceedings

1. The property is released from seizure by criminal proceedings ruling if as a result of recalling of the civil action, the qualification of the criminal act incriminated to the suspect or the accused has changed, and the necessity to seize property disappeared.

2. By petition of the civil plaintiff or other interested party, who are inclined to claim the property through civil proceedings, the court is entitled to preserve the imposed property seizure also after the end of criminal proceedings, within a month.

CHAPTER 54. MUTUAL LEGAL ASSISTANCE ON CRIMINAL CASES ACCORDING TO INTERNATIONAL AGREEMENTS

Article 474. Mutual legal assistance procedure on criminal cases at international relations

1. The execution of interrogation, inspection, confiscation, search, examination and other court operations provided by present code in the territory of a foreign state on the instructions or at the instance (hereinafter on demand) of courts, public persecutors, investigator, investigating bodies of the Republic of Armenia, as well as the execution of court operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies and official persons (hereinafter - authorized bodies) is carried out as provided by international agreements of the Republic of Armenia in accordance with procedure established by that agreements and present code.
2. Executing judicial operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia apply norms of the present code – with the exceptions provided by corresponding international agreements.
Executing judicial operations in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia may apply legislative norms of criminal legal procedure of corresponding foreign state, if it is provided by international agreement with participation of the Republic of Armenia and given foreign state.
The demands of foreign states' authorized bodies are fulfilled in terms provided by present code, if another term is not determined by corresponding international agreement.

Article 475. Bodies carrying out communication on the matter of legal assistance

1. The communication on the matter of legal assistance on criminal cases by international agreements of the Republic of Armenia is carried out:
a) in connection with executing interrogations concerning executing legal proceeding operations by the cases being in pre-trial investigation – through Prosecutor General Office of the Republic of Armenia;
b) in connection with executing interrogations concerning executing legal proceeding operations by the cases being in court proceedings – through the Ministry of Justice of the Republic of Armenia.
In case of being provided by international agreements of the Republic of Armenia, the communication can be carried out through diplomatic channels as well – through diplomatic representatives and consular institutions of the Republic of Armenia in foreign states, which receiving corresponding demands immediately submit them to authorized body – to submit to execution.
2. If a court, a public prosecutor, an investigator, investigating body of the Republic of Armenia gives the demand of execution court operations, they submit demands worked out in accordance with international agreements of the Republic of Armenia to corresponding authorized bodies determined

by the first part of present article – to deliver it to foreign state's authorized body with the purpose of its execution.
After authorized bodies of foreign states interrogate the court, the public prosecutor, the investigator, investigating body and submit to the authorized body provided by the first part of present article, the latter immediately provide the interrogation to the court, the public prosecutor, the investigator, investigating body of the Republic of Armenia worked out the demand.
3. If the demand to conduct legal proceedings operations was given by authorized bodies of foreign state and it was submitted to authorized body by the first part of the present article in accordance with international agreements of the Republic of Armenia, the latter submits the demand for execution to that court, public prosecutor, investigator, investigating body of the Republic of Armenia, which is authorized to execute given demand in accordance with present code.
The court, the public persecutor, the investigator, investigating body after to performing commission submit it to corresponding authorized bodies provided by the first part of present article, which immediately pass execution to an authorized body of foreign state.
4. In cases provided by international agreements of the Republic of Armenia giving demand, delivery demand concerning execution of court proceedings operations and transmission of the results of its execution may be carried out thought direct communication between corresponding authorized body of foreign state and corresponding court, public prosecutor, investigator, investigating body.
At that, if the execution of the demand received from authorized body of foreign state through immediate communication is not included in the authorities of the court, public prosecutor, the investigator, investigating body of the Republic of Armenia, immediately readdress the demand to authorized the court, public prosecutor, the investigator, investigating body of the Republic of Armenia, informing about it corresponding authorized body of the foreign state given demand.
Authorized court, public prosecutor, investigator, investigating body of the Republic of Armenia received the demand by readdressing executes the demand and dispatches it to the authorized body of foreign state as provided by the present part, at the same time informing corresponding body of the Republic of Armenia provided by the first part of present article about demand and its execution.
In cases provided by this part corresponding court, public prosecutor, investigator, investigating body of the Republic of Armenia informs through direct communication corresponding bodies mentioned in the first part of the present article about each demand, its receiving and execution – briefly pointed the demand, name of given body (name and position of the official person), content of demand, executing body or official person, content of execution, terms of demand's giving and execution.
5. When the execution of demand received from foreign state's authorized body corresponding to international agreements of the Republic of Armenia is impossible or does not arise from given international agreement, corresponding body of international state in accordance with procedure established by present article informs about impossibility of demand's execution and the reasons of that.

Article 476. Carrying out demands provided by more than one international agreements
1. If the responsibility of carrying out demands concerning court legal proceedings operations by the foreign state's authorized body arises from more than one international agreements signed by the Republic of Armenia with this state, the following orders will be applied:
a) if it is mentioned in the agreement, based on which international agreement exactly it has been worked out and submitted, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow that international agreement;

b) if there are more than one international agreement acting between given foreign state and the Republic of Armenia mentioned in the demand, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow the international agreement mentioned in the demand that gives most complete solution to the problems concerned with demand's execution, at the same time applying the statements of other agreement (agreements), which are not provided by the international agreement giving most complete solution, but give possibilities to execute the demand fuller and more quickly.
c) if there is no mention in demand concerning with any international agreement acting between given state and the Republic of Armenia, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow the international agreement that gives most complete solution to the problems concerned with demand's full execution, at which the applying of statements of other agreements between given state and the Republic of Armenia that complete the agreement, which is followed by the court, public prosecutor, investigator, investigating body, is not impossible.
2. In the event that multilateral international agreement acts between the Republic of Armenia and given foreign state, which at the issues of betrayal gives privilege to that agreement with respect to other international agreements acting between the sides and regulating the issues of betrayal, the court, public prosecutor, investigator, investigating body of the Republic of Armenia follow this multilateral international agreement.

