

**LAW OF THE REPUBLIC OF ARMENIA**

*Adopted on 22 February 2007*

**ON THE 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") is 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, reserved to it by the Constitution of the Republic of Armenia, through prosecutors, in the manner prescribed by this Law and other laws.

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

1. The powers of the Prosecutor's Office shall be defined by the Constitution, whereas the procedure for exercising them shall be defined by law.
2. The procedure for organising the activities of the Prosecutor's Office shall be prescribed by this Law, other laws, internal legal acts adopted by the Prosecutor General in accordance therewith and, in cases provided for by law, by other legal acts.

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

The main concepts used in this Law shall be the following:

**prosecutor** — the Prosecutor General, his/her deputies, the Military Prosecutor, the Prosecutor of the City of Yerevan, prosecutors of the administrative regions of the City of Yerevan and those of marzes, military prosecutors of garrisons, senior prosecutors and prosecutors of the General Prosecutor's Office, heads of departments and divisions of the General Prosecutor's Office, deputy heads of departments of the General Prosecutor's Office, deputies of the Prosecutor of the City of Yerevan, deputies of prosecutors of the administrative regions of the City of Yerevan, of marzes and deputies of military prosecutors of garrisons, deputies of the Military Prosecutor, senior prosecutors and prosecutors operating

within the departments and divisions of the General Prosecutor's Office, senior prosecutors and prosecutors of the Prosecutor's Office of the City of Yerevan, senior prosecutors and prosecutors of prosecutor's offices of the administrative regions of the City of Yerevan and those of marzes, and senior prosecutors and prosecutors of military prosecutor's offices of garrisons, heads of divisions of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of the Central Military Prosecutor's Office and senior prosecutors and prosecutors operating within divisions of the Central Military Prosecutor's Office;

**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 the administrative regions of the City of Yerevan and those of marzes, military prosecutor's offices of garrisons.

*(Article 3 amended by HO-176-N of 16 September 2009)*

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

In accordance with Article 103 of the Constitution, the Prosecutor's Office, in cases and in the manner prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) oversee the lawfulness of inquest and preliminary investigation;
- (3) pursue a charge in the court;
- (4) bring an action to court with regard to the protection of state interests;
- (5) appeal against the civil judgments, criminal judgments and decisions of courts;
- (6) oversee the lawfulness of applying punishments and other coercive measures.

#### **Article 5. Publicity of 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 human and citizen's rights, freedoms and legitimate interests and to the protection of state secrets and other secrets protected by law.

2. Every year the Prosecutor General shall submit to the National Assembly of the Republic of Armenia (hereinafter referred to as "the National Assembly") and to the President of the Republic a communication on the activities of the Prosecutor's Office for the previous year. The communication shall be submitted to the National Assembly in the manner prescribed by the Rules of Procedure of the National Assembly.

#### **Article 6. Prosecutor's independence and inadmissibility of intervention in his/her activities**

1. Each prosecutor, in the course of exercising his/her powers, shall take decisions independently based on laws and moral certainty and shall be responsible for his/her decisions.

2. Intervention in the activities of a prosecutor, not provided for by law, shall be prohibited.

#### **Article 7. Non-politicisation of the prosecutor**

1. A prosecutor may not be a member of any political party or otherwise engage in political activities. In all circumstances, the prosecutor must exercise political restraint and neutrality.

2. A prosecutor may participate in elections of state and local self-government authorities only as an elector. A prosecutor may not participate in an electoral campaign.

## **CHAPTER 2**

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

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

The Prosecutor's Office shall comprise:

- (1) the General Prosecutor's Office;
- (2) the Prosecutor's Office of the City of Yerevan;
- (3) the Prosecutor's Office of Erebuni and Nubarashen administrative regions of the City of Yerevan;
- (4) the Prosecutor's Office of Kentron and Nork-Marash administrative regions of the City of Yerevan;
- (5) the Prosecutor's Office of Ajapnyak and Davitashen administrative regions of the City of Yerevan;
- (6) the Prosecutor's Office of Avan and Nor Nork administrative regions of the City of Yerevan;
- (7) the Prosecutor's Office of Arabkir and Kanaker-Zeytun administrative regions of the City of Yerevan;
- (8) the Prosecutor's Office of Shengavit administrative region of the City of Yerevan;
- (9) the Prosecutor's Office of Malatia-Sebastia administrative region of the City of Yerevan;
- (10) the Prosecutor's Office of Kotayk Marz with a centre in the City of Hrazdan;
- (11) the Prosecutor's Office of Ararat Marz with a centre in the City of Artashat;
- (12) the Prosecutor's Office of Armavir Marz with a centre in the City of Armavir;
- (13) the Prosecutor's Office of Aragatsotn Marz with a centre in the City of Ashtarak;
- (14) the Prosecutor's Office of Shirak Marz with a centre in the City of Gyumri;
- (15) the Prosecutor's Office Lori Marz with a centre in the City of Vanadzor;
- (16) the Prosecutor's Office of Tavush Marz with a centre in the City of Ijevan;
- (17) the Prosecutor's Office of Gegharkunik Marz with a centre in the City of Gavar;
- (18) the Prosecutor's Office of Vayots Dzor Marz with a centre in the City of Yeghegnadzor;
- (19) the Prosecutor's Office of Syunik Marz with a centre in the City of Kapan;
- (20) the Central Military Prosecutor's Office with a centre in the City of Yerevan;
- (21) the military prosecutor's offices of garrisons in accordance with the deployment of armed forces.

*(Article 8 amended by HO-176-N of 16 September 2009)*

## **Article 9. Prosecutor General's Office**

1. The General Prosecutor's Office shall consist of departments and divisions.
2. The departments of the General Prosecutor's Office shall consist of the head of the department, a deputy head of the department, senior prosecutors and prosecutors of the department. The divisions of the General Prosecutor's Office shall consist of the head of the division, and senior prosecutors and prosecutors of the division.
3. Within the General Prosecutor's Office, senior prosecutors and prosecutors of the General Prosecutor's Office shall operate under direct subordination of the Prosecutor General or the deputies of the Prosecutor General.
4. The seat of the General Prosecutor's Office shall be located in City of Yerevan.

## **Article 10. The Prosecutor General**

1. The Prosecutor General shall:
  - (1) carry out the administration of the Prosecutor's Office;
  - (2) define the policy for exercising the constitutional powers of the Prosecutor's Office and ensure supervision over the implementation thereof;
  - (3) distribute work among his/her deputies;
  - (4) approve the structure of the General Prosecutor's Office and of the military prosecutor's office; define the scope of powers of structural subdivisions of the General Prosecutor's Office and of the Central Military Prosecutor's Office;
  - (5) define the number of staff employees of the Prosecutor's Office within the framework of the salary fund provided for by law;
  - (6) within the scope of his/her competence, adopt internal and individual legal acts and, in cases directly provided for by law, regulatory legal acts;
  - (7) approve the Code of Conduct for Prosecutors;
  - (8) approve the Statute of the Staff of the Prosecutor's Office;
  - (9) approve and amend the listing of positions of state servants in the Staff of the Prosecutor's Office and the number of staff employees therein;
  - (10) exercise powers reserved by law to the founder of the "Staff of the Prosecutor's Office" State Administration Institution and of the "Prosecutor's School" State Non-Commercial Organisation;
  - (11) establish councils adjunct to the Prosecutor General and define the rules of procedure thereof;
  - (12) exercise other powers reserved to him/her by law.
2. The Prosecutor General shall be entitled to exercise the powers, provided for by Article 103 of the Constitution, throughout the whole territory of the Republic of Armenia.
3. With regard to issues of constitutionality of provisions of the regulatory acts concerning a specific case that the Prosecutor's Office is seized of, the Prosecutor General shall, in the manner prescribed by the

Law "On Constitutional Court" of the Republic of Armenia, apply to the Constitutional Court, take part in the examination of the case in the Constitutional Court or appoint a representative for participating therein.

#### **Article 11. Deputy Prosecutor General**

1. The Deputy Prosecutor General shall:

- (1) coordinate activities of the sphere, assigned to him/her by the Prosecutor General;
- (2) adopt internal and individual legal acts within the scope of his/her competence;
- (3) file motions with respect to granting incentives to prosecutors or subjecting them to disciplinary liability;
- (4) in case of temporary absence of the Prosecutor General, substitute him/her upon the order of the latter. In case of impossibility of such an order, the Prosecutor General shall be temporarily substituted by the eldest Deputy Prosecutor General;
- (5) exercise other powers reserved to him/her by law.

2. The deputy of Prosecutor General shall exercise all the powers, provided for by Article 103 of the Constitution, within the sphere assigned to him/her.

#### **Article 12. Head of a department (division) of the General Prosecutor's Office**

1. The head of a department (division) of the General Prosecutor's Office shall:

- (1) organise the activities of the department (division) headed by him/her;
- (2) ensure the execution of instructions and fulfillment of assignments issued by the Prosecutor General and his/her deputies;
- (3) submit proposals to the Deputy Prosecutor who coordinates the respective sphere, for granting incentives to the employees of the department (division) or subjecting them to disciplinary liability.

2. The head of a department (division) of the General Prosecutor's Office shall bear responsibility before the Prosecutor General and his/her deputy coordinating the respective sphere for the activities of the department headed by him/her.

