

THE LAW OF THE REPUBLIC OF ARMENIA

ON POLICE

16.04.2001

This law stipulates the concept of police, objectives, goals, legal basis and principles of its activity, its place in the system of the executive bodies, its duties and rights, structure, the procedure for entering into service with the police and terms of responsibilities, state guarantees for its legal and social security, as well as the procedure of police funding, provision of its logistics and oversight of its activity.

CHAPTER I. GENERAL PROVISIONS

Article 1. The Concept of the Police

The Police (hereafter the Police) is operating within the system of authorised bodies of state management of internal affairs, which is called forth to protect the citizens' life and health, as well as other rights and freedoms, property, the interests of the society and the state from criminal and other unlawful assaults, has the right to apply compulsion within the framework stipulated by this and other laws of the Republic of Armenia.

Article 2. The Objectives of the Police

According to the law, the objectives of the Police are to ensure:

1. protection of the life and health, honour, rights, freedoms and legal interests of individuals against criminal and other illegal assaults/actions;
2. protection of the interests of the society and the state;
3. restraint, prevention and precaution on of crimes and administrative offences;
4. discovery and disclosure of crimes;
5. ensuring of the public order and public safety;
6. protection of all types of ownership.

Other objectives of the Police should only be set by this Law.

Article 3. The Principles of the Police Activity

The Police activity shall be based on the principles of preservation of legality respect for human rights and freedoms, honour and dignity, humanism and publicity.

The Police shall co-operate with state and local self-governing, including law enforcement bodies and organisations, as well as physical persons, while implementing its activities.

Article 4. The Legal Regulation of the Police Activity

The Police activity shall be regulated by the Constitution of the Republic of Armenia, this and other laws and legal acts, as well as by the International Treaties ratified by the Republic of Armenia.

Article 5. The Activity of the Police and the Rights of the Citizens

The Police shall protect the life and health, as well as rights and freedoms, property, legal interests of any person from criminal and other infringements, regardless of citizenship, race, sex, language, nationality, religion, political or other views, social origin, property or other status, membership of any party or organisation.

In each case of restriction of the rights and freedoms of a citizen, the Police employees shall be obliged to present immediately the grounds for restriction to him/her and explain to him/her his/her rights and duties.

The Police shall be obliged to enable the detained or arrested persons to exercise their rights to receive legal assistance, inform their close relatives and the administration of their working place or educational institution about their whereabouts in accordance with the legislation. In case if necessary, the Police shall take measures to

render medical or other assistance to them as well as to eliminate any danger threatening the life, health, property of a person or the members of his/her family associated with the detention or arrest.

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

The Police shall be obliged to enable a person to get familiarised with the documents and materials directly connected with his/her rights and freedoms, if not otherwise foreseen by the law.

The Police staff is prohibited to put to the torture, to do violence, exercise other cruel means humiliating the human honour and dignity. Such actions create liability, as specified in the law.

Article 6. Involvement of Other Employees of the State Body of the Internal Affairs in the Implementation of the Police Objectives

Licensed (qualified) employees of the State Body of the Internal Affairs who are not Police employees, as well as the persons being in probation period, may be involved by the Head of the State Body of the Internal Affairs according to the defined rule in the activities of safeguarding the public order and ensuring public safety as well as combating against crimes. In such cases, the rights and obligations of the Police employees defined by this law shall be applied to them.

Involvement of military servicemen of the Internal Troops in safeguarding of the public order and ensuring the public safety shall be carried out in the cases and according to the procedure specified by the law.

Article 7. Assistance of State and Local Self-governing Bodies, as well as Citizens to the Police in the Implementation of the Tasks Set before the Latter

The state and local self-governing bodies and their officials, shall be obliged to render any possible assistance to the Police in the implementation of the tasks set before the latter.

The citizens and legal entities may participate in implementation of the tasks of the Police on a voluntary basis.

Article 8. Limitations of certain rights of Police staff

The employees and servicemen working or serving at the Police shall not be members of any political organisation in the course of their work or service with the Police.

