

**LAW**  
**OF THE REPUBLIC OF ARMENIA**

Adopted on 17 November 2017

**ON PROSECUTOR'S OFFICE**

**CHAPTER 1**

***GENERAL PROVISIONS***

**Article 1. Prosecutor's Office**

1. The Prosecutor's Office of the Republic of Armenia (hereinafter referred to as "the Prosecutor's Office") shall be a uniform system headed by the Prosecutor General of the Republic of Armenia (hereinafter referred to as "the Prosecutor General").
2. The Prosecutor's Office shall exercise the powers vested therein by the Constitution of the Republic of Armenia (hereinafter referred to as "the Constitution") through prosecutors.

**Article 2. Legislation on the Prosecutor's Office**

1. The powers of the Prosecutor's Office shall be prescribed by the Constitution.
2. The procedure for the formation of the Prosecutor's Office and the rules of procedure thereof shall be established by this Law and other laws.

### **Article 3. Main concepts used in this Law**

1. The main concepts used in this Law shall be as follows:

- (1) **prosecutor** — the Prosecutor General, his or her deputies, the Military Prosecutor, the Prosecutor of the city of Yerevan, heads of structural subdivisions of the General Prosecutor's Office, deputy military prosecutors, prosecutors of administrative districts of the city of Yerevan, prosecutors of marzes [regions], garrison military prosecutors, senior prosecutors and prosecutors of the General Prosecutor's Office, deputy heads of structural subdivisions of the General Prosecutor's Office, deputy prosecutors of the city of Yerevan, deputy military prosecutors of administrative districts of the city of Yerevan, marzes and garrisons, senior prosecutors and prosecutors of structural subdivisions of the General Prosecutor's Office, senior prosecutors and prosecutors of the city of Yerevan, administrative districts of the city of Yerevan, marzes and garrisons, heads of structural subdivisions of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of structural subdivisions of the Central Military Prosecutor's Office;
- (2) **Prosecutor's Office** — General Prosecutor's Office of the Republic of Armenia, Central Military Prosecutor's Office, Prosecutor's Office of the city of Yerevan, prosecutor's offices of administrative districts of the city of Yerevan, prosecutor's offices of marzes, military prosecutor's offices of garrisons;
- (3) **structural subdivision of the Prosecutor's Office** — a department and a division operating within the General Prosecutor's Office and Central Military Prosecutor's Office;
- (4) **prosecutorial act** — a decision, order, executive order, written motion, assignment, instruction.

- (5) **specialised structural assisting subdivision** — a subdivision assisting the prosecutors in exercising functions vested therein by the Constitution and laws of the Republic of Armenia.

*(Article 3 supplemented by HO-26-N of 21 January 2020).*

#### **Article 4. Powers of the Prosecutor's Office**

1. In accordance with part 2 of Article 176 of the Constitution, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:
  - (1) instigate criminal prosecution;
  - (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
  - (3) pursue a charge at court;
  - (4) appeal against the civil judgments, criminal judgments and decisions of courts;
  - (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.
2. In accordance with part 3 of Article 176 of the Constitution, the Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

## CHAPTER 2

### *PRINCIPLES OF THE ACTIVITIES OF THE PROSECUTOR'S OFFICE*

#### **Article 5. Publicity of the activities of the Prosecutor's Office**

1. The Prosecutor's Office shall inform the public of its activities carried out, insofar as it is without prejudice to the rights, freedoms and legitimate interests of the human being and the citizen, as well as to the protection of state secrets and other secrets protected by law.
2. Prior to 1 April of each year, the Prosecutor General shall submit to the National Assembly of the Republic of Armenia (hereinafter referred to as "the National Assembly") a communication on the activities of the Prosecutor's Office for the previous year. The communication shall, in respect of each of the powers prescribed by Article 4 of this Law, include information, statistical data, comparative analysis and conclusions regarding the activities carried out by the Prosecutor's Office during the previous year. The communication shall be considered at the sitting of the National Assembly as prescribed by part 3 of Article 126 of the "Rules of procedure of the National Assembly" Constitutional Law of the Republic of Armenia upon submission of the Prosecutor General.
3. The communication prescribed by part 2 of this Article shall be posted on the website of the Prosecutor's Office within five working days following the submission thereof to the National Assembly.
4. Prior to 1 April of each year, the General Prosecutor's Office of the Republic of Armenia shall publish a communication on investigation of crimes on the website of the General Prosecutor's Office of the Republic of Armenia. In accordance with investigative jurisdiction, the communication must contain information on the results of investigation of crimes committed during the previous year,

statistical data, comparative analysis and conclusions thereon. Information, statistical data, comparative analysis and conclusions on the results of investigation of corruption crimes shall be submitted separately.

5. For the purpose of drawing up the communication provided for by part 4 of this Article, preliminary investigation bodies shall, in accordance with investigative jurisdiction, prior to 1 February of each year, submit information and statistical data on the results of investigation of crimes committed during the previous year to the General Prosecutor's Office of the Republic of Armenia. The methodical guide on submitting information and statistical data on the results of investigation of corruption crimes shall be approved by the Prosecutor General.

**Article 6. Independence of a prosecutor and inadmissibility of intervention in his or her activities, mandatory nature of compliance with lawful requests of the prosecutor**

1. Each prosecutor shall exercise his or her powers independently based on laws and moral certainty and shall be responsible for his or her decisions adopted in the course of exercising these powers.
2. Intervention in the activities of the prosecutor, not provided for by law, shall be prohibited and shall entail liability prescribed by law.
3. Lawful requests of the prosecutor shall be binding for state and local self-government bodies, persons holding public positions, public servants, organisations and natural persons.
4. Where a person holding public position, a public servant fails to comply with the lawful requests of the prosecutor, except for the case prescribed by part 3 of Article 25 of this Law, in case of a high-ranking officials — the Prosecutor General, and in case of other persons holding public political positions, public

servants — the superior prosecutor shall, with a motion of instituting disciplinary proceedings against the given person holding public position, public servant, apply to the state or local self-government body or the immediate supervisor of the public servant empowered to institute disciplinary proceedings. The motion to institute disciplinary proceedings shall, within a reasonable time period, be subject to mandatory examination by the state or local self-government body or official competent to institute disciplinary proceedings against the person holding public position, public servant. The relevant competent body or official shall inform the prosecutor having filed a motion to institute disciplinary proceedings of the results of the consideration of the motion.

5. Failure to comply with the lawful requests of the prosecutor shall entail liability as prescribed by law.

6. *(The part repealed by HO-26-N of 21 January 2020)*

*(Article 6 edited, amended by HO-26-N of 21 January 2020).*

#### **Article 7.      Apolitical stance of prosecutors**

1. A prosecutor may not hold membership in any political party or otherwise engage in political activities. In all circumstances, a prosecutor must display political restraint and neutrality.

2. A prosecutor may participate in elections, referendums of state and local self-government bodies only as an elector (voter). A prosecutor may not participate in an election campaign, as well as in a campaign conducted during the preparation of referendum.

3. The prosecutor shall not have the right to organise assemblies which may raise doubts as to his or her political neutrality. When participating in assemblies the prosecutor must not wear an official uniform.

## CHAPTER 3

### *SYSTEM OF THE PROSECUTOR'S OFFICE*

#### **Article 8. System of the Prosecutor's Office**

1. The Prosecutor's Office shall be comprised of:
  - (1) the General Prosecutor's Office;
  - (2) the Prosecutor's Office of the city of Yerevan;
  - (3) the Prosecutor's Office of Ajapnyak and Davtashen Administrative Districts of the city of Yerevan;
  - (4) the Prosecutor's Office of Avan and Nor Nork Administrative Districts of the city of Yerevan;
  - (5) the Prosecutor's Office of Arabkir and Kanaker-Zeytun Administrative Districts of the city of Yerevan;
  - (6) the Prosecutor's Office of Erebuni and Nubarashen Administrative Districts of the city of Yerevan;
  - (7) the Prosecutor's Office of Kentron and Nork-Marash Administrative Districts of the city of Yerevan;
  - (8) the Prosecutor's Office of Malatia-Sebastia Administrative District of the city of Yerevan;
  - (9) the Prosecutor's Office of Shengavit Administrative District of the city of Yerevan;
  - (10) the Prosecutor's Office of Ararat Marz with a centre in the city of Artashat;
  - (11) the Prosecutor's Office of Armavir Marz with a centre in the city of Armavir;
  - (12) the Prosecutor's Office of Aragatsotn Marz with a centre in the city of Ashtarak;

- (13) the Prosecutor's Office of Gegharkunik Marz with a centre in the city of Gavar;
- (14) the Prosecutor's Office of Lori Marz with a centre in the city of Vanadzor;
- (15) the Prosecutor's Office of Kotayk Marz with a centre in the city of Hrazdan;
- (16) the Prosecutor's Office of Shirak Marz with a centre in the city of Gyumri;
- (17) the Prosecutor's Office of Syunik Marz with a centre in the city of Kapan;
- (18) the Prosecutor's Office of Vayots Dzor Marz with a centre in the city of Yeghegnadzor;
- (19) the Prosecutor's Office of Tavush Marz with a centre in the city of Ijevan;
- (20) the Military Prosecutor's Office of the Republic of Armenia (hereinafter referred to as "the Military Prosecutor's Office").

#### **Article 9. The Prosecutor General**

1. The Prosecutor General shall manage and supervise the activities of the Prosecutor's Office and shall be responsible for ensuring the proper operation of the Prosecutor's Office.
2. The Prosecutor General shall:
  - (1) upon the recommendation of the Collegium of the Prosecutor's Office, determine the directions of exercising the powers of the Prosecutor's Office;
  - (2) distribute work among his or her deputies, senior prosecutors and prosecutors of the General Prosecutor's Office;
  - (3) approve the structure of the General Prosecutor's Office and Military Prosecutor's Office;
  - (4) determine the scope of powers of prosecutor's offices, senior prosecutors and prosecutors of the General Prosecutor's Office;



- (5) determine the number of staff employees and staff list of the Prosecutor's Office within the framework of the salary fund provided for by law;
  - (6) approve "The rules of procedure of the Prosecutor's Office of the Republic of Armenia";
  - (7) adopt internal and individual legal acts within the scope of his or her competence;
  - (8) exercise powers prescribed by the Law "On Regulation of the Legal Relations pertaining to Administration";
  - (9) ***(the point repealed by HO-26-N of 21 January 2020);***
  - (10) approve and make changes to the namelist of discretionary positions, persons carrying out maintenance operations, to the number of staff employees and the staff list;
  - (11) establish councils, working groups, commissions adjunct to the Prosecutor General and define the procedure for the activities thereof;
  - (12) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.
3. The Prosecutor General shall be entitled to exercise the powers prescribed by parts 2 and 3 of Article 176 of the Constitution throughout the whole territory of the Republic of Armenia.
  4. In case of temporary absence of the Prosecutor General, one of Deputy Prosecutors General shall substitute the Prosecutor General upon his or her order. In case of impossibility of rendering such order, as well as in case the position of the Prosecutor General remains vacant as prescribed by law, the Prosecutor General shall be temporarily substituted by the Deputy Prosecutor General possessing longer experience within the system of the Prosecutor's Office.

***(Article 9 edited, amended by HO-26-N of 21 January 2020)***

## **Article 10. Deputy Prosecutor General**

1. The Deputy Prosecutor General shall:
  - (1) coordinate the works in the field assigned thereto by the Prosecutor General within the system of the Prosecutor's Office (hereinafter referred to as "the field coordinated by him or her");
  - (2) adopt internal and individual legal acts within the scope of his or her competence;
  - (3) file motions to the Prosecutor General with regard to granting incentives to prosecutors or subjecting them to disciplinary liability, as well as with regard to their promotion;
  - (4) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.
2. The Deputy Prosecutor General shall, within the field coordinated by him or her, exercise all the powers prescribed by parts 2 and 3 of Article 176 of the Constitution.

## **Article 11. General Prosecutor's Office**

1. The General Prosecutor's Office shall be composed of heads of structural subdivisions, deputy heads of structural subdivisions and prosecutors of structural subdivisions, senior prosecutors and prosecutors of the General Prosecutor's Office, as well as of specialised structural assisting subdivisions, Secretary General and Deputy Secretary General.
2. Senior prosecutors and prosecutors of the General Prosecutor's Office shall act under the direct subordination of the General Prosecutor.
3. The General Prosecutor's Office shall have its seat in the city of Yerevan. (Article 11 supplemented by HO-26-N of 21 January 2020).

**Article 12. Structural subdivision of the General Prosecutor’s Office and head of the structural subdivision**

1. The structural subdivision of the General Prosecutor’s Office shall be composed of the head of the structural subdivision, senior prosecutors and prosecutors of the structural subdivision, and in the case prescribed by part 2 of this Article — also of a deputy (deputies).
2. The structural subdivision of the General Prosecutor’s Office may have deputy head (heads) of the structural subdivision. The department of the General Prosecutor’s Office may also have divisions.
3. The head of the structural subdivision of the General Prosecutor’s Office (hereinafter referred to as “the subdivision”) shall:
  - (1) manage, organise and coordinate the activities of the subdivision headed by him or her;
  - (2) ensure the execution of orders, assignments of the Prosecutor General, as well as the assignments of the Deputy Prosecutor General coordinating the field;
  - (3) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field a recommendation on distributing work among the deputy head of the structural subdivision, senior prosecutors and prosecutors of the structural subdivision (hereinafter referred to as “the prosecutors of the subdivision”);
  - (4) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field proposals for granting incentives to the prosecutors of the subdivision headed by him or her or subjecting them to disciplinary liability, as well as for promoting them;

- (5) submit to the Secretary General of the Prosecutor's Office proposals for granting incentives to the civil servants appointed by him or her or subjecting them to disciplinary liability;
  - (6) exercise supervision over the observance and strengthening of labour discipline by the employees of the subdivision, timely and proper performance of duties by them;
  - (7) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.
4. The head of the structural subdivision of the General Prosecutor's Office shall be responsible before the Prosecutor General and Deputy Prosecutor General coordinating the field, for the activities of the subdivision headed by him or her.
5. Upon the assignment of the Prosecutor General or Deputy Prosecutor General coordinating the field or upon his or her initiative, the head of the structural subdivision of the General Prosecutor's Office, within the scope of his or her competence, may:
  - (1) require from the Prosecutor of the city of Yerevan, prosecutors of administrative districts of the city of Yerevan and marzes files and materials, necessary information related thereto;
  - (2) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field recommendations with regard to raising the efficiency of arrangement and exercise of powers by the Prosecutor's Office of the city of Yerevan, prosecutor's offices of administrative districts of the city of Yerevan and marzes.
6. The head of the structural subdivision of the General Prosecutor's Office shall exercise the powers prescribed by part 5 of this Article in person or through prosecutors of the subdivision.

7. In case the head of the structural subdivision of the General Prosecutor's Office reveals violations in the course of exercising powers prescribed by part 5 of this Article, he or she shall apply to the Prosecutor General or Deputy Prosecutor General coordinating the field as prescribed by law with a motion of instituting disciplinary proceedings as prescribed by this Law.
8. Heads of structural subdivisions and prosecutors of structural subdivisions of the General Prosecutor's Office shall exercise the powers prescribed by Chapter 5 of this Law.

***(Article 12 edited by HO-26-N of 21 January 2020)***

**Article 13. Prosecutor's Office of the city of Yerevan**

1. The Prosecutor's Office of the city of Yerevan shall ensure the exercise of powers prescribed by parts 2 and 3 of Article 176 of the Constitution in the city of Yerevan, except for the cases prescribed by law.
2. The Prosecutor's Office of the city of Yerevan shall be composed of the Prosecutor of the city of Yerevan, deputy prosecutors of the city of Yerevan, senior prosecutors and prosecutors of the Prosecutor's Office of the city of Yerevan, as well as of specialised structural assisting subdivision.
3. The Prosecutor's Office of the city of Yerevan shall have its seat in the city of Yerevan.

***(Article 13 supplemented by HO-26-N of 21 January 2020)***

**Article 14. Prosecutor of the city of Yerevan**

1. The Prosecutor of the city of Yerevan shall:
  - (1) manage and organise the activities of the Prosecutor's Office of the city of Yerevan;

- (2) carry out the overall management of the activities of prosecutor's offices of administrative districts of the city of Yerevan;
- (3) distribute work among his or her deputies, senior prosecutors and prosecutors of the Prosecutor's Office of the city of Yerevan (hereinafter referred to as "the prosecutors of the Prosecutor's Office of the city of Yerevan");
- (4) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field proposals for granting incentives to prosecutors of the Prosecutor's Office of the city of Yerevan and the prosecutor's offices of administrative districts of the city of Yerevan or subjecting them to disciplinary liability, as well as for promoting them;
- (5) submit to the Secretary General of the Prosecutor's Office proposals for granting incentives to the employees of the Prosecutor's Office of the city of Yerevan or subjecting them to disciplinary liability;
- (6) exercise supervision over the observance and strengthening of labour discipline by employees of the Prosecutor's Office of the city of Yerevan, timely and proper performance of duties by them;
- (7) exercise the powers prescribed by Chapter 5 of this Law.
- (8) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.