#### **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, provided for by Article 103 of the Constitution, in the City of Yerevan insofar as the exercise thereof is not reserved to the military prosecutor's office; while the powers defined by points 2 and 3 of part 4 of Article 103 of the Constitution, as well as powers with respect to criminal cases defined by point 5 of part 4 of Article 103 of the Constitution shall be exercised by the Prosecutor's Office of the City of Yerevan in cases when

pre-trial proceedings is administered by the respective municipal authorities administering pre-trial proceedings.

2. The provision referred to in part 1 of this Article shall not limit the powers of the Prosecutor of the City of Yerevan acting as a superior prosecutor.

3. The Prosecutor's Office of the City of Yerevan shall be composed of the Prosecutor of the City of Yerevan, his/her deputies, senior prosecutors and prosecutors of the Prosecutor's Office of the City of Yerevan.

4. The seat of the Prosecutor's Office of the City of Yerevan shall be located in City of Yerevan.

#### **Article 14. The Prosecutor of the City of Yerevan**

The Prosecutor of the City of Yerevan shall:

(1) administer the activities of the Prosecutor's Office of the City of Yerevan and carry out overall management of the prosecutor's offices of the administrative regions of the City of Yerevan;

(2) exercise the powers provided for by Chapter 3 of this Law.

*(Article 14 amended by HO-176-N of 16 September 2009)*

#### **Article 15. Prosecutor's office of an administrative region (administrative regions) of the City of Yerevan**

*(Title amended by HO-176-N of 16 September 2009)*

1. The prosecutor's office of an administrative region (administrative regions) of the City of Yerevan shall ensure the exercise of powers, provided for by Article 103 of the Constitution, in a an administrative region (administrative regions) insofar as the exercise thereof is not reserved to the Prosecutor's Office of the City of Yerevan or to the military prosecutor's office.

2. The prosecutor's office of an administrative region (administrative regions) of the City of Yerevan shall be composed of the Administrative region (administrative regions) Prosecutor of the City of Yerevan, his/her deputy, senior prosecutors and prosecutors of the prosecutor's office of an administrative region (administrative regions) of the City of Yerevan.

3. The seat of the prosecutor's office of an administrative region (administrative regions) of the City of Yerevan shall be located in the respective administrative region (one of the administrative regions).

*(Article 15 amended by HO-176-N of 16 September 2009)*

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

1. The prosecutor's office of a marz shall ensure the exercise of powers, provided for by Article 103 of the Constitution, in a marz insofar as the exercise thereof is not reserved to the military prosecutor's office.

2. The prosecutor's office of a marz shall be composed of a marz prosecutor, his/her deputies, senior prosecutors and prosecutors of the prosecutor's office of a marz.
3. The seat of a prosecutor's office of a marz shall be located in the marz centre. A marz prosecutor's office may, if necessary, also have other seats upon the decision of the Prosecutor General.

**Article 17. Administrative region (administrative regions) Prosecutor of the City of Yerevan and marz prosecutor**

*(Title amended by HO-176-N of 16 September 2009)*

An administrative region (administrative regions) Prosecutor of the City of Yerevan and a marz prosecutor shall:

- (1) administer the activities of the respective prosecutor's office;
- (2) exercise the powers provided for by Chapter 3 of this Law.

*(Article 17 amended by HO-176-N of 16 September 2009)*

**Article 18. Military Prosecutor's Office of the Republic of Armenia**

1. The military prosecutor's office shall ensure the exercise of powers, provided for by Article 103 of the Constitution, in armed forces.
2. The military prosecutor's office shall consist of the Central Military Prosecutor's Office and the military prosecutor's offices of garrisons.

**Article 19. Military prosecutor**

1. The military prosecutor shall:
  - (1) administer and coordinate the Central Military Prosecutor's Office and the military prosecutor's offices of garrisons;
  - (2) exercise the powers provided for by Chapter 3 of this Law.
2. The military prosecutor shall be the *ex officio* Deputy Prosecutor General.
3. The Central Military Prosecutor's Office shall consist of divisions.
4. The deputies of the military prosecutor, heads of divisions of the Central Military Prosecutor's Office, senior prosecutors and prosecutors of the Central Military Prosecutor's Office and senior prosecutors and prosecutors of divisions of the Central Military Prosecutor's Office shall operate within the Central Military Prosecutor's Office.
5. The seat of the Central Military Prosecutor's Office shall be located in the City of Yerevan.

## **Article 20. Military prosecutor's office of garrisons**

1. The military prosecutor's office of garrisons shall ensure the exercise of the powers, provided for by Article 103 of the Constitution, in a military garrison.
2. The military prosecutor's office of garrisons shall be composed of the garrison military prosecutor, his/her deputy, senior prosecutors and prosecutors of the military prosecutor's office of garrisons.
3. The seat of a military prosecutor's office of garrisons shall be determined by the military prosecutor in accordance with the deployment of a garrison.

## **Article 21. Garrison military prosecutor**

The garrison military prosecutor shall:

- (1) administer the military prosecutor's office of garrisons;
- (2) exercise the powers provided for by Chapter 3 of this Law.

## **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, a Collegium chaired by the Prosecutor General shall operate within the Prosecutor's Office.
2. The Collegium shall comprise the Prosecutor General and 12 members. The members of the Collegium shall be the deputies of the Prosecutor General, the heads of departments of the General Prosecutor's Office and other prosecutors appointed upon the order of the Prosecutor General.
3. Decisions of the Collegium of Prosecutor's Office shall be implemented upon orders of the Prosecutor General.
4. The rules of procedure of the Collegium of Prosecutor's Office shall be defined 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 and two prosecutors appointed by the Prosecutor General, and four lawyer members appointed for a period of three years by the President of the Republic. The Ethics Commission shall be headed by the Deputy Prosecutor General.
3. The Qualification Commission shall comprise nine members. The Qualification Commission shall be composed of one Deputy Prosecutor General, four prosecutors and four academic lawyers. The members

of the Commission shall be appointed by the Prosecutor General for a period of three years. The Qualification Commission shall be headed by the Deputy Prosecutor General.

4. Each prosecutor may be involved only in one Commission.

### **CHAPTER 3**

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

##### **Article 24. Instigating criminal prosecution**

1. The procedure and the grounds for instigating a criminal prosecution shall be defined by the Criminal Procedure Code of the Republic of Armenia.
2. Instigating a criminal prosecution shall be the exclusive power of the prosecutor.

##### **Article 25. Oversight over the lawfulness of inquest and preliminary investigation**

1. The oversight over the lawfulness of inquest and preliminary investigation shall, as a rule, be exercised by the prosecutor having instigated a criminal prosecution with respect to the criminal case concerned, except where a superior prosecutor substitutes him/her in cases provided for by law. If the criminal prosecution has been instigated by a superior prosecutor, he/she may assign the oversight over the lawfulness of inquest and preliminary investigation of that criminal case to a subordinate prosecutor.
2. When exercising oversight over the lawfulness of inquest and preliminary investigation, the prosecutor shall be independent and act without the permission and consent of the superior prosecutor. The superior prosecutor shall not be entitled to abolish or amend the acts issued by the prosecutor exercising oversight over the lawfulness of inquest and preliminary investigation, except for cases provided for by law.
3. The prosecutor exercising oversight shall be responsible for the completeness, impartiality, complexity and effectiveness of the inquest and preliminary investigation.
4. The superior prosecutor may issue instructions to the prosecutor exercising oversight, with a view of ensuring the lawfulness of the examination of the case. Instructions shall be issued in writing. The prosecutor exercising oversight shall be obliged to execute the instruction issued by the superior prosecutor with the exception of cases when he/she considers such an instruction unjustified or illegal. In such cases the prosecutor exercising oversight shall be obliged to refuse to execute it upon forthwith informing the superior prosecutor, having issued the instruction, in writing thereof, who shall have the right to assume the oversight personally or to assign the exercise thereof to another prosecutor.
5. The prosecutor, who exercises oversight over the lawfulness of inquest and preliminary investigation, in cases provided for by law, shall have the right to take a decision on removing from proceedings the person carrying out inquest or preliminary investigation, but may not take a decision on the appointment of a new person.

6. The prosecutor, who exercises oversight over the lawfulness of inquest and preliminary investigation, may apply to the relevant body carrying out inquest or preliminary investigation, with a motion on conducting an official examination with respect to the person carrying out inquest or preliminary investigation.
7. The motion shall be communicated to the superior of the official having committed the violation, which shall be obliged to commence the official examination within a period of one week after receiving the motion.
8. The procedure for exercising oversight over the lawfulness of inquest and preliminary investigation shall be defined by the Criminal Procedure Code of the Republic of Armenia.