Article 477. To reject the execution of demand arising from international agreements
The execution of demands concerned with court legal proceedings submitted by foreign state's authorized bodies based on international agreements of the Republic of Armenia may be rejected on the grounds provided by other agreements.
At that, if the demand has been submitted by authorized body of the state, with which the Republic of Armenia is connected with more than one corresponding international agreements, the execution of the demand may be rejected only if the circumstance (the reason) appearing the ground is provided by all international agreements - irrespective of the fact that whether the demand has been worked out and submitted in accordance with the agreement providing the circumstance (the reason) appearing the ground for rejection or in accordance with another international agreement, or if the execution of demand may cause damage to constitutional order, self-government, national security of the Republic of Armenia and the possibility of rejection of the execution the demand based on these grounds is provided by at least one international agreement acting with the participation of given foreign state and the Republic of Armenia.

Article 478. Betrayal crime perpetrate persons to foreign state
1. Citizens of foreign states, as well as persons without citizenship found permanent residence in the territory of a foreign state perpetrated crime in the territory of the Republic of Armenia – with the purpose of beginning criminal case against them in the corresponding state or continue the case began in the territory of the Republic of Armenia in accordance with present code, may be betrayed to that state only in cases, provided by international agreements acting with participation of that state and the Republic of Armenia.
In accordance with procedure established by corresponding international agreement all documents and other materials concerning with the crime perpetrated by betrayed person be at the case of the court, public prosecutor, the investigator, investigating body of the Republic of Armenia.

In the event that the order of documents' and other materials' dispatch is not provided or determined by international agreements, their dispatch may be carried out in accordance with agreement reached with central bodies of the Republic of Armenia and of foreign state or with authorized bodies of the court, public prosecutor, the investigator, investigating body having immediate and foreign state that have direct communication.
Dispatched documents in one copy are to be kept at the court, public prosecutor, the investigator, investigating body of the Republic of Armenia worked out or submitted the documents.
2. The betrayal of persons provided by the first part of present article to a foreign state with purposes provided by that part may be carried out at the period since their perpetration criminal act or in connection with it instituting criminal legal proceedings in the territory of the Republic of Armenia till the moment of pronouncement of sentence concerning that person or in other period provided by corresponding international agreement of the Republic of Armenia.

Article 479. Body authorized to make a resolve of extradition

1. If it is provided by international agreement of the Republic of Armenia to extradite a person perpetrated a crime to foreign state considered a member of this agreement and if different is not provided by that agreement, the decision of extradition of a person being in the territory of the Republic of Armenia may be made by:
1) the court of the Republic of Armenia, in the territory of which's authority was instituted criminal proceedings concerning with person liable to extradition and the case is at pre-trial phase - through the mediation of public prosecutor of corresponding territory;
2) the court of the Republic of Armenia, in case which is the court legal proceedings of the criminal case instituted against given person liable to extradition;
3) Court of Cassation of the Republic of Armenia, if person liable to extradition based on court sentence holds punishment at criminal-executive institution or is put on probation - through the mediation of Ministry of Justice of the Republic of Armenia.
2. If in accordance with international agreement a citizen of the Republic of Armenia must be extradited or can be extradited to a foreign state, the allowance to make resolve of extradition has the court of the Republic of Armenia, in the administrative territory of which this person is registered, and if a citizen of the Republic of Armenia must be extradited or can be extradited to a international court acting with participation of the Republic of Armenia, the resolve of extradition makes Court of Cassation of the Republic of Armenia.
In cases provided by present part General Public prosecutor of the Republic of Armenia submits petition to corresponding court, if the case concerning with this person is at pre-trial case or Minister of Justice of the Republic of Armenia – if the case concerning this person is at the court proceeding phase or if the demand on his extradition was received from an international court.
3. When the extradition of a person, including – of citizen of the Republic of Armenia, to foreign state or international court is rejected, perhaps, if there are satisfied ground provided by present code to institute criminal charge against him concerning the action, for which he has sent petition of extradition from the foreign state or international court, the body made resolve of rejection must begin criminal charge concerning that person, and in cases provided by international agreements of the Republic of Armenia and in accordance with procedure established by it to take off the case concerning corresponding criminal charge from the case of foreign state's court or of international court and to receive the case concerning that person instituted by authorized body of foreign state – executing corresponding criminal charge in accordance with the procedure established by present code.

Article 480. Extradition crime perpetrate person to the Republic of Armenia by a foreign state

1. In cases provided by international agreements of the Republic of Armenia and in accordance with procedure established by them persons perpetrated crimes in the territory of the Republic of Armenia and being in foreign countries – can be extradited to the Republic of Armenia by foreign states – with the purpose of instituting criminal case against them for crimes perpetrated in the territory of the Republic of Armenia.

In cases provided by international agreements of the Republic of Armenia and in accordance with procedure established by them with the same purpose foreign states can extradite to the Republic of Armenia the persons perpetrated the crime in the territory of given foreign state.

2. Executing criminal legal proceedings against persons provided by the first part of present article the rules of present codes are applied – with the exceptions provided by corresponding international agreements.

3. If a foreign state rejects the extradition of demanded person to the Republic of Armenia, in cases provided by given international agreements and in accordance with procedure established by them the court, public prosecutor, the investigator, investigating bodies dispatch their case to authorized body of corresponding foreign state – for the purpose of execution criminal charge concerning that person.

Article 481. Subpoena in the Republic of Armenia as a witness, civil plaintiff, their representatives, an expert, specialist and carrying out court legal proceeding operations

Persons appearing as a witness, civil plaintiff, their representatives, an expert, specialist by criminal case carrying out in the territory of the Republic of Armenia, who are out of the Republic of Armenia, in accordance with procedure and terms established by international agreements of the Republic of Armenia may be summoned to the Republic of Armenia – by the court, public prosecutor, the investigator, investigating body carrying out corresponding criminal case to execute necessary investigating or court operations with their participation.