***(Article 14 amended by HO-26-N of 21 January 2020)***

**Article 15. Prosecutor's office of an administrative district  
of the city of Yerevan**

1. The prosecutor's office of an administrative district (administrative districts) of the city of Yerevan shall ensure the exercise of powers prescribed by parts 2 and

- 3 of Article 176 of the Constitution in the administrative district (administrative districts) of the city of Yerevan, except for the cases prescribed by law.
2. The prosecutor's office of an administrative district (administrative districts) of the city of Yerevan shall be composed of the prosecutor of an administrative district (administrative districts) of the city of Yerevan, deputy prosecutor of an administrative district (administrative districts) of the city of Yerevan, senior prosecutors and prosecutors of the prosecutor's office of an administrative district (administrative districts) of the city of Yerevan, as well as of a specialised structural assisting subdivision.
  3. The prosecutor's office of an administrative district (administrative districts) of the city of Yerevan shall have its seat in relevant administrative district (one of administrative districts).

***(Article 15 supplemented by HO-26-N of 21 January 2020)***

**Article 16. Prosecutor's office of a marz**

1. The prosecutor's office of a marz shall ensure the exercise of powers prescribed by parts 2 and 3 of Article 176 of the Constitution in a marz, except for the cases prescribed by law.
2. The prosecutor's office of a marz shall be composed of the prosecutor of a marz, deputy prosecutors of a marz, senior prosecutors and prosecutors of the prosecutor's office of a marz, as well as of a specialised structural assisting subdivision.
3. The prosecutor's office of a marz shall have its seat in the marz centre. Upon the decision of the Prosecutor General, the prosecutor's office of a marz may also have other seats. (Article 16 supplemented by HO-26-N of 21 January 2020)

**Article 17. Prosecutor of an administrative district of the city of Yerevan and prosecutor of a marz**

1. The prosecutor of an administrative district of the city of Yerevan shall:
  - (1) manage and organise the activities of the prosecutor's office of an administrative district of the city of Yerevan;
  - (2) distribute work among his or her deputy, senior prosecutors and prosecutors of the prosecutor's office of an administrative district of the city of Yerevan (hereinafter referred to as "the prosecutors of the prosecutor's office of an administrative district of the city of Yerevan");
  - (3) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field, the Prosecutor of the city of Yerevan proposals for granting incentives to prosecutors of the prosecutor's office of an administrative district of the city of Yerevan or subjecting them to disciplinary liability, as well as for promoting them;
  - (4) submit to the Secretary General of the Prosecutor's Office proposals for granting incentives to the employees of the prosecutor's office of an administrative district of the city of Yerevan or subjecting them to disciplinary liability;
  - (5) exercise supervision over the observance and strengthening of labour discipline by employees of prosecutor's office of an administrative district of the city of Yerevan, timely and proper performance of duties by them;
  - (6) exercise the powers prescribed by Chapter 5 of this Law;
  - (7) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.
2. The prosecutor of a marz shall:



- (1) manage and organise the activities of the prosecutor’s office of a marz;
- (2) distribute work among his or her deputies, senior prosecutors and prosecutors of the prosecutor’s office of a marz (hereinafter referred to as “the prosecutors of the prosecutor’s office of a marz”);
- (3) submit to the Prosecutor General or Deputy Prosecutor General coordinating the field proposals for granting incentives to prosecutors of the prosecutor’s office of a marz or subjecting them to disciplinary liability, as well as for promoting them;
- (4) submit to the Secretary General of the Prosecutor’s Office proposals for granting incentives to the employees of the prosecutor’s office of a marz or subjecting them to disciplinary liability;
- (5) exercise supervision over the observance and strengthening of labour discipline by employees of prosecutor’s office of a marz, timely and proper performance of duties by them;
- (6) exercise the powers prescribed by Chapter 5 of this Law.
- (7) exercise other powers of the Prosecutor’s Office vested therein by law, within the scope of competence provided for by the Constitution.

***(Article 17 amended by HO-26-N of 21 January 2020)***

**Article 18. Military Prosecutor’s Office**

1. The Military Prosecutor’s Office shall ensure the exercise of powers prescribed by parts 2 and 3 of Article 176 of the Constitution in the armed forces and other troops, except for the cases prescribed by law.
2. The Military Prosecutor’s Office shall be composed of the Central Military Prosecutor’s Office and military prosecutor’s offices of garrisons in accordance with deployment of garrisons of the armed forces.

3. The Central Military Prosecutor's Office shall be composed of deputy military prosecutors, heads of structural subdivisions of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of structural subdivisions of the Central Military Prosecutor's Office (hereinafter referred to as "the prosecutors of the Central Military Prosecutor's Office"), as well as of a specialised structural assisting subdivision.
4. The head of the structural subdivision of the Central Military Prosecutor's Office shall exercise the powers prescribed by part 3 of Article 12 of this Law by observing the rules of subordination provided for by this Law and shall be responsible before the Prosecutor General, Military Prosecutor and his or her deputy coordinating the field.
5. The Central Military Prosecutor's Office shall have its seat in the city of Yerevan.

***(Article 18 supplemented by HO-26-N of 21 January 2020)***

#### **Article 19. Military Prosecutor**

1. The Military Prosecutor shall:
  - (1) manage, organise and coordinate the activities of the Central Military Prosecutor's Office and the military prosecutor's offices of garrisons;
  - (2) distribute work among the prosecutors of the Central Military Prosecutor's Office;
  - (3) submit to the Prosecutor General proposals for granting incentives to prosecutors of the Central Military Prosecutor's Office, prosecutors of the military prosecutor's office of garrisons or subjecting them to disciplinary liability, as well as for promoting them;

- (4) submit to the Secretary General of the Prosecutor's Office proposals for granting incentives to the employees of the Military Prosecutor's Office or subjecting them to disciplinary liability;
  - (5) exercise the powers prescribed by Chapter 5 of this Law;
  - (6) adopt internal and individual legal acts within the scope of his or her competence;
  - (7) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.
2. The Military Prosecutor shall be the ex officio Deputy Prosecutor General.

***(Article 19 amended by HO-26-N of 21 January 2020)***

**Article 20. Military prosecutor's office of a garrison**

1. The military prosecutor's office of a garrison shall ensure the exercise of powers prescribed by parts 2 and 3 of Article 176 of the Constitution in a military garrison, except for the cases prescribed by law.
2. The military prosecutor's office of a garrison shall be composed of the garrison military prosecutor, deputy garrison military prosecutor, senior prosecutors and prosecutors of the military prosecutor's office of a garrison, as well as of a specialised structural assisting subdivision.
3. The seat of a military prosecutor's office of a garrison shall be determined by the Military Prosecutor in accordance with deployment of a garrison.

***(Article 20 supplemented by HO-26-N of 21 January 2020)***

**Article 21. Garrison military prosecutor**

1. The garrison military prosecutor shall:
  - (1) manage and organise the activities of a military prosecutor's office of a garrison;
  - (2) distribute work among his or her deputy, senior prosecutors and prosecutors of a military prosecutor's office of a garrison (hereinafter referred to as "the prosecutors of a military prosecutor's office of a garrison");
  - (3) submit to the Prosecutor General or Military Prosecutor proposals for granting incentives to prosecutors of military prosecutor's office of a garrison or subjecting them to disciplinary liability, as well as for promoting them;
  - (4) submit to the Secretary General of the Prosecutor's Office proposals for granting incentives to the employees of military prosecutor's office of a garrison or subjecting them to disciplinary liability;
  - (5) exercise supervision over the observance and strengthening of labour discipline by employees of military prosecutor's office of a garrison, timely and proper performance of duties by them;
  - (6) exercise the powers prescribed by Chapter 5 of this Law.
  - (7) exercise other powers of the Prosecutor's Office vested therein by law, within the scope of competence provided for by the Constitution.

***(Article 21 amended by HO-26-N of 21 January 2020)***

## CHAPTER 4

### ***COLLEGIUM OF PROSECUTOR'S OFFICE, QUALIFICATION AND ETHICS COMMISSIONS***

#### **Article 22. Collegium of Prosecutor's Office**

1. With a view of discussing fundamental issues related to the organisation of activities of the Prosecutor's Office, determining the directions of exercising the constitutional powers of the Prosecutor's Office, a Collegium chaired by the Prosecutor General shall operate within the Prosecutor's Office.
2. The Collegium of the Prosecutor's Office shall comprise the Prosecutor General, Deputy Prosecutors General, heads of structural subdivisions of the General Prosecutor's Office and the Prosecutor of the city of Yerevan. Other prosecutors invited by the Prosecutor General may attend the sitting of the Collegium without the right to vote.
3. The activities of the Collegium of the Prosecutor's Office shall be organised through sittings, which shall be held by the Prosecutor General or, upon the assignment thereof — one of the Deputy Prosecutors General. A sitting of the Collegium of the Prosecutor's Office shall have quorum where it is attended by more than half of the members of the Collegium.
4. Decisions of the Collegium of the Prosecutor's Office shall be adopted by simple majority of votes. In case of a tie vote, the decision shall be deemed as not adopted.
5. Decisions of the Collegium of the Prosecutor's Office shall be implemented upon orders of the Prosecutor General.
6. The Rules of Procedure of the Collegium of the Prosecutor's Office shall be established by the Prosecutor General.

**Article 23. Ethics and Qualification Commissions adjunct to the Prosecutor General**

1. Ethics and Qualification Commissions shall operate adjunct to the Prosecutor General.
2. The Ethics Commission shall comprise seven members. The Ethics Commission shall be composed of one Deputy Prosecutor General, three academic lawyers appointed by the Prosecutor General and three prosecutors elected by majority of votes by the Prosecutor General, Deputy Prosecutors General that are not members of the Ethics Commission, heads of structural subdivisions of the General Prosecutor's Office, Prosecutor of the city of Yerevan, prosecutors of marzes, prosecutors of administrative districts of the city of Yerevan and military prosecutors of garrisons. The Ethics Commission shall be headed by the Deputy Prosecutor General.
3. The Qualification Commission shall comprise nine members, and eleven members, where open competition is held for the purpose of replenishing the list of candidates for prosecutors exercising functions provided for by the Law of the Republic of Armenia "On forfeiture of property of illegal origin" (hereinafter referred to as functions aimed at forfeiture of property of illegal origin). The Qualification Commission shall be composed of the Rector of the Academy of Justice, one Deputy Prosecutor General, four prosecutors and three academic lawyers appointed by the Prosecutor General, as well as two experts appointed by the Prosecutor General, where open competition is held for the purpose of replenishing the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin. The experts must have at least three years of experience of academic and practical work in the field of recovery of illegal assets or investigation of corruption crimes. The Qualification Commission shall be headed by the Deputy Prosecutor General.
4. The members of the Commission prescribed by this Article shall be independent. Any intervention in the activities thereof shall be prohibited.

5. Each prosecutor may be involved only in one commission prescribed by this Article. The members of commissions shall be appointed for a term of three years, except for the two experts, who shall be appointed for a term of one year.
6. Appointments of new members of commissions shall, as prescribed by this Article, be carried out on the day following the day of discontinuation of powers of the acting members.
7. The rules of procedure, as well as the procedure for election of prosecutor members of the commissions prescribed by this Article shall be established by the Prosecutor General.

*(Article 23 edited, supplemented by HO-245-N of 16 April 2020)*

## **CHAPTER 5**

### ***POWERS OF THE PROSECUTOR'S OFFICE AND PROSECUTORIAL ACTS***

#### **Article 24. Initiating criminal prosecution**

1. The procedure and grounds for initiating criminal prosecution shall be established by the Criminal Procedure Code of the Republic of Armenia.

#### **Article 25. Oversight over the lawfulness of pre-trial criminal proceedings**

1. The oversight over the lawfulness of pre-trial criminal proceedings (hereinafter referred to as “oversight”) shall, as a rule, be exercised by the prosecutor having

received such assignment from the superior prosecutor or the oversight shall be assumed personally by the superior prosecutor. The superior prosecutor exercising oversight may initially assign oversight under the given criminal case to an inferior prosecutor.

2. When exercising oversight, the prosecutor shall be independent and shall act without the permission and consent of the superior prosecutor.
3. The Prosecutor General or the prosecutor exercising oversight may file a motion to relevant body carrying out pre-trial criminal proceedings with a request of conducting an official-related examination with regard to the person carrying out inquest or preliminary investigation. The motion shall be forwarded to the superior of the official having committed the violation, who shall be obliged to commence the official-related examination within a period of one week following the receipt of the motion and to inform about the results the prosecutor having filed the relevant motion.
4. The procedure for exercising oversight over the lawfulness of pre-trial criminal proceedings shall be established by the Criminal Procedure Code of the Republic of Armenia.

#### **Article 26. Pursuing a charge at court**

1. Pursuing a charge at court shall, as a rule, be carried out by the prosecutor having exercised oversight over the criminal case concerned, except where a superior prosecutor or, upon the assignment of the superior prosecutor — another prosecutor, substitutes him or her in the cases provided for by law.
2. The superior prosecutor shall have the right to involve also other prosecutors in the exercise of procedural powers of the prosecutor pursuing the charge. Where the oversight over the criminal case concerned has been exercised by the



Prosecutor General, pursuing a charge at court shall be carried out by the Prosecutor General or, upon the assignment thereof — by another prosecutor.

3. A prosecutor pursuing a charge at court shall be referred to as a prosecuting attorney.

**Article 27.      Appealing against civil judgments, criminal judgments and decisions of the courts**

1. The prosecutor participating in the case shall be obliged to appeal against the judicial act not having entered into legal force, which, to his or her opinion, is not justified or is illegal.
2. Judicial acts of the courts on criminal cases, not having entered into legal force, may be appealed against by the prosecuting attorney having taken part in the trial or by the superior prosecutor.
3. Judicial acts of the courts on civil or administrative cases, not having entered into legal force and relating to state interests, may be appealed against by the prosecutor having taken part in the trial or by the superior prosecutor.
4. Judicial acts on criminal cases may be appealed against by the prosecutor with regard to civil action, where it relates to state interests.
5. Only the Prosecutor General or the deputies thereof may file a cassation appeal against the judicial acts having entered into legal force.
6. Judicial acts on civil or administrative cases relating to state interests, wherein the Prosecutor's Office has not participated, which have entered or have not entered into legal force, may be appealed against only in the case where the state or local self-government body involved under the case concerned has stated in response to the inquiry of the Prosecutor's Office that it will not appeal against the relevant judicial act. The state or local self-government body shall be obliged

to reply to the inquiry of the Prosecutor's Office, provided for by this part, within a period of five days following the receipt of the inquiry.

7. The appeal shall be pursued by the prosecutor having filed it, whereas if the appeal has been filed by the superior prosecutor, it shall be pursued by him or her or, upon his or her assignment — by another prosecutor.
8. The superior prosecutor may assign the participation in the appeal or cassation proceedings to another prosecutor(s).
9. An appeal filed by the prosecutor may be withdrawn by the prosecutor having filed the appeal or by the superior prosecutor.
10. The prosecutor shall have the right to get familiarised with the materials of the case without hindrance and to receive, free of charge, the carbon copies thereof.

**Article 28. Oversight over the lawfulness of applying punishments and other coercive measures**

1. The prosecutor shall exercise oversight over the lawfulness of applying punishments and other coercive measures.
2. Within the meaning of this Article, punishments shall be deemed to be the types of punishment prescribed by the criminal statute.
3. Within the meaning of this Article, other coercive measures shall be deemed to be the deprivation of liberty in the cases prescribed by points 2-7 of part 1 of Article 27 of the Constitution.
4. When exercising the powers prescribed by this Article, the prosecutor shall have the right to:
  - (1) visit without hindrance and any time the places, where punishment or other coercive measures are applied, as well as the competent bodies ensuring the application thereof;

- (2) get familiarised with the documents, based on which the person has been subjected to punishment or other coercive measures, as well as with the personal file of a probation beneficiary;
- (3) verify the compliance of legal acts concerning the application of punishments and other coercive measures and those issued by administrations of bodies of the Penitentiary Service, subdivisions operating within them, as well as by administrations of bodies applying punishments and other coercive measures, with the legislation in force, which relate to the basic rights of the person subjected to punishment or to other coercive measures, as well as with the procedure, grounds for and conditions of serving the punishment or applying other coercive measures, prescribed by law. When revealing an act contradicting the legislation, the prosecutor shall file a motion on the review thereof, and in the cases where the delay, in the opinion of the prosecutor, may give rise to grave consequences, the prosecutor shall have the right to suspend that act and file a written motion on the review thereof to the body having adopted the act or shall file a written motion on the abolishment of the act to relevant superior body of the body having adopted the act or the relevant official, whereas the Prosecutor General or the Deputy Prosecutor General — also to the head of the competent State body;
- (4) interrogate persons subjected to punishment or to other coercive measures;
- (5) immediately release persons being illegally kept in places of confinement, as well as in punishment cells of these places;
- (6) require explanations from officials for the undertaken actions or inaction in case of a suspicion of violation of rights and freedoms of persons subjected to punishment or other coercive measures and in case of violation of the procedure for and conditions of applying punishment or other coercive measures, prescribed by law.

