



IN THE NAME OF THE REPUBLIC OF ARMENIA

DECISION

OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ARMENIA

**ON THE CASE OF CONFORMITY OF POINTS 1 AND 3 OF PART 1
OF ARTICLE 53, POINTS 1 AND 2 OF PART 2 OF ARTICLE 53
AND POINT 4 OF PART 2 OF ARTICLE 57 OF THE CRIMINAL
PROCEDURE CODE OF THE REPUBLIC OF ARMENIA
WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA
ON THE BASIS OF THE APPLICATIONS OF THE PROSECUTOR
GENERAL OF THE REPUBLIC OF ARMENIA**

Yerevan

February 2, 2016

The Constitutional Court of the Republic of Armenia composed of G. Harutyunyan (Chairman), K. Balayan (Rapporteur), A. Gyulumyan, F. Tokhyan, A. Tunyan, A. Khachatryan, V. Hovhannisyan, H. Nazaryan, A. Petrosyan,

with the participation of (in the framework of the written procedure) the Applicant: G. Kostanyan, RA Prosecutor General, representative of the Respondent: H. Sardaryan, official representative of the RA National Assembly, Chief Specialist of the Legal Consultation Division of the Legal Department of the RA National Assembly Staff,

pursuant to Point 1 of Article 100, Point 7 of Part 1 of Article 101 of the Constitution of the Republic of Armenia, Articles 25 and 71 of the Law of the Republic of Armenia on the Constitutional Court,

examined in a public hearing by a written procedure the Case on conformity of Points 1 and 3 of Part 1 of Article 53, Points 1 and 2 of Part 2 of Article 53 and Point 4 of Part 2 of Article 57 of the Criminal

Procedure Code of the Republic of Armenia with the Constitution of the Republic of Armenia on the basis of the Applications of the Prosecutor General of the Republic of Armenia.

The Case was initiated on the basis of the Applications submitted to the Constitutional Court of the Republic of Armenia by the RA Prosecutor General on September 28, 2015.

By the Procedural Decision PDCC-61 of 20.10.2015 the Constitutional Court decided to combine and examine during the same session of the Court the Cases submitted on the basis of the above-mentioned Applications.

Having examined the written report of the Rapporteur on the Case, the written explanations of the Applicant and the Respondent, as well as having studied the RA Criminal Procedure Code and other documents of the Case, the Constitutional Court of the Republic of Armenia **ESTABLISHES:**

1. The RA Criminal Procedure Code (hereinafter the Code) was adopted by the RA National Assembly on 1 July 1998, signed by the RA President on 1 September 1998 and entered into force on 12 January 1999.

Point 1 of Part 1 of Article 53 of the Code, titled: “Powers of the prosecutor at the pre-trial proceedings” states: “During the pre-trial proceedings the prosecutor is authorized ... to institute and carry out criminal prosecution, cancel the decision of the investigator on suspension of a criminal case, institute a criminal case based on court motion, cancel the decision of the body of inquiry and the investigator on rejecting the institution of a criminal case and institute a criminal case, as well as institute a criminal case on her/his own initiative.”

Point 3 of the same Part of this Article stipulates: “During the pre-trial proceedings the prosecutor is authorized ... in case of a crime, to instruct the body of inquiry and the investigator to prepare the materials for the institution of a criminal case.”

Point 1 of Part 2 of this Article prescribes: “During the implementation of the procedure of prosecutorial management of the preliminary investigation and the inquest, the prosecutor is exclusively entitled ... to check the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents.”

Point 2 of the same Part stipulates: “During the implementation of the procedure of prosecutorial management of the inquest and the preliminary investigation, the prosecutor is exclusively entitled ... to request materials, documents, criminal cases and information on the progress of the investigation from the investigator, the body of inquiry, as well as to familiarize with them or check them at the place of their location.”

Point 4 of Part 2 of Article 57 of the Code, titled: “Powers of the body of inquiry” states: “The body of inquiry ... immediately informs the prosecutor and the investigator about the revealed crime and the inquest initiated under the case.”