#### **Article 26. Pursuing a charge in the court**

1. Pursuing a charge in the court shall, as a rule, be carried out by the prosecutor having exercised oversight over the lawfulness of inquest and preliminary investigation of the criminal case concerned, except where a superior prosecutor substitutes him/her in cases provided for by law. In exceptional cases, the superior prosecutor shall have the right to involve also other accusers in the exercise of procedural powers of the prosecutor pursuing a charge.
  2. The participation of the prosecutor, pursuing a charge, in the examination of the case, including in preliminary hearings, in the Court of First Instance and in the Court of Appeal shall be obligatory.
  3. The prosecutor pursuing a charge in the court shall be obliged to drop the charge in cases provided for by the Criminal Procedure Code of the Republic of Armenia. In case of dropping the charge in the court, the court shall deliver an acquittal criminal judgment with respect to the dropped part of the charge.
  4. If in the Court of First Instance the accuser finds that the charge is subject to mitigation or aggravation by virtue of circumstances emerged during the court examination that were unknown at the stage of pre-trial proceedings, the prosecutor shall have the right to file a motion to the court on postponing the court sitting with a view of re-qualifying the act. The court shall, upon the prosecutor's motion, postpone the sitting in order to carry out necessary investigative actions and to file a new charge. The sitting may be postponed for no more than one month, with the exception of cases when a longer period is reasonably required for carrying out necessary investigative actions. The court shall, upon the motion of the accused on trial or his/her defender, of the victim or his/her representative, be obliged to postpone the sitting in order to provide a time period for familiarising with the new charge.
  5. Before retiring to the deliberation room of the court, the accuser may change the charge, including in respect to the aggravation thereof, if the evidences examined during the trial undeniably prove that the accused on trial has committed a crime other than that he is incriminated to.
  6. When receiving a proposal in the manner provided for by Article 309<sup>1</sup>(5) of the Criminal Procedure Code, the Prosecutor General or his/her deputy shall decide on re-approving the letter of accusation and submit it to the court or file one of the motions provided for by Article 309<sup>1</sup>(1) and (2) of the same Law.
- (Article 26 supplemented by HO-271-N of 28 November 2007)*

## **Article 27. Bringing an action with regard to the protection of state interests**

1. Bringing an action by the prosecutor with regard to the protection of state interests shall include:

- (1) bringing an action with regard to the protection of property interests of the State through civil procedure;
- (2) bringing an action with regard to the protection of property and non-property interests of the State through administrative procedure;
- (3) bringing an action through criminal procedure with regard to the compensation of property damages caused directly to the State by a criminal offence.

2. The prosecutor shall bring an action with regard to the protection of state interests only when:

- (1) he/she reveals in the course of exercising his/her powers, that the state or local self-government authority which is entitled to bring an action with regard to issues relating to the protection of state interests, being aware of the fact of violation of state interests, has not brought an action within a reasonable time period or does not bring an action after receiving a proposal on bringing an action by the prosecutor; or
- (2) a violation of state interests has taken place in respect of issues whereon no state or local self-government authority is entitled by the legislation to bring an action; or
- (3) a competent state or local self-government authority has applied to the prosecutor with a motion on bringing an action; or
- (4) property damage has been directly caused to the State by a criminal offence; or
- (5) the action with regard to the protection of state interests is brought before the courts of other countries or before arbitrations outside the territory of the Republic of Armenia, with the exception of cases when the Government of the Republic of Armenia (hereinafter referred to as "the Government") empowers another body or organisation.

3. In cases provided for by points 1, 2, 4 and 5 of part 2 of this Article, the prosecutor shall be obliged to bring an action with regard to the protection of state interests before the court.

4. If the prosecutor considers that there are sufficient grounds for bringing an action with regard to the protection of state interests, he/she shall, before bringing an action, have the right to make a warning to the person — having caused damage to the state interests — on compensating the damage voluntarily.

5. Within the meaning of this Article the competence of bringing an action shall include the fulfillment of all rights and obligations that are entrusted to the claimant, applicant or respondent by procedural law.

6. Where there are grounds for bringing an action with regard to the protection of state interests, the prosecutor — with a view of preparing materials — shall, upon his/her decision, have the right:

- (1) to carry out inspections in the state and local self-government authorities and state non-commercial organisations, to demand and receive legal acts, documents and other information;
- (2) to demand and receive explanations from officials of the state and local self-government authorities and state non-commercial organisations.

7. The prosecutor shall exercise the powers provided for by part 6 of this Article also in cases where the information on the fact of violation of state interests has been provided by the President of the Republic, the Government, the Control Chamber of the Republic of Armenia, an *ad-hoc* committee of the National Assembly or the National Assembly, upon the decision adopted as a result of discussions of interpellations.

8. The powers provided for by part 6 of this Article shall not go beyond the framework of the action on the protection of state interests.

#### **Article 28. Appellation 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/her opinion is not reasoned or is illegal.

2. Judicial acts of the courts on criminal cases — not having entered into legal force — may be appealed against by the accusing prosecutor having taken part in the trial or by the superior prosecutor.

3. Judicial acts of the courts on civil cases — not having entered into legal force — may be appealed against by the prosecutor having taken part in the trial or by the superior prosecutor.

4. The appeal shall be pursued by the prosecutor having filed it; however, if the appeal has been filed by the Prosecutor General or his/her deputy, it shall be pursued by him/her or by another prosecutor upon his/her assignment.

5. The judicial act on criminal cases in respect of civil action may be appealed by the prosecutor if it relates to property interests of the State.

6. Only the Prosecutor General and his/her deputies may file a cassation appeal against the judicial acts having entered into legal force. Inter alia, the Prosecutor General and his/her deputies may appeal against a judicial act on a civil or administrative case concerning the state interests, irrespective of the participation of the Prosecutor's Office in the examination of the case.

7. An appeal filed by the prosecutor may be withdrawn by him/her or by the superior prosecutor.

8. The prosecutor shall have the right to get familiarised with the materials of the case or to receive the carbon copies thereof without hindrance.

#### **Article 29. 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 provided for by the criminal Statute.

3. Within the meaning of this Article, other coercive measures shall be deemed to be the deprivation of liberty in cases provided for by points 2 to 7 of part 1 of Article 16 of the Constitution, as well as the use of physical force, firearms or special measures by special services.

4. When exercising the powers provided for by this Article the prosecutor shall have the right to:
- (1) visit without hindrance and any time all the places, where persons deprived of liberty are being kept;
  - (2) get familiarised with the documents, on the basis of which the person has been subjected to punishment or other coercive measures;
  - (3) verify the compliance of orders, executive orders and decisions concerning the application of punishments and other coercive measures 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. When revealing an act conflicting with the legislation, the prosecutor shall file a motion on reconsidering it, and in cases where the delay — in the opinion of the prosecutor — may give rise to grave consequences, the prosecutor shall have the right to suspend the effect of that act and submit a written motion on the reconsideration thereof;
  - (4) interrogate persons subjected to punishment or to other coercive measures;
  - (5) release persons being illegally kept in places of confinement, as well as in penal and disciplinary isolation wards immediately; and if the person has been deprived of liberty on the basis of a legal act adopted by the administration of the place of confinement, the person having adopted the act shall be obliged to abolish the act immediately upon the executive order of the prosecutor;
  - (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.
5. The prosecutor shall participate in examination of motions in the court with regard to conditional early release of the convict from serving the sentence, abolishment of conditional early release, replacement of the part of the sentence not served yet with a more lenient type of punishment, release from sentence due to a serious disease or extraordinary circumstances.

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

In cases provided for by this Law and the codes of procedure, the prosecutor shall adopt decisions, give orders or executive orders, submit written motions and issue instructions.

## **CHAPTER 4**

### **PROCEDURE FOR AND CONDITIONS OF SUBORDINATION, APPOINTMENT AND REMOVAL FROM OFFICE OF THE PROSECUTORS**

#### **Article 31. Official subordination in the Prosecutor's Office**

1. The Prosecutor General shall be superior to all prosecutors.
2. The Deputy Prosecutor General shall be superior to all the prosecutors in his/her coordination sphere.
3. The marz prosecutor shall be superior to all the prosecutors of the prosecutor's office of a marz.

4. The Prosecutor of the City of Yerevan shall be superior to the prosecutors of the administrative regions of the City of Yerevan and to the prosecutors operating within the Prosecutor's Office of the City of Yerevan and those of the administrative regions of the City of Yerevan.
5. The Military Prosecutor shall be superior to the military prosecutors of garrisons, to the prosecutors operating within the Central Military Prosecutor's Office and military prosecutor's offices of garrisons.
6. The immediate superior prosecutor shall:
  - (1) observe the compliance with the labour discipline by the prosecutors; in case of detecting a violation, submit, if necessary, a relevant communication to the Prosecutor General;
  - (2) observes the lawfulness of fulfillment of prosecutor's duties prescribed by law; in case of detecting a violation, issue an instruction to the subordinate prosecutor; submit, if necessary, a relevant communication to the Prosecutor General;
  - (3) submit, if necessary, a relevant communication to the Prosecutor General when detecting a violation of requirements of the Code of Conduct by a prosecutor;
  - (4) reallocate, if necessary, the prosecutor's duties among other prosecutors in case of the prosecutor's leave or other temporary absence;
  - (5) exercise other powers reserved to him/her by law.
7. Executive orders and assignments, issued by the superior prosecutor to the subordinate prosecutor with regard to the organisation of activities of the prosecutor's office, shall be binding.
8. The superior prosecutor shall be entitled to abolish or amend the acts adopted by the subordinate prosecutor, except for the case provided for by part 2 of Article 25 of this Law.
9. The superior prosecutor shall consider and decide on the appeals brought against the acts and actions (inaction) of the subordinate prosecutor.
10. Upon the request of the superior prosecutor, the subordinate prosecutor shall be obliged to present him/her reports and information on his activities, cases and materials he/she is seized of.
11. The subordinate prosecutor shall be obliged to execute all legal instructions issued by the superior prosecutor, except for the case provided for by part 4 of Article 25 of this Law.
12. If the prosecutor does not agree with the instructions, executive orders or assignments issued by the superior prosecutor, he/she may appeal against them before the superior of the prosecutor who has issued the instruction or the assignment. Appealing against an instruction, executive order or assignment shall not abolish the binding character of the execution thereof, except for the case when the prosecutor considers that the instruction is illegal.