5. The powers prescribed by part 4 of this Article shall also be exercised by the prosecutor with regard to the lawfulness of applying, by the Probation Service, punishments and other coercive measures not related to deprivation of liberty (of exercising supervision over the alternative measures of restraint, security measures, imposing probation as a result of conditional non-application of punishment and conditional early release from punishment, release from serving the punishment, delay of serving the punishment).
6. The prosecutor shall participate, as prescribed by law, in the examination of motions at court with regard to conditional early release of the convict from serving the punishment, cancellation of conditional early release, replacement of the unserved part of the punishment by a milder punishment, release from punishment due to a serious disease or extraordinary circumstances.

***(Article 28 amended by HO-26-N of 21 January 2020)***

**Article 29. Bringing an action with regard to protection of state interests**

1. Bringing an action by the prosecutor with regard to protection of state interests, including of the funds directed to the community by the State for exercising delegated powers, shall include:
  - (1) bringing an action with regard to protection of property and non-property interests of the State through civil procedure;
  - (2) bringing an action with regard to protection of property and non-property interests of the State through administrative procedure;
  - (3) bringing an action through criminal procedure with regard to compensation of property damage caused directly to the State by crime.

- (4) bringing an action with regard to forfeiture of property based on the Law of the Republic of Armenia “On forfeiture of property of illegal origin”.
2. The prosecutor shall bring an action with regard to protection of state interests only in the following exceptional cases:
  - (1) he or she reveals, in the course of exercising his or her powers, that the state or local self-government body entitled to bring an action with regard to issues related to the protection of state interests, being aware of the fact of violation of state interests, has failed to bring an action within a reasonable time period following the receipt of a proposal of the prosecutor on bringing an action; or
  - (2) a violation of state interests has been committed with regard to issues in respect of which bringing an action is not reserved by legislation to any state or local self-government body.
  - (3) There are grounds for bringing an action with regard to forfeiture of property pursuant to the results of examination conducted on the basis of the Law of the Republic of Armenia “On forfeiture of property of illegal origin”.
3. Where the prosecutor finds that there are sufficient grounds for bringing an action with regard to protection of state interests, he or she shall, before bringing an action, have the right to warn the person having caused damage to state interests about voluntarily compensating the damage.
4. Within the meaning of this Article, the competence of bringing an action shall include the scope of all rights and obligations reserved to the plaintiff by procedural law. The prosecutor may, as a respondent, bring counter actions only within the scope of examination of the action brought thereby with regard to protection of state interests.

5. In the cases of bringing an action with regard to protection of state interests, prescribed by part 2 of this Article, the prosecutor shall, for the purpose of bringing relevant action, have the right to:
  - (1) require and receive legal acts, documents and other information necessary for bringing an action, from state and local self-government bodies, except for courts, state organisations (with state share);
  - (2) use, free of charge, the information database (including electronic) used for official-related purposes;
  - (3) involve, where necessary, relevant specialist or expert (specialised expert institution) at the expense of funds envisaged by the State Budget.
6. The relevant bodies shall, within a reasonable time period, be obliged to provide the prosecutor with the legal acts, documents and other information prescribed by point 1 of part 5 of this Article.
7. Where the bodies and organisations provided for by point 1 of part 5 of this Article bring an action to court with regard to protection of property interests of the State or an action with regard to property interests of the State is brought against them, where the amount of the value of the action exceeds the amount prescribed by the Government of the Republic of Armenia, the bodies and organisations concerned shall, within a period of five days after submitting (receiving) the statement of claim or receiving the judicial act, submit to the General Prosecutor's Office the information on the action and the judicial act (except for an interim judicial act) rendered with regard to the case.
8. Where this Article prescribes regulations other than those prescribed by the Law of the Republic of Armenia "On forfeiture of property of illegal origin", bringing of civil action and investigation with regard to forfeiture of property of illegal origin shall be carried out in the manner prescribed by the Law of the Republic of Armenia "On forfeiture of property of illegal origin".

***(Article 29 supplemented by HO-245-N of 16 April 2020)***

### **Article 30. Prosecutorial acts**

1. The prosecutor shall, in the cases and under the procedure provided for by law, adopt decisions, issue orders or executive orders, file written motions, give assignments or instructions, as well as adopt other acts provided for by law.
2. The prosecutor shall, in the course of exercising his or her powers prescribed by this Law, as well as in the cases and under the procedure provided for by procedural laws, adopt relevant decisions.
3. An order shall be deemed as a legal act adopted by the Prosecutor General or the deputies thereof, prescribing the procedure for organisation of the activities of the Prosecutor's Office, the policy for exercising the powers of the Prosecutor's Office, the regulation of separate fundamental issues within the system of the Prosecutor's Office, the formation and rules of procedure of the Prosecutor's Office in the cases provided for by this Law.
4. An executive order shall be deemed as an internal legal act adopted by superior prosecutors and aimed at the regulation of organisational, protocol-related and similar issues within the system of the Prosecutor's Office.
5. In case of revealing causes of crime and conditions contributing thereto, as well as violations of state interests, the prosecutor may, for the purpose of eliminating the causes of violation and conditions contributing thereto, file a written motion to the body or official having the competence to eliminate them, which shall, within a period of one month, be obliged to inform the prosecutor having filed the written motion about the results of the consideration thereof and the measures undertaken.
6. An assignment or instruction shall be deemed as an oral or written directive, whereas in the course of exercising the powers prescribed by the Criminal Procedure Code of the Republic of Armenia — only a written directive given to the inferior prosecutor by the superior prosecutor within the competence thereof and as prescribed by law, designed for performing certain actions, making decisions or abstaining from performance of any action.

## CHAPTER 6

### *SUBORDINATION IN THE PROSECUTOR'S OFFICE*

#### **Article 31. Subordination in the Prosecutor's Office**

1. The activities of the Prosecutor's Office shall be based on the principle of ensuring hierarchic subordination and uniformity.
2. The Prosecutor General shall be superior to all prosecutors.
3. The Deputy Prosecutor General shall be superior to all prosecutors in his or her co-ordination field.
4. The head of the structural subdivision of the General Prosecutor's Office shall be superior to all prosecutors of the subdivision concerned.
5. The Military Prosecutor shall be superior to deputy military prosecutors, to all prosecutors of the Central Military Prosecutor's Office and military prosecutor's offices of garrisons. The head of the structural subdivision of the Central Military Prosecutor's Office shall be superior to all prosecutors of the subdivision concerned.
6. The Deputy Military Prosecutor shall be superior to all prosecutors in his or her co-ordination field.
7. The Prosecutor of the city of Yerevan shall be superior to the prosecutors of the administrative districts of the city of Yerevan, to all prosecutors of the Prosecutor's Office of the city of Yerevan and prosecutor's offices of the administrative districts of the city of Yerevan.
8. The prosecutor of a marz shall be superior to all prosecutors of the prosecutor's office of the marz.



9. The prosecutor of an administrative district of the city of Yerevan shall be superior to all prosecutors of the prosecutor's office of the administrative district of the city of Yerevan.
10. The garrison military prosecutor shall be superior to all prosecutors of the military prosecutor's office of the garrison.

**Article 32. Mutual relations of superior and inferior prosecutors**

1. The assignments and instructions of a superior prosecutor shall be binding for an inferior prosecutor, except for the cases where the inferior prosecutor finds that the assignment or instruction is illegal or unjustified. In this case, the inferior prosecutor shall, without performing the assignment or instruction of the superior prosecutor, submit a written objection to the superior of the prosecutor having given the assignment, except for the cases where the assignment or instruction has been given by the Prosecutor General. Where the disputed assignment or instruction is oral, the inferior prosecutor may, before submitting an objection, request a written assignment or instruction from the superior prosecutor.
2. Where the inferior prosecutor has considered the assignment or instruction given by the superior prosecutor as illegal or unjustified and has submitted an objection thereon to the superior of the prosecutor having given the assignment or instruction, whereas the assignment or instruction has been considered as legal and justified thereby, the superior prosecutor may, by his or her reasoned decision, dismiss the inferior prosecutor from the proceedings and transfer the case to his or her or to another prosecutor's proceedings.
3. An inferior prosecutor shall be obliged to:
  - (1) submit, upon the request of the superior prosecutor, reports and information on his or her activities, cases and materials under his or her proceedings;

- (2) carry out all legal and justified assignments and instructions given by the superior prosecutor, except for the cases prescribed by part 1 of this Article;
  - (3) ensure the exercise of the powers of the Prosecutor's Office, vested therein by law within the scope of the competence provided for by the Constitution.
4. An immediate superior shall:
  - (1) observe the lawfulness of fulfilment of the duties of the prosecutor, prescribed by law, give an assignment or instruction to the inferior prosecutor in case of detecting a violation, submit, where necessary, relevant reporting notice to the superior prosecutor;
  - (2) reallocate, where necessary, his or her duties among other prosecutors in case of the prosecutor's leave, secondment or other temporary absence, as well as in case the position of the prosecutor becomes vacant;
  - (3) exercise other powers of the Prosecutor's Office, vested in the superior prosecutor or him or her by law within the scope of the competence provided for by the Constitution.
5. The superior prosecutor may assign to several prosecutors the exercise of powers of the Prosecutor's Office under specific proceedings and appoint a head of the prosecutorial group. The head of the prosecutorial group shall organise and co-ordinate the activities of the prosecutorial group.
6. The superior prosecutor shall be entitled to cancel or amend the unjustified or illegal acts, action (inaction) of the inferior prosecutor when:
  - (1) deciding on the complaints or objections lodged, as prescribed by law, by competent persons against the acts of the prosecutor or against the actions (inaction) thereof, or
  - (2) verifying, upon his or her initiative, the lawfulness of the acts of the inferior prosecutor.

7. The immediate superior prosecutor shall be entitled to transfer, upon his or her decision, the case from the proceedings of the inferior prosecutor to another prosecutor's or to his or her proceedings:
  - (1) in case of dismissing the inferior prosecutor from the proceedings as prescribed by law; or
  - (2) in case of granting the recusal or self-recusal of the inferior prosecutor; or
  - (3) in case the inferior prosecutor is on leave or secondment; or
  - (4) in case of terminating or suspending the powers of the inferior prosecutor, as prescribed by law; or
  - (5) in case of participation by the inferior prosecutor in training courses, disease thereof or other similar cases making the proper exercise of his or her powers impossible.
8. The superior prosecutor shall, by a reasoned decision, dismiss the inferior prosecutor from the proceedings:
  - (1) in case the inferior prosecutor fails to fulfil or improperly fulfils his or her duties; or
  - (2) in case of failure to file a motion on self-recusal while being aware of the circumstances excluding the participation thereof in the case concerned.
9. Disciplinary proceedings may, as prescribed by this Law, be instituted against the prosecutor dismissed from proceedings in the cases prescribed by part 8 of this Article.

## CHAPTER 7

### ***PROCEDURE FOR APPOINTMENT AND REMOVAL OF PROSECUTORS, CLASS RANKS OF THE PROSECUTOR'S OFFICE AND THE PROCEDURE FOR CONFERRING THEM***

#### **Article 33. General requirements for being appointed to the position of a prosecutor**

1. A citizen of the Republic of Armenia between the ages of 22 and 65 may be appointed to the position of a prosecutor, where:
  - (1) he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in the Republic of Armenia or has obtained a similar degree in a foreign State, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia as prescribed by law;
  - (2) he or she has a command of Armenian;
  - (3) the limitations referred to in part 1 of Article 34 of this Law do not extend thereto;
  - (4) he or she has completed relevant studies at the Academy of Justice, in case of not being exempt from studying at the Academy of Justice in the cases prescribed by part 10 of Article 38 of this Law;
  - (5) ***(the point repealed by HO-245-N of 16 April 2020)***
2. A person with at least two years of professional work experience as a lawyer may be appointed a prosecutor of the subdivision exercising functions aimed at forfeiture of property of illegal origin.

***(Article 33 amended, supplemented by HO-245-N of 16 April 2020)***

#### **Article 34. Restrictions on appointment of prosecutor**

1. A person may not be appointed to the position of a prosecutor where:
  - (1) he or she has been declared, through judicial procedure, as having no active legal capacity or having limited active legal capacity;
  - (2) he or she has been convicted of an intentional crime irrespective of whether or not the conviction has been expired or cancelled, whereas in case of a negligent crime — until the conviction is expired or cancelled;
  - (3) he or she has a physical impairment or disease hindering his or her appointment to the position of a prosecutor;
  - (4) he has not undergone the compulsory military service except for the persons having been granted an exemption from such service under the procedure and on the ground provided for by law;
  - (5) his or her criminal prosecution, instituted for an intentional crime, has been terminated or has not been carried out on non-acquittal grounds;
  - (6) he or she holds also the citizenship of another State;
  - (7) he or she has been previously removed from the office of a prosecutor, judge or investigator (head of an investigative division, head of an investigative body) as a result of imposition of disciplinary penalty, provided that one year has not elapsed since the application of the disciplinary penalty;
  - (8) he or she has been deprived, by a judicial act having entered into legal force, of the right to hold a position in public service.
2. The list of physical impairments and diseases provided for by point 3 of part 1 of this Article shall be established by the Government.

**Article 35. Requirements for a candidate for Prosecutor General and election of Prosecutor General**

1. The Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing commission of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years.
2. The same person may not be elected as a Prosecutor General for more than two consecutive terms.
3. The procedure for being declared as a competent standing commission of the National Assembly and for nomination thereby of a candidate for the Prosecutor General and for election of the Prosecutor General shall be established by “Rules of procedure of the National Assembly” Constitutional Law of the Republic of Armenia.
4. A lawyer with higher education, having attained the age of thirty-five, holding the citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General.
5. The Prosecutor General must comply with the requirements prescribed by points 1 and 2 of part 1 of Article 33 of this Law, and no restriction provided for by Article 34 of this Law must exist.
6. The Prosecutor General shall assume his or her position and duties following his or her swearing-in ceremony at the National Assembly, as prescribed by part 1 of Article 43 of this Law, on the day of expiry of the term of office of the previous Prosecutor General, whereas if the position of the Prosecutor General is vacant at the time of the election, the Prosecutor General shall assume his or her duties on the day following his or her participation in the swearing-in ceremony at the National Assembly.

**Article 36. Requirements for the Deputy Prosecutor General and procedure for the appointment thereof**

1. A lawyer complying with the requirements prescribed by part 1 of Article 33 of this Law, holding the citizenship of only the Republic of Armenia, with high professional qualities and at least seven years of professional work experience as a lawyer after completion of higher legal education may be elected Deputy Prosecutor General. A person may not be appointed to the position of Deputy Prosecutor General, where he or she has previously been removed from office of a prosecutor, judge or investigator (head of an investigative division, head of an investigative body) in the aftermath of imposition of disciplinary penalty.
2. *(the part repealed by HO-245-N of 16 April 2020)*
3. Where the candidate for Deputy Prosecutor General holds the position of a prosecutor, he or she may, by consulting with the Collegium of the Prosecutor's Office, be appointed by the Prosecutor General to the position of Deputy Prosecutor General without the competition held as prescribed by this Article. In case of failure to appoint to the position of Deputy Prosecutor General according to this part, the candidate(s) for Deputy Prosecutor General shall be elected by the Qualification Commission, through a competition held under the prescribed procedure — by secret ballot, upon the decision adopted by at least six votes of the members of the Qualification Commission. The results of the competition shall be published on the same day after holding the competition. The Prosecutor General shall appoint to the position of Deputy Prosecutor General one of the candidates for Deputy Prosecutor General.
4. The candidate for Deputy Prosecutor General shall be obliged to submit the documents prescribed by part 3 of Article 38 of this Law, as well as shall have the right to submit letters of recommendation, any other document that, to their opinion, may have significance in the process of election.