One of the challenged provisions – Point 1 of Part 1 of Article 53 – was supplemented by the RA Law HO-91-N on “On making amendments and supplements to the Criminal Procedure Code of the Republic of Armenia,” which was adopted by the RA National Assembly on 25 May 2006, signed by the RA President on 20 June 2006 and entered into force on 8 July 2006. According to this Law, the RA National Assembly supplemented Point 1 of Part 1 of Article 53 of the Code with the words “as well as institute a criminal case on her/his own initiative.”

The other challenged provisions were not amended or supplemented since the adoption of the RA Criminal Procedure Code.

2. In regard to the criminal case No. 61202415, the procedural background of this Case is the following: as a ground to initiate a criminal case envisaged by Point 3 of Article 176 of the RA Criminal Procedure Code, the report addressed to the RA Prosecutor General No. 36/15-15 of 9 April 2015 by N. Misakyan, Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General’s Office of the RA was sent to the RA Special Investigation Service on 13 April 2015.

According to the mentioned report, the Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General’s Office of the RA in essence reported that the officials of the RA Ministry of Finance, authorized with the powers of the body of inquiry, did not carry out the duties prescribed by Point 4 of Part 2 of Article 57 of the RA Criminal Procedure Code, i.e. they did not immediately

inform the prosecutor about the revealed crime, and as a result the prosecutor was deprived of the opportunity to carry out the exclusive power to check the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents, as prescribed by Point 1 of Part 2 of Article 53 of the RA Criminal Procedure Code.

In particular, according to the report, a copy of the decision of 25 February 2015 from the Department for Detection of Offenses and Implementation of Administrative Proceedings of the Ministry of Finance of the Republic of Armenia on the refusal to institute criminal proceedings based on the materials concerning “Hov-Grig Shin” LLC was submitted to the Prosecutor General’s Office of the RA for the verification of legality.

Based on the materials prepared on the basis of the report by the Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General’s Office of the RA, on 18 April 2015 the Deputy Head of the Department of the RA Special Investigation Service made a decision on dismissal to institute criminal proceedings due to absence of corpus delicti.

By the decision of the RA Prosecutor General dated 27 April 2015, the decision of 18 April 2015 made by the Deputy Head of the Department of the RA Special Investigation Service was canceled and on the grounds of the crime provided for by Part 1 of Article 315 of the RA Criminal Code, a criminal case No. 61202415 was instituted on the fact of official negligence.

The criminal case and the decision of 24 July 2015 of the Deputy Head of the Department of the RA Special Investigation Service on not carrying out criminal prosecution and suspension of a criminal case based on the criminal case No. 61202415 were submitted to the Prosecutor General’s Office of the RA on 24 July 2015.

The prosecutor implementing the procedure of prosecutorial management of the preliminary investigation made a decision on 31 July 2015, according to which the decision of 24 July 2015 of the Deputy Head of the Department of the RA Special Investigation Service was canceled with the motivation to be illegal.

The criminal case and the decision of 19 August 2015 of the Deputy Head of the Department of the RA Special Investigation Service on not

carrying out criminal prosecution and suspension of a criminal case based on the criminal case No. 61202415 were submitted to the Prosecutor General's Office of the RA on 20 August 2015.

The prosecutor implementing the procedure of prosecutorial management of the preliminary investigation made a decision on 27 August 2015, according to which the decision of 19 August 2015 of the Deputy Head of the Department of the RA Special Investigation Service was canceled with the motivation to be illegal.

In regard to the criminal case No. 61202715, the procedural background of this Case is the following: as a ground to initiate a criminal case envisaged by Point 3 of Article 176 of the RA Criminal Procedure Code, the report addressed to the RA Prosecutor General No. 36/15-14 of 21 October 2014 by B. Petrosyan, Deputy Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General's Office of the RA was sent to the RA Special Investigation Service on 22 October 2014.

According to the mentioned report, the Deputy Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General's Office of the RA in essence reported that the officials of the RA Ministry of Finance, authorized with the powers of the body of inquiry, did not carry out the duties prescribed by Point 4 of Part 2 of Article 57 of the RA Criminal Procedure Code, i.e. they did not immediately inform the prosecutor about the revealed crime, and as a result the prosecutor was deprived of the opportunity to carry out the exclusive power to check the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents, as prescribed by Point 1 of Part 2 of Article 53 of the RA Criminal Procedure Code.