During execution of necessary investigating or court operations with participation of that persons the rules of the present code are applied – with except provided by corresponding international agreements.

Article 111. To complete the code with new chapter 54^{1}- including in it 482-499^{th} articles of the code in new edition as well as to complete with articles 499^{1}, 499^{2}, 499^{3}, 499^{4} and 499^{5} with following content:

CHAPTER 54^{1}. MUTUAL LEGAL ASSISTANCE ON CRIMINAL CASES IN CASE OF ABSENCE OF INTERNATIONAL AGREEMENTS

Article 482. Terms of legal assistance on criminal cases in case of absence of international agreements

1. In case of absence of international agreements concerning legal proceedings operations on criminal cases between foreign state and the Republic of Armenia, based on mutuality of authorized bodies and official persons (hereinafter – authorized bodies of given state) and the court, public prosecutor, the investigator, investigating bodies of the Republic of Armenia legal assistance can be shown at exceptional cases – in accordance with understanding reached through diplomatic channels based on

the on mutuality of foreign state and the Republic of Armenia and about providing mutual aid, which must be previously coordinated:
a) the Ministry of Justice of the Republic of Armenia – concerning execution of legal proceeding operations being at court proceeding;
b) with Prosecutor General Office of the Republic of Armenia – concerning execution of legal proceeding operations being at pre-trial proceeding;
2. The communication and mutual assistance providing between authorized bodies of given foreign state and the court, public prosecutor, the investigator, investigating body of the Republic of Armenia between given state and the Republic of Armenia in accordance with procedure provided by the first part of given article continue until signing international agreement (agreements) on corresponding issue (issues) or until reciprocal participating of the Republic of Armenia and given foreign state to a valid multilateral international agreement of providing mutual assistance on criminal cases, if until that through diplomatic channels the Republic of Armenia or corresponding state in unilateral way or by bilateral agreement have not eliminate reached understanding concerning providing legal assistance on the basis of mutuality.
3. Providing legal assistance based on mutuality in accordance with procedure established by the first part of present article, with other bodies of the foreign state the court, public prosecutor, investigator, investigating body of the Republic of Armenia communicate through Ministry of Justice of the Republic of Armenia or through Prosecutor General Office of the Republic of Armenia correspondingly – in accordance with the rules of the 475th article of present code.
4. Ministry of Justice of the Republic of Armenia through Ministry of Foreign Affairs of the Republic of Armenia provides to the authorized central body of corresponding foreign state the text of present chapter translated into language acceptable for that state – to use providing legal assistance in the course of mutuality – accepting from this state its corresponding law.

Article 483. The content of petition about legal assistance in the course of mutuality
1. The petition of executing separate legal proceeding actions addressed to foreign state's authorized body must be worked out in written, be signed by sending official person and confirmed with official stamp of the court, Prosecutor General Office, investigating body of the Republic of Armenia.
2. The petition concerning legal assistance in execution legal proceeding operation must contain:
1) the name of the court, public prosecutor, investigator, investigating body sending petition;
2) the name of foreign state, to which the petition is sent;
3) the name of the case and the character of the petition;
4) information about the persons, concerning which the petition is sent: name and surname, year, month, date, place (address) of birth, citizenship, line of work, place of residence or location, for juridical persons – name and location (address);
5) statement of circumstances subject to disclosure, as well as the list of documents, exhibits and other proofs that is expected to receive from performer of the petition;
6) information of factual circumstances of perpetrated crime, its qualification, in case of need – of nature and value of the damage caused by this crime, as well as other information being at the sender of petition that can suggest to effective fulfill of the petition.

Article 484. Fulfillment the petition concerning legal proceeding operations
1. The court, public prosecutor, the investigator, investigating body of the Republic of Armenia fulfill the petition submitted by foreign state concerning providing legal assistance based on mutuality by general rules of present code (chapters 1-53);

2. If petition cannot be fulfilled the checked documents returned to authorized body of international state sent the petition – mentioning the reasons hindering its fulfillment.
Petition is not fulfilled and is not a subject to return if its fulfillment can damage independence, constitutional order, government or security of the Republic of Armenia or conflicts with legislation of the Republic of Armenia.

Article 485. Sending case materials to foreign country to begin or to continue criminal charge
In case of crime perpetration by a citizen of foreign state or by a person without citizenship resident of foreign state in the territory of the Republic of Armenia and his leaving the Republic of Armenia all materials of instituted or investigated or liable to institution – the body executing the criminal case through corresponding authorized body provided by the first part of the 475th article of present code is sent to the corresponding body of given state – with petition to begin or to continue the criminal case concerning mentioned persons in accordance with legislation of this state.
The copies of all documents of the case provided by present article are kept at the court, public prosecutor, the investigator, investigating body of the Republic of Armenia executing the case – joined the list of material evidence that have been also sent to authorized body of corresponding foreign state.

Article 486. Fulfillment the petition concerning continue of criminal charge received from foreign states
1. The petition of foreign state's authorized body concerned criminal charge execution with respect to the citizen of the Republic of Armenia perpetrated crime in the territory of foreign state and returned to the Republic of Armenia is dispatched:
a) to authorized research or investigating body of the Republic of Armenia – to institute criminal case and to investigate the case based on the materials attached to the petition;
b) to authorized public prosecutor or court of the Republic of Armenia – to continue preliminary investigation and legal proceedings of the criminal case already instituted against citizen of the Republic of Armenia in the territory of foreign state.
2. In case of beginning or continue criminal proceeding at the territory of the Republic of Armenia the proofs reached in the territory of foreign country by the investigation on case in accordance with procedure established by laws of that state have equal legal power with all other proofs received in the territory of the Republic of Armenia.
During fulfillment the investigation in the territory of the Republic of Armenia additional proofs submitted by foreign state's authorized body are joined to other proofs in the case.
3. The authorized body of the given state sent petition is informed about setting the petition of foreign state's authorized body to begin criminal legal proceedings or to continue legal proceedings in the territory of the Republic of Armenia in accordance with procedure established by the first part of present article going.

