

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 16 April 2001

ON THE POLICE

This Law shall regulate the concept, tasks, legal grounds and principles, obligations and rights, structure of the Police, procedure for subjecting it to liability, state guarantees for legal and social security thereof, as well as the principles of funding, logistics support of the Police and supervision over the activities thereof.

(Preamble edited by HO-123-N of 1 June 2006)

CHAPTER I

GENERAL PROVISIONS

Article 1. Concept of the Police

The Police of the Republic of Armenia shall be deemed as a state administration body constituting a unified system (hereinafter referred to as "the Police") which, in the course of performing the tasks referred to in part 1 of Article 2 of this Law, shall be entitled to apply coercive measures in the cases, under the procedure and to the extent provided for by this Law.

(Article 1 edited by HO-123-N of 1 June 2006)

Article 2. Tasks of the Police

The tasks of the Police shall be to ensure, pursuant to law:

- (1) human security in the cases provided for by this Law;
- (2) early prevention, prevention and disruption of crimes and administrative offences;
- (3) detection and disclosure of crimes, pre-trial investigation in criminal cases;
- (4) maintenance of public order and public security;
- (5) equal protection of all types of ownership;
- (6) assistance to natural and legal persons in the course of protection of their rights and lawful interests, to the extent provided for by this Law.

Other tasks may be imposed on the Police only by virtue of this Law.

(Article 2 edited by HO-123-N of 1 June 2006)

Article 3. Principles of activities of the Police

Activities of the Police shall be based on the principles of legality, respect for human rights and freedoms as well as of honour and dignity of a person, humanity and publicity.

In the course of exercising its rights the Police shall be obliged to be guided by the necessity of protection of human and citizen's rights and freedoms stipulated by the Constitution of the Republic of Armenia, by the principles of their legal equality, proportionality in exercising their powers and of prohibition of arbitrariness, as well as shall be obliged to pursue other objectives pre-determined by law.

Exercise of coercive powers by the Police must be directed to the objectives pursued by the Constitution and laws of the Republic of Armenia, whereas the measures for the achievement thereof must be useful, necessary and moderate.

In the course of performing its tasks the Police shall co-operate with state administration bodies and local self-government bodies, other law enforcement authorities, as well as with organisations and natural persons.

(Article 3 edited by HO-123-N of 1 June 2006)

Article 4. Legal regulation of the activities of the Police

The activities of the Police shall be regulated by the Constitution of the Republic of Armenia, this Law, other laws and legal acts, as well as by international treaties of the Republic of Armenia.

Obligations imposed on the Police by other laws and legal acts regulating the activities of the Police must comply with the tasks listed to in Article 2 of this Law.

(Article 4 supplemented by HO-123-N of 1 June 2006)

Article 5. Activities of the Police and guarantees for inviolability of a person

(Title edited by HO-123-N of 1 June 2006)

The Police shall protect the life and health of a human being, as well as other rights and freedoms, lawful interests, ownership regardless of the nationality, race, sex, language, religion, political and other opinion, social origin, property or other status thereof.

Torture, violence, other cruel or degrading treatment of a human being by the Police shall be punished by law.

Restrictions may be imposed by the Police on the rights and freedoms only in the cases, under the procedure and to the extent provided for by law.

Police officers shall, in the event of any restriction of human rights and freedoms, be obliged to immediately provide the person the grounds and reasons of the restriction in a language available therefor and which he or she may be reasonably supposed to

understand, familiarise and explain him or her the rights and obligations derived therefrom, as well as assist in implementation of rights.

Upon the request of a person, the notification on his or her rights and obligations shall be made in writing. The list of rights subject to notification and the notification procedure shall be approved by the Government of the Republic of Armenia.

The Police shall be obliged to grant the arrested person a real opportunity to avail of the right to legal aid within 3 hours from the moment of taking him or her to the Police, inform his or her blood relatives thereon, whereas in the event of their absence — the administration of the workplace or place of study about his or her whereabouts. Measures shall be taken, if necessary, to provide them with medical and (or) other assistance, as well as to eliminate the danger posed to the life, health, property of the person or the family members thereof due to arrest.

The Police shall be obliged to grant the person a possibility to get familiarised with the documents or materials which directly affect his or her rights and freedoms, unless otherwise provided for by law.

The Police shall not be entitled to collect, maintain, use and disseminate information concerning the personal or family life of a person except for the cases prescribed by law.

(Article 5 edited by HO-123-N of 1 June 2006)

Article 6. Enrolment of learners from educational establishments of the Police, persons undergoing training, and officers of the Police troops in performing tasks of the Police

(Title edited by HO-123-N of 1 June 2006, amended by HO-220-N of 17 December 2014)

Learners from the educational establishments of the Police, as well as persons undergoing training may be involved in the activities of maintaining public order and ensuring public security under the procedure established by the head of the state

administration body of the Police. In such cases, the rights and obligations of police officers provided for by law shall extend thereto.

Involvement of military servants of the Police troops in maintaining public order and ensuring public security shall be carried out in the cases and under the procedure provided for by law.

(Article 6 amended by HO-4-N of 14 December 2004, edited by HO-123-N of 1 June 2006, amended by HO-220-N of 17 December 2014)

Article 7. Assistance of state administration bodies and local self-government bodies, as well as that of the citizens provided to the Police in performing its tasks

State administration bodies and local self-government bodies and the officials thereof shall provide any possible assistance to the Police in performing its tasks.

Citizens and legal persons may participate in the implementation of the tasks of the Police on a voluntary basis.

Article 8. Restriction of certain rights of police officers

(Article repealed by HO -123-N of 1 June 2006)

Article 9. System of the Police and the administration thereof

(Title edited by HO-123-N of 1 June 2006)

The Police system shall be composed of the Police, state non-commercial organisations and institutions under subordination of the Police.

The Police shall consist of the central agency of the Police, structural subdivisions under its direct subordination, police departments of the City of Yerevan and those of marzes [regions] as well as divisions under the subordination thereof.