5. In case of occurring of a vacant position of Deputy Prosecutor General, the Qualification Commission shall, within a period of seven days following it, publish the time period, venue, the list of documents necessary for accepting applications for participation in the competition for the position of Deputy Prosecutor General, the venue, date and hour of holding the competition, as well as the link to questionnaire on integrity in press with a print run of at least 3 000 copies, on the official website for public notifications of the Republic of Armenia and on the official website of the Prosecutor's Office. The time period for accepting applications for participation in the competition for the position concerned shall not be less than one week and more than one month.
6. The norms prescribed by parts 6-7 of Article 38 of this Law shall extend to refusal of accepting applications.
  - 6.1. After accepting the applications, the Chairperson of the Qualification Commission shall — within a one-day period — submit the questionnaire on integrity filled by the candidates to the Commission for the Prevention of Corruption to receive an advisory opinion within a twenty-day period. After the receipt of the opinion, the Chairperson of the Qualification Commission shall — at least three days prior to the competition — make it available to the members of the Qualification Commission. Where the opinion of the Qualification Commission on candidate is positive, the advisory opinion received from the Commission for the Prevention of Corruption shall be submitted to the Prosecutor General.
7. The competition shall be held through interview with the candidate conducted by the Qualification Commission, in the following stages:
  - (1) examination of the documents and professional experience of each candidate. The candidate shall have the right to deliver clarifications on the information contained in his or her documents, and the members of the Qualification Commission may ask the candidate questions in order to



evaluate his or her professional experience, labour achievements, academic interests, his or her motivation and expectations in the position concerned, as well as other personal qualities and merits necessary for holding the position concerned;

- (2) analysis and delivery of the position by a candidate through introduction of a situation related to the rules of conduct of a prosecutor as well as administrative and managerial skills in order to evaluate the knowledge of the rules of conduct of a prosecutor and possession of administrative and managerial skills necessary for holding the position concerned, as well as other personal features necessary for holding the position concerned (self-control, treatment, listening skills, communication skills in ex officio and non-ex officio relations, analytical skills, etc.);
- (3) analysis and delivery of the position by a candidate in respect of a brief legal issue (norm of law or of other legal act, positions delivered in a judicial act etc.) in relevant field of specialisation, for the purpose of evaluating the skills of handling the situation spontaneously within a short period of time, self-control, treatment, communication skills, analytical skills and the qualities necessary for holding the position concerned. The questions posed to the candidate must not be aimed at checking his or her legal knowledge.

7.1. When the candidates are being selected by the Qualification Commission, the members of the Commission shall also take into consideration the advisory opinion on the integrity of candidate submitted by the Commission for the Prevention of Corruption.

8. The competition shall also be held in case where only one person has applied to participate in the competition.

9. In case of failure on the part of the Prosecutor General to appoint Deputy Prosecutor General in the case prescribed by part 3 of this Article, or failure on the part of the Qualification Commission to appoint Deputy Prosecutor General from among the candidates elected according to part 3 of this Article, as well as where the Qualification Commission fails, based on the competition results, to elect a candidate for Deputy Prosecutor General, a new competition shall be called within a period of seven days, as prescribed by this Article.
10. The procedure for organisation of the competition shall be prescribed by the order of the Prosecutor General.
11. Regulations prescribed by this Article shall not apply to the process of appointing the Deputy Prosecutor General, coordinating the field of functions aimed at forfeiture of property of illegal origin, except for cases provided for by this Law.

***(Article 36 edited, amended, supplemented by HO-245-N of 16 April 2020, supplemented by HO-338-N of 14 April 2021)***

***(Law [HO-338-N](#) of 14 April 2021 has a transitional provision)***

### **Article 37. Classification of positions in the Prosecutor's Office**

1. The positions in the Prosecutor's Office shall be classified as of the following hierarchy:
  - (1) Prosecutor General;
  - (2) Deputy Prosecutor General, Military Prosecutor;
  - (3) head of the structural subdivision of the General Prosecutor's Office, Prosecutor of the city of Yerevan, Deputy Military Prosecutor;
  - (4) deputy head of the structural subdivision of the General Prosecutor's Office, Deputy Prosecutor of the city of Yerevan, prosecutor of an

- administrative district of the city of Yerevan, prosecutor of a marz, garrison military prosecutor, senior prosecutor of the General Prosecutor's Office;
- (5) prosecutor of the General Prosecutor's Office, senior prosecutors and prosecutors of structural subdivisions of the General Prosecutor's Office, deputy prosecutors of the administrative districts of the city of Yerevan, deputy prosecutors of marzes, senior prosecutors of the Prosecutor's Office of the city of Yerevan, deputy military prosecutors of garrisons, deputy military prosecutors of garrisons, head of the structural subdivision of the Central Military Prosecutor's Office, senior prosecutor of the Central Military Prosecutor's Office;
- (6) prosecutors of the Prosecutor's Office of the city of Yerevan, senior prosecutors and prosecutors of prosecutor's offices of the administrative districts of the city of Yerevan, marzes and of military prosecutor's offices of garrisons, senior prosecutors and prosecutors of the structural subdivision of the Central Military Prosecutor's Office, prosecutor of the Central Military Prosecutor's Office.

**Article 38. Compiling the list of candidates for prosecutors**

1. The list of candidates for prosecutors shall be completed through open and closed competition. The open competition shall be held by the Qualification Commission of the Prosecutor's Office once a year, as a rule, in January of each year. Where necessary, an extraordinary open competition may be held upon the assignment of the Prosecutor General. For the purpose of making supplements to the list of candidates for prosecutors, a closed competition may be held during the year, upon the assignment of the Prosecutor General. The procedure for organising open and closed competitions shall be established upon the Order of the Prosecutor General.

2. The Qualification Commission shall, at least one month beforehand, make an announcement in press with a print run of at least 3 000 copies and on the website of the Prosecutor's Office on the date, venue of and documents necessary for the open competition to be held for the purpose of completing the list of candidates for prosecutors.
3. The person seeking to be included in the list of candidates for prosecutors must submit the following:
  - (1) application addressed to the Chairperson of the Qualification Commission;
  - (2) identification document;
  - (3) document attesting the completion of higher legal education of the contender (for persons having completed legal education in a foreign state — document on the equivalence of qualification degrees of their education and on recognition of diplomas);
  - (4) card containing biographical data of the contender, with the description of the professional legal activities carried out by him or her after obtaining a lawyer's degree, attaching relevant evidence (including job description or other documents attesting the contender's official duties in an occupation regarded as service record in a legal profession);
  - (5) document certifying completion of compulsory military service or exemption or deferment from compulsory military service as provided for by law (in case of male contenders);
  - (6) document issued as prescribed by the Government, certifying the absence of physical impairments and diseases hindering the appointment to the position of a prosecutor;
  - (7) document certifying the existence of academic degrees of Doctor of Philosophy in Law or Doctor of Science in Law (where the contender is a

Doctor of Philosophy in Law or a Doctor of Science in Law), and in the case prescribed by part 7 of this Article — also a document certifying at least four years of service record in scholarly and research activities.

- (8) filled questionnaire on integrity provided for by Law “On Commission for the Prevention of Corruption” (hereinafter referred to as “Questionnaire on Integrity”).
4. The applicant shall also have the right to submit letters of recommendation.
5. Acceptance of applications submitted in violation of time limits for submitting applications or not complying with the requirements of law shall be rejected, and they shall be returned by the Qualification Commission within three working days. The decision of the Qualification Commission on rejecting the acceptance of the application may be appealed against by the applicant through judicial procedure within three working days following the receipt of the rejection. In case of deficiencies in the documents defined by part 3 of this Article, the applicant shall be informed thereon immediately or, where it is impossible, within a period of three days. The deficiencies may be eliminated within the period prescribed for accepting applications.
6. Appealing through judicial procedure against the rejection by the Qualification Commission to accept the application shall not suspend the procedure, provided for by this Law, for accepting applications and compiling the list of candidates for prosecutors. Where the rejection by the Qualification Commission to accept the application is declared unlawful by the court, the application of the applicant shall be subject to consideration by the Qualification Commission, or where the competition has commenced, the applicant shall have the right to participate in the competition without submitting a new application, or where the competition has ended — in an extraordinary competition.
- 6.1. After accepting the applications, the Chairperson of the Qualification Commission shall — within a one-day period — submit the questionnaire on integrity filled by

the candidates to the Commission for the Prevention of Corruption to receive an advisory opinion within a one-month period. After the receipt of the opinion, the Chairperson of the Qualification Commission shall — at least three days prior to the competition — make it available to the members of the Qualification Commission.

7. The Qualification Commission shall examine the applicant's level of professionalism, professional skills, awareness of the requirements of the fundamental legal acts related to his or her status, his or her personal qualities and merits (self-control, conduct, listening skills, communication skills, analytical abilities, etc.), as well as the compliance of the documents submitted by him or her with the requirements provided for by law. Where the applicant holds a degree of Doctor of Philosophy in Law or Doctor of Science in Law and has at least four years of scholarly and research experience, the Qualification Commission shall only check the compliance of the documents submitted by him or her with the requirements provided for by law, his or her personal qualities and merits to assess the qualities necessary for holding the given position (self-control, conduct, listening skills, communication skills, analytical abilities, conveying his or her stance on a brief legal issue within the relevant field of specialisation).
- 7.1. When the candidates are being selected by the Qualification Commission, the members of the Commission shall also take into consideration the advisory opinion on the integrity of candidate submitted by the Commission for the Prevention of Corruption.
8. The candidacies of the applicants whereon the Qualification Commission delivers a positive opinion shall be submitted to the Prosecutor General. The advisory opinions received from the Commission for the Prevention of Corruption shall also be submitted to the Prosecutor General. The Prosecutor General shall have the right to include the presented applicants in the list of candidates for prosecutors. The Prosecutor General shall render a reasoned decision on not including the applicant in the list, which may be appealed by the applicant through judicial procedure.

9. The person included in the list of candidates for prosecutors shall complete a training course at the Academy of Justice, except for the persons defined by part 10 of this Article and legal scholars defined by part 7 of this Article.
10. A person shall be exempt from training at the Academy of Justice and from examinations, where he or she:
  - (1) has had at least three years of proven work record in the positions of a judge, prosecutor, investigator (head of an investigative unit, head of an investigative body), or has conducted general, mutually complementing activities as an advocate during the last five years;
  - (2) has had at least three years of proven work record as a prosecutor during the last ten years, where he or she has been removed from office as per points 1, 4-6, 9 of part 1 of Article 62 and point 2 of part 2 of Article 63;
  - (3) has a degree of Doctor of Science in Law and at least three years of proven work record as a lawyer;
  - (4) has a degree of Doctor of Philosophy in Law and at least five years of proven work record as a lawyer.
- 10.1. The grounds for exemption from training at the Academy of Justice prescribed by part 10 of this Article shall not apply to persons enrolled in the list of prosecutors exercising functions aimed at forfeiture of property of illegal origin.
11. The Qualification Commission may — upon the motion of the person exempt from training at the Academy of Justice as prescribed by part 10 of this Article or upon its own initiative — examine the issue of simultaneously including the applicant in the lists of candidates for prosecutors and of official promotion.

***(Article 38 edited, amended, supplemented by HO-245-N of 16 April 2020, amended, supplemented by HO-358-N of 9 July 2020, supplemented by HO-338-N of 14 April 2021)***

***(Law [HO-338-N](#) of 14 April 2021 has a transitional provision)***

**Article 38.1 Compiling the list of candidates for prosecutors of the subdivision exercising functions aimed at forfeiture of property of illegal origin and Deputy Prosecutor General coordinating that field**

1. For the purpose of replenishing the list of candidates for prosecutors of the subdivision exercising functions aimed at forfeiture of property of illegal origin and Deputy Prosecutor General coordinating that field, open competition shall be held in accordance with the rules on holding open competition provided for by parts 2-9 of Article 38 of this Law. The procedure for organising the competition is established by the order of the Prosecutor General.
2. The person vying to be enrolled in the list of candidates for prosecutors of the subdivision exercising functions aimed at forfeiture of property of illegal origin and Deputy Prosecutor General coordinating that field shall, along with documents prescribed by part 3 of Article 38 of this Law, submit the filled questionnaire on integrity provided for by the Law of the Republic of Armenia “On Commission for the Prevention of Corruption” (hereinafter referred to as “Questionnaire on integrity”). The Chairperson of the Qualification Commission shall within a one-day period submit the Questionnaire on integrity to the Commission for the Prevention of Corruption to receive its advisory opinion within a two-week period. After receipt of the opinion the Chairperson of the Qualification Commission shall make it available to the members of Qualification Commission at least three days prior to the sitting of the Qualification Commission. In case the opinion of the Qualification Commission on the candidate is positive, the advisory opinion received from the Commission for the Prevention of Corruption is also referred to the Prosecutor General.
3. An open competition shall be held for the purpose of replenishing the list of candidates for the Deputy Prosecutor General coordinating the field of functions aimed at forfeiture of property of illegal origin, and the candidates shall be elected by the Qualification Commission through open ballot, on the basis of the



decision made by at least 8 votes of the members of Qualification Commission. The requirements stipulated in parts 1, 4, 6 of Article 36 of this Law shall apply to the candidate for the Deputy Prosecutor General coordinating the field of functions aimed at forfeiture of property of illegal origin, while the requirements of parts 7 and 8 of Article 36, parts 2 and 5 of Article 38 of this Law shall extend to holding of the open competition. During the process of election of candidates by the Qualification Commission the members of the Commission shall, along with circumstances subject to examination established by part 7 of Article 38 of this Law take into account the advisory opinion on integrity of the applicant rendered by Commission for the Prevention of Corruption.

4. If applicable, a competition may be held by the order of the General Prosecutor on replenishing the list of vacant positions of the subdivision responsible for exercising functions aimed at forfeiture of property of illegal origin or the list of candidates provided for by this Article.
5. The candidacies of applicants who have the positive opinion of the Qualification Commission are submitted to the Prosecutor General to be enrolled in the lists of candidates provided for by this Article. For the purpose of enrolment in the list of candidates for Deputy Prosecutor General coordinating the field of functions aimed at forfeiture of property of illegal origin three applicants having received the positive opinion of the Commission by majority vote shall be presented to the Prosecutor General. The Prosecutor General shall make a reasoned decision on refusal to enrol the applicant in the lists, which may be appealed by the applicant through judicial procedure. Where according to the results of open competitions held for the purpose of replenishing the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin at least six applicants fail to receive positive opinions or the Prosecutor General enrolls less than six candidates in the list or the list of candidates for Deputy Prosecutor General does not contain at least one candidate, an additional open competition shall be held to replenish the relevant list of candidates provided for by part one of this Article.

6. The person enrolled in the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin shall pass relevant training at the Academy of Justice.
7. Upon existence of grounds specified in the first part 1 of Article 40 of this Law the candidate shall be withdrawn from the list of candidates provided for by this Article.

***(Article 38.1 supplemented by HO-245-N of 16 April 2020)***

**Article 39. Official promotion lists of prosecutors**

1. The official promotion lists of prosecutors shall be as follows:
  - (1) the promotion list for appointment to positions prescribed by point 3 of part 1 of Article 37 of this Law;
  - (2) the promotion list for appointment to positions prescribed by point 4 of part 1 of Article 37 of this Law;
  - (3) the promotion list for appointment to positions prescribed by point 5 of part 1 of Article 37 of this Law.
2. The official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General:
  - (1) in the course of regular competency evaluation of prosecutors;
  - (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The Qualification Commission, following the receipt of the relevant performance appraisal issued by the Prosecutor General or the Deputy Prosecutor General

coordinating the sector shall - within a one-week period — request and receive from the respective Prosecutor the filled questionnaire on integrity. The Chairperson of the Qualification Commission, following the receipt of questionnaire on integrity, shall — within a one-day period — submit it to the Commission for the Prevention of Corruption to receive an advisory opinion within a one-month period. After the receipt of the opinion, the Chairperson of the Qualification Commission shall make it available to the members of Qualification Commission at least three days prior to the sitting of the Qualification Commission. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission;

(2.1) in case of failure to submit the filled questionnaire on integrity to the Qualification Commission within the time period prescribed by point 2 of this part, the Prosecutor shall not be included in the official promotion list of prosecutors;

(3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

3. A person exempt from studies prescribed by part 9 of Article 38 of this Law, or a person having worked for at least three years during last five years in the position prescribed by point 4 of part 1 of Article 37 of this Law, or a person having worked for at least four years during last 10 years in the position of a prosecutor, against whom a disciplinary penalty has not been imposed, may be included in the promotion list of the Prosecutor's Office prescribed by point 1 of part 1 of this Article, except for the case prescribed by part 6 of this Article.
4. A person exempt from studies prescribed by part 9 of Article 38 of this Law, or a person having worked for at least two years during last five years in the position

prescribed by point 5 of part 1 of Article 37 of this Law, or a person having worked for at least three years during last 10 years in the position of a prosecutor, against whom a disciplinary penalty has not been imposed, may be included in the promotion list of the Prosecutor's Office prescribed by point 2 of part 1 of this Article, except for the case prescribed by part 7 of this Article.

