

**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, ARTICLE 21 OF THE RA CRIMINAL
PROCEDURAL CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA
ON THE BASIS OF THE APPLICATIONS OF THE RA HUMAN RIGHTS DEFENDER AND
RA PROSECUTOR GENERAL**

Rapporteur H. Nazaryan

Proceeding from the results of consideration of the case and ruled by Article 100, Point 1, Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64, 68 and 71 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

1. Article 21, Part 4 of the Criminal Procedure Code of the Republic of Armenia is in conformity with the Constitution of the Republic of Armenia, within the constitutional legal content revealed in this decision by the Constitution Court.

The constitutional legal content of Article 21, Part 4 of the RA Criminal Procedure Code is as follows:

First, in cases when the supervising prosecutor cancelled the decision on termination of the criminal case, on initiating a criminal case or on refusal to initiate a criminal case and issued certain instructions and assignments within the authorities vested by the Criminal Procedure Code, new decisions on termination of a criminal case, on termination of criminal prosecution or on not conducting a criminal prosecution may be adopted only in the case of obligatory implementation of instructions and assignments issued by the competent prosecutor,

Second, during pre-trial proceedings, the investigation body and investigators should immediately submit the materials, documents and criminal case file to the Prosecutor for conducting control, upon the request of the latter,

Third, the decisions of the Prosecutor adopted as a result of implementation of the authorities of the Prosecutor vested by the Constitution and the Law in the scopes of prosecutor supervision during pre-trial proceedings should be considered as final regardless the circumstance of adoption or non-adoption of such decisions by Prosecutor.

2. In accordance with Article 102(2) of the RA Constitution this decision is final and enters into force from the moment of its announcement.

November 17, 2015

DCC-1236