The structure and the staff number of the Police shall be approved by the Government of the Republic of Armenia as proposed by the head of the state administration body of the Police. The head of the state administration body of the Police shall be entitled to establish substructural subdivisions of the Police to the extent of the structure and staff number of the Police.

The general administration of the Police shall be carried out by the head of state administration body of the Police.

(Article 9 edited by HO-123-N of 1 June 2006, HO-74-N of 21 February 2007)

CHAPTER II

OBLIGATIONS OF THE POLICE

Article 10. Obligations of the Police in ensuring the human security and protecting the rights and freedoms thereof

(Title edited by HO-123-N of 1 June 2006)

The Police shall, in the cases and under the procedure provided for by law, be obliged to:

- (1) protect human life, health, dignity, honour, rights, freedoms and legitimate interests from criminal and other encroachments;
- (2) apprehend persons avoiding compulsory treatment, to medical establishments;
- (3) ensure control, jointly with healthcare bodies and for the purpose of prevention of offences, over persons suffering from mental illness, alcoholism, drug addiction, as well as other diseases posing danger to the public; file a motion to healthcare bodies with a

request of hospitalising or examining — as prescribed by law — persons suffering from mental illness or suspected of suffering from mental illness;

(3.1) inform legal representatives of minors and those of persons recognised as having no active legal capacity — as prescribed by law, in case of placing them in psychiatric institution in a manner prescribed;

(4) take measures aimed at protecting the life, health and (or) property of judges, prosecutors, investigators, compulsory judicial enforcement officers, officials of the Police, victims, witnesses, accuseds, counsels, other participants of the proceedings and persons assisting the proceedings as well as of the close relatives thereof;

The Police shall be obliged to take measures to provide assistance to victims of crimes and other offences, accidents, as well as to persons found themselves in other situations dangerous to life or health.

(Article 10 edited by HO-123-N of 1 June 2006, supplemented by HO-213-N of 18 November 2009)

Article 11. Obligations of the Police in the fight against crimes and other offences

The Police shall, in the cases and under the procedure provided for by law, be obliged to:

(1) prevent and disrupt crimes and other offences, apprehend persons having committed crimes or other offences requiring proceedings, find out the reasons generating crimes and other offences as well as the conditions contributing thereto, take relevant measures aimed at the elimination thereof;

(2) take measures aimed at detecting and disclosing crimes;

(3) institute criminal cases, carry out urgent investigative actions with a view of detecting and establishing persons having committed a crime and the traces of crime, as well as with a view of disclosing the crime;

(4) arrest suspects and carry out other actions provided for by law, under initiated criminal cases, take measures to ensure the compensation of material damages caused by crime;

(5) detect persons having committed a crime and absconding from inquest bodies, preliminary investigation bodies and judicial authorities, avoiding criminal liability, punishment, also persons declared as missing, other persons — in the cases provided for by law, as well as the illegally taken property;

(6) conduct:

(a) proceedings of cases and administrative arrests, under cases of administrative offences;

(b) search declared in respect of persons avoiding investigation, trial, punishment as well as illegally taken property;

(c) relevant measures together with state and non-governmental authorities aimed at preventing crimes committed by neglected minors and those kept on record ,as well as at their upbringing;

(7) assist:

(a) deputies, officials in the course of performing their official duties, where certain citizens fail to follow the lawful demands of these persons or impede the implementation of the official activities thereof;

(b) bodies of national security in the fight against grave crimes against state power and in the course of implementation of other measures aimed at ensuring national security;

(c) military commissariats in the course of keeping on record for military call-up, conducting military musters and military call-up;

(d) prosecutor's office, state administration bodies and local self-government bodies, non-governmental organisations in the course of performing their official duties.

The Police shall be obliged to accept, register and keep on record, as prescribed by the Government of the Republic of Armenia, the applications and reports on crimes and other offences, accidents and to process them respectively.

The Police shall perform other obligations provided for by law.

(Article 11 edited by HO-123-N of 1 June 2006, amended by HO-34-N of 19 May 2014)

Article 12. Obligations of the Police in maintaining public order

The Police shall be obliged to ensure public order in the streets, squares, parks and railway stations, airports, electoral precincts, other public places, during court sessions (upon motion of the court).

Police officers shall, while ensuring public order, be obliged to wear a uniform of specified form whereon a distinctive emblem enabling personal identification of police officers shall be affixed in a visible place.

(Article 12 edited by HO-123-N of 1 June 2006, supplemented by HO-7-N of 22 December 2010)

Article 13. Obligations of the Police in ensuring road traffic safety

With a view of ensuring road traffic safety, the Police shall be obliged to:

(1) exercise state supervision over:

(a) observance of rules of road traffic safety and requirements of technical standards thereof;

(b) ensuring safety of technical condition and equipment during the exploitation of vehicles and trailers thereof envisaged for driving on public highways;

(2) regulate road traffic;

- (3) escort the vehicles in the cases provided for by legislation;
- (4) keep on records, within the scope of its competence, the vehicles and trailers thereof foreseen for driving on public highways;
- (5) conduct driving tests on receiving driving licence and issue national driving licences;
- (6) issue international driving licences;
- (7) keep on state records the road accidents and administrative offences in the field of road traffic.

(Article 13 edited by HO-123-N of 1 June 2006, HO-74-N of 21 February 2007)

Article 14. Obligations of the Police in exercising supervision over keeping and use of weapons

The Police shall be obliged to:

- (1) grant licences, as prescribed by law, for obtaining and trading in civilian and service weapons and bullets thereof, for creating weapon collections and holding exhibitions thereof, grant authorisations for keeping, keeping along with carrying, using a civilian and service weapon, authorisations for the import and export of the mentioned weapons and bullets as well as those for the use of specific types and models of combat firearms received from the Police for temporary use;
- (2) exercise supervision over the observance of the procedure, provided for by legislation, for the circulation of civilian and service weapons, the bullets thereof, as well as of explosive materials designed for industrial use.

