

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

**ON THE CASE OF CONFORMITY OF PART 4 OF ARTICLE 21 OF THE CRIMINAL
PROCEDURE CODE OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION OF
THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE
PROSECUTOR GENERAL OF THE REPUBLIC OF ARMENIA**

Rapporteur H. Nazaryan

Proceeding from the results of consideration of the case and being ruled by Article 100, Point 1, Article 101, Part 1, Point 7, Article 102 of the Constitution of the Republic of Armenia (with amendments from 2005), Articles 32, 60, 63, 64, 68 and 71 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

1. To dismiss the case of conformity of Part 4 of Article 21 of the Criminal Procedure Code of the Republic of Armenia with the Constitution of the Republic of Armenia on the basis of the application of the Prosecutor General of the Republic of Armenia, considering, that within the scopes of legal positions expressed in the decision of the Constitution Court number DCC-1236 from 17 November 2015, during the pre-trial proceedings the decision of criminal prosecution body (investigation body or investigator) **to dismiss the criminal case, to discontinue the criminal prosecution or not conduct criminal prosecution, refuse the initiation of a criminal case** may be cancelled by the RA General prosecutor once and only within 6 months after the adoption of such decision, regardless the implementation of procedural controlling power by the subordinate prosecutor related to any decision of criminal prosecution body mentioned above. The cancellation of the decision of criminal prosecution body to dismiss the criminal case, discontinue the criminal prosecution or not conduct criminal prosecution, refuse the initiation of a criminal case **in the scopes of legal relationships arisen after the implementation of legislatively prescribed power or after the completion of (7 days) period prescribed for the implementation of that power by controlling prosecutor** and within the (6 months) term and procedure prescribed by law, and the adoption of a final decision is an exclusive right and constitutional obligation of the General prosecutor.
2. In the judicial practice the disputed norm continues to be applied in a different interpretation, which is subject to review.
3. In accordance with Article 102(2) of the RA Constitution this decision is final and enters into force from the moment of its announcement.