*(Article 31 amended by HO-176-N of 16 September 2009)*

### **Article 32. General requirements for appointing to a position in the Prosecutor's Office**

Citizens of the Republic of Armenia with a permanent residence in the Republic of Armenia may be appointed to the position of a prosecutor, who:

(1) have obtained a bachelor's degree or a qualification degree of a certified specialist of higher legal education or have obtained such degree in a foreign state, the recognition and approval of adequacy whereof has been carried out in the manner prescribed by law;

(2) master the literary Armenian language.

### **Article 33. Persons not eligible to occupy a position in the Prosecutor's Office**

1. A person shall not be eligible to occupy a position in the Prosecutor's Office, if:

(1) he/she has been declared through a judicial procedure as having no passive legal capacity or having partial passive legal capacity;

(2) he/she has been convicted of a crime, irrespective of whether the conviction has been expired or cancelled;

(3) he/she has a physical impairment or a disease hindering his/her appointment to the position of a prosecutor;

(4) he/she has not completed mandatory military service, with the exception of the persons who have been relieved from such service in the manner and on the grounds provided for by law;

(5) the criminal prosecution instigated against him/her has been terminated on non-acquittal grounds.

2. The list of physical impairments and diseases referred to in point 3 of part 1 of this Article shall be defined by the Government.

### **Article 34. Compiling the list of candidacies for prosecutors**

1. The list of candidacies for prosecutors shall be filled once a year, as a rule, in January of each year, by the Qualification Commission of the Prosecutor's Office through an open competition held in the manner defined by the Prosecutor General. Upon the assignment of the Prosecutor General an additional testing of contenders may be carried out during the year with a view of making additions to the list of candidacies for prosecutors.

2. The Qualification Commission shall publish an announcement on receiving applications for filling up the list of candidacies for prosecutors at least one month in advance.

3. The person contending to be included in the list of candidacies for prosecutors shall be obliged to submit:

(1) a personal identification document;

(2) a document confirming that the contender possesses higher legal education;

(3) a card containing the contender's biographical data, with a description of the professional legal activity carried out by the contender after obtaining a lawyer's degree, by attaching relevant evidence (such as a job description or other documents certifying the labour duties in the occupation deemed as a term of service of a legal profession) thereto;

(4) a document certifying that the contender has completed the mandatory military service or has been relieved from or has a deferment from the mandatory military service in the manner prescribed by law (in case of male contenders);

(5) a document issued in the manner defined by the Government, certifying the absence of physical impairments and diseases hindering the appointment to the position of a prosecutor.

4. The applicant shall also have the right to submit recommendation letters.

5. Applications filed with a violation of time limits specified for the submission thereof and those not satisfying the requirements prescribed by law, shall be rejected and subject to return by the Qualification Commission within three working days. The applicant may through a judicial procedure appeal against the decision of the Qualification Commission on rejecting the application, within three working days after receiving the rejection. The court shall examine and decide on the case within three working days after receiving it.

6. Appealing through a judicial procedure against the rejection of the application by the Qualification Commission, shall not suspend the procedure for accepting applications and compiling the list of candidacies for prosecutors as provided for by law. If the court declares the rejection of the application by the Qualification Commission illegal, the application of the applicant shall be subject to consideration by the Qualification Commission.

7. The Qualification Commission shall test the applicant's professionalism, practical skills and moral character, as well as the compliance of documents, submitted by him/her, with other requirements provided for by law.

8. The candidacies of applicants, in respect of which the Qualification Commission delivers a positive opinion, shall be presented to the Prosecutor General, who shall include the candidates, acceptable to him/her, in the list of candidacies for prosecutors.

9. The person included in the list of candidacies for prosecutors shall undergo a study programme at the Prosecutor's School and take a qualification examination in the manner defined by the Prosecutor General. The person not having passed the qualification examination shall be excluded from the list of candidacies for prosecutors.

10. A person shall be relieved from study courses and from taking a qualification examination, if:

(1) he/she possesses three years of term of service of a professional occupation in the positions of a prosecutor, judge, investigator or advocate, unless five years have elapsed after leaving that position;

(2) he/she is a Doctor of Laws;

(3) he/she is a PhD in Law and possesses five years of term of service in a legal profession.

11. Upon the request of the person relieved from study at the Prosecutor's School, the Qualification Commission may consider the issue of including the applicant simultaneously in the lists of candidacies for prosecutors and official promotion thereof.

### **Article 35. The official promotion list of prosecutors**

The official promotion list of prosecutors shall be formed by the Qualification Commission:

- (1) in the course of regular attestation of prosecutors;
- (2) on an extraordinary basis, when the Prosecutor General or his/her deputies submit a recommendation to the Qualification Commission on including a prosecutor in the official promotion list as an incentive measure by presenting a relevant appraisal. The prosecutor shall be included in the official promotion list of prosecutors upon the positive opinion of the Qualification Commission;
- (3) in exceptional cases, when the Qualification Commission adopts a decision on including the person, relieved from studies at the Prosecutor's School, simultaneously in the lists of candidacies for prosecutors and official promotion thereof.

### **Article 36. Appointment to a position in the Prosecutor's Office**

1. The Prosecutor General shall be appointed by the National Assembly upon the recommendation of the President of the Republic. The term of office of the Prosecutor General shall be six years. The same person may not be appointed to the position of the Prosecutor General for more than two consecutive terms.
2. The deputies of the Prosecutor General shall be appointed by the President of the Republic upon the recommendation of the Prosecutor General.
3. A person who possesses at least five years of term of service as a judge, prosecutor, advocate, investigator or an advocate practising in a state or local self-government authority or at least ten years of term of service of a legal profession in other occupations, may be appointed to the position of a Deputy Prosecutor General.
4. The prosecutors of the General Prosecutor's Office, the prosecutors operating within the departments and divisions of the General Prosecutor's Office, prosecutors of the Prosecutor's Office of the City of Yerevan, prosecutors of prosecutor's offices of the administrative regions of the City of Yerevan and those of marzes and of military prosecutor's offices of garrisons, prosecutors of Central Military Prosecutor's Office, prosecutors operating within the divisions of the Central Military Prosecutor's Office shall be appointed by the Prosecutor General from among the persons included in the list of candidacies for prosecutors who have completed the study and have passed the qualification examination or have been relieved from studies at the Prosecutor's School in accordance with part 10 of Article 34 of this Law. Where a person is appointed to a position, he/she shall be removed by the Prosecutor General from the list of candidacies of prosecutors.
5. Senior prosecutors of the General Prosecutor's Office, heads of divisions of the General Prosecutor's Office, the deputy heads of departments of the General Prosecutor's Office, deputies of the Prosecutor of the City of Yerevan, deputies of prosecutors of the administrative regions of the City of Yerevan and those of marzes, and deputies of military prosecutors of garrisons, deputies of the Military Prosecutor,

senior prosecutors operating within the departments and divisions of General Prosecutor's Office, senior prosecutors of the Prosecutor's Office of the City of Yerevan, senior prosecutors of prosecutor's offices of the administrative regions of the City of Yerevan and those of marzes and of military prosecutor's offices of garrisons, heads of divisions of the Central Military Prosecutor's Office, senior prosecutors of the Central Military Prosecutor's Office, senior prosecutors operating within the divisions of the Central Military Prosecutor's Office shall be appointed by the Prosecutor General from among the persons included in the official promotion list. Where a person is appointed to a position, he/she shall be removed by the Prosecutor General from the official promotion list of prosecutors.

6. The prosecutor of the City of Yerevan, prosecutors of the administrative regions of the City of Yerevan and those of marzes, military prosecutors of garrisons, heads of departments of the General Prosecutor's Office shall be appointed by the Prosecutor General from among the persons included in the official promotion list of prosecutors, if the Qualification Commission delivers a positive opinion for appointing the person to the relevant position. Where a person is appointed to a position, he/she shall be removed from the official promotion list by the Prosecutor General.

*(Article 36 amended by HO-176-N of 16 September 2009)*

#### **Article 37. 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 of a State Counsellor of Justice, First Class State Counsellor of Justice, Second Class State Counsellor of Justice, and Third Class State Counsellor of Justice are the highest class ranks that are granted by the President of the Republic.

3. Other class ranks of the Prosecutor's Office shall be granted by the Prosecutor General.

4. The Prosecutor General and the deputies of the Prosecutor General shall be granted class ranks to the extent of the maximum class rank provided for the position occupied. Officers occupying other positions in the Prosecutor's Office shall be granted class ranks in a consecutive order, to the extent of the maximum class rank provided for the position occupied, within 15 days after the expiry of the term stipulated for the service in the previous class rank, with the exception of cases provided for by this Law.

5. Class ranks of the Prosecutor's Office shall be granted for life on an individual basis.

**Article 38. Class ranks corresponding to the positions of the Prosecutor's Office**

1. The highest level of the class rank that corresponds to the position of the Prosecutor General shall be the class rank of a State Counsellor of Justice. The lowest level of the class rank that corresponds to the position of the Prosecutor General shall be the class rank of the First Class State Counsellor of Justice.

2. The highest level of the class rank that corresponds to the position of a Deputy Prosecutor General shall be the class rank of the First Class State Counsellor of Justice. The lowest level of the class rank that corresponds to the position of a Deputy Prosecutor General shall be the class rank of the Third Class State Counsellor of Justice.

3. The highest level of the class rank that corresponds to the position of a head of department of the General Prosecutor's Office, of the Prosecutor of the City of Yerevan, and of the deputy Military Prosecutor shall be the class rank of the Second Class of State Counsellor of Justice.