(Article 14 amended by HO-123-N of 1 June 2006)

Article 15. Obligations of the Police in maintaining the property of citizens and organisations

The Police shall be obliged to:

- (1) ensure, including on a contractual basis, state protection of facilities and property, supervise the activities of other organisations to that effect, give instructions subject to mandatory execution with the purpose of elimination of detected shortcomings;
- (2) take urgent measures to ensure the safety of ownerless property, found property and treasure trove entrusted thereto prior to their transfer to relevant state bodies or officials;
- (3) ensure the safety of documents, items, valuable and other property found and delivered to the Police, take measures to return them to their legitimate owners as prescribed by law.

Article 16. Obligations of the Police during the state of emergency

The Police shall be obliged to:

- (1) take urgent measures in order to rescue people and render first medical aid as well as to maintain the unattended property left during car crashes, disasters, fire and other emergency cases;
- (2) participate, as prescribed by law, in ensuring the legal regime of state of emergency or martial law within the whole territory of the Republic of Armenia or in certain parts thereof, as well as in taking quarantine measures during epidemics.

Article 17. Obligations of the Police in implementing coercive measures upon special assignments

The Police shall, in the cases provided for by legislation, be obliged to:

- (1) execute:

- (a) written assignments of the prosecutor and investigator concerning the fulfilment of intelligence and investigative actions, as well as the instructions of the prosecutor;
 - (b) decisions of the court, prosecutor, investigator on apprehending persons avoiding to appear themselves upon their summons or those on declaring search;
 - (c) escorting of the arrested persons and detained persons;
- (2) hold in custody the apprehended, arrested persons, whereas in the cases provided for by law — the detained persons;
- (3) assist the compulsory enforcement services in ensuring the execution of civil and criminal judgements.

(Article 17 edited by HO-123-N of 1 June 2006, edited by HO-104-N of 29 April 2009)

Article 18. Obligations of the Police in maintaining the passport regime, keeping state register on population and electoral register of the Republic of Armenia

(Title edited by HO-123-N of 1 June 2006)

The Police shall be obliged to:

- (1) organise, implement and supervise the operation of the passport system of the Republic of Armenia;
- (2) exercise oversight over the observance of the rules, provided for by legislation, concerning the entry into the territory of the Republic of Armenia, staying on the territory and leaving the territory of the Republic of Armenia, as well as staying in transit in and (or) travelling in transit through the Republic of Armenia;
- (3) keep on record persons residing in the Republic of Armenia (regardless of citizenship), as well as citizens of the Republic of Armenia residing in foreign States as of place of residence thereof, keep state register of population as prescribed by legislation;

4) develop and keep, in a form of a single list, the Electoral Register of the Republic of Armenia (national electoral register book) as of marzes and communities.

(Article 18 edited, and supplemented by HO-123-N of 1 June 2006)

CHAPTER III

RIGHTS OF THE POLICE

Article 19. Rights of the Police in the prevention of crimes and other offences

With a view of preventing crimes and other offences, the Police shall be entitled to:

(1) require from citizens, foreign citizens, stateless citizens (hereinafter referred to as "the citizens") as well as from officials to terminate the actions hindering the exercise of powers, provided for by the legislation, of the Police, deputies, candidates for deputies, state government bodies and local self-government bodies, organisations, officials or to remove them from the place concerned;

(2) submit letters of motion and recommendations to state government bodies and local self-government bodies and organisations concerning the elimination of reasons for committing offences and conditions contributing thereto;

(3) keep on record, as prescribed by the Government of the Republic of Armenia, the objects, equipment and documents owned by persons having committed an administrative offence, having been accused of a crime, by sentenced persons, as well as by citizens and organisations to be kept on special record. The list of objects, equipment and documents to be kept on special record shall be approved by the Government of the Republic of Armenia.

The Police shall, in the course of performing its tasks imposed thereon by law and aimed at preventing crimes and other offences, under the procedure and on the grounds provided for by law, be entitled to:

- (1) check the identification documents of citizens and officials in the event of availability of sufficient grounds for suspecting them of a crime or an administrative offence requiring proceedings, as well as apprehend them in the cases provided for by law;
- (2) request and receive from citizens, officials, organisations necessary explanations, data, statement of information, documents and (or) carbon copies thereof;
- (3) participate in the examination of passengers, hand-carried items and baggages of rail transport, air transport and sea transport;

The concept of "sufficient grounds" used in this Law shall include the cases where:

- (a) a person has been captured while committing a crime or an administrative offence or immediately after the committal thereof;
- (b) the eyewitnesses, including the victim, indicate the given person as the perpetrator of the crime or administrative offence;
- (c) obvious traces attesting the relevance of crime or administrative offence have been found on the person concerned or the clothes thereof, on other items used thereby, as well as by him or her or in the apartment or vehicle thereof;

Police officers may reveal also other data (in case of defining the speed of vehicles or insobriety of the driver by technical means, in case any person and the wanted person have similar appearance, in case of an attempted escape by a person having accidentally noticed the police officer, etc.), that give rise to grounds for suspecting a person of a crime or other offences.

(Article 19 edited by HO-123-N of 1 June 2006, edited and supplemented by HO-74-N of 21 February 2007)

Article 20. Rights of the Police in detecting and disclosing crimes

In the course of detecting and disclosing crimes the Police shall be entitled to:

(1) register, take photos, carry out audio recording, video recording of persons having been apprehended, arrested on the suspicion of committing a crime, persons accused in the committal of a crime, receive finger-print samples for the purpose of detecting their identity or exercise the identification thereof, use information systems, video recording and filming equipment and other technical and special means aimed at recording its activities;

(2) notify citizens and officials, under the cases and materials it is seized of, in respect of appearing to the Police, apprehend those avoiding to appear without a valid reason, interrogate persons suspected of a crime;

(3) forward or take persons suspected of a crime to medical establishments with the aim of testing the availability of alcohol or narcotic drugs in their organism, if the results of testing are required for establishing or denying the fact of committal of the crime, or for objective investigation of the case;

(4) enter apartments, premises, territories, land plots, including by removing obstacles, while prosecuting persons suspected of a crime, in case of a crime being committed or having been already committed, as well as in case of necessity of protecting citizens and ensuring public security during car crashes where sufficient data on accidents are available, during epidemics, mass riots, as well as in other urgent cases;

After entering the apartment, premise, territory or land plot, a protocol shall be drawn up clearly stating the location thereof, the date, hour of completion of necessary actions, all actions carried out in the territory, names, surnames, positions, places of residence of persons having participated in these actions.