Article 9. The Structure and Administration of the Police

The structure and staff number of the Police shall be approved by the Government of the Republic of Armenia in accordance with the norms submitted by the State Body of the Internal Affairs. The Head of the State Body of the Internal Affairs shall have the right to establish substructural subdivisions of the Police in compliance with the structure and staff number of the Police.

The general management of the Police shall be carried out by the Head of the State Body of the Internal Affairs.

CHAPTER II. THE OBLIGATIONS OF THE POLICE

Article 10. The Obligations of the Police while Safeguarding the Person's Security and Protecting His/Her Rights and Freedoms

The Police shall be obliged, under the procedure defined by the legislation of the RoA, to:

- 1) protect the life, health, honour, dignity, rights, freedoms and legal interests of citizens from criminal and other assaults;
- 2) take necessary measures addressed to the assistance to the persons having suffered from crimes and other offences, accidents as well as being in other situations dangerous for life and health;

- 3) bring forcibly to medical institutions the persons avoiding obligatory treatment;
- 4) ensure control over the persons suffering from mental illness, alcoholism, drug addiction, as well as other illnesses dangerous for the society, together with the health care bodies with the purpose of prevention of offences;
- 5) take necessary measures for the protection of life, health or property of the judges, prosecutors, investigators, bailiffs, officials of the Internal Affairs' bodies, injured persons, witnesses, accused persons, attorneys and other persons assisting the law enforcement bodies as well as their close relatives.

Article 11. The Obligations of the Police in the Combat of the Police against Crimes and other Offences

The Police shall be obliged, in a manner defined by the legislation of the Republic of Armenia, to:

- 1) accept, record and register applications and reports pertaining crimes and other offences and incidents and to set them in motion;
- 2) retain and prevent the crimes and other offences, bring forcibly the persons having committed crime or other offences requiring proceedings, disclose the causes and facilitating circumstances of committing of crimes and other offences and take measures to eliminate them;
- 3) take relevant measures for revealing and disclosing crimes;
- 4) initiate criminal prosecutions, perform urgent investigatory actions to disclose the persons having committed crime or detect, fix the traces of the crime with the purpose to disclose the crime;
- 5) perform investigation of criminal cases, arrest of the suspects and other actions foreseen by the legislation, take measures to ensure the compensation of material damages caused by the crime;
- 6) discover persons having committed crime and hiding from investigation, pre-trial investigation and court bodies, avoiding criminal liability, punishment, persons declared as missing, other persons as well as stolen property in cases foreseen by the legislation;
- 7) perform:
 - a) investigation of cases of administrative offences and administrative arrests;
 - b) search of persons avoiding investigation, trial, punishment as well as other persons and property in cases foreseen by legislation;
 - c) necessary measures together with the state and public bodies addressed to prevention of crimes being committed by the minors left without control as well as registered in the Police and to their education;
- 8) assist:
 - a) the delegates, officials to perform their official duties, when certain citizens do not obey the legitimate demands or impede the implementation of their official activity;
 - b) the bodies of the national security in the combat against grave offences directed against the state power and in implementation of other measures addressed to ensuring the national security;
 - c) military registration and enlistment offices to implement recruits' enlistments, military conscriptions and call-up for military service;
 - d) Prosecutor's office, state and local self-governing bodies, public organisations to implement their official duties;

Performs other duties defined by the law.

Article 12. The Duties of the Police while Safeguarding the Public Order

The Police shall be obliged to:

- 1) ensure public order in the streets, squares, parks, railway stations, airports, electoral precincts, other public places, during the court sessions (by the mediation of the courts), as well as in public places;
- 2) assist, within its authorities, the delegates, the officials of the state and local self-governing bodies, representatives of the organisations in the cases hindrances are created to their legal activities or their lives, health, honour and dignity, as well as the property is endangered.

Article 13. The Duties of the Police while Ensuring the Traffic Safety

The Police shall be obliged to:

- 1) perform state control and supervision while ensuring traffic safety, control the observance of the defined forms of traffic rules, standards, technical norms and other normative documents;
- 2) organise and perform state technical inspection of vehicles and trailers thereof;
- 3) perform state registration of vehicles and trailers thereof foreseen for driving on the roads of common utilisation with the purpose of traffic organisation, control of exploitation activities of technical means;

- 4) regulate the traffic;
- 5) perform state registration of traffic safety signs under the defined procedure.