4. The highest level of the class ranks of the Prosecutor's Office that corresponds to the position of a marz prosecutor, prosecutor of the administrative regions of the City of Yerevan, garrison military prosecutor, deputy head of department of the General Prosecutor's Office, head of division of the General Prosecutor's Office, senior prosecutor of the General Prosecutor's Office, and deputy Prosecutor of the City of Yerevan shall be the class rank of the Third Class State Counsellor of Justice.

5. The highest level of the class ranks of the Prosecutor's Office that corresponds to the position of a senior prosecutor and prosecutor of a department, as well as of a division of the General Prosecutor's Office, head of division of a Central Military Prosecutor's Office, senior prosecutor of the Central Military Prosecutor's Office, deputy of marz prosecutor, deputy of prosecutor of the administrative regions of the City of Yerevan, deputy military prosecutor of garrison, and prosecutor of the General Prosecutor's Office shall be the class rank of the First Class State Counsellor of Justice.

6. The highest level of the class ranks of the Prosecutor's Office that corresponds to the position of a senior prosecutor and prosecutor of the Prosecutor's Office of the City of Yerevan, senior prosecutor and prosecutor of a division of the Central Military Prosecutor's Office, prosecutor of the Central Military Prosecutor's Office, senior prosecutor of prosecutor's office of a marz, senior prosecutor of a prosecutor's office of the administrative regions of the City of Yerevan, and senior prosecutor of military prosecutor's office of garrisons shall be the class rank of the Second Class State Counsellor of Justice.

7. The highest level of the class ranks of the Prosecutor's Office that corresponds to the position of a prosecutor in a prosecutor's office of a marz, prosecutor in a prosecutor's office of the administrative regions of the City of Yerevan, and a prosecutor in the military prosecutor's office of garrisons shall be the class rank of the Third Class State Counsellor of Justice.

*(Article 38 amended by HO-176-N of 16 September 2009)*

### **Article 39. Time periods for granting 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 granted upon the appointment to a position in the Prosecutor's Office.
2. The following time periods for service shall be defined for granting the sequential class ranks in the manner prescribed by this Law:
  - (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.
3. No time period for service shall be prescribed for granting the highest class rank to the holder of a class rank of the First Class Counsellor of Justice.
4. The period for holding the previous class rank of the Prosecutor's Office shall be calculated from the next day following the signature of the legal act on granting the class rank concerned.
5. In case of postponement of attestation and secondment of the prosecutor for retraining in the manner prescribed by this Law, the prosecutor having been imposed a disciplinary penalty, suspending the powers of the prosecutor or instigating disciplinary proceedings against the prosecutor, the granting of the sequential class rank to the officers of the Prosecutor's Office shall be postponed until the elimination of the mentioned impediments.

### **Article 40. Oath of the prosecutor**

1. The person occupying the position of a prosecutor for the first time shall take office by taking the following oath at a solemn ceremony in the sitting of the Collegium of the Prosecutor's Office:

“In the course of exercising my powers I swear to be strictly guided by the Constitution and laws of the Republic of Armenia, to protect human and citizen's rights and freedoms, as well as the constitutional order and security of the Republic of Armenia from criminal encroachments, to contribute with my activities to the strengthening of legality, to uphold the high reputation of the Prosecutor's Office, the calling and honour of a prosecutor.”
2. The procedure for taking an oath by the prosecutor shall be prescribed by the Prosecutor General.

### **Article 41. Rights of the prosecutor**

1. A prosecutor shall have the right to:
  - (1) get familiarised with all the materials of his/her personal file, with his/her performance appraisals and other documents and present explanations;

- (2) receive, in the prescribed manner, necessary information and materials required for the performance of official duties;
  - (3) discuss issues and take decisions within the framework of his/her competence;
  - (4) demand a conduct of an official investigation in the manner and in cases prescribed;
  - (5) receive remuneration, additional payments and other payments provided for by law;
  - (6) social protection and security;
  - (7) legal protection;
  - (8) official promotion and raise of the class rank in the prescribed manner;
  - (9) retraining under procedures and in cases prescribed, at the expense of the State Budget, as well as other resources not prohibited by the legislation of the Republic of Armenia;
  - (10) present recommendations with respect to improvement of activities of the Prosecutor's Office.
2. A prosecutor may appeal against legal acts and actions (inaction) restricting his rights.
  3. A prosecutor shall have other rights provided by law and other legal acts.

#### **Article 42. Responsibilities of the prosecutor**

1. Main responsibilities of the prosecutor shall be the following:
  - (1) to have a good knowledge of legal acts prescribing his rights and responsibilities;
  - (2) to comply with the requirements of the Constitution, laws and other legal acts;
  - (3) to ensure professional qualification and practical skills;
  - (4) to ensure the protection of human and citizen's rights and lawful interests thereof;
  - (5) to admit for consideration and process recommendations, applications and complaints in the manner and within the time periods prescribed;
  - (6) to observe labour discipline;
  - (7) to observe, including after the termination of the term of office, the requirements — prescribed by the legislation of the Republic of Armenia — for working with documents containing state, official secrets or other confidential information protected by law;
  - (8) to submit income declaration in the manner prescribed by law;
  - (9) to observe the rules for professional conduct of prosecutors.
2. The prosecutor shall have also other responsibilities prescribed by law and other legal acts.

#### **Article 43. Restrictions applied with respect to prosecutors**

1. A prosecutor may not occupy a position, not related to the performance of his/her duties, in a state or local self-government authority, a position in commercial organisations or perform any other paid work, except for scientific, pedagogic and creative work.

2. The remuneration paid to a prosecutor for scientific, pedagogic, and creative work may not exceed the reasonable amount, *i.e.* the amount that a person with similar qualifications, but without being a prosecutor, would seek to receive for the same work.
3. A prosecutor shall not have the right to be an individual entrepreneur.
4. A prosecutor shall not have the right to be a partner in economic companies or a depositor in a trust-based partnership, if, in addition to the participation in the general meeting of the company, the prosecutor is engaged in the performance of executive or other managerial functions in the organisation.
5. The prosecutor shall not have the right to:
  - (1) be a representative of third parties, with the exception of cases when he/she represents his/her family members or persons under his/her guardianship (custody);
  - (2) use his/her official post for the interests of parties, non-governmental, religious organisations, develop certain attitude towards them, as well as carry out other political or religious activities in the course of fulfilling his/her official duties;
  - (3) be a member of a trade union;
  - (4) organise or take part in strikes, assemblies, rallies or demonstrations;
  - (5) receive honorary for the publications or speeches deriving from the performance of his/her official duties;
  - (6) use material and technical facilities, financial and information means, state-owned property and official information for non-official purposes;
  - (7) receive gifts, money or services from other persons for the performance of official duties, except for cases provided for by law.
6. A prosecutor shall be prohibited to work jointly with a person with whom he/she has a link of kinship or relative-in-law relationship (parent, spouse, son/daughter, brother, sister, parent-in-law, spouse's son/daughter, spouse's brother or spouse's sister), if their service is related to direct subordination to one another.

#### **Article 44. Legal protection of the prosecutor**

1. In the course of performing his/her activities the prosecutor shall be independent and shall obey only the law.
2. A prosecutor may not be relieved from the position occupied, except for cases and in the manner provided by the Constitution and this Law.
3. Hindering the prosecutor from performing his/her official duties, insulting the prosecutor in connection with his/her activities, encroaching or threatening to encroach upon the life, health and property of the prosecutor and family members thereof shall entail liability provided by law.
4. The apprehension of a prosecutor without the consent of the Prosecutor General or the Deputy Prosecutor General, except for cases of apprehension on the basis of a judicial act, shall be prohibited.

5. Criminal prosecution against a prosecutor shall be instigated by the Prosecutor General or the Deputy Prosecutor General.

*(Article 44 supplemented by HO-84-N of 20 May 2010)*

#### **Article 45. Incentive measures for the prosecutor**

1. The following incentives may be applied with respect to a prosecutor for the proper performance of official duties, work achievements and other accomplishments:

- (1) gratitude;
- (2) granting a monetary award or rewarding with a souvenir;
- (3) granting an additional paid leave for 10 days;
- (4) granting a rank of an “Honorary Employee of the Prosecutor's Office” and an appropriate lapel badge;
- (5) granting a class rank on extraordinary basis;
- (6) granting a class rank that is one degree higher than the highest level of the class rank provided for by Article 38 of this Law.

2. Early cancellation of a previously imposed disciplinary punishment may also be applied as an incentive with respect to a prosecutor.

3. The incentive provided for by point 5 of part 1 of this Article may be applied with respect to a prosecutor only once during the whole service.

4. Incentive measures provided for by points 1, 2, 3, 4 and 5 of part 1 and by part 2 of this Article may be applied by the Prosecutor General.

5. The incentive measure provided for by point 6 of part 1 of this Article shall be applied by the official who is entitled to grant such a class rank.

6. The procedure for proposing a candidate for an incentive shall be prescribed by the Prosecutor General.

#### **Article 46. Grounds for the disciplinary liability of a prosecutor**

1. A prosecutor may be subjected to disciplinary liability in the following cases:

- (1) improper performance of official duties;
- (2) gross or regular violation of law in the course of exercising his/her powers;
- (3) essential violations of requirements of the “Code of Conduct for Prosecutors”;
- (4) failure to observe the requirements of Article 42 and Article 43 of this Law;
- (5) violation of rules of labour discipline;
- (6) failure to submit an income declaration or submission of an incorrect income declaration.