One copy of the protocol shall be provided or sent to the owner of the apartment, premise, territory or land plot or to his or her authorised person.

If the Police has entered the apartment, premise, territory or land plot in the absence of its owner or his or her authorised person, the persons having entered the apartment, premise, territory or land plot must ensure its further security after carrying out necessary actions.

If the actions provided for in this point have been carried out against the will of the citizens or officials, the Police shall inform the Prosecutor thereon, within 24 hours;

(5) undertake procedural steps provided for by Criminal Procedure Code of the Republic of Armenia, in case a crime has been committed;

(6) carry out expert examinations in criminal matters, as well as scientific and technical researches upon the materials of operational intelligence activities;

(6.1) keep criminological records as prescribed by the Government of the Republic of Armenia;

(7) avail of, upon necessity, vehicles and means of communication owned by citizens and organisations, with reimbursement of material expenses as prescribed by legislation.

The Police shall also be entitled to carry out operational intelligence actions, as well as other actions vested thereto under other laws.

(Article 20 edited by HO-123-N of 1 June 2006, supplemented by HO-220-N of 17 December 2014)

Article 21. Rights of the Police in preventing and disclosing administrative offences

In the course of preventing and disclosing administrative offences the Police shall be entitled to:

(1) draw up protocols on administrative offences;

(2) carry out administrative arrest, apply other measures provided for by the law on administrative offences;

(3) arrest persons having entered illegally or attempting to enter illegally the territories and facilities subject to police protection, check their identification documents, receive explanations, exercise personal inspection as well as inspection of items, objects and

vehicles with the help of which they have entered or have attempted to enter these territories and facilities;

(4) arrest persons avoiding the imposed coercive measures of medical and educational nature and take them to respective establishments;

(5) take from citizens as well as from officials the documents containing elements of obvious forgery detected during the arrest, personal inspection or inspection of items as well as objects, materials and items kept without respective authorisation and withdrawn from civil circulation;

(6) carry out expert examination under the cases on administrative offences.

(Article 21 amended by HO-123-N of 1 June 2006)

Article 22. Rights of the Police in performing public duty

(Title edited by HO-123-N of 1 June 2006)

In the course of maintaining public order the Police shall be entitled to:

(1) take persons found in public places in a state of drunkenness to medical establishments or to special reception stations of the Police and hold them there until sobering up, where they have lost their ability to move independently or to orient themselves to the environment or may cause harm to the public. It may also take the vagrants without permanent place of residence or persons with unknown identity to the above mentioned establishments or stations and hold them there;

(2) take the persons with mental disorders or those suspected of suffering from mental disorder to special reception stations of the Police or medical establishments, with a view of preventing public danger.

Upon taking the person to relevant division of the Police, as prescribed by law, where doubts arise as to suffering from mental illness by this person the head or deputy head of relevant subdivision of the Police shall file a motion to healthcare bodies with a request of

examining or hospitalising the person and shall organise the transfer of the given person to relevant healthcare organisation by means of ambulance cars accompanied by police officers.

In each certain case of filing a motion to healthcare bodies by the head or deputy head of relevant subdivision of the Police with a request of examining or hospitalising the person and taking relevant measures by the healthcare bodies as a result thereof, the time period for holding in custody must not exceed 72 hours. In case of establishing the professional justification on the necessity to hospitalise the person within the mentioned time period, the relations pertaining to involuntary (forced) psychiatric in-patient treatment shall be regulated as prescribed by Chapter 30 of the Civil Procedure Code of the Republic of Armenia.

(3) take persons suffering from contagious diseases to medical establishments, with a view of preventing the dissemination of contagious diseases;

(4) hold the neglected minors before placing them under educational supervision or transfer them to another competent authority;

(5) take foreign citizens or stateless persons having entered the Republic of Armenia upon violation of relevant procedure provided for by law as well as those staying illegally in the Republic of Armenia to a special accommodation facility and hold them there before the relevant decision is rendered, for the purpose of exile or extradition to another State;

(6) temporarily restrict or prohibit the traffic of vehicles and the pedestrian traffic, as well as oblige them to stay in specific territories or facilities, in the streets and on the roads for the purpose of ensuring the protection of the life, health or property thereof or carrying out operational intelligence actions by informing immediately thereon as of higher instance.

The traffic of vehicles and pedestrian traffic may be temporarily restricted also during assemblies and public events.

(7) ensure public order and road traffic safety on a contractual basis during sports events, cultural and other public events, except for the events held by charitable organisations or state bodies.

Rights and obligations of the arrested persons laid down in points 1-12 and point 14 of part 1 and in part 2 of Article 13, as well as in Article 14 of the Law of the Republic of Armenia "On holding the arrested and detained persons" shall extend to persons held in special reception stations.

(Article 22 edited by HO-123-N of 1 June 2006, supplemented by HO-213-N of 18 November 2009, amended by HO-78-N of 14 April 2011)

Article 23. Rights of the Police in exercising supervision over storage and use of weapons

The Police shall, pursuant to the legislation of the Republic of Armenia, be entitled to exercise supervision over the storage, use, carriage and transportation of weapons, ammunitions and explosive materials as well as over organisations conducting the circulation thereof; carry out inspection of weapons in the places of trading in, storage and destruction of weapons; seize, in a prescribed manner and without compensation, and destroy, as defined by legislation, the weapons the circulation whereof is prohibited within the territory of the republic; carry out inspection and search of items, cargo, parcels, vehicles as well as seizure of such objects in the event of availability of exact information on storage, transportation of illegal weapons, ammunition, explosive materials.