Article 14. The Duties of the Police while Performing Supervision over Keeping and Use of Arms

The Police shall be obliged to:

- 1) grant licenses in accordance with the defined procedure for obtaining individual and service arms and bullets thereof, trading with, compiling and exhibiting collections of arms, keeping, keeping and bearing, use, import and export of the mentioned arms and ammunition, as well as grant permissions for utilisation of specific types and models of live fire-arms received from the Internal Affairs bodies for temporary utilisation;
- 2) control the observance of the procedure as defined by the legislation of circulation of individual and service arms, bullets thereof, as well as of the explosives of industrial utilisation.

Article 15. The Duties of the Police while Protecting the Property of the Citizens and Organisations

The Police shall be obliged to:

- 1) ensure, including on the contractual basis, the state protection of the handed over it facilities and property, supervise the activity of other organisations performing such activity, give instructions subject to mandatory fulfilment with the purpose of elimination of detected deficiencies;
- 2) take urgent measures addressed to the maintenance of ownerless property or valuables prior to their submission to the respective state bodies or officials;
- 3) ensure the maintenance of documents, objects, valuable and other property submitted to the Police, take measures to return these to their legitimate owners or realise them in accordance with the defined procedure.

Article 16. The Duties of the Police under Extreme Situations

The Police shall be obliged to:

- 1) take urgent measures for rescue of humans and rendering of first medical aid, as well as for the protection of the property left guardless during the accidents, calamities, fires and other force-majeure events;
- 2) participate, under the procedure defined by the legislation, in ensuring the legitimate regime of extreme or martial situation within the territory or certain parts of the Republic of Armenia, performing of quarantine measures during epidemics.

Article 17. The Duties of the Police while Performing Compulsory Execution with special order

In a manner defined by the Legislation of the RoA, the Police shall be obliged to:

1. perform:
 - a) the written assignments of the Prosecutor, Investigator concerning the fulfilment of search and investigation actions, the Prosecutor's instructions;
 - b) the decisions of the Court, Prosecutor, Investigator to bring forcibly the persons avoiding to appear themselves at their summons or to declare search of such persons;
 - c) the courts' orders about detention, guarding and escorting of the detained or arrested persons;
2. guard and keep the persons brought forcibly, detained or arrested persons;
3. assist the compulsory execution bodies, while ensuring the implementation of courts' decisions and sentences;
4. establish control within its authorities over the observance of the restrictions defined by the legislation by the persons who have returned from the places of incarceration; participate in the implementation of non-custodial punishments in cases foreseen by the legislation.

Article 18. The Duties of the Police while Ensuring the Passport Regime

The Police shall be obliged to:

- 1) organise, realise and supervise the activity of the passport system of the Republic of Armenia;
- 2) execute control over the observance of the rules defined by the legislation concerning entering the territory of the Republic of Armenia, living within and leaving the territory of the Republic of Armenia, as well as transit.

CHAPTER III. THE RIGHTS OF THE POLICE

Article 19. The Rights of the Police while Preventing Crimes and Other Offences

While performing the tasks of prevention of crimes and other offences that are provided by the law, the Police shall have the right according to the procedure and grounds defined by the legislation of the RoA, to:

- 1) request that citizens, foreign citizens, citizens not possessing citizenship (hereafter the citizens) as well as officials stop the actions hindering the fulfilment of the authorities, as defined by the legislation, of the Police, delegates, candidates for delegacy, state and local self-governing bodies, organisations, officials or force them to leave the given place;
- 2) check identity cards of citizens, as well as of officials in case of availability of sufficient grounds for suspicion in perpetration of a crime or other administrative offences, bring them to the Police in cases defined by the law;
- 3) in cases specified by laws on criminal trial procedures and administrative infringements require and receive from the citizens and officials the necessary explanations, information, statements, documents or copies thereof;
- 4) participate in search of hand-luggage and suitcases of train, air and sea passengers and conduct examination and confiscating items those shipment are prohibited.
- 5) submit to state and local self-governing bodies and organisations petitions and suggestions, subject to mandatory discussions, concerning the elimination of the reasons generating offences and the conditions facilitating the commission thereof;
- 6) within its jurisdiction perform registration of citizens, as well as these objects, equipment and documents belonging to citizens and organisations and subject to mandatory registration, which are enlisted and approved by the Government of the Republic of Armenia;

For the context of this law "sufficient grounds" includes the cases, when:

1. a person has been seized while committing a crime or an administrative offence or immediately after the committing of the crime;
2. the witnesses, including the injured person, point at the given person as offender;
3. obvious traces witnessing the crime or the administrative offence has been found on the given person or on his/her clothes, on other things used by him/her, or in his/her apartment or transportation means.