#### **Article 47. Disciplinary penalties**

1. The following disciplinary penalties may be imposed on a prosecutor depending on a gravity of the disciplinary offence:

- (1) admonition;
- (2) reprimand;
- (3) severe reprimand;
- (4) demoting the class rank by one degree;
- (5) demotion;
- (6) removal from office.

2. Disciplinary penalties provided for by part 1 of this Article may be imposed by the Prosecutor General with respect to those prosecutors who were appointed by him/her.

3. Disciplinary penalties provided for by points 1 and 2 of part 1 of this Article may be imposed by the Prosecutor General with respect to deputies of the Prosecutor General.

4. Disciplinary penalties provided for by points 1 and 2 of part 1 of this Article may be imposed on prosecutors also by a superior prosecutor.

5. Disciplinary penalties provided for by points 3, 4 and 6 of part 1 of this Article shall be imposed on the deputies of the Prosecutor General by the President of the Republic upon the proposal of the Prosecutor General.

6. The penalty provided for by point 4 of part 1 of this Article shall be imposed on the Prosecutor General by the President of the Republic.

7. Penalties provided for by points 3, 4, 5 and 6 of part 1 of this Article shall be imposed on prosecutors, except for the Prosecutor General and his/her deputies, only on the basis of relevant opinion of the Ethics Commission.

#### **Article 48. The procedure for subjecting the prosecutor to disciplinary liability**

1. On the occasion of the fact of a disciplinary violation, the Prosecutor General or the respective superior prosecutor shall institute disciplinary proceedings against the prosecutor.

2. The procedure for instituting disciplinary proceedings against a prosecutor shall be prescribed by the Prosecutor General.

3. The prosecutor shall have the right to give explanations with respect to the disciplinary proceedings instituted against him/her.

4. Disciplinary proceedings shall be instituted within a period of 30 days following the day of detection of a disciplinary violation but not later than 12 months following the day of committing it.

5. The duration of disciplinary proceedings may not be longer than three weeks, except for cases of absence of the prosecutor. In these cases the duration of disciplinary proceedings may be extended for a period equal to the period of absence of the prosecutor.

6. In cases provided for by points 1 and 2 of part 1 of Article 47 of this Law a disciplinary penalty shall be imposed by the person having instituted the disciplinary proceedings within a period of three days after the end of disciplinary proceedings.

7. In cases provided for by part 7 of Article 47 of this Law the Prosecutor General shall, within a period of one week after the end of disciplinary proceedings, present the matter to the Ethics Commission for discussion. When considering the matter with respect to the disciplinary violation, the Ethics Commission shall determine, through voting, the fact of existence of a disciplinary violation, the prosecutor's fault in the violation, and, if the Prosecutor General so requests, also the possibility of applying the disciplinary penalty of "removal from office." The Prosecutor General shall impose a disciplinary penalty within a period of three days on the basis of relevant opinion of the Ethics Commission.

8. The prosecutor shall be informed of the disciplinary penalty not later than within three days after the imposition of a disciplinary penalty.

9. Only one disciplinary penalty may be imposed on a prosecutor within the framework of a single disciplinary proceeding, even where the same prosecutor has committed several disciplinary violations.

10. The prosecutor shall be considered as free from a disciplinary penalty, where a new disciplinary penalty has not been imposed on him/her within one year after the day of imposition of the disciplinary penalty concerned.

11. The prosecutor shall have the right to appeal against the disciplinary penalty imposed on him/her in the court in the manner prescribed by law.

#### **Article 49. Suspension of powers of the prosecutor**

1. The powers of a prosecutor shall be suspended in the following cases:

(1) instigation of criminal prosecution against a prosecutor until the adoption of relevant final decision;  
(2) commitment of a dishonourable act that may serve as a ground for removal from office until the adoption of a final decision with respect to disciplinary proceedings instituted on the basis of the ground concerned.

2. The powers of the Deputy Prosecutor General shall be suspended upon the decree of the President of the Republic. The powers of other prosecutors shall be suspended upon the order of the Prosecutor General.

3. The salary of the prosecutor shall be maintained for the period of suspension of his/her powers.

#### **Article 50. Removing the prosecutor from office**

1. The grounds for removing a prosecutor from office shall be:

(1) a personal application;  
(2) reaching the age of 65, which is the maximum age for occupying the position of a prosecutor;  
(3) existence of a criminal judgment of conviction against him/her, having entered into legal force;

- (4) termination of citizenship of the Republic of Armenia;
- (5) reduction of the staff positions;
- (6) refusal to be transferred to another subdivision of the Prosecutor's Office in case of liquidation or reorganisation of the respective subdivision where he/she has worked;
- (7) being recognised through a judicial procedure as having no passive legal capacity or having partial passive legal capacity or as missing;
- (8) termination of the criminal prosecution instigated against the prosecutor on non-acquittal grounds;
- (9) getting one of the diseases or acquiring a physical impairment referred to in part 2 of Article 33 of this Law.

2. The following shall also serve as grounds for removing a prosecutor from office:

- (1) violation of the procedure, prescribed by this Law, for the appointment of a prosecutor to a position;
- (2) failure to attend work for more than six consecutive months during one year due to temporary inability to work;
- (3) the decision referred to in point 6 of part 14 of Article 54 of this Law.

3. Prosecutors shall be included in the reserve of prosecutors in cases provided for by points 5 and 6 of part 1 of this Article. They shall retain their salary within a period of three months after being included in the reserve.

#### **Article 51. Transferring a prosecutor to a lower position**

A prosecutor may not be transferred to a lower position with the exception of the following cases:

- (1) transfer to a lower position on the basis of the application of the prosecutor;
- (2) transfer to a lower position as a disciplinary penalty;
- (3) transfer to a lower position on the basis of the decision referred to in point 5 of part 14 of Article 54 of this Law.

#### **Article 52. Termination of powers of the Prosecutor General**

1. The powers of the Prosecutor General shall be considered as terminated, when:

- (1) his/her term of office has expired; or
- (2) he/she has filed an application on removal from office to the President of the Republic; or
- (3) his/her citizenship of the Republic of Armenia has been terminated.

2. During the term of office the powers of the Prosecutor General may be terminated in the following cases:

- (1) he/she has contracted a serious disease which hinders or will hinder the performance of his/her duties for a long period of time;
- (2) he/she does not perform his/her duties properly;

(3) he/she has displayed a conduct that impairs the reputation of the Prosecutor's Office or has committed a dishonourable act; or

(4) there are other insurmountable obstacles for the exercise of his/her powers.

3. In case of such grounds, the President of the Republic shall have the right to present a recommendation to the National Assembly on impeachment of the Prosecutor General.

#### **Article 53. Secondment of a prosecutor**

1. The prosecutor may, without his/her consent, for a time period of up to one year and on the condition of occupying a position equivalent to or higher than his/her current position, be seconded to another territorial prosecutor's office or to the office of the Prosecutor General due to temporary absence, overload or vacancies of prosecutors in the composition of the latter.

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. The secondment may be extended upon the written consent of the prosecutor.

3. The salary of the seconded prosecutor may not be less than the salary received in his/her position.

4. A prosecutor may not, without his/her consent, be seconded again within a period of one year after the end of the secondment.

#### **Article 54. Attestation of the prosecutor**

1. The attestation of prosecutors shall be carried out with a view of determining the compliance of professional knowledge and work skills of officers of the Prosecutor's Office with the position occupied, as well as with a view of official promotion thereof.

2. Prosecutors shall undergo attestation once in every three years.

3. An extraordinary attestation of a prosecutor may be carried out at least one year after the regular attestation.

4. An extraordinary attestation of a prosecutor shall be carried out on the basis of an order of the Prosecutor General or if the prosecutor so wishes.

5. Attestation shall be carried out with the direct involvement of the prosecutor.

6. The following shall not be subject to attestation:

(1) the Prosecutor General and his/her deputies;

(2) the prosecutor of the City of Yerevan, prosecutors of the administrative regions of the City of Yerevan, marz prosecutors, military prosecutors of garrisons, heads of departments and divisions of the General Prosecutor's Office;

(3) prosecutors that are on leave in connection with pregnancy or a care of a child under the age of three years, unless they wish to undergo attestation.

7. Employees of the Prosecutor's Office who are on leave in connection with pregnancy or child care shall be subject to attestation not earlier than one year after they have returned from leave, unless they wish to undergo attestation at an earlier date.

8. Prosecutors subject to attestation, who are on leave, on secondment or have temporary inability to work, shall be subject to attestation within a period of one month after returning to work.

9. Prosecutors subject to attestation shall be notified thereof not later than one month before attestation.

10. The immediate superior shall present the appraisal of the prosecutor at least two weeks before attestation.

11. The appraisal shall contain data on the prosecutor, on his/her professional and personal features and a justified evaluation of the results of his/her employment activity. This evaluation shall be based on the opinions of the immediate superior with respect to the reports submitted to him/her by the prosecutor once a year and relating to the activities performed by the latter during the period following the previous attestation.

12. The prosecutor should get familiarised with his/her appraisal at least one week before the day of attestation.

13. Failure to present an appraisal, in the manner prescribed by this Article, shall not have a negative impact on the results of attestation of the prosecutor.

14. The Qualification Commission shall adopt one of the following decisions based on the results of attestation:

(1) "is competent for the position occupied";

(2) "is competent for the position occupied", by including in the official promotion list of prosecutors;

(3) "is competent for the position occupied", on the condition of undergoing additional retraining;

(4) "is competent for the position occupied", by soliciting to grant a class rank on extraordinary basis;

(5) "is not competent for the position occupied", by soliciting for a transfer to a lower position;

(6) "is not competent for the position occupied", by soliciting for removal from office.