5. A person exempt from studies prescribed by part 9 of Article 38 of this Law, or a person having worked for at least one year during last five years in the position prescribed by point 6 of part 1 of Article 37 of this Law, or a person having worked for at least two years during last 10 years in the position of a prosecutor, against whom a disciplinary penalty has not been imposed, may be included in the promotion list of the Prosecutor's Office prescribed by point 3 of part 1 of this Article.
6. A separate official promotion list shall be drawn up to appoint a person to a position of Head of the subdivision exercising functions aimed at forfeiture of property of illegal origin. The promotion list shall be drawn up by the Qualification Commission established for the purpose of open competition held to replenish the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin in the manner prescribed by points 1 and 2 of part 2 of Article 39 of this Law.
7. A separate official promotion list shall be drawn up to appoint a person to a position of deputy Head of subdivision exercising functions aimed at forfeiture of property of illegal origin. The promotion list shall be drawn up by the Qualification Commission established for the purpose of open competition held to replenish the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin in the manner prescribed by point 1 and 2 of part 2 of Article 39 of this Law.
8. A person having worked for at least a year as a head of subdivision in the subdivision exercising functions aimed at forfeiture of property of illegal origin or at least two years as a prosecutor at the same subdivision may be enrolled in

promotion list prescribed by part 6 of this Article, unless no disciplinary penalty is imposed on him or her.

9. A person having worked as a prosecutor for at least one year in the subdivision exercising functions aimed at forfeiture of property of illegal origin may be enrolled in promotion list prescribed by part 7 of this Article, unless no disciplinary penalty is imposed on him or her.

*(Article 39 supplemented by HO-245-N of 16 April 2020, HO-338-N of 14 April 2021)*

*(Law [HO-338-N](#) of 14 April 2021 has a transitional provision)*

**Article 40. Grounds for removal of a candidate from the list of candidates for prosecutors**

1. The person included in the list of candidates for prosecutors shall be removed from the list upon the order of the Prosecutor General, where:
  - (1) he or she has been appointed to the position of a prosecutor;
  - (2) he or she has filed an application to that regard;
  - (3) he or she has attained the age of 65;
  - (4) he or she has lost the citizenship of the Republic of Armenia;
  - (5) an act of the court, having entered into legal force, has proved that he or she has been included in the list in violation of the requirements of law;
  - (6) he or she has been declared as missing or dead by a civil judgment of the court, having entered into legal force;
  - (7) any of the restrictions prescribed by part 1 of Article 34 of this Law has arisen;
  - (8) the examination score obtained thereby for a course taught during studies at the Academy of Justice is lower than the minimum score set by the

Management Board of the Academy of Justice for considering the course as completed, or he or she has failed to pass the probation period prescribed by the Law of the Republic of Armenia “On the Academy of Justice”;

- (9) he or she has, without valid reason, missed at least 20 per cent of the provided educational courses during studies at the Academy of Justice;
  - (10) he or she has, as a result of temporary incapacity for work, missed at least 50 per cent of the provided educational courses during studies at the Academy of Justice;
  - (11) he or she has not been appointed to the position of a prosecutor for seven consecutive years from the day of being included in the list of candidates for prosecutors;
  - (12) he or she has died.
- 2. Removing a person from the list shall not preclude from repeatedly including him or her in the list as prescribed by law, except for the cases of removal from the list on the grounds prescribed by points 3 and 7 of part 1 of this Article.
  - 3. In the cases provided for by points 8-10 of part 1 of this Article, the Management Board of the Academy of Justice shall file a motion to the Prosecutor General on removing the person from the list of candidates for prosecutors as prescribed by the Law of the Republic of Armenia “On the Academy of Justice” and the Prosecutor General shall, within three working days, adopt a decision on granting or rejecting the motion.

**Article 41. Grounds for removal of prosecutors from the official promotion list of prosecutors**

- 1. The person included in the official promotion list of prosecutors shall be removed from the list upon the order of the Prosecutor General, where:

- (1) he or she has been appointed to relevant position included in the promotion list of a prosecutor;
  - (2) he or she has filed an application to that regard;
  - (3) he or she has attained the age of 65;
  - (4) he or she has lost the citizenship of the Republic of Armenia;
  - (5) he or she has been dismissed from the position as prescribed by this Law;
  - (6) he or she has been declared as missing or dead by a civil judgment of the court, having entered into legal force;
  - (7) any of the restrictions prescribed by part 1 of Article 34 of this Law has arisen;
  - (8) he or she has been removed from the list of candidates for prosecutors, except for the ground prescribed by point 1 of part 1 of Article 40 of this Law;
  - (9) he or she has failed, without valid reason, to complete the mandatory training programme;
  - (9.1) he or she fails to submit the filled questionnaire on integrity to the Qualification Commission within the time period prescribed by part 15.1 of Article 50 of this Law;
  - (10) he or she has died.
2. Removing a person from the list shall not preclude from repeatedly including him or her in the list as prescribed by law, except for the cases of removal from the list on the grounds prescribed by points 3 and 7 of part 1 of this Article.

***(Article 41 supplemented by HO-338-N of 14 April 2021)***

***(Law [HO-338-N](#) of 14 April 2021 has a transitional provision)***

**Article 42. Procedure for appointing a prosecutor to a position**

1. Appointment to the positions prescribed by point 3 of part 1 of Article 37 of this Law of the Prosecutor's Office shall be made by the Prosecutor General from among the persons included in the promotion list prescribed by point 1 of part 1 of Article 39 of this Law, upon the positive conclusion of the Qualification Commission for being appointed to the given position.
2. Appointment to the positions prescribed by points 4-5 of part 1 of Article 37 of this Law of the Prosecutor's Office shall be made by the Prosecutor General from among the persons included in the promotion lists prescribed by points 2 and 3 of part 1 of Article 39 of this Law, respectively.
3. Appointment to the positions prescribed by point 6 of part 1 of Article 37 of this Law of the Prosecutor's Office shall be made by the Prosecutor General from among the persons included in the list of candidates for prosecutors who have completed relevant studies at the Academy of Justice or have been exempt from studies at the Academy of Justice under part 10 of Article 38 of this Law.
4. In case the prosecutor has, in accordance with the hierarchy prescribed by Article 37 of this Law, been appointed to another position of the same rank as prescribed by this Law, the prosecutor shall not be repeatedly included in relevant lists of candidates for prosecutors or lists of official promotion thereof.
5. Regulations prescribed by this Article shall not cover the cases regarding appointment to the positions of the head, deputy head and prosecutors of subdivisions exercising functions aimed at forfeiture of property of illegal origin. Where a person has been for the first time appointed to a position within the system of the Prosecutor's Office in the subdivision exercising functions aimed at forfeiture of property of illegal origin, his or her transfer to a different position will be impossible unless he or she complies with the procedures provided for by Article 38 of this Law.

***(Article 42 supplemented by HO-245-N of 16 April 2020)***



**Article 42.1      The Procedure for appointment to positions of the head, deputy head and prosecutors of the subdivision exercising functions aimed at forfeiture of property of illegal origin, as well as Deputy General Prosecutor coordinating that field**

1. Prosecutor General shall appoint the Deputy Prosecutor General coordinating exercise of functions aimed at forfeiture of property of illegal origin from among the list of candidates for Deputy Prosecutor General coordinating that field drawn up in the manner prescribed by this Law.
2. Prosecutor General shall for the first time appoint the head of the subdivision exercising functions aimed at forfeiture of property of illegal origin from among the persons enrolled in the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin and having completed the training held at the Academy of Justice. Any further appointments to the given position shall be made by the Prosecutor General from among the persons enrolled in the promotion list prescribed by part 6 of Article 39 of this Law. Where the position of the head of the subdivision exercising functions aimed at forfeiture of property of illegal origin and the promotion list prescribed by part 6 of Article 39 of this Law are vacant, the appointment to the given position is made by the Prosecutor General in the manner set forth in the first sentence of this part.
3. Prosecutor General shall for the first time appoint the deputy head of the subdivision exercising functions aimed at forfeiture of property of illegal origin from among the persons enrolled in the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin and having completed the training held at the Academy of Justice. Any further appointments to the given position shall be made by the Prosecutor General from among the persons enrolled in the promotion list prescribed by part 7 of Article 39 of this Law.
4. Prosecutor General shall appoint to a position within the subdivision exercising functions aimed at forfeiture of property of illegal origin from among the

persons enrolled in the list of candidates for prosecutors drawn up in the manner prescribed by Article 38.1 of this Law and having completed the training held at the Academy of Justice.

***(Article 42.1 supplemented by HO-245-N of 16 April 2020).***

**Article 43. Oath of the prosecutor**

1. When assuming the position of the Prosecutor General, he or she shall take the following oath in the presence of Deputies of the National Assembly:

“Assuming the position of the Prosecutor General, I hereby swear to be strictly guided by the Constitution and laws of the Republic of Armenia, to protect the rights and freedoms of the human being and the citizen, as well as the constitutional order and security of the Republic of Armenia from criminal encroachments, to strengthen with my activities the legitimacy, to uphold the high reputation of the Prosecutor’s Office, the high calling and good reputation of a prosecutor.”

2. The person occupying the position of a prosecutor for the first time shall assume the position with the following oath taken at a solemn ceremony at the sitting of the Collegium of the Prosecutor’s Office:

“In the course of exercising my official powers, I hereby swear to be strictly guided by the Constitution and laws of the Republic of Armenia, to protect the rights and freedoms of the human being and the citizen, as well as the constitutional order and security of the Republic of Armenia from criminal encroachments, to strengthen with my activities the legitimacy, to uphold the high reputation of the Prosecutor’s Office, the high calling and good reputation of a prosecutor.”

3. The procedure for taking an oath by the prosecutor shall be established by the Prosecutor General.

**Article 44. Class ranks of the Prosecutor's Office**

1. The following class ranks shall be defined in the Prosecutor's Office:
  - (1) State Counsellor of Justice;
  - (2) First Class State Counsellor of Justice;
  - (3) Second Class State Counsellor of Justice;
  - (4) Third Class State Counsellor of Justice;
  - (5) First Class Counsellor of Justice;
  - (6) Second Class Counsellor of Justice;
  - (7) Third Class Counsellor of Justice;
  - (8) First Class Counsellor;
  - (9) Second Class Counsellor;
  - (10) Third Class Counsellor.
2. The class ranks prescribed by points 1-4 of part 1 of this Article shall be the highest class ranks that are conferred by the President of the Republic.
3. The class ranks prescribed by points 5-10 of part 1 of this Article shall be conferred by the Prosecutor General.
4. Class ranks of the Prosecutor's Office shall be conferred on an individual basis and for an unlimited time period.

**Article 45. Class ranks corresponding to the positions of the Prosecutor's Office**

1. The highest level of the class rank corresponding to the position of the Prosecutor General shall be the class rank of State Counsellor of Justice, and the lowest level — the class rank of First Class State Counsellor of Justice.

2. The highest level of the class rank corresponding to the position of the Deputy Prosecutor General shall be the class rank of First Class State Counsellor of Justice, and the lowest level — the class rank of Third Class State Counsellor of Justice.
3. The highest level of the class rank corresponding to the position prescribed by point 3 of part 1 of Article 37 of this Law shall be the class rank of Second Class State Counsellor of Justice, and the lowest level — the class rank of Second Class Counsellor of Justice.
4. The highest level of the class rank corresponding to the position prescribed by point 4 of part 1 of Article 37 of this Law shall be the class rank of Third Class State Counsellor of Justice, and the lowest level — the class rank of Third Class Counsellor of Justice.
5. The highest level of the class rank corresponding to the position prescribed by point 5 of part 1 of Article 37 of this Law shall be the class rank of First Class Counsellor of Justice, and the lowest level — the class rank of Second Class Counsellor.
6. The highest level of the class rank corresponding to the position prescribed by point 6 of part 1 of Article 37 of this Law shall be the class rank of Second Class Counsellor of Justice.
7. When appointing a person having undergone (worked) public service in other bodies and holding only military or other special title (relevant title, class rank of the Police, Rescue Service, National Security Service, Penitentiary Service, Customs Service, Tax Service, Judicial Acts Compulsory Enforcement Service, Investigation Committee, Special Investigation Service, qualification level previously awarded to judges) to the position of a prosecutor, the military or other special title thereof shall be adjusted to the relevant class rank of a prosecutor. The compliance of military or other special titles with the class ranks prescribed by this Law shall be defined by the Government of the Republic of Armenia.

**Article 46. Procedure and time periods for conferring class ranks of the Prosecutor's Office**

1. The class rank of the Third Class Counsellor shall be an initial class rank and shall be conferred upon the appointment for the first time to a position in the Prosecutor's Office prescribed by point 6 of part 1 of Article 37 of this Law, except for the case prescribed by part 7 of Article 45 of this Law. When appointed to other positions of the Prosecutor's Office, the minimum class rank corresponding to the position concerned, as prescribed by Article 45 of this Law, shall be conferred on a prosecutor.
2. When as a result of the adjustment of a class rank as prescribed by part 7 of Article 45 of this Law it becomes higher than the maximum class rank prescribed by Article 44 of this Law for being appointed to the position concerned of the Prosecutor's Office, the class rank higher by one class than the maximum class rank prescribed for the position concerned shall be conferred.
3. Class ranks shall be conferred on prosecutors in a consecutive order, to the extent of the maximum class rank prescribed for the position occupied, within 10 days following the expiry of the term of office prescribed for the previous class rank, except for the cases provided for by this Law.
4. For the purpose of conferring the sequential class ranks as prescribed by this Law, the following terms of office shall be prescribed:
  - (1) two years for the holder of a class rank of the Third Class Counsellor;
  - (2) three years for the holder of a class rank of the Second Class Counsellor;
  - (3) three years for the holder of a class rank of the First Class Counsellor;
  - (4) four years for the holder of a class rank of the Third Class Counsellor of Justice;
  - (5) five years for the holder of a class rank of the Second Class Counsellor of Justice.

5. No term of office shall be prescribed for conferring the highest class rank to the holder of a class rank of the First Class Counsellor of Justice.
6. The time period for holding the previous class rank of the Prosecutor's Office shall be calculated from the day following the signing of the legal act on conferring the class rank concerned, whereas in case of adjustment of a class rank as prescribed by part 7 of Article 45 of this Law, from the day following the signing of the legal act on conferring the military or special title.
7. Conferment of the sequential class rank of a prosecutor shall be postponed where:
  - (1) his or her competency evaluation has been postponed as prescribed by parts 7-8 of Article 50 of this Law — until the adoption of a decision based on the results of his or her competency evaluation;
  - (2) the Qualification Commission has, as prescribed by Article 50 of this Law, adopted a decision on his or her participation in additional training — until the end of the training;
  - (3) a disciplinary penalty has been imposed on him or her — until the disciplinary penalty is cancelled or has expired as prescribed by this Law;
  - (4) disciplinary proceedings have been instituted against him or her as prescribed by this Law — until the adoption of a relevant decision based on the results of the proceedings;
  - (5) his or her powers have been suspended as prescribed by this Law — until the elimination of the circumstances for the suspension.
8. The sequential class rank shall be conferred on a prosecutor within 10 days following the elimination of the grounds prescribed by part 7 of this Article for the postponement of conferment of the sequential class rank.
9. Hindering the conferment of a class rank on a prosecutor under the procedure and within the time periods prescribed by this Law shall entail disciplinary liability.

## CHAPTER 8

### ***RIGHTS AND DUTIES, COMPETENCY EVALUATION AND TRAINING OF PROSECUTORS***

#### **Article 47. Rights of a prosecutor**

1. A prosecutor shall have the right to:
  - (1) get familiar with all the materials of his or her personal file, his or her performance appraisals and other documents, as well as submit clarifications;
  - (2) receive, under the prescribed procedure, information and materials necessary for the fulfilment of official duties;
  - (3) consider issues and adopt decisions within the scope of his or her competence;
  - (4) receive remuneration, increments and other payments provided for by law;
  - (5) legal protection, social protection and security;
  - (6) official promotion and raise in the class rank as prescribed by law;
  - (7) training — under the procedures and in the cases prescribed — at the expense of the State Budget, as well as other resources not prohibited by the legislation of the Republic of Armenia;
  - (8) submit proposals with regard to improvement of the operation of the Prosecutor's Office.
2. A prosecutor shall have other rights provided for by law.