Also other details, detected by the Police officers, may raise grounds for suspicion of a person in perpetration of a crime or other offences (defining the speed of vehicles by technical means, similarity of this or that person with the person in search, the attempt of escape by a person who has noticed the Police officer by an accident, etc.).

Article 20. The Rights of the Police while Discovering and Disclosing Crimes

While discovering and disclosing crimes, the Police, shall have the right in a manner defined by the legislation of the RoA, to:

- 1) register, photograph, record, videotape persons in custody, persons arrested by the suspicion of perpetration of a crime or persons accused in commission of a crime, receive finger-prints with the purpose to identify such persons, use information systems, sound recording and filming equipment and other technical and special means for documentation of their activities;
- 2) summon citizens and officials to the police for pending criminal cases and materials and in the events of default for inadequate reasons bring them to the police forcibly;
- 3) interrogate the persons suspected in perpetration of a crime, sent or bring them to medical institution to test the availability of alcohol or drugs in the organism of the suspect, in case if the test results are required for confirmation or denial of the fact of committing of the crime, or for impartial investigation of the given case;
- 4) enter unimpededly apartments, constructions, areas, lots, also by breaking obstacles, while pursuing persons suspected of commission of a crime, as well as upon availability of sufficient data about a crime being committed or having been already committed, mishaps, also in cases of protection of citizens and ensuring of public safety during accidents, epidemics, riots, as well as in other urgent cases;

In case if the actions foreseen by the first part of this Article are performed against the will of the citizens and officials, the Police shall inform so the Prosecutor within 24 hours.

5) in case of the existence of a crime:

- a) enter unimpededly into the areas occupied for production and other entrepreneurial activities (with the exception of those belonging to foreign diplomatic and consular representations and their transportation means) and, with the participation of the proprietor or his representative or the authorised person of the latter, and in case of their absence, with the participation of the representatives of state or local self-governing bodies, perform inspection including the vehicles, confiscate by drawing a protocol the required documents, samples of raw materials and production, directly associated with the offence, seal the places for keeping the documents, money and inventory holdings;
- b) require and receive from persons responsible for finances and officials information and explanations concerning the fact of offence,
- c) request to perform inspections, inventory, other controlling actions;
- d) suspend the actions of persons having committed an offence.

6) arrest and seize the persons suspected in commission of a crime, as well as the persons against which detention has been taken as preventive measure, perform criminal procedures in cases foreseen and under the procedure defined by the law;

7) perform expert examination of criminal cases, as well as scientific-technical investigations by the materials of operative-investigatory activity;

8) if necessary, make use of the transportation and communications means of the citizens and organisations, with the condition of further reimbursement of the material expenses as defined by the legislation.

Perform operative investigation and other actions reserved to him by the legislation of the RoA.

Article 21. The Rights of the Police while Preventing and Disclosing Administrative Offences

While preventing and disclosing administrative offences, the Police, shall have the right in a manner defined by the legislation of the RoA, to:

- 1) draw up protocols concerning the administrative offences;
- 2) perform administrative arrest, apply other measures foreseen by the law on administrative offences;
- 3) arrest persons having entered illegally or attempting to enter areas and facilities under the protection of the Police, check their identification documents, require for explanations, perform personal inspection as well as inspection of those objects and transportation means with the help of which they entered or attempted to enter those areas and facilities;
- 4) arrest and bring to respective institutions persons avoiding administrative arrest, as well compulsory measures of assigned medical and educational character;
- 5) take from the citizens as well as the officials documents comprising attributes of obvious forgery, the objects, materials and items taken off from the public circulation and being kept without respective permission, discovered during the arrest, personal and item search;
- 6) perform investigations on cases of administrative offence.