15. The prosecutor shall have the right to get familiarised with the attestation results and, in case he/she disagrees with them, to appeal against them to the Prosecutor General within a period of three days.

16. The Chairperson of the Qualification Commission shall submit the opinion of the Qualification Commission to the Prosecutor General within a period of three days after the day of attestation.

17. The Prosecutor General shall, on the basis of attestation results, adopt a decision on additional retraining not later than within a period of two weeks after receiving the attestation results; and in cases of the prosecutor's temporary inability to work or being on leave or during the retraining thereof, the decision shall be adopted within a period of two weeks following the day of his/her return to work. If there are motions on granting a class rank on an extraordinary basis, on transferring to a lower position or on removal from office, the Prosecutor General may adopt a relevant decision within the same time period.

18. The procedure for attestation of prosecutors shall be prescribed by the Prosecutor General.

*(Article 54 amended by HO-176-N of 16 September 2009)*

**CHAPTER 5**  
**MATERIAL, SOCIAL AND OTHER SAFEGUARDS FOR THE ACTIVITIES OF A**  
**PROSECUTOR**

**Article 55. Remuneration of prosecutors**

1. The salary of the prosecutor shall comprise the post salary, additional payments and other payments provided for by law.
2. The post salary of the Prosecutor General of the Republic of Armenia shall be prescribed by a separate line of the Law "On State Budget" for every year.
3. The post salary of the Deputy Prosecutor General shall comprise 85% of the post salary of the Prosecutor General.
4. The post salary of a head of department of the General Prosecutor's Office, the Prosecutor of the City of Yerevan and deputy Military Prosecutor shall comprise 80% of the post salary of the Prosecutor General.
5. The post salary of a marz prosecutor, prosecutor of the administrative regions of the City of Yerevan and military prosecutor of garrisons shall comprise 75% of the post salary of the Prosecutor General.
6. The post salary of a deputy head of department of the General Prosecutor's Office, head of division of the General Prosecutor's Office, senior prosecutor of the General Prosecutor's Office and deputy Prosecutor of the City of Yerevan shall comprise 70 % of the post salary of the Prosecutor General.
7. The post salary of a senior prosecutor of a department, as well as of a division of the General Prosecutor's Office, deputy prosecutor of the administrative regions of the City of Yerevan and deputy military prosecutor of garrisons shall comprise 65% of the post salary of the Prosecutor General.
8. The post salary of a prosecutor of the General Prosecutor's Office, prosecutor of a department, as well as of a division of the General Prosecutor's Office, head of division of the Central Military Prosecutor's Office, senior prosecutor of the Central Military Prosecutor's Office shall comprise 60% of the post salary of the Prosecutor General.
9. The post salary of a senior prosecutor of the Prosecutor's Office of the City of Yerevan, senior prosecutor of a division of the Central Military Prosecutor's Office shall comprise 55% of the post salary of the Prosecutor General.
10. The post salary of a prosecutor of the Prosecutor's Office of the City of Yerevan, senior prosecutor of a prosecutor's office of a marz, senior prosecutor of a prosecutor's office of the administrative regions of the City of Yerevan and senior prosecutor of a military prosecutor's office of garrisons, prosecutor of the Central Military Prosecutor's Office, prosecutor of a division of the Central Military Prosecutor's Office shall comprise 50% of the post salary of the Prosecutor General.
11. The post salary of a prosecutor of a prosecutor's office of a marz, prosecutor of a territorial prosecutor's office of the City of Yerevan and prosecutor of military prosecutor's office of garrisons shall comprise 45% of the post salary of the Prosecutor General.

12. A maximum amount of an additional payment shall be prescribed for the class rank of a State Counsellor of Justice in the amount of 100% of the post salary of the Prosecutor General. A maximum amount of additional payments shall be prescribed for other class ranks by taking as a basis the following percentages of the post salary of the Prosecutor General:

- (1) 85% for the First Class State Counsellor of Justice;
- (2) 80% for the Second Class State Counsellor of Justice;
- (3) 75% for the Third Class State Counsellor of Justice;
- (4) 65% for the First Class Counsellor of Justice;
- (5) 60% for the Second Class Counsellor of Justice;
- (6) 55% for the Third Class Counsellor of Justice;
- (7) 50% for the First Class Counsellor;
- (8) 45% for the Second Class Counsellor;
- (9) 40% for the Third Class Counsellor.

13. Prosecutors holding a class rank shall receive an additional payment for each year of their work in the position of a prosecutor, judge and investigator of the Prosecutor's Office, in the amount of 4% of the maximum amount of the additional payment prescribed for the class rank granted to them. In any event, the additional payment provided for the class rank may not exceed the post salary.

*(Article 55 edited by HO-207-N of 27 November 2008, amended by HO-176-N of 16 September 2009)*

#### **Article 56. Pension and social security of a prosecutor**

Social and pension security of state servants in the Prosecutor's Office shall be provided in the manner prescribed by the legislation of the Republic of Armenia.

#### **Article 57. Other social guarantees of a prosecutor**

The State shall guarantee the following for the prosecutors:

- (1) safe and required working conditions for the fulfillment of official duties;
- (2) annual paid leave;
- (3) retraining, while maintaining his/her position and the remuneration stipulated for that position;
- (4) providing a relevant payment, in the manner prescribed by the legislation of the Republic of Armenia, to the prosecutor, in case he/she acquired disability, and to his/her family members, in case he/she is deceased, in the line of duty;
- (5) reimbursement of secondment expenses, in the amount and in the manner prescribed by the legislation, incurred in case of secondment outside the place of residence.

#### **Article 58. Prosecutor's leave**

1. A prosecutor shall be entitled to a regular annual paid leave for 30 working days.
2. The regular annual paid leave of a prosecutor shall be provided in such a way as not to hinder the normal functioning of the Prosecutor's Office. The procedure for providing a regular leave to prosecutors shall be prescribed by the Prosecutor General.
3. A prosecutor shall be entitled to an additional unpaid leave for up to 30 working days for the purpose of defending a scientific dissertation.

#### **Article 59. The uniform of the prosecutor**

1. Prosecutors occupying positions in the Central Military Prosecutor's Office and military prosecutor's offices of garrisons shall be provided with a uniform at the expense of the State Budget.
2. The description of the uniform and the manner of wearing it shall be defined by the Government.

#### **Article 60. Participation of a prosecutor in educational programmes**

1. All prosecutors, except for the Prosecutor General and his/her deputies, shall be obliged to undergo annual retraining under the procedure prescribed by the Prosecutor General.
2. In addition to the participation in compulsory retraining programs, a prosecutor shall have the right to participate in other educational training programs, conferences and other professional gatherings of lawyers. The permission for being absent for up to two days during working hours with respect to participation in such events, shall be granted by the respective Deputy Prosecutor General. Permission for a period of time longer than the mentioned period may be granted by the Prosecutor General. In case the prosecutor receives permission, the prosecutor's absence with respect to participation in such events shall be considered to be justified, and his/her salary shall be retained.

#### **Article 61. Security and personal protection means of the 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 empowered by the Government.
2. The procedure for keeping and carrying a government-issued service weapon and special means of personal protection shall be defined upon the order of the Prosecutor General.
3. The prosecutor and his/her family members fall under the special protection of the State. In case of a threat of undue influence over the immunity of a prosecutor, his/her family members or the residential and office premises occupied by him/her, upon the request of the prosecutor, the competent state

authorities are obliged to undertake immediately all necessary measures to ensure the security of the prosecutor, his/her family members and the residential and office premises occupied by him/her.

## **CHAPTER 6**

### **ENSURING THE FUNCTIONING OF THE PROSECUTOR'S OFFICE**

#### **Article 62. Prosecutor's School**

1. The Prosecutor's School shall carry out:

- (1) vocational training of persons included in the list of candidacies of prosecutors;
- (2) annual and additional retraining of prosecutors;
- (3) retraining of state servants of the Staff of the Prosecutor's Office.

2. The Prosecutor's School is a legal entity with a status of a state non-commercial organization operating on non-profit-making basis.

3. The activities of the Prosecutor's School shall be regulated by this Law, by the Law "On state non-commercial organisations" of the Republic of Armenia and by the Statute of the Prosecutor's School. The requirements of the Law "On education" of the Republic of Armenia shall not cover the Prosecutor's School.

#### **Article 63. Financing of the Prosecutor's Office**

1. The financing of the Prosecutor's Office shall be implemented through the Staff of the Prosecutor's Office within the framework of expenses provided for by the State Budget. The financing of the central body and separate subdivisions of the Staff of the Prosecutor's Office shall be reflected in the budget request and in a separate line of the State Budget as "Prosecutor's Office of the Republic of Armenia."

2. The budget request of the Prosecutor's Office, in case of being approved by the Government, shall be included in the draft State Budget, and in case of objection, it shall be submitted to the National Assembly together with the draft State Budget.

3. The Government shall submit the justification of the objection with respect to the budget request to the National Assembly and the General Prosecutor's Office.

4. With a view of financing incidental expenses aimed at ensuring the normal functioning of the Prosecutor's Office, a reserve fund of the Prosecutor's Office shall be provided which shall be presented in a separate budget line. The size of the reserve fund shall be equal to 2% of the budget provided for the Prosecutor's Office by the Law "On State Budget" of the current year.