In particular, according to the report, by the writ No. 10903/13-14 dated 9 October 2014 of the Head of the Department for Detection of Offenses and Implementation of Administrative Proceedings of the Ministry of Finance of the Republic of Armenia, a copy of the decision of 9 October 2014 on the refusal to institute criminal proceedings against the customs broker Martin Hakob Avetisyan was sent to the Department for Combating Corruption and Economic Crimes of the Prosecutor General's Office of the RA for the verification of legality.

Based on the materials prepared on the basis of the report by the Deputy Head of the Department for Combating Corruption and Economic Crimes of the Prosecutor General's Office of the RA, on 10 November 2014 the Deputy Head of the Department of the RA Special Investigation Service made a decision on dismissal to institute criminal proceedings due to absence of *corpus delicti*.

By the decision of the RA Prosecutor General dated 11 May 2015, the decision of 10 November 2014 made by the Deputy Head of the Department of the RA Special Investigation Service was canceled and on the grounds of the crime provided for by Part 1 of Article 315 of the RA Criminal Code, a criminal case No. 61202715 was instituted on the fact of official negligence.

The criminal case and the decision of 24 July 2015 of the Deputy Head of the Department of the RA Special Investigation Service on not carrying out criminal prosecution and suspension of a criminal case based on the criminal case No. 61202715 were submitted to the Prosecutor General's Office of the RA on 24 July 2015.

The prosecutor implementing the procedure of prosecutorial management of the preliminary investigation made a decision on 31 July 2015, according to which the decision of 24 July 2015 of the Deputy Head of the Department of the RA Special Investigation Service was canceled with the motivation to be illegal.

The criminal case and the decision of 19 August 2015 of the Deputy Head of the Department of the RA Special Investigation Service on not carrying out criminal prosecution and suspension of a criminal case based on the criminal case No. 61202715 were submitted to the Prosecutor General's Office of the RA on 20 August 2015.

The prosecutor implementing the procedure of prosecutorial management of the preliminary investigation made a decision on 27 August 2015, according to which the decision of 19 August 2015 of the Deputy Head of the Department of the RA Special Investigation Service was canceled with the motivation to be illegal.

3. The Applicant finds that the challenged provisions of the RA Criminal Procedure Code contradict Part 1 of Article 18, Part 5 of Article 20, and Article 103 of the RA Constitution with amendments through the Referendum of 27 November 2005.

According to the Applicant the provisions “revealed crime” and “inquest initiated under the case” stipulated by Point 4 of Part 2 of Article 57 of the Code are not norms stipulating conditions, and Paragraph 2 of Part 10 of Article 45 of the RA Law on Legal Acts refers the norms stipulating conditions. Therefore, the body of inquiry is obliged to inform the prosecutor not only about the inquest initiated under the case, but also the crime revealed by the body of inquiry. Meanwhile, in the law enforcement practice the provisions “revealed crime” and “inquest initiated under the case” stipulated by Point 4 of Part 2 Of Article 57 of the Code are perceived as norms stipulating simultaneous conditions separated by the conjunction “and,” they are interpreted by the rules prescribed by Paragraph 2 of Part 10 of Article 45 of the RA Law on Legal Acts, as a result of which the provisions prescribed by Point 4 of Part 2 of Article 57 of the Code receive a different meaning. As a result, according to law enforcement practice, the body of inquiry is obliged to immediately inform the prosecutor about the revealed crime **only in case of initiating inquest under the case.**

The Applicant states that the provision of Point 4 of Part 2 of Article 57 of the Code establishing the duty to inform the prosecutor about the revealed crime - in the interpretation given to it in the law enforcement practice - does not provide the prosecutor with the opportunity to implement the power to initiate a criminal case independently, based on the materials about the crime revealed by the body of inquiry (as prescribed by Point 1 of Part 1 of Article 53 of the RA Criminal Procedure Code) prior to initiation of a criminal case by the body of inquiry /initiating inquest/, the power to instruct the investigator to prepare the materials in case of a crime revealed by the body of inquiry (as prescribed by Point 3 of Part 1 of Article 53 of the RA Criminal Procedure Code), the power to check the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents (as prescribed by Point 1 of Part 2 of Article 53 of the RA Criminal Procedure Code), as well as the power to request materials in case of a crime revealed by the body of inquiry from the body of inquiry, as well as to familiarize with them or check them at the place of their location (as prescribed by Point 2 of Part 2 of Article 53 of the RA Criminal Procedure Code).

