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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ARMENIA**

**DRAFT AMENDMENTS TO THE CRIMINAL CODE AND THE  
CRIMINAL PROCEDURE CODE**

**LAW**  
**OF THE REPUBLIC OF ARMENIA**  
**“ON MAKING A SUPPLEMENT TO THE CRIMINAL CODE**  
**OF THE REPUBLIC OF ARMENIA”**

**Article 1.** Criminal Code of the Republic of Armenia of 5 May 2021 shall be supplemented with a new Article 503.1 which reads as follows:

“Article 503.1. Refusing to undergo personal inspection, expert examination, as well as to submit samples

1. Refusing by a witness or a victim to submit samples, to undergo personal inspection, as well as expert examination upon the request of the body administering proceedings as prescribed by law

shall be punished by a fine in the amount of maximum ten-fold, or by restriction of freedom for a term of maximum one year, or by short-term imprisonment for a term of maximum two months.

2. Committing the act provided for by part 1 of this Article by an arrested person or accused person

shall be punished by a fine in the amount of maximum twenty-fold, or by restriction of freedom for a term of maximum three years, or by short-term imprisonment for a term of maximum four months, or by imprisonment for a term of maximum three years.

3. The acts provided for by part 1 or 2 of this Article which have been committed:

- (1) with mercenary motives; or
- (2) in case of grave or particularly grave crimes

shall be punished by imprisonment for a term of maximum five years.

4. The person having committed the acts provided for by parts 1, 2 or 3 of this Article shall be exempt from criminal liability, where prior to leaving for a separate room for the purpose of rendering a decision on applying coercive measures by the court, or prior to rendering a decision on dismissing the proceedings in the course of preliminary investigation, or prior to leaving for a separate room during trial for the purpose of rendering a criminal judgment or a decision by the court, has voluntarily appeared to sampling or has voluntarily underwent personal inspection, expert examination and the samples submitted in a timely manner have not lost their evidential significance”.

**Article 2.** This Law shall enter into force on the tenth day following the day of its official promulgation.

**LAW**  
**OF THE REPUBLIC OF ARMENIA**  
**“ON MAKING AMENDMENTS AND SUPPLEMENTS**  
**TO THE CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA”**

**Article 1.** Article 18 of the Criminal Procedure Code of the Republic of Armenia of 30 June 2021 (hereinafter referred to as “the Code”) shall be added with point 10 which reads as follows:

“10. The body administering proceedings may discharge proportionate physical force as an exceptional measure, based on a decision of the court, in the cases and in the manner provided for by this Code, to the extent it is necessary to ensure the fulfilment of the obligation to undergo investigation and expert examination or give samples, unless otherwise possible to ensure the fulfilment of those obligations by other means.”.

**Article 2.** Point 5 of part 1 of Article 41 of the Code shall be amended as follows:

“(5) apply to the court with motions for imposing the coercive measures, extending the term of detention, conducting investigative and secret investigative actions, compulsorily carrying out personal inspection, expert examination or compulsorily obtaining samples prescribed by this Code by immediately forwarding the carbon copy of the motion to the supervising prosecutor;”.

**Article 3.** The words “compulsorily carrying out personal inspection, expert examination or compulsorily obtaining samples” shall be added after the word “seizure” in point 1 of part 4 of Article 209 of the Code.

**Article 4.** Article 227 of the Code shall be added with part 3 which reads as follows:

“3. In case of voluntarily refusing to follow the requirements of the decision of the investigator on undergoing personal inspection, a protocol shall be drawn up, and clarification shall be provided on the possibility of compulsorily conducting it, upon the decision of the court, in case of refusing to voluntarily undergo personal inspection.

The body administering proceedings shall have the right to apply to the court with a motion for authorisation for compulsorily carrying out personal inspection of the person having refused to voluntarily undergo personal inspection.”.

**Article 5.** Article 254 of the Code:

1) shall be added with parts 8 and 9 which read as follows:

“8. In case of failure to voluntarily fulfil the obligation provided for by this Code for expert examination, the personal inspection, expert examination shall be carried out or samples shall be obtained compulsorily as prescribed by law, based on the decision of the court, by observing the principle of proportionality of interference with the rights.

When conducting compulsory investigative actions, the application of measures and methods which may include torture or inhuman or degrading treatment or cause severe physical or mental pain or suffering to a person shall be prohibited.

9. The persons referred to in Articles 43, 50, 58 of this Code shall be warned about the criminal liability provided for by Article 503.1 of the Criminal Code of the Republic of Armenia.”.

**Article 6.** This Law shall enter into force on the tenth day following the day of its official promulgation.