Article 24. Rights of the Police in the course of ensuring road traffic safety

In case of a danger posed to road traffic safety or a violation of road traffic rules, as well as in the event of availability of data or reasonable doubts regarding the search declared for vehicles and transportation by vehicles of illegal cargo, property and objects derived

from a crime, instruments of crime and other objects bearing traces of crime, as well as wanted persons, the Police shall be entitled to:

(1) stop the vehicles, check the documents attesting the right to participate in road traffic and the documents of the cargo being carried;

(2) prohibit the exploitation of vehicles and the trailers thereof in the cases and under the procedure provided for by law;

(3) inspect in the presence of drivers or citizens the transportation means as well as the cargo being carried, in the event of availability of data or reasonable doubts as to the transportation of objects, materials and items withdrawn from civil circulation, property and objects derived from a crime, instruments of crime and other objects bearing traces of crime;

(4) isolate persons from driving vehicles in case of availability of sufficient grounds to prove their state of insobriety, as well as the persons without relevant documents attesting the right to drive vehicles by imposing an attachment on vehicles and ensuring the transportation of passengers and maintenance of cargo;

(5) impose an attachment on vehicles whereon search has been declared and which have caused or have been involved in road accident having caused harm to human life or health.

(6) restrict or prohibit the construction, renovation and other works carried out in streets and on roads, as well as the traffic of vehicles, if the requirements to the road traffic safety are not ensured;

(7) exercise oversight, within the scope of its competence, over the observance of the requirements provided for the organisation of road traffic, installation of technical means and exploitation thereof.

(Part repealed by HO-74-N of 21 February 2007)

The Police shall also avail of its powers provided for by points 1, 3, 6 of this Article in case of implementing special measures by the competent authority.

(Article 24 supplemented by HO-123-N of 1 June 2006, edited, amended and supplemented by HO-74-N of 21 February 2007, supplemented by HO-220-N of 17 December 2014)

Article 25. Rights of the Police in state of emergency and in implementing special measures

The Police, in case of state of emergency, as well as in implementing special measures, shall be entitled to:

(1) seal off (besiege) relevant parts of territories upon the order of the head of territorial subdivision of the Police or that of the person substituting him or her, through carrying out, if necessary, inspection of vehicles; prevent riots and actions breaking the operation of transport, communications and other organisations during natural disasters, epidemics and in the course of implementing quarantine measures;

(2) by priorly presenting the service identification card as prescribed by law:

(a) have unimpeded access to the apartments or other premises of the citizens, land plots owned thereby, premises or territories occupied by organisations, and inspect them for the purpose of ensuring the personal security of citizens and public security during natural disasters, car crashes, epidemics and mass riots;

(b) use vehicles owned by organisations or citizens as well as officials, in order to reach to the places of natural disasters, to take citizens needing urgent medical aid to medical establishments, to prosecute criminals, as well as to transport vehicles damaged due to a car crash and take them to the scene of action or to take the personnel of the Police to the gathering place in response to an alarm bell by removing, if necessary, the drivers from driving the vehicles. Means of communication owned by organisations or citizens, as well as officials, may be used for the above mentioned purposes.

In the cases referred to in this point the damage caused to vehicles or to other means owned by citizens shall be subject to compensation as prescribed by law.

The special purpose vehicles as well as vehicles owned by diplomatic, consular representatives and those of foreign States, and those owned by international organisations may not be used for the listed purposes.

(Article 25 amended by HO-123-N of 1 June 2006)

Article 26. Rights of the Police in arresting persons avoiding punishment

The Police shall, on the grounds and under the procedure provided for by law, be entitled to arrest the persons avoiding punishment in the form of imprisonment or those having escaped from the places of confinement, preliminary detention, arrest facilities, and hold at the Police station in order to transfer them, in further, to respective authorities and institutions.

Article 27. Rights of the Police in the fight against crimes and administrative offences committed by military servants

The Police shall be entitled to arrest military servants suspected of a crime committed outside the territories of military units, other military organisations, whereas in the cases provided for by law — those suspected of an administrative offence, initiate criminal proceedings, carry out urgent investigative actions and submit them as of jurisdiction under the procedure and within time limits provided for by law.

(Article 27 supplemented by HO-16-N of 21 December 2006)

Article 28. Rights of the Police in involving citizens, as well as officials and mass media in the fight against crimes and administrative offences

The Police shall be entitled to:

(1) receive, without compensation, from citizens, as well as from officials and organisations information related with certain crime, except for the cases where a special procedure for receiving relevant information is stipulated by law;

(2) use, without compensation, mass media owned by the State in order to clarify the circumstances concerning crime or other offences, as well as to detect persons having committed a crime or other offence and absconding investigation, preliminary investigation, trial, and missing persons;

(3) involve citizens as well as officials, organisations, upon the consent of the latter, in disclosure of crimes or administrative offences, in the arrest of criminals or offenders; encourage them for their assistance to the given activities and proper fulfilment of obligations undertaken on a voluntary basis.

CHAPTER IV

DISCHARGE OF PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS BY A POLICE OFFICER. PERSONAL PROTECTION MEANS OF A POLICE OFFICER

(Title amended by HO-123-N of 1 June 2006)

Article 29. Grounds, conditions and the extent of discharge of physical force, special means and firearms

A police officer shall discharge physical force, special means and firearms as an exceptional measure, in the cases and under the procedure provided for by this Law, to the extent that it is necessary to fulfil the obligations thereof in case of impossibility of ensuring the fulfilment of these obligations with other means.