5. Allocations from the reserve fund shall be made upon the decision of the Prosecutor General.

6. In case of insufficiency of the resources of the reserve fund of the Prosecutor's Office aimed at ensuring the normal functioning of the Prosecutor's Office, the Government shall be obliged to make up the deficiency from the Government Reserve Fund.

## CHAPTER 7

### STATE SERVICE IN THE STAFF OF THE PROSECUTOR'S OFFICE AND THE STAFF OF THE PROSECUTOR'S OFFICE

#### **Article 64. Staff of the Prosecutor's Office**

1. An institution named "Staff of the Prosecutor's Office" State Administration Institution providing support to the Prosecutor's Office shall be established by virtue of this Law, wherein a special type of state service named "State Service in the Staff of the Prosecutor's Office" shall be implemented.
2. "State Service in the Staff of the Prosecutor's Office" is a professional activity carried out in the "Staff of the Prosecutor's Office" State Administration Institution for the purpose of ensuring the exercise of powers reserved to the Prosecutor's Office by the Constitution.
3. The Staff of the Prosecutor's Office shall consist of the central body and separate subdivisions.
4. The powers reserved to the founder and governing body of the institution shall be exercised by the Prosecutor General.

#### **Article 65. Legal acts regulating state service in the Prosecutor's Office**

1. Provisions of the Law "On state service" of the Republic of Armenia shall cover the relationships with regard to state service in the Staff of the Prosecutor's Office insofar as they are, by their nature, applicable to state service in the Staff of the Prosecutor's Office and do not contradict this Law.
2. Inter alia, when provisions of the Law "On state service" of the Republic of Armenia cover the relationships with regard to state service in the Staff of the Prosecutor's Office:
  - (1) "judicial service" shall imply "state service in the Staff of the Prosecutor's Office";
  - (2) powers reserved to the head of the Judicial Department shall be exercised by the Head of Staff of the Prosecutor's Office;
  - (3) powers reserved to the head of a separate subdivision of the Judicial Department shall be exercised by the head of a separate subdivision of the Prosecutor's Office;
  - (4) powers reserved to the Council of Court Chairpersons and to the Chairperson of the Court of Cassation shall be exercised by the Prosecutor General;
  - (5) powers exercised by the Chairperson of the Court of Cassation on the basis of the opinion from the Council of Court Chairpersons, shall be exercised by the Prosecutor General on an individual basis;
  - (6) "courts" shall imply the General Prosecutor's Office, Prosecutor's Office of the City of Yerevan, prosecutor's offices of the administrative regions of the City of Yerevan and those of marzes, Central Military Prosecutor's Office, prosecutor's offices of garrisons;
  - (7) "judge" shall imply a prosecutor.

*(Article 65 amended by HO-176-N of 16 September 2009)*

## **CHAPTER 8**

### **TRANSITIONAL PROVISIONS**

#### **Article 66. Entry into force of the law**

1. This law shall enter into force from 1 May 2007, except for provisions for which other time periods and conditions of entry into force are prescribed by this Article.
2. Part 1 of Article 36 of this Law relating to the procedure for appointment of the Prosecutor General and Article 52 of this Law relating to the procedure for termination of powers of the Prosecutor General shall enter into force from the opening day of the first session of the next convocation of the National Assembly.
3. Parts 4, 5 and 6 of Article 36 of this Law relating to the procedure for appointment of prosecutors shall enter into force from 1 December 2007. Until then, the procedure applicable at the time of entry into force of this Law shall have effect.
4. Part 2 of Article 24, parts 1 and 5 of Article 25, the norm relating to the preliminary hearings referred to in part 2 of Article 26 and part 4 of Article 26 of this Law shall enter into force after the adoption of the new Criminal Procedure Code.
5. Norms relating to administrative procedure and administrative cases shall apply after the adoption of the Administrative Procedure Code.
6. The compilation of the first lists of candidacies and lists of promotions for prosecutors, in the manner prescribed by this Law, shall be carried out until 1 December 2007.
7. The Prosecutor's School shall be founded until 1 December 2007. Annual and additional retraining of prosecutors shall be carried out as from 1 January 2008.
8. The procedure, prescribed by this Law, for subjecting a prosecutor to disciplinary liability shall enter into force from 1 June 2007. Until then, the procedure applicable at the time of entry into force of this Law shall have effect.
9. At the moment of entry into force of this Law, the Law "On Prosecutor's Office" of the Republic of Armenia as of 1 July 1998 shall be repealed, with the exception of parts 1-17 of Article 40. Parts 1-15 of Article 40 of the Law "On Prosecutor's Office" of the Republic of Armenia as of 1 July 1998 shall be repealed from 1 January 2008.

#### **Article 67. Introduction of a new structure of the Prosecutor's Office**

1. The structure of the Prosecutor's Office shall be brought in compliance with the requirements of this Law until 1 June 2007.
2. The Ethics and Qualification Commissions, as well as the Collegium of the Prosecutor's Office shall be established until 1 June 2007.
3. At the moment of entry into force of this Law:

- (1) senior assistants and assistants of the Prosecutor General shall be considered to be senior prosecutors and prosecutors of the General Prosecutor's Office;
- (2) senior assistants and assistants of the Military Prosecutor shall be considered to be senior prosecutors and prosecutors of the Central Military Prosecutor's Office;
- (3) senior assistants and assistants of a marz prosecutor (the Prosecutor of the City of Yerevan) shall be considered to be senior prosecutors and prosecutors of a prosecutor's office of a marz (the Prosecutor's Office of the City of Yerevan);
- (4) senior assistants and assistants of a community (communities) prosecutor of the City of Yerevan shall be considered to be senior prosecutors and prosecutors of a prosecutor's office of a community (communities) of the City of Yerevan;
- (5) senior assistants and assistants of a garrison military prosecutor shall be considered to be senior prosecutors and prosecutors of a military prosecutor's office of garrisons;
4. After the entry into force of this Law the "Military Prosecutor's Office" shall be renamed as the "Central Military Prosecutor's Office".
5. Prosecutors appointed prior to the entry into force of this Law shall continue to hold their offices in their respective positions.
6. At the moment of entry into force of this Law investigators operating in the Prosecutor's Office shall continue to hold their offices until 1 December 2007.

#### **Article 68. Taking into consideration the class ranks granted earlier**

1. Class ranks granted to prosecutors prior to the entry into force of this Law shall be retained.
2. The class rank of a "State Counsellor of Justice of the Republic of Armenia", granted in accordance with the Law "On Prosecutor's Office" of the Republic of Armenia as of 1 July 1998, shall be equalized to the class rank of a "State Counsellor of Justice"; and the class ranks of the first class, second class and third class lawyer shall be equalized to the class ranks of the first class, second class and third class counsellor respectively.
3. The time period for service for holding the class ranks granted earlier shall be taken into account in granting class ranks in the manner prescribed by this Law.

#### **Article 69. Approval of the Statute of the Staff of the Prosecutor's Office and establishment of the Staff**

1. The Staff of the Prosecutor's Office shall be subject to establishment and the listing of positions of state servants in the Staff of the Prosecutor's Office shall be subject to approval within a period of two months following the entry into force of this Law.
2. The activities of state administration institutions of the Prosecutor's Office shall terminate after the establishment of the Staff of the Prosecutor's Office and separate subdivisions thereof.

**Article 70. Regarding employees of the Prosecutor's Office as state servants in the Staff of the Prosecutor's Office**

1. After entry into force of this Law, employees occupying positions referred to in the listing of positions of prosecutorial service shall be regarded as state servants within the Staff of the Prosecutor's Office.
2. Starting from 1 January 2008 the remuneration of state servants within the Staff of the Prosecutor's Office shall be carried out in the manner prescribed by the Law "On Remuneration of Civil Servants" of the Republic of Armenia. For the purpose of calculating the remuneration for work, the class ranks of state service within the Staff of the Prosecutor's Office shall be equal to the class ranks defined for civil service.

**Article 71. First retraining of state servants of the Staff of the Prosecutor's Office**

The first retraining of state servants of the Staff of the Prosecutor's Office shall be carried out from 1 January 2008.

**Article 72. First performance evaluation of state servants of the Staff of the Prosecutor's Office**

The first performance evaluation of state servants in the Staff of the Prosecutor's Office who have undergone retraining, shall be carried out within a period of three months following the retraining.

**Article 73. Granting class ranks to state servants in the Staff of the Prosecutor's Office**

Class ranks for the state service in the Staff of the Prosecutor's Office shall be granted based on the results of the first retraining and performance appraisal of state servants in the Staff of the Prosecutor's Office until 1 January 2008.

**Article 74. Rescission of fixed-term employment contracts**

Contracts signed with employees occupying positions referred to in the listing of positions of state service in the Staff of the Prosecutor's Office based on fixed-term employment contracts shall be considered as rescinded on the first working day of the third month following the entry into force of this Law, unless earlier time periods for rescission of these contracts are stipulated thereby.

**Article 75. Introduction of a new system for the remuneration of prosecutors**

1. Article 55 of this Law shall enter into force from 1 January 2008. Until the entry into force of Article 55 of this Law, the calculation of salaries of prosecutors shall be carried out in accordance with parts 1-15 of Article 40 of the Law “On Prosecutor’s Office” of the Republic of Armenia as of 1 July 1998.
2. Introduction of the new system of remuneration of prosecutors may not cause reduction of the amount of pecuniary satisfaction of a prosecutor occupying a position referred to in the listing of positions of prosecutors.

**President  
of the Republic of Armenia**

**R. Kocharyan**

29 March 2007

Yerevan

Law No HO-126-N