#### **Article 48. Duties of a prosecutor**

1. A prosecutor must:

- (1) have a good knowledge of legal acts prescribing his rights and duties in the position occupied;
  - (2) comply with the requirements of the Constitution, laws and other legal acts;
  - (3) ensure the required professional qualification and practical skills;
  - (4) ensure the protection of the rights and lawful interests of the human being and the citizen while exercising his or her powers;
  - (5) observe labour discipline, as well as rules of conduct of prosecutors;
  - (6) observe, including after the termination of the service in office, the requirements — prescribed by the legislation of the Republic of Armenia — for working with documents containing state, official or other secrets guarded by law;
  - (7) participate in competency evaluation and training under the procedure and within the time periods prescribed by this Law;
  - (8) observe the restrictions and incompatibility requirements prescribed by Article 49 of this Law.
2. A prosecutor shall also have other duties prescribed by law and other legal acts.

**Article 49. Restrictions and incompatibility requirements applicable to a prosecutor**

1. A prosecutor may not hold any position not related to his or her status in other state or local self-government bodies, any position in commercial organisations, or engage in entrepreneurial activities or perform any other paid work, except for academic, educational and creative work.
2. A prosecutor may not work jointly with a person with whom he or she has a close kinship or in-law relationship (parent, spouse, child, brother, sister, spouse's



parent, spouse's child, spouse's brother and spouse's sister), where their service in office is related to immediate subordination to one another.

3. A prosecutor shall not have the right to be a participator of an economic entity or a depositor of a limited partnership, where in addition to participating in the general meeting of the company in question the prosecutor is also engaged in the fulfilment of other instructive or managerial functions within the organisation.
4. A prosecutor shall not have the right to:
  - (1) be a representative of third parties, except for the cases when he or she represents his or her family members or persons under his or her guardianship (curatorship);
  - (2) use his or her official position in the interests of political parties, non-governmental, including religious, associations, or advocate certain attitude towards them, as well as carry out other political or religious activities in the course of fulfilling his or her official duties;
  - (3) organise or participate in strikes;
  - (4) receive royalties for the publications or speeches deriving from the fulfilment of his or her official duties, except for publications or speeches deriving from academic, educational and creative work;
  - (5) use logistical, financial and communications means, state property and official information for non-official purposes;
  - (6) receive gifts, money or services from other persons for the fulfilment of official duties, except for the cases provided for by legislation.
5. Academic, educational and creative work carried out by the prosecutor must not hinder the fulfilment of his or her duties.

## **Article 50. Competency evaluation of a prosecutor**

1. The competency evaluation of prosecutors shall be carried out for the purpose of determining the compliance of professional knowledge, practical skills and work skills of prosecutors with the position occupied, as well as for the purpose of official promotion thereof.
2. Prosecutors shall participate in competency evaluation once every three years. A person holding a position of a prosecutor for the first time shall participate in competency evaluation three years following the appointment to the position.
3. An extraordinary competency evaluation of a prosecutor may be carried out at least one year following the regular competency evaluation.
4. An extraordinary competency evaluation of a prosecutor shall be carried out upon the order of the Prosecutor General supported by the reasoned decision of the latter or when the prosecutor so wishes.
5. A prosecutor shall participate in a competency evaluation in person.
6. The following shall not be subject to competency evaluation:
  - (1) the Prosecutor General and his or her deputies;
  - (2) heads of structural subdivisions of the General Prosecutor's Office, Prosecutor of the city of Yerevan, Deputy Military Prosecutors, prosecutors of administrative districts of the city of Yerevan, prosecutors of marzes, military prosecutors of garrisons, senior prosecutors of the General Prosecutor's Office;
  - (3) prosecutors that are on maternity leave or parental leave for a child under the age of three years, unless they have expressed a wish to participate in the competency evaluation.
7. Prosecutors on maternity or parental leave shall be subject to competency evaluation not earlier than one year following the return from leave, unless they have expressed a wish to participate in the competency evaluation earlier.

8. Prosecutors subject to competency evaluation, who are on leave or secondment or have become temporarily incapacitated for work, shall be subject to competency evaluation within a period of one month after returning to work. Where the prosecutor has become temporarily incapacitated for work or is on leave as well as in case of undergoing training, a relevant decision shall be adopted based on the competency evaluation results within a period of two weeks following the day of the prosecutor's return to work.
9. Prosecutors subject to competency evaluation shall — not later than one month before the competency evaluation — be informed thereon.
10. The immediate superior prosecutor shall submit the appraisal of the prosecutor at least two weeks before the competency evaluation.
11. The appraisal must contain data on the prosecutor, on his or her practical and personal features and a justified evaluation of the results of his or her official activities. This evaluation must be based on the conclusions of the immediate superior prosecutor with respect to the reports submitted to him or her by the prosecutor once a year, which relate to the activities carried out by the latter during the period following the previous competency evaluation.
12. The prosecutor must get familiarised with his or her appraisal at least one week before the day of conducting competency evaluation. The prosecutor may express disagreement in writing with regard to his or her appraisal to the immediate superior prosecutor or superior prosecutor, as well as to the Qualification Commission.
13. Failure to submit an appraisal, as prescribed by this Article, may not have a negative impact on the decision made in the result of competency evaluation of the prosecutor.
14. The Qualification Commission shall adopt one of the following decisions based on the results of competency evaluation:

- (1) is competent for the position held;
  - (2) is competent for the position held, being included in the relevant list of official promotion of prosecutors, as prescribed by this Law;
  - (3) is competent for the position held, under the condition of undergoing additional training;
  - (4) is competent for the position held, by filing a motion to grant a class rank on extraordinary basis;
  - (5) is not competent for the position held, by filing a motion to transfer to a lower position;
  - (6) is not competent for the position held, by filing a motion to dismiss from the position.
15. On the day of competency evaluation, the Qualification Commission shall inform the prosecutor about the decision taken under part 14 of this Article. The prosecutor shall have the right to get familiarised with the decision on competency evaluation, as well as appeal against the decision to the Prosecutor General within a period of three days.
- 15.1. Where a decision provided for by point 2 of part 14 of this Article is rendered, the Qualification Commission shall — within a one-week period — request and receive from the respective Prosecutor the filled questionnaire on integrity. The Chairperson of the Qualification Commission, following the receipt of questionnaire on integrity, shall — within a one-day period — submit it to the Commission for the Prevention of Corruption to receive an advisory opinion within a ten-day period.
16. The Chairperson of Qualification Commission shall, within a period of three days following the completion of competency evaluation, and where a decision provided for by point 2 of part 14 of this Article is rendered, after receiving the

advisory opinion issued by the Commission for the Prevention of Corruption on integrity of the Prosecutor, immediately submit to the Prosecutor General the decision of the Qualification Commission and the results of the competency evaluation. The advisory opinion issued by the Commission for the Prevention of Corruption on integrity of the Prosecutor shall be taken into consideration when appointing the Prosecutor.

17. The Prosecutor General shall, not later than within a two weeks following the day of receipt of the decision of the Qualification Commission and the results of the competency evaluation, adopt relevant decision based on the decision taken by the Qualification Commission under point 2 of part 14 of this Article and the results of the competency evaluation.
18. The Prosecutor General shall, not later than within two weeks after undergoing relevant training, adopt the relevant decision based on the decision taken by the Qualification Commission under point 3 of part 14 of this Article and the results of the competency evaluation.
19. The Prosecutor General shall, not later than within a period of two weeks following the day of receipt of the decision of the Qualification Commission and the results of the competency evaluation, adopt a decision on upholding or rejecting relevant motions based on the decision taken by the Qualification Commission under points 4, 5 or 6 of part 14 of this Article and the results of the competency evaluation.
20. The decision taken by the Qualification Commission under point 3 of part 14 of this Article shall be forwarded to the Rector of the Academy of Justice as prescribed by the Law of the Republic of Armenia “On the Academy of Justice”.
21. In case a prosecutor appeals against the decision on competency evaluation, the Prosecutor General shall take a decision on upholding or rejecting the appeal within a period of five days upon receipt of the appeal. In case the Prosecutor

General takes a decision on upholding the appeal, the prosecutor shall undergo competency evaluation within a period of three days upon taking the decision. The decision of the Prosecutor General on rejecting the appeal may be appealed against through judicial procedure.

22. The procedure for competency evaluation of prosecutors shall be established by the Prosecutor General.

***(Article 50 supplemented by HO-338-N of 14 April 2021)***

***(Law [HO-338-N](#) of 14 April 2021 has a transitional provision)***

**Article 51. Training of a prosecutor and his or her participation in other educational programmes**

1. All prosecutors, except for the Prosecutor General and the deputies thereof, shall be obliged to undergo training not less than once every two years, except for the case prescribed by part 3 of this Article.
2. Training and additional training shall be carried out as prescribed by the Law of the Republic of Armenia “On the Academy of Justice”.
3. The list of prosecutors subject to training, as well as the prosecutors subject to additional training under point 1 of part 4 of this Article, shall be approved upon the order of the Prosecutor General and forwarded to the Rector of the Academy of Justice as prescribed by the Law of the Republic of Armenia “On the Academy of Justice”.
4. Prosecutors shall be obliged to undergo additional training:
  - (1) in the case prescribed by part 9 of Article 19 of the Law of the Republic of Armenia “On the Academy of Justice”;
  - (2) in case of a decision taken under point 3 of part 14 of Article 50 of this Law.

5. The position of a prosecutor and the salary defined therefor shall be maintained while undergoing the training prescribed by this Article.
6. Prosecutors shall have the right to participate in other educational training programmes, conferences and other professional gatherings of lawyers. The permission to be absent in respect of participating in such events during working hours or days shall be granted by the Prosecutor General or the Deputy Prosecutor General co-ordinating the field. The absence of the prosecutor having been granted relevant permission in respect of participating in such events shall be deemed to be with valid excuse, by maintaining the salary.

## **CHAPTER 9**

### ***PROCEDURE FOR GRANTING INCENTIVES TO PROSECUTORS AND SUBJECTING PROSECUTORS TO DISCIPLINARY LIABILITY***

#### **Article 52. Types of and grounds for granting incentives**

1. The following types of incentives may be applied to the prosecutor for long-term service (term of office) or for excellent performance of official duties and special tasks:
  - (1) expression of gratitude,
  - (2) monetary reward,
  - (3) awarding a commemorative gift, medal or an award pin;
  - (4) granting an additional paid leave for 10 days;

- (5) granting a rank of an “Honorary Employee of the Prosecutor’s Office” and an appropriate award pin;
  - (6) granting a class rank on extraordinary basis;
  - (7) granting a class rank higher by one degree than the highest level of class ranks provided for by Article 45 of this Law, where the term of office prescribed by this Law for the existing class rank has expired twice.
2. Only early cancellation of previously imposed disciplinary penalty may be applied, as an incentive measure, to a prosecutor having been imposed a disciplinary penalty.
  3. The incentive provided for by point 6 of part 1 of this Article may be applied to a prosecutor only once during the whole term of office.
  4. The types of incentives provided for by points 1-5 of part 1 of this Article may be applied by the Prosecutor General.
  5. The type of incentive prescribed by points 6-7 of part 1 of this Article shall be applied by the official entitled to grant such class rank.
  6. The type of incentive prescribed by part 2 of this Article shall be applied by the official competent to impose a disciplinary penalty of the given type.
  7. Persons assisting in the activities of the Prosecutor’s Office may be granted incentives under the procedure established by the Prosecutor General.
  8. Incentive may not be applied to a prosecutor, where he or she has been imposed the decision prescribed by points 5-6 of part 14 of Article 50 of this Law or he or she is deemed as having been imposed a disciplinary penalty, except for the case prescribed by part 2 of this Article.
  9. The procedure for proposing a candidate for an incentive shall be established by the Prosecutor General.



### **Article 53. Grounds for disciplinary liability**

1. The grounds for subjecting a prosecutor to disciplinary liability shall be as follows:
  - (1) failure to perform or improper performance of his or her duties;
  - (2) violation of the rules of conduct of a prosecutor;
  - (3) regular violation of the internal rules of labour discipline;
  - (4) failure to observe the restrictions and incompatibility requirements prescribed by Article 49 of this Law.

### **Article 54. Disciplinary penalties**

1. The prosecutor may be imposed the following disciplinary penalties:
  - (1) reprimand;
  - (2) severe reprimand;
  - (3) demotion in class rank — by one degree;
  - (4) demotion of a position by one level;
  - (5) dismissal from office.
- 1.1. The penalty prescribed by point 4 of part 1 of this Article may not be imposed on persons holding for the first time the position of the prosecutor within the subdivision exercising functions aimed at forfeiture of property of illegal origin. Due to imposing on the prosecutors enrolled in the group of positions prescribed by point 4 of part 1 of Article 37 of the penalty prescribed by point 4 of part 1 of this Article, they may not be appointed within the subdivision exercising functions aimed at forfeiture of property of illegal origin.
2. The disciplinary penalty must be proportionate to the gravity of the disciplinary violation committed and the degree of guilt.

3. The prosecutor may be imposed only one disciplinary penalty for one disciplinary violation. A prosecutor may be imposed only one disciplinary penalty within the framework of single disciplinary proceedings, even where the same prosecutor has committed several disciplinary violations.
4. The prosecutor subjected to disciplinary penalty shall not be exempt from the administrative or criminal liability prescribed by law for the same act.
5. The “dismissal from office” disciplinary penalty may be imposed in case of committing by a prosecutor an act that has discredited the reputation of the Prosecutor’s Office or is incompatible with the position of the prosecutor.
6. The “dismissal from office” disciplinary penalty may also be imposed on the head and prosecutors of subdivision exercising functions aimed at forfeiture of property of illegal origin upon initiative of the Prosecutor General or on the basis of the reasoned report of deputy Prosecutor General coordinating the field, which substantiates the non-performance or improper performance by the person indicated, of his or her functions for a durable time period, which has hindered effective realization of goals and objectives set out for the subdivision.

***(Article 54 supplemented by HO-245-N of 16 April 2020)***

**Article 55. Competence to impose a disciplinary penalty**

1. The disciplinary penalties prescribed by part 1 of Article 54 of this Law shall be imposed by the Prosecutor General, except for the case prescribed by part 3 of this Article. The Prosecutor General shall only impose a penalty on grounds of non-compliance with the incompatibility requirements or restrictions prescribed by Article 49 of this Law based on the conclusion rendered by the Commission for Prevention of Corruption, within a period of three days upon receipt of the conclusion.

2. The Prosecutor General shall impose the disciplinary penalty prescribed by point 5 of part 1 of Article 54 of this Law on the Deputy Prosecutors General and prosecutors based on relevant positive conclusion of the Ethics Commission.
3. The disciplinary penalty prescribed by point 3 of part 1 of Article 54 of this Law shall be imposed on prosecutors holding highest class rank by the President of the Republic of Armenia, upon submission of the Prosecutor General. The disciplinary penalty prescribed by point 3 of part 1 of Article 54 of this Law shall be imposed on the Prosecutor General by the President of the Republic of Armenia.

***(Article 55 edited by HO-26-N of 21 January 2020)***

**Article 56. Procedure and time limits for imposing disciplinary action**

1. The Prosecutor General may institute disciplinary proceedings against a prosecutor on the grounds prescribed by part 1 of Article 53 of this Law, except for the case provided for by part 2 of this Article:
  - (1) on his or her initiative; or
  - (2) based on the motions of prosecutors provided for by part 3 of this Article; or
  - (3) based on communications from natural or legal persons, state and local self-government bodies or officials, mass media publications;
  - (4) based on a court sanction on submitting an application with the Prosecutor General for imposing disciplinary action.
2. In the case of receiving a communication or motion to institute disciplinary proceedings against a prosecutor on the ground prescribed by point 4 of part 1 of Article 53 of this Law, the Prosecutor General or, in the case provided for by part 4 of this Article, the Ethics Commission shall, within a period of three days, forward the communication or motion to the Commission for the Prevention of

Corruption. Where the institution of disciplinary proceedings against a prosecutor is initiated by the Prosecutor General, the latter shall, within a period of three days, submit to the Commission for the Prevention of Corruption information on the fact of failure by the prosecutor to comply with the restrictions or incompatibility requirements prescribed by Article 49 of this Law.