A police officer shall be obliged to undergo special training during which he or she shall acquire the skills of negotiating and convincing with a view of restricting the discharge of physical force, special means and firearms, as well as to undergo on a regular basis tests on defining the ability to act in situations giving rise to the necessity of discharge of

physical force, special means and firearms. After undergoing relevant training, a police officer shall be entitled to keep and carry firearms and special means.

A police officer shall be guided by the existing situation, by the nature of the offence and the personality of the offender while making the choice of discharge of physical force, special means and firearms.

Prior to the discharge of physical force, special means and firearms, a police officer shall be obliged to warn about the discharge thereof giving sufficient time to perform the lawful demands and to stop the offence, except for the cases where the delay in the discharge thereof directly endangers the life and health of citizens or police officers, or may lead to other grave consequences, or in case of impossibility of such warning in the existing situation.

A police officer shall also be obliged to:

- (1) try to reduce the harm caused to the offender to a minimum;
- (2) render or ensure first medical aid to persons having sustained bodily injuries by immediately informing medical organisations about all cases of bodily injuries and death;
- (3) immediately report as of higher instance on all cases of injuries or death caused by discharge (use) of physical force, special means and firearms, as well as on each case of discharge (use) of special means (except for handcuffs and rubber batons) and firearms.

The Police shall be obliged to inform the close relatives of victims about the cases provided for in part 8 of this Article within a short time period.

The discharge of physical force, special means and firearms in the cases other than those provided for by law or the discharge thereof by exceeding respective limits by a police officer shall entail liability as prescribed by law.

The head of the state administration body of the Police shall immediately inform the prosecutor about all cases of injuries or death caused by the discharge (use) of physical force, special means and firearms by a police officer.

In the cases provided for in point 3 of part 5, part 8 of this Article and by part 4 of Article 32 of this Law notification shall be made in writing, by indicating the circumstances and legal grounds attesting the need for discharge of physical force, special means and firearms, the scope of persons whereagainst those have been discharged, the type and quantity of special means, firearms and ammunition having been discharged, the measures aimed at providing first medical aid to persons having sustained bodily injuries, the places where persons with bodily injuries or deceased persons have been transferred if the transfer has been carried out by police officers.

(Article 29 supplemented and amended by HO-123-N of 1 June 2006, edited and supplemented by HO-94-N of 7 April 2009, HO-7-N of 22 December 2010)

Article 30. Discharge of physical force

In case of preventing or disrupting offences, capturing offenders and transferring them to the Police, failing to follow the lawful demands of the police officer or showing resistance, as well as for the purpose of self-defence a police officer shall have the right to discharge physical force against offenders (including hand-to-hand combat techniques), as well as necessary objects at disposal if non-forcible means fail to ensure the fulfilment of obligations imposed on the Police.

(Article 30 amended by HO-123-N of 1 June 2006, HO-7-N of 22 December 2010)

Article 31. Discharge of special means

The special means shall be deemed to be technical means (devices, equipment, objects, materials) included in the armament of the Police and provided for by this Law, or patrol dogs, the main significance whereof is the direct physical or psychological impact on people or the direct physical impact on material objects. In the course of performing their official duties personally or within the subdivision, a police officer shall be entitled to discharge special means at the disposal of the Police, in case of:

- (1) breaking up an attack made upon citizens and a police officer;
- (2) breaking resistance shown to the police officer or persons assisting in maintenance of public order and fight against crimes, as well as performing their public or official duties, or in case of failure to follow the lawful demands thereof;
- (3) capturing persons detected at the moment of committing an offence and making an attempt of escape;
- (4) availability of sufficient grounds to believe that the given person(s) seeks to show armed resistance;
- (5) taking persons having committed an offence to the Police or arresting them on the grounds provided for by the Code of the Republic of Armenia "On administrative offences", arresting on the grounds provided for by the Criminal Procedure Code of the Republic of Armenia, escorting or holding arrested and detained persons when the conduct of the latter gives reason to believe that they may escape, cause harm to themselves or to the environment, show resistance to a police officer or fail to follow the lawful demands thereof;
- (6) releasing the abducted persons, those illegally deprived of liberty and illegally held, as well as captured apartments, premises, territories and vehicles;
- (7) breaking up mass riots and group actions distorting the operation of transport, communications and other organisations;
- (8) stopping a vehicle when the driver thereof obviously fails to follow the demand of the police officer on the part of stopping the vehicle;
- (9) detecting persons committing or having committed a crime.

A police officer may discharge the following as special means:

- (a) rubber batons, in the cases provided for in points 1, 2, and 7 of part 1 of this Article;
- (b) tear gas, irritant gas, smoke-screening devices and rubber bullets in the cases provided for in points 1, 2, 4, 6 and 7 of part 1 of this Article;

- (c) handcuffs, in the cases provided for in points 2, 3 and 5 of part 1 of this Article;
- (d) noise flash diversionary devices, in the cases provided for in points 1, 2, 4, 6 and 7 of part 1 of this Article;
- (e) devices for breaking down barriers, in the cases provided for in points 2, 4, 6 and 7 of part 1 of this Article;
- (f) means designed to compulsorily stop (block) people and vehicles, in the cases provided for in points 7 and 8 of part 1 of this Article;
- (g) water cannons and armoured cars, in the cases provided for in points 1, 2, 4, 6 and 7 of part 1 of this Article;
- (h) electric shock devices and spark dischargers, in the cases provided for in points 1-4 of part 1 of this Article;
- (i) special colouring substances, in the cases provided for in point 9 of part 1 of this Article, as well as in the case provided for in point 7 of part 1 of this Article—through water cannons;
- (j) patrol dogs, in the cases provided for in points 1-6, and 9 of part 1 of this Article.

All types of special means may also be discharged in the cases provided for in part 1 of Article 32 of this Law.