Article 487. Extradition
1. In case of receiving petition from foreign state's authorized body about extradition of crime perpetrated person, the court, public prosecutor, the investigator, investigating body of the Republic of Armenia take appropriate measures having for the purpose to receive extradition permit or to carry out the sentence concerning to him and in direction of extradition this person to foreign state in accordance with procedure established by pointed 1-3 of the first part of the 479th article of the code.
2. Extradition regarding bringing in criminal responsibility is carried out for such kind of acts, which considered punishable by the laws of the state sent the petition and of the Republic of Armenia and for

perpetration of which the penalty in the form of deprivation of liberty is provided – at least for period of one year.
3. Extradition regarding serving of a sentence is carried out for such kind of acts, which considered punishable by the laws of the state sent the petition and of the Republic of Armenia and for perpetration of which the penalty in the form of deprivation of liberty is provided – at least for period of six months.

Article 488. Rejection the extradition

The fulfillment of the petition of foreign state's authorized body is rejected, if
1) at the moment of receiving the petition concerning with extradition by authorized body of the Republic of Armenia (first part of 475th article of present code) the criminal charge corresponding to the law of foreign state cannot be instituted, or the sentence cannot be executed because of being overdue or by other legal reason;
2) court sentence or decision of cessation of case proceeding and stoppage of criminal legal proceeding came into effect have been already proclaimed;
3) the petition concerns the extradition of a citizen of the Republic of Armenia;
4) in case of extradition in accordance with laws of given foreign country the death penalty may be settled and this state does not give satisfactory guaranties that in case of extradition such kind of penalty will not be settled and will not be executed;
2. The petition of person's extradition may be rejected, if the person, whose extradition is demanded:
1) has got the right to political asylum in the Republic of Armenia in accordance with established procedure;
2) is persecuted in political, racial or religion motives;
3) is persecuted for military crime perpetration at peaceful period;
4) perpetrated the crime in the territory of the Republic of Armenia.
The extradition also can be rejected, if given foreign country does not provide mutuality in the area of legal assistance on criminal cases.

Article 489. Content of extradition petition

1. The petition of person's extradition of foreign state's authorized body in the framework of legal assistance in the course of mutuality must contain:
1) name of the addressee of petition;
2) description of factual circumstances of the act and original text of the law of foreign state submitting petition, on the base of which this act is considered a crime;
3) name and surname of the person, whose extradition is asked, his citizenship, place of residence of location (address) and if possible other information about him;
4) note concerning the value of damage caused by the crime and about its compensation at the moment of sending petition.
2. A confirmed copy of the decision of foreign country's authorized body about arrest of the person must be attached to the petition of extradition.
3. A confirmed copy of the court sentence of foreign state's authorized court – with the not of its entrance into effect and the article of criminal code of foreign state, according to which given person has been condemned must be attached to the petition for execution court sentence or of holding the non-held part of penalty in the territory of the Republic of Armenia.

Article 490. Additional information

1. If the request of extradition does not content all necessary information, the court, public prosecutor, the investigator, investigating body of the Republic of Armenia received the petition may request additional information and in case of need, to determine for it term lasting less than one month.
2. If foreign state's authorized body submitted petition in the term provided by the first part of the present article does not submit additional information, the court, public prosecutor, the investigator, investigating body of the Republic of Armenia received the petition have to set free the person liable to extradition if he was arrested in accordance with decision of foreign state's authorized body and based on the decision of authorized court of the Republic of Armenia.

Article 491. Arresting for extradition

1. In case of presence of a copy of the decision of foreign state's authorized body attached to petition concerning his extradition, public prosecutor, the investigator, investigating body of the Republic of Armenia received the petition takes measures to arrest the persons liable for extradition in accordance with procedure establish by present code, if he considers impossible to fulfill the petition without it.
2. In the cases provided by the first part of present article the decision of authorized court of the Republic of Armenia must be taken with the presence of person liable to extradition.
If the decision of authorized court of the Republic of Armenia has been taken without the presence of person liable to extradition, because of his absence or of other reason, before fulfillment the extradition of this person, he must have possibility to appeal the decision of court to higher court.
The rules of present article are not applied for the person liable to extradition, which before receiving the petition of extradition, was arrested and carried a punishment in court-executive institution of the Republic of Armenia in accordance with procedure established by this code.

Article 492. Arresting or commitment before reception of the petition of extradition

1. Through the mediation of foreign state's authorized body the person may be arrested in the Republic of Armenia before reception of the petition of extradition as well. The mediation must contain references to the decision or court sentence came into effect of foreign state's authorized body – with notice that the petition of extradition of this person will be additionally provided. Before submission the petition of extradition the mediation about person's arrest may be passed by post, telegram or fax, as well as through International Criminal Police (Interpol) or through another organization executing person's search, to which the Republic of Armenia participates.
2. In accordance with procedure established by present code a person may be arrested without mediation or petition of extradition of foreign state's authorized bodies, if there are ground provided by present code to assume that he has perpetrated the crime in the territory of a foreign state, with which the Republic of Armenia is connected with agreement of providing legal assistance on reciprocal basis. In case of submission a petition of extradition by this country, the arrested person is liable for extradition.
3. In cases provided by the first part of present article the rules of the third part of the 491st article of present code are applied at person's arresting and if arresting the persons in cases provided by the second part, general rules determined by present code are applied.
4. In the cases provided by the first and the second part of present article foreign state's authorized body is immediately informed about applying of corresponding preventive punishment concerning arrested or taken into custody person.
5. A person arrested in accordance with procedure established by the first part of present article must be set free, if the petition of his extradition has not been received in 30 days after taking him under custody.

A person arrested in accordance with procedure established by the third part of present article must be set free, if at the moment of completing the term provided for arrest a petition of extradition or before sending petition – the mediation of his arrest would not be submitted by foreign state's authorized body.
In case of reception the petition of extradition or before sending petition – the mediation of his arrest, the rules of the 491st article or of the first part of present article of present code are applied.