To ground his positions on the contradiction of the challenged legal provisions to Part 1 of Article 18, Part 5 of Article 20 and Article 103 of the RA Constitution, the Applicant cites the legal position expressed by the RA Court of Cassation in the decision No. ԵՇԴ/0097/01/09 of 26 March 2010 in the case of T. Kamalyan, the analysis of the practice of the European Court regarding the application of Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 2 of the International Covenant on Civil and Political Rights, Articles 3 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the legal positions expressed by the European Court of Human Rights in the case of Jankovic v. Croatia, and in the case of Bekos and Koutropoulos v. Greece, approaches for the adoption at national level of measures to protect the rights of victims, proposed in A/RES/40/34 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of the UN General Assembly dated 29 November 1985 and Recommendation No. R(85)11 of the Committee of Ministers of the Council of Europe dated 28 June 1985 on the Position of the Victim in the Framework of Criminal Law and Procedure.

4. The Respondent maintains that the legislative determination and regulation of the powers of the prosecutor's office was primarily carried out in such a way as to guarantee the implementation of the objectives stipulated by the RA Criminal Procedure Code. Due to this, the legislator provided the prosecutor's office with the powers, which, if necessary, provide solutions to socio-legal problems arising from the constitutional legal status of the prosecutor's office, although those powers go beyond the preliminary investigation stage established by the RA Criminal Procedure Code. The study of the RA Criminal Procedure Code shows that the prosecutor's supervision begins with the stage of initiating a criminal case, and the implementation of the tasks of criminal proceedings depends on the legitimacy of this stage, i.e. protection of the rights and legitimate interests of a person, society and the State.

Checking the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents is one of the su-

pervisory powers of the prosecutor's office regarding the legitimacy of the institution of a criminal case.

Referring to the Recommendation of the Committee of Ministers of the Council of Europe Rec(2000)19 dated 6 December 2000 on the Role of Public Prosecution in the Criminal Justice System, the Guidelines on the Role of Prosecutors adopted by the UN in 1990, the Standards of professional responsibility and statement of the essential duties and rights of prosecutors adopted by the International Association of Prosecutors on 23 April 1993, the Respondent finds that they have a starting point in the formation of domestic legislation and law enforcement practice.

The Respondent also notes that the issue put forward by the Applicant was legally resolved in the legal regulations of the draft of the new RA Criminal Procedure Code, which is in circulation in the RA National Assembly. The draft of the new Code envisages canceling the stage of initiation of a criminal case and including it in the stage of preliminary investigation. Criminal proceedings start from the moment of receiving a report of a crime and end with the sending of criminal proceedings to court or its termination.

Summarizing, the Respondent concludes that the provisions of Points 1 and 3 of Part 1 of Article 53, Points 1 and 2 of Part 2 of Article 53, Point 4 of Part 2 of Article 57 of the RA Criminal Procedure Code are in conformity with the requirements of the RA Constitution, as they are called to ensure the exercise of supervisory powers of the prosecutor's office regarding the legitimacy of the inquiry and preliminary investigation, protection of the rights and freedoms of individuals from criminal encroachments.

5. The Constitutional Court notes that at the time of accepting the Cases for examination on the basis of the two Applications submitted by the Applicant, the RA Constitution with amendments through the Referendum of 27 November 2005 was in effect, and the Applicant considers the challenged provisions of the RA Criminal Procedure Code to be controversial from the viewpoint of Part 1 of the Article 18, Part 5 of Article 20 and Article 103 of the Constitution in this edition.