Article 22. The Rights of the Police while Ensuring the Public Order

While ensuring the public order, the Police, shall have the right in a manner and in cases defined by the legislation of the RoA, to:

- 1) bring to medical institutions or to special reception stations of the Internal Affairs and keep there before they completely come to their senses the persons who have been in a condition of drunkenness in public places and have lost the ability to move independently and to orientate themselves in the surroundings, as well as the vagabonds without permanent place of residence or the persons whose identity has not been possible to clarify;
- 2) restrict or prohibit temporarily the traffic and the movement of passers-by, as well as oblige them to stay in specific areas or facilities, in the streets and on the roads with the purpose to ensure the protection of their lives, health or property or perform investigation immediately advising so the superiors;

The traffic and the movement of the passers-by may be restricted temporarily during state and mass events.

3) ensure on contractual basis the public order and traffic safety during sport, cultural and other mass events not prohibited by the law, except the events being conducted by the charitable organisations or state bodies.

Article 23. The Rights of the Police while Performing Control over Keeping and Use of Arms

According to the legislation of the Republic of Armenia shall have the right to perform control over the keeping and use of arms, ammunition and explosive materials as well as over the organisations realising their circulation.

Perform inspection of arms in the places of trading, keeping and destroying of arms. In accordance with the defined procedure, confiscate without compensation and, as defined by legislation, destroy the arms the circulation of which is prohibited within the territory of the republic.

Perform inspection and search of objects, cargo, parcels, transportation means in case of availability of exact information on keeping, transportation of arms, ammunition, explosive materials and confiscation thereof.

Article 24. The Rights of the Police while Ensuring Traffic Safety

In the events of threaten of traffic safety or violations of traffic rules, as well as for search of transportation means, in cases of availability of information or grounded suspicions about transportation of illegal cargo, property, objects obtained illegally, instruments of crime and other objects bearing traces of crime, as well as persons being in search, the Police shall have the right to:

- 1) stop the transportation means, check the documents reserving the right for driving and the documents of the cargo being transported;
- 2) prohibit exploitation of transportation means, which are technically out of order and threatening to the safety of traffic;
- 3) in the presence of drivers or citizens inspect the transportation means, as well as the cargo being transported in the cases when there are facts or strong suspicions on transportation of the objects, materials and items taken off the public circulation, the property, objects having been criminally acquired, the crime tools and other crime-tracing objects;
- 4) isolate from driving the transportation means the persons in respect of whom there are sufficient grounds to suspect that they have used alcoholic drinks, as well the persons not possessing documents verifying their right of driving or using transportation means, take in custody the transportation means and thus ensure the transportation of the passengers and maintenance of cargo;
- 5) keep in custody the auto-transportation means in search;
- 6) restrict or prohibit the construction, repair and other activities, as well as the traffic in case if the requirements of traffic safety are not observed;
- 7) organize examination and issue national and international driving licenses;
- 8) control, within the limits of its jurisdiction, over the implementation of the requirements foreseen by the organization of traffic, installation and exploitation of technical means.

The Police should use also the authorities provided by the points 1, 3, 6 of the current article in case of implementing special measures of the Authorised Body.

Article 25. The Rights of the Police under Extreme Situations and while implementing special measures

Under the extreme situations and in case of implementing special measures, the Police shall have the right, in a manner defined by the legislation of the RoA, to:

- 1) Based on the order of the Head of the deputy of Ministry of Interior blockade (barrier) sections of areas, performing, if necessary, inspection of transportation means, during calamities, epidemics, quarantine measures, as well as suspend the disorders and actions hindering the activity of transport, communication and other organisations;
- 2) under the procedure defined by the law and presenting beforehand the certificate:
 - a) enter unimpededly the apartments of the citizens or other constructions, their land plots, constructions or areas occupied by organisations, inspect them with the purpose to ensure the personal security of the citizens and the society during natural calamities, accidents, epidemics and riots;
 - b) use transportation and communication means belonging to organisations or citizens as well as the officials, isolating, in case of necessity, the drivers from driving, to arrive at the sites of natural calamities, to take citizens to medical institutions for emergency medical aid, to pursue the criminals as well as in urgent cases for the

purpose of transportation of vehicles damaged by an accident and for arrival at sites of crime and at a gathering place of announced alarm.