Application of special means against women with noticeable signs of pregnancy, obviously disabled persons and minors (with the exception of cases of their armed attack, armed resistance and group attacks endangering the life and health of people), in the territories of diplomatic and consular representations (with the exception of cases of discharging special means upon the request of the authorised representatives thereof), as well as while terminating peaceful public assemblies and public events held without weapons and without violation of the procedure prescribed by law shall be prohibited, whereas the discharge of special explosive devices with tactical and technical specifications shall be prohibited in the buildings (premises) where flammable or explosive substances are produced or kept.

In case of absence of special means or firearms given the situations of defence of necessity or extreme necessity, a police officer shall be entitled to use all possible means at the disposal thereof.

The list of special means included in the armament of the Police, as well as the procedure for the inclusion thereof in the armament, removal therefrom and destruction shall be approved by the Government of the Republic of Armenia.

Inclusion of the types of special means in the armament of the Police that by virtue of their tactical and technical specifications may cause grave harm to human health or give rise to irretrievable changes in a human body or cause death or which constitute a source of unjustified risk, shall be prohibited. Permissible standards for the application of special means discharged against human being shall be established by the Minister of Health of the Republic of Armenia based on the technical regulations for special means submitted by the Police.

The procedures for discharge of special means and provision thereof to police officers, as well as for maintenance of special means and regular suitability inspection thereof shall be established by the head of the state administration body of the Police.

(Article 31 amended by HO-123-N of 1 June 2006, HO-104-N of 29 April 2009, supplemented, amended and edited by HO-7-N of 22 December 2010, amended by HO-78-N of 14 April 2011)

Article 32. Discharge (application) and use of firearms

Police officers shall be entitled to discharge firearms personally or within the subdivision in case of:

- (1) defending citizens from attacks dangerous to the life or health thereof;
- (2) repulsing the attack made upon a police officer when his or her life or health is endangered, as well as in case of preventing the attempt of taking possession of the weapon thereof;

- (3) releasing hostages, as well as captured facilities subject to state protection;
- (4) arresting persons captured at the moment of committing a grave or particularly grave crime against the life, health, property and making an attempt to escape, as well as those showing armed resistance;
- (5) repulsing group or armed attacks made upon apartments of citizens, territories occupied by state bodies, organisations, facilities subject to state protection, as well as upon accompanying subdivisions;
- (6) capturing or precluding the escape of the persons arrested on the suspicion of committing a grave or particularly grave crime against life, health, property, those having escaped from the places of detention or confinement, as well as in case of repulsing their violent attempts of release;
- (7) ***(Point repealed by HO-7-N of 22 December 2010)***

Police officers shall be entitled to discharge firearms in the following cases:

- (1) stopping a vehicle by damaging it if the driver poses a real danger to the life and health of citizens and fails to follow the signals of the police officer in respect of stopping the vehicle;
- (2) incapacitating animals directly endangering the life and health of people,
- (3) firing a warning shot in respect of discharging or intention of discharging a weapon, while raising an alarm or calling for help.

The discharge of firearms against women with noticeable signs of pregnancy, obviously disabled persons and minors (with the exception of cases of their armed or group attacks and armed resistance dangerous for the life of citizens), as well as in case of considerable crowds of people when other persons may suffer from discharge of firearms, shall be prohibited.

The head of the state administration body of the Police shall immediately inform the prosecutor about each case of discharge of firearms by a police officer.

The list of the types of firearms and ammunitions included in the armament of the Police shall be approved by the Government of the Republic of Armenia. The inclusion of the types of firearms and ammunitions into the armament of the Police which cause graver injuries or constitute a source of unjustified risk, shall be prohibited.

The procedure for allocating registered service weapon and ammunitions to a police officer under the right to keep and carry them, as well as the procedure for keeping and carrying the allocated weapon, shall be established by the Government of the Republic of Armenia.

(Article 32 supplemented, amended by HO-123-N of 1 June 2006, supplemented by HO-94-N of 7 April 2009, amended by HO-104-N of 29 April 2009, supplemented, amended and edited by HO-7-N of 22 December 2010)

Article 33. Guarantees for personal security of an armed police officer

(Title amended by HO-123-N of 1 June 2006)

An armed police officer shall be entitled to bare his or her firearm and prepare it for action if he or she finds that the existing situation may give rise to a necessity of discharging a firearm pursuant to Article 32 of this Law.

A police officer shall be entitled to discharge a firearm without warning, in compliance with point 2 of part 1 of Article 32, at any attempt by a person of approaching the police officer carrying out an arrest with a bared firearm (by breaking the distance required by the latter), that of making an unexpected abrupt movement without authorisation, taking his or her hands to his or her pockets or to his or her firearm.

(Article 33 amended by HO-123-N of 1 June 2006)

Article 34. Personal protection means of a police officer

(Title amended by HO-123-N of 1 June 2006)

For the purpose of ensuring personal security a police officer shall be entitled to use a helmet, shield, armoured jacket, gas-mask and other personal protection means.

The list of personal protection means included in the armament of the Police, as well as the procedure for the inclusion thereof into the armament, removal therefrom and destruction shall be approved by the Government of the Republic of Armenia.

(Article 34 amended by HO-123-N of 1 June 2006, supplemented by HO-7-N of 22 December 2010)

CHAPTER V

SERVICE IN THE POLICE

Article 35. Employee of the Police

(Article repealed by HO-123-N of 1 June 2006)

Article 36. Official duties and rights of a police officer

(Title amended by HO-123-N of 1 June 2006)

Police officers shall perform duties and avail of the rights provided for by this Law within the scope of their competence and in accordance with the position held thereby.

Within the territory of the Republic of Armenia police officers shall, regardless of their position, location and time, be obliged to:

(1) render assistance (including first medical aid) to citizens having suffered crimes, administrative offences and accidents, as well as to helpless citizens or those found themselves in situations posing danger to the life thereof;

(2) take measures in order to rescue people, prevent or disrupt an offence, arrest persons suspected of an offence and preserve the scene of action, upon receiving information from citizens on a case posing danger to the security of a person or public or upon directly detecting such case, and immediately report thereon to the nearest subdivision of the Police.