Article 493. Extradition delay, temporary extradition
1. If criminal charge is incited against the person, whose extradition is demanded that person was condemned for other crime in the Republic of Armenia, his extradition can be delayed until the completion of the criminal charge, execution the sentence of the court or discharge of punishment in accordance with procedure established by the present code.
2. If the extradition of person provided by the first part of present article can lead to the lapse of statute of limitation of criminal charge determined by the law of foreign state against the petition of extradition or can cause damage to investigation carried out in that country, that person can be extradited temporary.
Temporary extradited person must be returned by the foreign state after execution of the court legal proceedings on the execution of criminal case, for which he has been extradited, but at least in three months since the day of extradition. In case of well-founded petition of foreign state's authorized body or official person and concordance it with the court, public prosecutor of the Republic of Armenia, that term may be prolonged, but at least for one month.
3. The period of temporary extradited person's being in foreign state is added to the term of imprisonment before trial or carrying punishment in the Republic of Armenia.

Article 494. Order of satisfaction of some demands or petitions about extradition
If there were received petitions about extradition of the same person from several states, public prosecutor or court of the Republic of Armenia by himself (by itself), which of these petitions he (it) should satisfy in the first place.
At that, considering the issue of satisfying in the first place one of the petitions, it is necessary to take into consideration all circumstances, especially the weight of crime and the place of perpetration, year, month and day of corresponding inquiries, the citizenship of plaintiff and that state's further possibility of inquest.

Article 495. Executing extradition
1. After making decision of person's extradition, the authorized body of corresponding state, which petition of execution has been satisfied, is informed about actual time and place of person's extradition.
2. If foreign state's authorized body, to which the notification provided by the first part of present article has been sent, does not accept the person liable to extradition in 15 days after the term provided by notification, this person, if he was arrested previously, is released from custody.

Article 496. Repeated extradition
If a person avoids of criminal charge executed against him or of carrying penalty in given foreign state and returned to the territory of the Republic of Armenia, by new petition of the same foreign state he extradite without submitting information and data provided by articles 489-490 of present code, if the grounds to reject extradition provided by the 488th article of present code had not been aroused.

Article 497. Giving allowance for transit extradition

1. Through written mediation of authorized body of a foreign state providing legal assistance with the Republic of Armenia on the basis of mutuality Prosecutor General of the Republic of Armenia decided the issue of giving allowance concerning the extradition through the territory of the Republic of Armenia of the person, the consent of the extradition of which was given by any third person.

The mediation concerning allowance of transit extradition is investigated in accordance with the same procedure that the petition of extradition.

2. In case of giving allowance of transit extradition, Persecutor General of the Republic of Armenia at the same time determines the way of extradition, which he finds most expedient (for example, by railway or automobile transport).

In case of stop in the territory of the Republic of Armenia during transit transportation, the extradited person is not allowed to leave corresponding carrier, and in case of need of leaving it may be done only under control of operative group and in term provided by General Executor of the Republic of Armenia.

3. the Republic of Armenia can reject allowance for transit transportation, if:

a) the action, for which the extradition of the person is requested is not considered a crime according to the law of the Republic of Armenia;

a) the person liable to extradition is not a citizen of the Republic of Armenia.

The transit is not allowed through the territory, where the person liable for extradition may be threatened by the danger of torture, brutal or inhuman treatment because of national or racial identity, religion, civil or political viewpoints.

Article 498. Obligation of criminal charge

1. In accordance with present code, public prosecutor, a court of the Republic of Armenia by the request submitted by foreign state's authorized body in accordance with procedure established by present chapter, executes criminal charge concerning citizens of the Republic of Armenia, as well as foreign citizens and persons without citizenship, whose extradition has been rejected and who are suspected of perpetration a crime in the territory of the foreign state submitted the request.

2. If the crime, on which the criminal charge is instituted, arouses civil-legal requests of persons suffered damage of the crime, in case of presence of their petition about compensation of the damage, corresponding requests are investigating at the legal proceedings on present case - in accordance with present code.

Article 499. Limits of extradited person's criminal charge

1. If in accordance with procedure established by the norms of present chapter a person was extradited to the jurisdiction of a court, public prosecutor, an investigator, investigating body of the Republic of Armenia for the beginning or the continue of criminal charge against him or for court sentence execution, thus without consent of authorized body of corresponding foreign state that person cannot be exposed to criminal responsibility or penalty until his extradition for the crime, by which he has not been extradited.

2. The person extradited without consent of authorized body of the foreign state allowed the extradition may not be extradited to a third state as well.

3. The consent of authorized body of the foreign state allowed the extradition is not requested, if the extradited person being citizen of foreign state or person without citizenship, in 30 days after completion of corresponding legal proceedings against him at the territory of the Republic of Armenia

and in case of his conviction after carrying the punishment or after pre-schedule discharge according to other grounds provided by law does not leave the territory of the Republic of Armenia or if after leaving he returns there of his own free will. In the mentioned term is not included the time, during which the extradited person cannot leave the Republic of Armenia due to circumstances beyond his control.

Article 499[1]. Petition of execution legal proceedings on criminal charge

1. The petition about execution of legal proceedings on criminal case in the Republic of Armenia by foreign state's authorized body concerned with the Republic of Armenia in the course of mutuality must contain:

1) name of authorized body of the foreign state submitting the petition;

2) action description, in connection with which the petition about execution of legal proceedings is sent;

3) as far as possible exact notes about time and place of action execution;

4) the copy of the original text of the law of foreign state submitting petition, which consider present action as a crime, as well as the copies of the texts of that legislative norms, which have vital importance of legal proceedings on case:

5) name and surname, citizenship of the suspect, as well as other information known about him;

6) about the value of damage caused by the crime and situation with its compensation at the moment of sending petition.

2. The proofs and other materials existing at the authorized body of foreign state submitting petition must be attached to the petition.

All documents available at the test must be signed by corresponding official person – mentioned his position and confirmed with seal with imprint of the emblem of the official body of foreign state sent the petition.