3. The following shall be entitled to file a motion with the Prosecutor General to institute disciplinary proceedings:
  - (1) Deputy Prosecutor General, for disciplinary violations committed by prosecutors belonging to the sector coordinated by the Deputy Prosecutor General in question;
  - (2) heads of structural subdivisions of the General Prosecutor's Office, for disciplinary violations committed by prosecutors of the subdivision in question, as well as in the case provided for by part 7 of Article 12 of this Law;
  - (3) Military Prosecutor, for disciplinary violations committed by prosecutors of the Central Military Prosecutor's Office and of military prosecutor's offices of garrisons;
  - (4) Prosecutor of the city of Yerevan, for disciplinary violations committed by prosecutors of the Prosecutor's Office of the city of Yerevan, prosecutors of the administrative districts of the city of Yerevan and of prosecutor's offices of the administrative districts of the city of Yerevan;
  - (5) prosecutors of administrative districts of the city of Yerevan, for disciplinary violations committed by prosecutors of the prosecutor's office of the administrative district in question;
  - (6) prosecutors of marzes, for disciplinary violations committed by prosecutors of the prosecutor's office of the marz in question;

- (7) prosecutors of garrisons, for disciplinary violations committed by prosecutors of the prosecutor's office of the garrison.
4. The Ethics Commission shall also have the right to institute disciplinary proceedings against a prosecutor by the majority vote of the members present at the sitting based on communications provided for by point 3 of part 1 of this Article addressed to the Ethics Commission, except for the case provided for by part 2 of this Article. The procedure for holding the sitting shall fall within the scope of provisions provided for by parts 2 and 4 of Article 57 of this Law.
  5. Mere existence of the motions prescribed by part 3 of this Article, as well as communications and publications prescribed by point 3 of part 1 of this Article, shall not constitute a ground for instituting disciplinary proceedings.
  6. The procedure for instituting and carrying out disciplinary proceedings, including for exercising the rights and obligations prescribed by parts 11 and 12 of this Article, shall be prescribed by the Prosecutor General.
  7. The Prosecutor General shall, based on his or her decision or that of the Ethics Commission on instituting disciplinary proceedings, within a period of three days, establish a task group composed of prosecutors for carrying out the disciplinary proceedings or assign the carrying out of said proceedings to one prosecutor.
  8. Disciplinary proceedings shall be instituted within a period of 30 days following the day of detecting a disciplinary violation, but not later than within 12 months following the day of its commission.
  9. The duration of disciplinary proceedings may not exceed 21 days from the day of instituting the proceedings, except for cases of disciplinary inspections, absence of the prosecutor for a valid reason, disease and secondment thereof. In such case, the duration of disciplinary proceedings may be extended by the person having instituted the proceedings for the period of the disciplinary inspections, sickness, business trip or absence of the prosecutor for a valid reason.

10. The prosecutor shall be informed about decisions on instituting disciplinary proceedings and imposing a disciplinary penalty not later than within a period of three days following the rendering of the decisions on instituting disciplinary proceedings or imposing a disciplinary penalty respectively.
11. A prosecutor suspected in committing a prima facie disciplinary violation shall have the right to:
  - (1) learn about his or her rights and obligations;
  - (2) learn about the disciplinary violation attributed to him or her, give clarifications with regard to the disciplinary proceedings instituted against him or her;
  - (3) file motions for performing certain actions during the disciplinary proceedings, as well as submit materials, factual data supporting his or her clarifications, to have them attached to the materials of the disciplinary proceedings;
  - (4) recuse the person carrying out the disciplinary proceedings if there are grounds to assume that the person carrying out the disciplinary proceedings has a direct or indirect interest in the outcome of the disciplinary proceedings. The recusal shall be decided on by the Prosecutor General;
  - (5) have reading access to the materials of the proceedings, except for information containing any state and official secret, unless he or she is authorised to have access to such information, as well as submit recommendations, observations and file motions with regard to the duration and materials of the disciplinary proceedings;
  - (6) other rights prescribed by laws and other legal acts.
12. At the request of the person carrying out disciplinary proceedings, the prosecutor shall be obliged to submit documents, objects and materials in his or her possession which are necessary for carrying out the disciplinary proceedings.

13. Any communication prescribed by point 3 of part 1 of this Article shall contain the following:
  - (1) name, surname, notification address of the person submitting it, and data on the prosecutor against whom disciplinary proceedings may be instituted;
  - (2) description of acts considered to be disciplinary violations and place and time of the commission thereof;
  - (3) where available, materials supporting the submitted data;
  - (4) signature of the person or body having submitted the communication.
14. In the cases prescribed by point 3 of part 1 of this Article, the person carrying out disciplinary proceedings may request information having significance for the proceedings from the person or body having submitted the communication.
15. A communication not complying with the requirements prescribed by part 13 of this Article shall, within seven days upon its receipt, be returned to the person or body having submitted the communication.
16. A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law.

***(Article 56 amended by HO-26-N of 21 January 2020)***

#### **Article 57. Operations Procedure of the Ethics Commission**

1. The Prosecutor General shall, within a period of seven days following the completion of the disciplinary proceedings, submit the issue of imposing disciplinary action (hereinafter referred to in this Article as “the issue”), which may also include a motion to impose a disciplinary penalty prescribed by point 5 of part 1 of Article 54 of this Law, to the Ethics Commission for consideration.

2. If the prosecutor with regard to whom the issue has been submitted to the Ethics Commission for consideration is also a member of the Ethics Commission, he or she shall not participate in the consideration. If said member is the Chairperson of the Ethics Commission, the Ethics Commission shall elect, by a majority vote, an acting Chairperson of the Ethics Commission from the members of the Commission.
3. The Ethics Commission shall consider the issue at the sitting convened for that purpose and decide, by secret ballot, on the finding of a disciplinary violation, on the prosecutor's guilt in the disciplinary violation committed and where a motion to impose a disciplinary penalty prescribed by point 5 of part 1 of Article 54 of this Law has been submitted, also on the possibility to impose the disciplinary penalty "dismissal from office".
4. The sitting of the Ethics Commission shall be convened by the Chairperson of the Ethics Commission or, in his or her absence, by the eldest member within a period of seven days following the submission of the issue as prescribed by part 1 of this Article. The sitting shall have quorum where it is attended by at least five members. In the absence of the Chairperson of the Commission, the sitting shall be held by the eldest member.
5. Each member of the Ethics Commission shall assess the data obtained in the disciplinary proceedings according to his or her inner conviction, through comprehensive, complete and objective examination of the circumstances.
6. After the consideration of the issue as prescribed by this Article, the Ethics Commission shall render one of the following decisions:
  - (1) on the absence of a disciplinary violation;
  - (2) on finding a disciplinary violation and the prosecutor's guilt in it;
  - (3) on finding a disciplinary violation and the absence of the prosecutor's guilt in it.



7. In the case of rendering a decision on finding a disciplinary violation and the prosecutor's guilt in it, the Ethics Commission shall, where a motion to impose a disciplinary penalty prescribed by point 5 of part 1 of Article 54 of this Law has been submitted, also render a decision on giving a negative or positive opinion with regard to imposing the disciplinary penalty "dismissal from office".
8. In the case of rendering a decision prescribed by point 2 of part 6 of this Article, as well as in the case of submission of a positive opinion with regard to imposing the disciplinary penalty "dismissal from office", the Prosecutor General shall, within a period of three days, impose one of the corresponding types of disciplinary penalty prescribed by part 1 of Article 54 of this Law.
9. In the case of rendering a decision on finding a disciplinary violation and the prosecutor's guilt in it and submission of a negative opinion with regard to imposing the disciplinary penalty "dismissal from office", the Prosecutor General may impose a disciplinary penalty of the type "demotion of position by one degree", except for cases where the disciplinary violation concerns the prosecutors of the subdivision exercising functions aimed at forfeiture of property of illegal origin, against whom one of the penalties provided for by points 1-3 of part 1 of Article 54 of this Law shall be imposed.
10. The Prosecutor may apply to the Ethics Commission with a request to receive advisory opinion on the rules of conduct of a prosecutor.

***(Article 57 supplemented by HO-245-N of 16 April 2020)***

**Article 58. Cancellation or expiration of the disciplinary penalty**

1. A disciplinary penalty imposed as prescribed by this Law shall be considered expired where a new disciplinary penalty has not been imposed on the prosecutor within six months following the imposition of the disciplinary penalty.

2. A person's previous status shall not be recovered following the expiry of the time period prescribed by part 1 of this Law from the day of imposition of disciplinary penalties "dismissal from office", "demotion of position by one degree" or "lowering the class rank by one rank", except for the cases prescribed by part 4 of this Article.
3. A disciplinary penalty may be cancelled by the person imposing it, except for the disciplinary penalties "dismissal from office", "demotion of position by one degree", "lowering the class rank by one rank", before the expiry of six months from the day of imposing the disciplinary penalty in the cases prescribed by part 2 of Article 52 of this Law.
4. In the case of imposition of the disciplinary penalties "demotion of position by one degree" or "lowering the class rank by one rank", following the expiry of the time period prescribed by part 1 of this Article, reinstating in the previous position or another position equal thereto or recovery of the previous class rank, respectively, may be carried out based on the results of the regular competency evaluation of prosecutors or, upon the decision of the Prosecutor General, of an extraordinary competency evaluation as well.

## **CHAPTER 10**

### ***PROCEDURE FOR SECONDMENT, DISMISSAL FROM OFFICE AND SUSPENSION OF POWERS OF PROSECUTORS***

#### **Article 59. Secondment of a prosecutor**

1. A prosecutor may — without his or her consent, for up to one year and on the condition of occupying a position equivalent to or higher than his or her current

position — be seconded to the General Prosecutor’s Office, another structural subdivision of the General Prosecutor’s Office or to another prosecutor’s office due to temporary absence or vacant positions of prosecutors in the compositions of the latter. A prosecutor shall not be seconded if the secondment may, according to a medical opinion, undermine his or her health condition or that of a family member living with him or her.

2. The secondment of a prosecutor shall be performed upon the order of the Prosecutor General. A prosecutor of the Military Prosecutor’s Office may be seconded also by the Military Prosecutor.
3. The secondment may be extended with the written consent of the prosecutor.
4. The salary of a seconded prosecutor may not be less than the salary received in his or her position. When a prosecutor is seconded to a vacant position and the salary provided for that position is higher than the salary received by the prosecutor in his or her position, the seconded prosecutor shall receive the higher salary.
5. A prosecutor may not, without his or her consent, be seconded again within one year following the end of the secondment.
6. Secondments from the subdivision exercising functions aimed at forfeiture of property of illegal origin to other subdivisions of the system of Prosecutor’s Office and vice-versa shall not be allowed.

***(Article 59 supplemented by HO-245-N of 16 April 2020)***

**Article 60. Transferring a prosecutor to another position**

***(the title amended by HO-245-N of 16 April 2020)***

1. The Prosecutor General may transfer the prosecutor to another position of the same rank specified by part 1 of Article 37 without consent of the later, except

for cases prescribed by part 1.1 of this Article. A prosecutor may not be transferred to a position lower than the position he or she holds, except for the cases prescribed by part 2 of this Article.

- 1.1. In cases where persons holding for the first time the position of the prosecutor within the subdivision exercising function aimed at forfeiture of property of illegal origin and persons not enrolled in the list of candidates for prosecutors exercising functions aimed at forfeiture of property of illegal origin transfer from the subdivision exercising functions aimed at forfeiture of property of illegal origin to other subdivisions of the system of Prosecutor's Office or vice-versa, their transfer to another position of the same rank specified by part 1 of Article 37 shall not be allowed. In such cases the appointment to positions is made in the manner prescribed by Articles 38-42.1 of this Law.
2. Transferring a prosecutor to a position lower than the position he or she holds shall be carried out:
  - (1) based on the application of the prosecutor;
  - (2) when the disciplinary penalty "demotion of position" is imposed as prescribed by this Law;
  - (3) upon the decision rendered as prescribed by part 19 of Article 50 of this Code on the basis of the motion prescribed by point 5 of part 14 of Article 50 of this Law.

***(Article 60 amended, edited, supplemented by HO-245-N of 16 April 2020)***

#### **Article 61. Suspension of powers of a prosecutor**

1. In the case of institution of a criminal prosecution, the powers of the prosecutor shall be suspended in cases and in the manner prescribed by Law.

2. In the case of institution of a disciplinary proceeding against a prosecutor, the powers of the prosecutor may be suspended until the adoption of a final decision with regard to the proceedings in question. In the case of institution of a disciplinary proceeding, the powers of the prosecutors shall be suspended upon the order of the Prosecutor General and salaries shall be maintained for the period of suspension of his or her powers.
3. *(part repealed by HO-129 of 25 March 2021)*
4. *(part repealed by HO-129 of 25 March 2021)*

*(Article 61 edited, amended by HO-129-N of 25 March 2021)*

#### **Article 62. Dismissing a prosecutor from office**

1. The grounds for dismissing a prosecutor from office shall be:
  - (1) a personal application;
  - (2) attaining the age of 65 — the maximum age for occupying a position of a prosecutor;
  - (3) death of the prosecutor;
  - (4) termination of the citizenship of the Republic of Armenia;
  - (5) reduction in force;
  - (6) refusal to be transferred to another structural subdivision of the prosecutor's office or to another prosecutor's office in the case of dissolution or reorganisation of the subdivision where he or she used to hold office;
  - (7) being declared dead or missing based on a court's civil judgment entered into force;

- (8) emergence of any of the restrictions prescribed by points 1, 3, 4, 6 or 7 of part 1 of Article 34 of this Law;
  - (9) imposition of the disciplinary penalty prescribed by point 5 of part 1 of Article 54 of this Law;
  - (10) a court's act entered into force, establishing that he or she has been appointed to the position in violating of the requirements of the law;
  - (11) a decision rendered as prescribed by part 19 of Article 50 of this Code on the basis of a motion prescribed by point 6 of part 14 of Article 50 of this Law;
  - (12) existence of a criminal judgment of conviction delivered against him or her, having entered into force;
  - (13) termination of the criminal prosecution instituted against him or her or failure to carry out the criminal prosecution on a non-acquittal ground.
2. Failure to attend work for more than six consecutive months within one year due to temporary incapacity for work may also serve as a ground for dismissing a prosecutor from office.
  3. In the cases prescribed by points 5 and 6 of part 1 of this Article, prosecutors shall be included in the reserve of prosecutors. Their salaries shall be maintained for three months upon being included in the reserve.
  4. The procedure for including in and dismissing from the reserve of prosecutors shall be prescribed by the Prosecutor General.

**Article 63. Termination of the powers of the Prosecutor General**

1. The powers of the Prosecutor General shall be deemed terminated when his or her term of office has expired — on the same day of the sixth year following the day of assuming office.

2. The cases of early termination of the powers of the Prosecutor General shall be:
  - (1) attaining the age of 65 — the maximum age for occupying a position of a prosecutor;
  - (2) loss of the citizenship of the Republic of Armenia;
  - (3) being declared missing or dead based on a court's civil judgment entered into force;
  - (4) his or her death;
  - (5) emergence of any of the restrictions prescribed by points 1, 3, 4, 6 or 7 of part 1 of Article 34 of this Law;
  - (6) existence of a criminal judgment of conviction delivered against him or her, having entered into force;
  - (7) termination of the criminal prosecution instituted against him or her or failure to carry out the criminal prosecution on a non-acquittal ground;
  - (8) submission of a letter of resignation to the National Assembly. In the case of resignation, the powers of the Prosecutor General shall terminate where a second letter of resignation is submitted not later than within a week upon the submission of the first letter of resignation by the Prosecutor General.
  
3. The powers of the Prosecutor General may be terminated early in the following cases:
  - (1) he or she has become seriously ill which hinders or will hinder the performance of his or her duties for a long period of time;
  - (2) has committed a violation of the law or the rules of conduct of prosecutors, which has impaired the reputation of the Prosecutor's Office;
  - (3) has violated restrictions and incompatibility requirements prescribed by Article 49 of this Law;

- (4) there are other insurmountable obstacles to the exercise of his or her powers.
4. The Chairperson of the National Assembly shall, in the cases prescribed by part 2 of this Article, upon receiving relevant information, disseminate an official message on early termination of the powers of the Prosecutor General.
  5. In the cases prescribed by part 3 of this Article, the National Assembly may dismiss the Prosecutor General from office by at least a three-fifths vote of all Deputies.

## **CHAPTER 11**

### ***MATERIAL, LEGAL, SOCIAL AND OTHER GUARANTEES FOR ACTIVITIES OF PROSECUTORS***

#### **Article 64. Remuneration of prosecutors**

1. Relations with regard to calculation and amounts of remuneration of prosecutors, including basic and additional salaries, shall be regulated by the Law of the Republic of Armenia “On remuneration of persons holding state positions and state service positions”. (Article 64 amended by HO-26-N of 21 January 2020)

#### **Article 65. Pension and social security of prosecutors**

1. The pension security of a prosecutor, as well as the social security of a prosecutor and his or her family members in case the prosecutor dies (is killed) because of an injury or mutilation sustained while performing or in connection with his or her official duties, shall be provided as prescribed by



the Law of the Republic of Armenia “On ensuring activities, servicing and social guarantees of officials”.