At the same time, the Constitutional Court states that:

a) the legal regulation of Part 1 of Article 18 of the RA Constitution

with amendments through the Referendum of 27 November 2005 is stipulated in Part 1 of Article 61 of the RA Constitution with amendments through the Referendum of 6 December 2015;

b) according to Part 6 of Article 209 of the RA Constitution with amendments through the Referendum of 6 December 2015, Article 103 of the RA Constitution with amendments through the Referendum of 27 November 2005 continues to operate.

6. Within the framework of examination of this Case, the Constitutional Court considers it necessary first of all to refer to the constitutional legal content of a number of provisions of the RA Law on Legal Acts, given that the references to those provisions served as the basis for a diverse interpretation of the norms in dispute in the law enforcement practice.

Part 1 of Article 86 of the RA Law on Legal Acts, titled “Interpretation of legal acts” states: “A legal act shall be interpreted according to the literal meaning of the words and expressions contained therein, taking into account the requirements of the law.

An interpretation of a legal act shall not change its meaning.”

According to Paragraphs 1-3 of Point 10 of Article 45 of the same Law, titled “Other rules of legislative technique,” “The conjunction ‘or’ may not be used when listing conditions where the existence of all of the listed conditions is mandatory. In this case, the conjunction ‘and’ must be used.

The conjunction ‘and’ may not be used when listing conditions where the existence of only one of all the listed conditions is sufficient, neither may they be separated by a comma or other punctuation mark. In this case, the conjunction ‘or’ must be used.

If the application of a norm stated in a legal act depends on conditions separated by the conjunction ‘and,’ the existence of all the listed conditions shall be mandatory for the application of that norm.”

It follows from the analysis of the provisions of Paragraphs 1-3 of Point 10 of Article 45 of the RA Law on Legal Acts that they concern exclusively the norms defining conditions. That is, they concern the cases when the application of a norm stated in a legal act depends on conditions separated by the conjunction “and” that have a simultaneous role and guarantee the realization of the objective of legal regulation.

The RA Constitutional Court considers it necessary to state that the legislation of the Republic of Armenia, including the RA Criminal Procedure Code, contain different legal norms separated by the conjunction “and,” and not all of which define the simultaneously necessary conditions for the application of that norm. Those conditions, *inter alia*, may be norm-principles, norm-objectives, norm-tasks, as well as specific regulatory norms that do not define any condition or, what the same is, do not condition the application of the given norm by a set of conditions. One of these specific regulatory norms is, for example, the norm stipulated by Part 1 of Article 52 of the RA Criminal Procedure Code, which, *inter alia*, contains the following provisions: “supervises the legitimacy of the preliminary investigation and inquest,” “appeals against the court verdicts and other decisions.”

In connection with the above-mentioned first provision, the Constitutional Court states that according to the RA criminal procedure legislation, simultaneous implementation of inquiry and preliminary investigation in case of a certain crime is impossible, since, as a rule, preliminary investigation follows the inquiry, according to the RA criminal procedure legislation.

In connection with the above-mentioned second provision, the Constitutional Court states that the RA criminal procedure legislation does not consider it mandatory that in a particular criminal case the court of first instance simultaneously issue both a verdict and other final decision. The general rule is that in a particular criminal case the court of first instance issues a verdict, and the higher courts issue a decision /the case of simultaneously issuing both a verdict and other final decision is envisaged in Article 360.1 of the Code and refers an additional court decision that is issued simultaneously with the verdict or decision/.

In connection with the above-mentioned first and second provisions, the Constitutional Court also states that they stipulate respectively the domains of prosecutor’s supervision and other functions of the prosecutor, as well as condition the exercise of the powers of the prosecutor by the presence of an appropriate case, fact or event. In each of these provisions, two equivalent but independent notions are defined before and after the conjunction “and,” and they assume two separate prerequisites for the exercise of the powers of the prosecutor, when

only one of the cases defined before and after the conjunction “and” is sufficient for the application of the provisions at issue. That is, in the example above, the prosecutor supervises the inquiry in case an inquiry is conducted under a particular case, the prosecutor supervises the preliminary investigation in case preliminary investigation is conducted, and the prosecutor is competent to challenge the verdict in case only a verdict and not other final judicial act is available under a particular case, regardless of whether there is or not other final judicial act subject to appeal under a particular case.