Article 499[2]. Informing about results of legal proceedings on criminal case

The court, public prosecutor, the investigator, investigating body of the Republic of Armenia received the petition about execution of criminal charge informs the authorized body of the foreign state sent the petition about the final decision made on given criminal case – sending its confirmed copy.

Article 499[3]. Objects' extradition

1. The court, public prosecutor, the investigator, investigating body of the Republic of Armenia received the petition of providing legal assistance in the course of mutuality through the mediation of authorized body of the state sent the petition – without damaging the investigation of criminal case proceeded by it, extradites to it the subjects, which:

1) were used perpetrating the crime, including crime tools, subjects, obtained in criminal way, or the offender have received compensation instead of subjects, obtained in criminal way;

2) may have conclusive significance by the criminal case proceeded in foreign country. These subjects are handed in when the offender cannot be extradited because of his death, escape or other reasons.

3. The tools, subjects mentioned in present article may be extradited to foreign state’s authorized body on the term that after completion of legal proceedings on criminal case proceeding in foreign state, it will be returned to the court, public prosecutor, investigator, investigating body of the Republic of Armenia extradited it.

4. The rights of third persons concerning tools, subjects extradited to foreign state’s authorized bodies remain valid.

Article 499[4]. The order of applying to foreign state's authorized body on the matters of legal assistance based on mutuality and of using materials acquired with its concern

1. Working out petition concerning providing legal assistance on the base of mutuality, the court, public prosecutor, investigator, investigating body of the Republic of Armenia maintains the requests provided by the law of given foreign state concerning the form of petition and its submission, and in case of absence of foreign law – the petition is worked out and sent to foreign state's authorized body in accordance with form and procedure established by the 483rd and 489th articles of present code.

2. During execution the petition of the court, public prosecutor, investigator, investigating body of the Republic of Armenia by authorized body of given foreign state, submission of additional documents, materials, including proofs, subjects by the court, public prosecutor, investigator, investigating body of the Republic of Armenia is realized in accordance with agreements achieved by foreign state's corresponding body and the statements of present chapter.

3. The documents, subjects, materials, including proofs, received by foreign state's authorized body in connection with petition fulfillment the court, public prosecutor, investigator, investigating body of the Republic of Armenia use in accordance with present code.

If foreign state's authorized body requested to return documents, materials or subjects provided by them, it is implemented in accordance with the agreements reached with it.

4. If as a result of legal assistance based on mutuality the extradition of a person perpetrated a crime to the Republic of Armenia took place, authorized court, public prosecutor, investigator, investigating body of the Republic of Armenia begins criminal legal proceedings or continues legal proceedings opened in foreign state, implementing concerning that person corresponding legal proceedings aroused from present code.

If his returning to the territory of foreign state causes the extradition of person by that state's authorized body, it is realized in accordance with mutual agreement.

At that, if the extradition is caused by person's being under arrest, in accordance with procedure established by the present code of the Republic of Armenia he may be detained for the term, during which that person is liable to return to the territory of given state.

5. Providing necessary information, extraditing persons, transferring tools or subjects of crime on criminal case executed by him by the petition of foreign state's authorized body, the court, public prosecutor, investigator, investigating body of the Republic of Armenia have to attract attention of foreign state's authorized body concerning their execution of corresponding actions, on corresponding rules of present chapter.

Article 499[5]. Person's apparition to the Republic of Armenia

1. In accordance with agreements about providing legal assistance on criminal cases based on mutuality, based on demand or petition the persons speaking as a witness, a victim, civil respondent, civil plaintiff, their representatives, experts, specialists (hereinafter – other persons) on the case being in legal proceeding of the court, public prosecutor, investigator, investigating body of the Republic of Armenia, who being out of the borders of the Republic of Armenia, is known that they are in the territory of that foreign state, to the authorized bodies of which the corresponding petition is sent, may be called in the Republic of Armenia.

2. If other persons arrive to the Republic of Armenia by their consent and will, the court, public prosecutor, investigator, investigating body executing legal proceeding on corresponding criminal case fulfill correspondent court operations with his presence in accordance with procedure established by present code – with following reservations: if arrived other person is a citizen of foreign state of a

person without citizenship having residence in its territory in accordance with the laws of that state, the execution of legal procedure operations of arrest, fine, as well as of expose to criminal responsibility for rejecting or avoiding of testifying or perjuring himself, deliberately giving false conclusions is forbidden.

3. Other persons may be called and arrived to the Republic of Armenia with expression of their free will in case of absence of agreements about mutuality between the state of their residence and the Republic of Armenia as well.

The rules provided by the second part of present article are applied concerning the persons arrived in the Republic of Armenia provided by present part as well.

Article 112. To complete the code with chapters 54^2, 54^3 and 54^4 with following content:

CHAPTER 54^2. RELATIONS WITH INTERNATIONAL BODIES ON THE MATTERS OF MUTUAL LEGAL ASSISTANCE

Article 499^6. Basis of communication with international bodies

1. In the sense of present code as international bodies are considered created by and intergovernmental or interdepartmental international agreements the courts and other such kind of bodies, which authorities include execution of several legal proceedings on criminal cases and assistance, contribution, supporting to state's efforts in the matter of struggle against criminality, as well as setting criminal penalties and their submission to execution.

2. The court, public prosecutor, the investigator, investigating body of the Republic of Armenia accomplish the relations with international bodies in accordance with international agreements the foundation (creation) of that bodies, determining their authorities, the participant of which is the Republic of Armenia.

If the Republic of Armenia is not a participant of international agreements of foundation of international body and of agreements arising from it, that regulate the issues of relations on criminal cases, the court, public prosecutor, the investigator, investigating body of the Republic of Armenia communicates with that bodies in accordance with international agreement of cooperation or support in legal area signed by given international body and the Republic of Armenia.

3. If the Republic of Armenia participates not to all of several international agreements of creation of given international body or limiting its authorities, the statements of other agreement (agreements), to which the Republic of Armenia does not participate, can be applied by the court, public prosecutor, the investigator, investigating body of the Republic of Armenia executing corresponding court legal proceedings, if they do not conflict with requests of present code and other laws containing the norms of court legal proceedings.