2. A lump-sum monetary assistance may be provided to the prosecutor in the manner and amount prescribed by the Prosecutor General, within the limits of the salary fund.

***(Article 65 amended by HO-26-N of 21 January 2020)***

#### **Article 66. Other social guarantees for prosecutors**

1. The State shall guarantee the following for prosecutors:
  - (1) safe and necessary working conditions for the fulfilment of official duties;
  - (2) annual paid leave;
  - (3) providing — as prescribed by the legislation of the Republic of Armenia — an appropriate payment to the prosecutor in case he or she becomes disabled or to the family members in case of he or she is killed while performing official duties;
  - (4) reimbursement of secondment expenses, in the amount and manner prescribed by legislation, incurred in the case of secondment outside the place of permanent residence.
2. In the case of secondment to another place, a prosecutor shall be provided with a residential space upon necessity, and in the case of impossibility to provide such space, a monetary compensation shall be provided in the manner and amount prescribed by the decision of the Government of the Republic of Armenia.
3. Property damage caused to a prosecutor or his or her family members due to performance of duties shall be compensated by the State, as prescribed by legislation.

4. Prosecutors shall be subject to mandatory state insurance against disability (except for being recognised as a disabled person with a 3rd-degree restriction of capacity for engaging in working activities due to an injury or mutilation sustained while performing or in connection with his or her duties), harms to health caused while performing their duties.
5. The State shall ensure the free of charge examination of the health condition and treatment of the prosecutor. The examination of the health condition and treatment of the prosecutor shall be carried out at the medical institutions of the Police of the Republic of Armenia and of the Ministry of Defence of the Republic of Armenia mentioned in the list approved by the Government of the Republic of Armenia.
6. The amounts, the procedure for calculation and payment and the conditions of the insurance and insurance coverage, as well as the conditions, intervals and procedure for examination of the health condition, shall be prescribed by the Government of the Republic of Armenia.

#### **Article 67. Prosecutor's leave**

1. Prosecutors shall be entitled to a regular annual paid leave with the duration of 30 working days.
2. The regular annual paid leave of a prosecutor shall be provided so as not to hinder the normal operation of the Prosecutor's Office.
3. A leave shall be provided upon the order of the Prosecutor General or the Deputy Prosecutor General coordinating the sector. The procedure for granting leaves to prosecutors shall be prescribed by the Prosecutor General.
4. The prosecutor shall be entitled to an additional unpaid leave with the duration of up to 30 working days for the purpose of defending a scientific dissertation.

5. Prosecutors shall be entitled to an additional annual leave, the duration whereof shall be prescribed by a decision of the Government of the Republic of Armenia.
6. Relations with regard to payment of the annual leave shall be regulated by the legislation of the Republic of Armenia.
7. Relations with regard to providing leaves to prosecutors shall fall within the scope of the provisions prescribed by the Labour Code of the Republic of Armenia insofar as they are, in their essence, applicable to prosecutors in compliance with the provisions of this Law.

**Article 68. Uniform, identification card and seal of a prosecutor, symbol of the Prosecutor's Office**

1. Prosecutors shall be provided with a uniform at the expense of the State Budget.
2. The description of the uniform and distinctive emblems, the symbol of the Prosecutor's Office and the time limits for providing the uniform shall be prescribed by the Government of the Republic of Armenia. The rules of wearing the uniform and bearing the distinctive emblems shall be prescribed by the Prosecutor General.
3. Prosecutors shall be issued identification cards of the sample form approved by the Prosecutor General, as well as seals registered and numbered with the General Prosecutor's Office. The procedure for providing seals registered and numbered with the General Prosecutor's Office shall be prescribed by the Prosecutor General.

**Article 69. Legal protection of a prosecutor**

1. While performing his or her activities, a prosecutor shall be independent and shall obey only the law.

2. A prosecutor may not be dismissed from office, except for the cases provided for by this Law.
3. Hindering a prosecutor from performing his or her official duties, insulting the prosecutor in connection with his or her activities, encroaching or threatening to encroach upon the life, health or property of the prosecutor and his or her family members, shall entail liability provided for by law.
4. Depriving the Prosecutor General or a Deputy Prosecutor General of liberty in connection with the exercise of their powers shall not be allowed unless the Ethics Commission gives its consent to do so, except for the cases of depriving from liberty based on a criminal judgment entered into force or when they have been caught in the act of committing a criminal offence or immediately thereafter. Where the issue of giving consent to depriving the Prosecutor General or a Deputy Prosecutor General of liberty is being considered, they shall not participate in the consideration of the mentioned issue by the Ethics Commission.
5. Criminal prosecution against a Deputy Prosecutor General or a prosecutor shall be instituted and the prosecutorial oversight over the pre-trial criminal proceedings of the given case shall be conducted by the Prosecutor General or upon his or her assignment — by the Deputy, and against the Prosecutor General — by the Deputy Prosecutor General.

***(Article 69 supplemented by HO-129-N of 25 March 2021)***

**Article 70. Security and means of personal protection of a prosecutor**

1. A prosecutor shall have the right to keep and carry a government-issued service weapon and special means of personal protection. The government-issued service weapon and special means of personal protection shall be provided to prosecutors by the body authorised by the Government.

2. The rules for keeping and carrying a government-issued service weapon and special means of personal protection shall be prescribed upon the order of the Prosecutor General.
3. Prosecutors and their family members shall be under the special protection of the State. In the case of a threat of unlawful influence over the immunity of a prosecutor, his or her family members or the residential and office premises occupied by him or her, the competent state bodies shall be obliged to, at the request of the prosecutor, immediately take all necessary measures to ensure the security of the prosecutor, his or her family members and the residential and office premises occupied by him or her.

## **CHAPTER 12**

### ***RULES OF CONDUCT OF PROSECUTORS***

#### **Article 71. Rules of conduct of prosecutors**

1. The rules of conduct of prosecutors shall be prescribed by this Law, and the requirements arising from the rules of conduct established by this Law shall be prescribed upon the order of the Prosecutor General.
2. The rules of conduct of prosecutors shall be binding for all prosecutors. The immediate superior prosecutor must also require that the rules of conduct be observed by the subordinate prosecutors.
3. The rules prescribed by points 1-3 and 7-9 of part 1 of Article 72 of this Code shall be binding for the persons included in the list of candidates for prosecutors.

4. A prosecutor shall strive to ensure, through his or her conduct, activities, professional and moral characteristics, the reputation, impartiality and objectivity of the Prosecutor's Office, contribute to building confidence in and respect for the Prosecutor's Office, ensuring the independence of prosecutorial activities, participate in instilling high standards of conduct.

**Article 72. General rules of conduct of prosecutors**

1. A prosecutor shall be obliged:
  - (1) to refrain, under any conditions and in any situation, from demonstrating — with his or her activities, practical, professional and moral characteristics — any conduct incompatible with or undermining the high reputation of the Prosecutor's Office, decreasing the public confidence in the Prosecutor's Office or casting doubt on the impartiality, objectivity and independence of the Prosecutor's Office, including issuing in favour of any person a personal surety prescribed by the Criminal Procedure Code of the Republic of Armenia;
  - (2) to avoid, under any conditions and in any situation, practical, professional or moral relations or demonstrating any conduct incompatible with the title of the prosecutor that may disgrace the reputation, good fame, honour or dignity of the prosecutor;
  - (3) to keep the reputation of the Prosecutor's Office high, inspire respect and confidence in the Prosecutor's Office and in himself or herself with his or her conduct and activities;
  - (4) to demonstrate political restraint and neutrality, refrain from demonstrating any conduct that may leave an impression of being engaged in political activities, as well as not to demonstrate favouritism towards any political party;

- (5) not to become a member of professional or non-governmental organisations the activities whereof are associated with discrimination on the grounds of ethnicity, nationality, faith or physical impairments;
- (6) to be autonomous and objective, be independent from extraneous influences, pressure, threats or any other interference coming from legislative and executive authorities or other state bodies or local self-government bodies, non-governmental or political organisations, media, private interests, public opinion and other sources, be free from the fear of being criticised;
- (7) to refrain from publicly casting doubt on prosecutorial acts and on actions, professional and personal qualities of his or her colleagues;
- (8) to adopt for himself or herself such restrictions that will ensure public perception of him or her as a well-balanced and objective person;
- (9) to be law-abiding, righteous, patient, disciplined, reserved, balanced, polite, principled, impartial and strong-willed, listening to and respecting others' opinions and tolerating divergence in views, demonstrate extreme reasonableness and politeness when carrying out actions aimed at restricting the rights of other persons;
- (10) to be intolerant towards violations of the rules of conduct committed or immoral conduct demonstrated by colleagues;
- (11) to immediately inform the relevant bodies about threats to the lives and health of people or to the safety of the environment, take measures for the timely prevention and elimination of consequences of said threats, protect the human rights and fundamental freedoms and assist in the exercise thereof;
- (12) not to carry the service firearm provided to him or her demonstratively in public places.

### **Article 73. Rules of conduct of prosecutors in official relations**

1. In official relations, a prosecutor shall be obliged:
  - (1) to act in compliance with the Constitution, constitutional laws and laws;
  - (2) to follow the principle of hierarchical subordination without prejudice to the rule that the superior or immediate superior prosecutor shall refrain from demonstrating such conduct towards the subordinate prosecutor or addressing him or her with such words which may disgrace the honour or dignity of the prosecutor, impair his or her reputation;
  - (3) to be independent and objective;
  - (4) to demonstrate necessary consistency when complying with the restrictions prescribed by law;
  - (5) to be independent in his or her convictions and deliver prosecutorial acts independently, which does not exclude receiving advice from his or her prosecutor colleagues on legal issues;
  - (6) to perform his or her official duties in good faith, giving priority to exercising his or her powers over other types of activities prosecutors are legally allowed to engage in;
  - (7) to ensure proper level of professional preparedness and proficiency, take measures to enhance his or her professional knowledge of the national and international law, consistently improve his or her skills and personal qualities, provide, upon necessity, professional assistance to colleagues;
  - (8) guided by the requirements of the legislation of the Republic of Armenia, to take measures to strengthen the rule of law, reveal and eliminate the causes of offences and conditions contributing to the commission thereof;



- (9) to participate in court sessions wearing a proper uniform, demonstrate self-restraint under any conditions and in any situation, be emotionally stable, avoid demonstrating any conduct or expressing himself or herself in words incompatible with the title of the prosecutor, that may disgrace the reputation and good fame of the prosecutor and the Prosecutor's Office;
- (10) when performing his or her duties, to show impartiality, refrain from displaying bias through his or her words or conduct, discriminating or creating such impression, act so as not to cast undue doubt on his or her impartiality and objectivity, not to be guided by assumptions, emotions, personal sentiments or other extraneous influence, which does not hinder the prosecutor from freely expressing his or her opinion on solutions regarding official issues;
- (11) to act reasonably so that cases causing a need for his or her dismissal (self-recusal) from the proceedings or examination of the case are reduced to a minimum;
- (12) not to use, disclose or otherwise make accessible non-public information that he or she has become aware of in the course of exercising his or her official duties, unless otherwise provided for by law;
- (13) to treat the participants of the proceedings, colleagues and all persons with whom the prosecutor communicates ex officio, with patience, dignity, respect and politeness;
- (14) to demonstrate understanding when violations and shortcomings committed in the course of performance of official duties are revealed, as well as towards objective criticism, and take measures to eliminate them;
- (15) to contribute to the establishment of a healthy moral and psychological atmosphere in relations with colleagues, be respectful and balanced towards them, respect their opinion, display willingness to help and assist

his or her colleagues, not to intervene unlawfully in the performance of official powers of colleagues, which does not hinder the prosecutor from freely expressing his or her opinion on solutions regarding official issues.

**Article 74. Rules of conduct of prosecutors in extra-official relations**

1. In extra-official relations, a prosecutor shall be obliged:
  - (1) not to use the reputation of the prosecutor's position for his or her or another person's benefit;
  - (2) to avoid any conflict of interest, so that his or her family, social and other relationships do not influence the proper exercise of his or her official powers in any way;
  - (3) to avoid relations undermining the reputation, disgracing the honour and dignity, influencing the objectivity thereof or of the prosecutor's office, making dependent on certain persons materially and otherwise;
  - (4) to refrain from undue communications with mass media in respect of a case, demonstrate self-restraint under any conditions and in any situation, be emotionally stable, avoid demonstrating any conduct or expressing himself or herself in words incompatible with the title of the prosecutor that may disgrace the reputation and good fame of the prosecutor and the Prosecutor's Office.

## CHAPTER 13

*(Chapter edited by HO-26-N of 21 January 2020)*

### **CIVIL SERVICE**

*(Title edited by HO-26-N of 21 January 2020)*

#### **Article 75. Civil service**

1. Employees working in specialised structural assisting subdivisions are considered as civil servants.
2. The Secretary General of the Prosecutor's Office is a civil servant, who is appointed to or dismissed from the position by the Prosecutor General in the manner prescribed by Law.

#### **Article 76. Legal acts regulating the civil service**

1. Relations pertaining to the civil service in the Prosecutor's Office shall be regulated by the Law of the Republic of Armenia "On civil service"..

## CHAPTER 14

### **FINANCING OF THE PROSECUTOR'S OFFICE**

#### **Article 77. Financing of the Prosecutor's Office**

1. Financing of the Prosecutor's Office shall be implemented at the expense of the funds allocated by the State Budget. Financing of the Prosecutor's Office shall be

reflected in the Budget Bid and by a separate line in the State Budget entitled “Prosecutor’s Office of the Republic of Armenia”.

2. In the case of being approved by the Government, the Budget Bid of the Prosecutor’s Office shall be included in the draft State Budget or, in the case of objection, submitted to the National Assembly along with the draft State Budget.
3. The Government shall submit the rationale for the objection with respect to the Budget Bid to the National Assembly and the General Prosecutor’s Office.
4. A reserve fund of the Prosecutor’s Office shall be envisaged to fund unforeseen expenditure needed to ensure the normal operation of the Prosecutor’s Office, which shall be presented by a separate budget line. The size of the reserve fund shall be equal to two percent of the budget envisaged for the Prosecutor’s Office by the law on the State Budget for the corresponding year.
5. Allocations from the reserve fund shall be made upon the decision of the Prosecutor General.
6. The position of the Prosecutor’s Office with respect to the Budget Bid and the Medium-Term Expenditure Programme shall be presented in the National Assembly by the Secretary General of the Prosecutor’s Office.
7. In the case of insufficiency of the reserve fund of the Prosecutor’s Office to ensure the normal operation of the Prosecutor’s Office, the Government shall make up the shortfall from the reserve fund of the Government.

***(Article 77 amended, edited by HO-26-N of 21 January 2020)***

## CHAPTER 15

### *FINAL PART AND TRANSITIONAL PROVISIONS*

#### **Article 78. Entry into force of the Law**

1. This Law shall enter into force within the time limit prescribed by part 5 of Article 210 of the Constitution.
2. The Law of the Republic of Armenia HO-126-N of 22 February 2007 “On Prosecutor’s Office” shall be repealed upon entry into force of this Law.

#### **Article 79. Transitional provisions**

1. For persons included in the list of candidates for prosecutors before the entry into force of this Law, the time period prescribed by point 11 of part 1 of Article 40 of this Law shall start running upon entry into force of this Law.
2. Prosecutors appointed prior to the entry into force of this Law shall continue to hold their offices in their respective positions.
3. Class ranks conferred on prosecutors before the entry into force of this Law shall be maintained by adjusting the class rank in question to the class rank of the lowest level prescribed by Article 45 of this Law for the prosecutor’s position in question, except where the class rank conferred before the entry into force of this Law is higher than the class rank of the lowest level prescribed by Article 45 of this Law. The period of service served holding class ranks conferred previously shall be taken into account when conferring class ranks as prescribed by this Law.
4. The competency evaluation and training of prosecutors shall be held as prescribed by this Law, taking into account the time of holding the previous competency evaluation and training.

5. The powers of the members of the Ethics and Qualification Commission shall terminate upon entry into force of this Law.
6. New members of the Ethics and Qualification Commission shall be appointed and the composition of the Collegium of the Prosecutor's Office shall be brought into conformity with the requirements of this Law within a period of 15 days upon entry into force of this Law.

**President  
of the Republic of Armenia**

**S. Sargsyan**

1 December 2017

Yerevan

HO-198-N