While performing the official duties defined in part 2 of this Article, police officers shall avail of the rights of the Police provided for by this Law.

(Article 36 amended by HO-123-N of 1 June 2006)

Article 37. Procedure and conditions for joining service in the Police

The procedure and conditions for joining service in the Police shall be determined by law.

Police officers may be involved in the maintenance of public order in other States only on a voluntary basis and in the cases provided for by international treaties of the Republic of Armenia.

(Article 37 edited and amended by HO-123-N of 1 June 2006)

CHAPTER VI

STATE GUARANTEES FOR LEGAL AND SOCIAL SECURITY OF A POLICE OFFICER

(Title amended by HO-123-N of 1 June 2006)

Article 38. State guarantees for legal security of a police officer

(Title amended by HO-123-N of 1 June 2006)

The police officer shall be considered as a representative of executive power and shall fall under the protection of law and the State.

The lawful demands of a police officer shall be binding for all citizens and officials. Failure to follow them or actions impeding the performance of duties of a police officer shall entail liability as prescribed by law.

A police officer shall not be held liable for the physical harm or material damage caused thereby to the person having committed a crime, as a result of discharge of physical force, special means and firearms in the cases and under the procedure provided for by this Law.

A police officer acting within the scope of the powers entrusted thereto under this Law shall not be held liable for a damage caused to enterprises, institutions, organisations and citizens, unless the requirements of the legislation of the Republic of Armenia have been violated. This damage shall be reimbursed at the expense of the State.

The rules on defence of necessity, extreme necessity, causing harm while capturing the person having committed a crime, physical or mental coercion, justified risk and execution of order or executive order stipulated by law shall extend to the activities of a police officer.

A police officer shall, in the course of performing his or her duties, be responsible only before the immediate and direct superiors thereof, and no one other than those directly authorised by law, shall be entitled to interfere with the lawful actions thereof. No one

shall be entitled to compel a police officer to perform duties other than those imposed thereon by this Law.

Where a police officer receives from his or her head officers (immediate or direct) or other authorised officials obviously illegal orders, commands and executive orders contradicting the law, the police officer shall be obliged to be guided only by the requirements of law, by informing his or her superior thereon.

Police officers having committed a deliberate crime upon obviously illegal order or executive order, as well as the officials rendering illegal executive orders or orders shall be subject to liability under general principles, whereas failure to fulfil the obviously illegal order or executive order shall exempt the police officer from liability.

A police officer arrested or detained on the suspicion of committing a crime shall be kept in separated detention facilities and isolation wards.

All police officers shall be subject to mandatory state life insurance at the expense of corresponding budget. The procedure and conditions for insurance of police officers and for payment of insurance amounts shall be stipulated by the legislation of the Republic of Armenia.

(Article 38 amended by HO-123-N of 1 June 2006)

Article 39. State guarantees for the social security of police officers

(Title amended by HO-123-N of 1 June 2006)

The issues related with social security of police officers shall be regulated in compliance with the Law of the Republic of Armenia "On social security of military servants and family members thereof".

Police officers may also be provided with other guarantees for social security defined by legislation of the Republic of Armenia.

(Article 39 amended by HO-123-N of 1 June 2006)

CHAPTER VII

FUNDING OF AND LOGISTICS SUPPORT OF THE POLICE

Article 40. Funding of the Police

The Police shall be funded from the State Budget of the Republic of Armenia, whereas for the provision of services on a contractual basis — at the expense of extra-budgetary funds received from organisations and citizens.

(Article 40 supplemented by HO-74-N of 21 February 2007)

Article 41. Logistics support of the Police

Logistics support of the Police shall be ensured, the working, social and domestic needs of the Police shall be met at the expense of the State Budget of the Republic of Armenia and extra-budgetary funds received from services rendered on a contractual basis.

(Article 41 supplemented by HO-74-N of 21 February 2007)

CHAPTER VIII

OVERSIGHT AND SUPERVISION OVER THE ACTIVITIES OF THE POLICE. LIABILITY OF THE POLICE OFFICER

(Title amended by HO-123-N of 1 June 2006)

Article 42. Supervision over the activities of the Police

The President of the Republic of Armenia, the Government of the Republic of Armenia shall exercise supervision over the activities of the Police within the scope of their powers.

In the cases laid down in the Constitution of the Republic of Armenia, supervision over the activities of the Police shall be exercised by the National Assembly of the Republic of Armenia.

Inter-departmental oversight within the Police shall be exercised as prescribed by the head of the state administration body of the Police.

Supervision over operational intelligence activities of the Police shall be exercised as prescribed by law.

Other state bodies and organisations shall not be entitled to interfere in operational intelligence activities and criminal procedural activities of the Police, as well as in investigation of cases on administrative offences.

(Article 42 edited by HO-123-N of 1 June 2006)

Article 42¹. Oversight over the activities of the Police

Oversight over the lawfulness of investigation carried out by the Police shall be exercised by prosecution authorities as prescribed by law.

(Article 42¹ supplemented by HO-123-N of 1 June 2006, amended by HO-34-N of 19 May 2014)

Article 43. Liability of a police officer

(Title amended by HO-123-N of 1 June 2006)

A police officer failing to perform his or her duties for unjustified reasons or performing them inappropriately, abusing official position, or exceeding official powers, violating the rules of conduct of a police officer explicitly provided for by law, shall be subject to liability as prescribed by law of the Republic of Armenia.

The damages of organisations and citizens caused by illegal action or inaction of police officers shall be subject to compensation according to the civil legislation of the Republic

of Armenia and the Law of the Republic of Armenia "On fundamentals of administrative action and administrative proceedings".

The illegal actions of police officers may be appealed against as of higher instance or through judicial procedure.

(Article 43 edited, supplemented and amended by HO-123-N of 1 June 2006)

**President
of the Republic of Armenia**

R. Kocharyan

Yerevan
16 May 2001
HO-177