Article 499^7. Order of communication with international bodies and providing legal assistance on criminal cases

1. The court, public prosecutor, the investigator, investigating body of the Republic of Armenia with questions aroused from authority of international body and with demands of providing legal assistance or support apply to them and receive legal assistance or support in accordance with procedure established by agreements provided by article 499^6 of present code and according to that agreements.

At that, submitting corresponding demand to given international body, the courts of the Republic of Armenia realize it through Ministry of Justice of the Republic of Armenia, and public prosecutor, the

investigator, investigating body – through Prosecutor General of the Republic of Armenia, if other procedure of legal assistance of support by corresponding international agreement is not established.
2. In case of possibility of participation of the court, public prosecutor, the investigator, investigating body (its representative) of the Republic of Armenia to providing legal assistance or support on criminal cases by international body, the court, public prosecutor, the investigator, investigating body (its representative) of the Republic of Armenia must during their stay at given body to discharge their obligations arising from present code and other laws.
3. The court, public prosecutor, the investigator, investigating body of the Republic of Armenia fulfill the demands of international body in accordance with rules provided by present code – with exceptions arising from international agreements.
If according to demands of international body authorized official person arise to the Republic of Armenia to participate to court legal proceedings take place in the Republic of Armenia, the procedure and terms of communication with him in the Republic of Armenia are decided by the international agreement concerning with authorities of that body, and if the procedure and terms are not determined by this agreement, the following rules are applied:
1) in connection with court legal proceedings concern courts in the Republic of Armenia, the official person of international body submits to Minister of Justice of the Republic of Armenia that case and the frame of issues concerning with it, which are liable to interpretation or solution in courts of the Republic of Armenia or by them;
2) in connection with criminal case at pre-trial investigation the official person of international body submits to Prosecutor General of the Republic of Armenia that case and the frame of issues concerning with it, which are liable to interpretation or solution by investigating or preliminary investigation bodies of the Republic of Armenia.
Prosecutor General of the Republic of Armenia decides investigating or inquest body or bodies of the Republic of Armenia liable to involve in interpretation or solution the issues submitted by official person of international body – in accordance with requests of present code.
After completion of corresponding court legal proceedings and at least in three days, the court, public prosecutor, the investigator, investigating body of the Republic of Armenia –correspondingly inform in written Minister of Justice or Prosecutor General of the Republic of Armenia of fulfilled court legal operations.
Minister of Justice of the Republic of Armenia, Prosecutor General of the Republic of Armenia – in the framework of their authorities systematize the operations of bodies and official persons of the Republic of Armenia involved in execution of corresponding court legal operations, in case of need involves to them other official persons.

CHAPTER 54[3]. RECOGNITION OF COURT SENTENCES OF FOREIGN STATES' COURTS AND INTERNATIONAL COURTS IN THE TERRITORY OF THE REPUBLIC OF ARMENIA AND ITS LEGAL CONSEQUENCES

Article 499[8]. Recognition of court sentences of foreign states in the Republic of Armenia

1. In the cases provided by international agreements of the Republic of Armenia the court sentences of foreign states' courts are liable to recognition in the Republic of Armenia.
2. The grounds of recognition of court sentences of foreign states' courts in the Republic of Armenia, the types of court sentences (decisions) liable to recognition are determined by international agreement of the Republic of Armenia signed with given state and acting with its participation.
3. The court sentence of foreign state's court is recognized in the Republic of Armenia:

1) Chamber of Criminal and Military Cases of Court of Cassation of the Republic of Armenia, if the court sentence liable to recognition has been passed by the highest judicial body;
2) Court of Appeal of Criminal and Military Cases of the Republic of Armenia, if the court sentence liable to recognition has been passed by foreign authorized Court of Appeal;
3) Court of first instance of the Republic of Armenia – in accordance with jurisdiction established by present code, if the court sentence liable to recognition has been passed by foreign court of first instance.
4. The court of the Republic of Armenia authorized by the third part of present code concerning recognition of court sentence of foreign state's court takes a decision. Court sentence of foreign state's court recognized in the Republic of Armenia is executed in accordance with criminal-executive legislation of the Republic of Armenia, and as regards reparation of damages and other expropriations – in accordance with legislation of forced execution of court acts – with excepts provided by international agreements.

Article 499^{9}. The terms of recognition of court sentence of foreign state's court and the grounds of rejection

1. Making decision concerning the recognition of court sentence of foreign state's court, the courts of the Republic of Armenia authorized by the third part of the 499^{8} article clarify, how much are kept the terms provided by corresponding international agreement, which appear as ground for making decision concerning recognition.
The observance of that terms, as well as the absence of grounds for rejection the recognition and execution of court sentence by given international agreement are the ground for making decision of recognition and submission to execution the court sentence of foreign state's court in the Republic of Armenia.
2. The recognition of foreign state's court's court sentence may be rejected by the grounds provided by international agreements of the Republic of Armenia, as well as, if:
a) the action, for which the person has been condemned, is not considered as penal action;
b) as punishment the court sentence provided the death penalty.

Article 499^{10}. Recognition and rejection of court sentence of international court

1. The court sentence of international court acting with membership (participation) of the Republic of Armenia is a subject to recognition, if it is provided by another international agreement (agreements) of that court's foundation or determining its authority.
The decision concerning recognition of court sentence of international court in the Republic of Armenia is to be made by Chamber of Criminal and Military Cases of Court of Cassation of the Republic of Armenia in accordance with procedure established by international agreement determining the authority of the international court.
2. The decision of international court in the Republic of Armenia is recognized in accordance with procedure established by international agreements determining the authority of that court and the recognition may be rejected on the grounds provided by that agreement as well as in the events provided by points *a* and *b* of the second part of article 499^{9} of present code.
3. International court considered the intergovernmental body acting with membership (participation) of the Republic of Armenia, which in accordance with international agreement (agreements) of its foundation or with other international agreement (agreements) determining its authorities is authorized to investigate criminal cases and to make resolved with regard to them.