Interpretation of the legal norm must be conjunct with the existence of an independent function and the conditions for its implementation, rather than manifesting a mechanical approach. Point 1 of Part 2 of Article 53 of the RA Criminal Procedure Code clearly stipulates that “... the prosecutor is exclusively entitled ... to check the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents.” The exercise of independent power may not be conditioned by the simultaneous presence of an object of legal regulation conditioned by other power.

The Constitutional Court finds that the rules stipulated by Paragraph 2 of Part 10 of Article 45 of the RA Law on Legal Acts are not used when listing objects of independent legal regulation, as well as the provision in dispute does not stipulate the requirement of simultaneous presence of necessary conditions relating specific legal regulation. The same relates to the provision stipulated by Paragraph 1 of Part 1 of Article 53 of the Code /cancel the decision of the body of inquiry and the investigator rejecting the institution of a criminal case/. The provision of Part 2 of Article 55 of the Code /the investigator is authorized to prepare materials in case of a crime and initiate a criminal case/ may also serve as an example. In this case, according to the interpretation given in the law-enforcement practice, the investigator may not prepare materials in case of a crime, unless a criminal case is initiated for this crime, or the investigator is obliged to initiate a criminal case on the basis of materials prepared in case of a crime, regardless of the fact that there are grounds for rejecting the institution of a criminal case.

In addition, in order to reveal the constitutional legal content of the provision of Point 4 of Part 2 of Article 57 of the Code, it is necessary

to present the given provision in the integrity of its legal content and consider in the context of the organic interconnectedness with other provisions of the Code. This is about Points 1 and 3 of Part 1 of Article 53 and Points 1 and 2 of Part 2 of Article 53 of the Code. The powers established by the latter presume the performance of the duty of the body of inquiry to immediately inform the prosecutor about committed or prepared crimes and other accidents, regardless of the circumstance of initiating or not initiating inquest under the given case. Failure to perform the duty in question or conditioning this duty by the circumstance of initiating inquest under the case will distort the essence of the prosecutor's supervision regarding the legitimacy of the inquiry and preliminary investigation provided for by the Constitution and the law, as well as it will become an obstacle to the exercise of the powers of the prosecutor stipulated by Points 1 and 3 of Part 1 of Article 53 and Points 1 and 2 of Part 2 of Article 53 of the RA Criminal Procedure Code.

The Constitutional Court finds that in case of interpretation and application of the disputed provisions in law enforcement practice on the basis of the legal positions expressed by the Constitutional Court in this Decision, the normal and effective exercise of the powers of the prosecutor in regard to exercising supervision regarding the legitimacy of the inquiry and preliminary investigation, as well as checking the implementation by the body of inquiry the requirements of law on receiving, registration of and follow up on the reports on committed or prepared crimes, on other accidents may be guaranteed in consonance with Article 103 of the RA Constitution, and in such a case those provisions do not raise an issue of constitutionality.

Based on the review of the Case and being governed by Point 1 of Article 100 and Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64 and 71 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Points 1 and 3 of Part 1 of Article 53, Points 1 and 2 of Part 2 of Article 53 and Point 4 of Part 2 of Article 57 of the RA Criminal Procedure Code are in conformity with the Constitution of the Republic of Armenia within the framework of legal positions expressed by the RA Constitutional Court in this Decision.

Based on the constitutional legal content of the provision of Point 4 (titled: “Powers of the body of inquiry”) of Part 2 of Article 57 of the RA Criminal Procedure Code, which states: “The body of inquiry ... immediately informs the prosecutor and the investigator about the revealed crime and the inquest initiated under the case,” the given provision may not be interpreted in the law enforcement practice as stipulation of simultaneously necessary conditions for the terms “revealed crime” and “inquest initiated under the case,” which are separated by the conjunction “and,” applying the legal regulation of Paragraph 2 of Part 10 of Article 45 of the RA Law on Legal Acts.

2. Pursuant to Part 2 of Article 102 of the Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of the announcement.

Chairman

G. Harutyunyan

February 2, 2016
DCC-1253