4. The execution of court sentences of international court in the Republic of Armenia is fulfilled in accordance with criminal-executive legislation of the Republic of Armenia, and with regards to reparation of damages and other expropriations – in accordance with legislation of the Republic of Armenia of forced execution of court acts – with excepts provided by international agreements of the Republic of Armenia.

Article 499[11]. Legal consequences of recognition of court sentence of foreign state's court and international court

The recognition of court sentence of foreign state's court and international court in the territory of the Republic of Armenia arise the same legal consequences that would be arisen by valid court sentence of a court of the Republic of Armenia.

Article 499[12]. Serving of a sentence of international court without recognition

1. If the constituent agreement (agreements) of international court or other agreement (agreements) determining its authority provides serving of a sentence or that court without recognition, this sentence – in accordance with procedures established by given international agreement on receiving in Ministry of Justice of the Republic of Armenia, is sent to serving – in corresponding criminal-executive institution.
2. If it is not provided by the order given international agreement the responsibility of execution in the form of immediate serving or recognition of the sentence, thus based on that sentence in accordance with articles 408^1 and 410^1 of given code, the proceedings of case reconsideration is raised.

Article 499[13]. Legal grounds and order of execution of international court's sentence

1. International court's sentence may be served in the territory of the Republic of Armenia in case of participation of the Republic of Armenia to international agreements concerning given court.
2. International court's sentence also may be served in the territory of the Republic of Armenia when without taking such kind of international responsibility upon himself, in the framework of given court's authority the written agreement of solving the sentence of that court in the Republic of Armenia has been achieved.
3. In the territory of the Republic of Armenia international court's sentence is submitted to serving in accordance with international responsibilities of the Republic of Armenia and without decision-making concerning recognition the sentence by authorized court of the Republic of Armenia, if there is the different is not provided by mentioned responsibilities.
4. With the purpose of solving international court's sentence in the territory of the Republic of Armenia, Minister of Justice of the Republic of Armenia – in accordance with international responsibilities of the Republic of Armenia, decides the criminal-executive institution, where condemned person must bear the punishment provided by court sentence.
5. The regime of criminal-executive law of the Republic of Armenia acts with respect to person bearing the punishment provided by international court's sentence in the territory of the Republic of Armenia – with expects provided by international agreements.

Article 499[14]. Legal consequences of solving a sentence of foreign state's court or of international court

1. The regime of criminal-executive law of the Republic of Armenia acts with respect to solving a sentence of foreign state's court or of international court.

Concerning the person bearing punishment it arouses the same legal consequences as would be aroused, if given person was condemned in the territory of the Republic of Armenia and by valid court sentence solved by its authorized court.
2. The person completely or by non-suffered part bearing punishment condemned by sentence of foreign state's court or international court in the territory of the Republic of Armenia enjoys the right of pre-schedule liberation from punishment, which proceeds from corresponding international agreements of the Republic of Armenia, including rights of pardon and amnesty.
3. After complete or partial bearing the punishment or after pre-schedule discharge on basis provided by the third part of present article, the person may be situated in the territory of the Republic of Armenia in accordance with his status and legislation of the Republic of Armenia (as a citizen of the Republic of Armenia, as foreign state's citizen, person without citizenship etc.).
At that, if the completed the punishment preschedule discharged from the punishment is not a citizen of the Republic of Armenia and in accordance with international agreement of the Republic of Armenia he may be delivered to any foreign state that must accept him, that person by his approbation is delivered to given state.
4. If during solving the sentence of foreign state's court or international court in the territory of the Republic of Armenia is reviewed by foreign state's court or international court that have this authority, the solving stops or continues – in accordance with court sentence made as a result of review and with procedures and terms established by international agreement of the Republic of Armenia.
5. The court sentence of foreign state's court or international court may be reviewed by authorized court of the Republic of Armenia exceptionally in cases provided by international agreement of the Republic of Armenia.

CHAPTER 54[4]. APPEAL TO INTERNATIONAL COURT

Article 499[15]. Right to appeal to international court

1. Every person, who finds that by final court sentence made on criminal case in accordance with procedure established by present code with respect to him the rights provided by international agreements of the Republic of Armenia have been broken, has right to appeal to international court acting with participation of the Republic of Armenia – in accordance with procedure established by international agreements of foundation of that court or determining his authorities (hereinafter – court regulations).
2. For the purposes of present chapter final judgement is considered the decision made by Chamber of Criminal and Military Cases of Court of Cassation of the Republic of Armenia in accordance with procedures established by present code and came into effect in accordance with procedure established by 424th article.
3. The right to appeal to international court arises after final judgment's attachment – since the moment provided by corresponding international court's regulations. Person looses this right in cases and in accordance with procedure established by international court's regulations.
4. The framework of persons obtains rights to appeal to international court is limited by regulations of given international court.

Article 499[16]. Order of appeal to international court

1. The order of appeal to international court is defined by regulations of corresponding international court.

2. The person intends to take advantage of the right of appeal to international court, as well as his legal representative or representatives, is allowed in accordance with procedure established by present code to get documents concerning given case, their copies, photocopies from Court of Cassation of the Republic of Armenia, as well as from other courts of the Republic of Armenia made court sentence on given case, to do extracts of them.
3. The expenses concerning appeal to international court carries the applicant, if other is not provided by regulations of that court.

Article 499[14]. Duty of assistance to international court

1. Court of Cassation of the Republic of Armenia replies to requests sent by international court concerning with clarification of conditions concerned with case in proceedings of international court or of submission additional proofs, documents and other materials and submits necessary materials and documents in 15 days since receiving corresponding request, if other term is not provided by regulations of international court.
2. Court of Cassation of the Republic of Armenia provides assistance for clarification of all conditions on given case interesting for international court – starting from necessity of clarification judicial error accepted by courts of the Republic of Armenia during investigation of given case and keeping the interest of justice until the end.