In cases mentioned in this clause, the damage caused to the transportation and other means belonging to citizens shall be subject to compensation under the procedure defined by the law.

The transportation means belonging to diplomatic, consular, foreign states' representations, international organisations shall not be used for the above mentioned purposes.

Article 26. The Rights of the Police during the arrest of persons avoiding criminal punishment

The Police shall have the right to arrest and keep at the police station persons avoiding criminal punishment with the purpose to deliver them to respective bodies and institutions in accordance with the grounds and under the procedure defined by the law.

Article 27. The Rights of the Police in the Combat against the Crimes and Administrative Offences Committed by the Servicemen

The Police shall have the right to arrest the servicemen suspected in commission of crimes, and, in the cases provided by the law, of administrative offences, initiate criminal prosecution, perform urgent investigation actions and submit to appropriate military bodies in accordance with the procedure and within the terms defined by the law.

Article 28. The Rights of the Police in the Combat against Crimes and Administrative Offences Involving the Citizens, Officials and Mass Media

The Police shall have the right to:

- 1) receive free of charge from citizens, as well as from officials specific information about the crime, except the cases when special procedure is foreseen by legislation,
- 2) use the state media outlets without compensation for purposes of clarification of the circumstances of the crimes or other offences, finding out the persons who have committed a crime or an offence, investigation of persons avoiding pre-trial investigation, investigation, trial and finding out of missing persons;
- 3) involve citizens, as well as the officials, organisations, upon the consent of the latter, in activities of disclosure of the crime or administrative offences, arresting the criminal or offender; encourage citizens and officials for the assistance to such activities and proper fulfilment of the obligations undertaken on the voluntary basis.

CHAPTER IV. EXERCISE OF PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS BY A POLICE OFFICER. THE MEANS FOR THE PERSONAL PROTECTION OF A POLICE OFFICER

Article 29. The Grounds, Conditions and Limits for the Exercise of Physical Force, Special Means and Firearms

A Police employee shall exercise physical force, special means and firearms in the cases and according to the procedure provided by this law.

The Police employees shall pass special training, as well as pass tests to define the adaptability of acting under the situations where the exercise of physical force, special means and firearms is arisen.

The choice of exercise of physical force, special means and firearms shall be made at the discretion of the Police employee, issuing from the situation, the nature of the offence and the personality of the offender.

Prior to using physical force, special means and firearms, a police officer shall be obligated to warn about the exercise thereof, giving sufficient time to perform the lawful demands and to stop the offence, with the exception of those cases when the delay of the exercise thereof creates direct threat to the life and health of the citizens or the police employee, may cause other grave effects, or warning is impossible in that particular situation,

A Police officer should be also obliged to

- 1) undertake necessary measures to reduce the injury inflicted upon the offender to a minimum given the nature of the offence, the degree of dangerousness of the deed and of the offender for the society, as well as the degree of the disobedience or resistance;
- 2) provide those persons who have received bodily injuries with first medical aid;
- 3) in all those cases when a person has been inflicted upon bodily injuries or death by virtue of the physical force, special means or firearms, advise so the Police as a first priority within the shortest possible time period;

The Police should be obliged to inform about the accident to the close relatives and the Prosecutor within the shortest possible time period.

The exercise of physical force, special means and firearms or the exercise thereof by exceeding the proper limits by a police officer in cases not specified by the law shall bring forth liability in conformity with the acting legislation.

Article 30. Exercise of Physical Force

In order to restrain or prevent offences, to seize and introduce the offenders to the Police, in the events when the citizens do not obey the lawful demands of the Police officer and reveal disobedience or put up resistance, as well as for reasons of self-defence, a police officer shall have the right to exercise towards offenders physical force (including contrivances of hand-to-hand fighting) as well as necessary means at hand if non-forcible means fail to ensure the fulfilment of duties of the Police.

Article 31. Exercise of Special Means

While performing their official duties personally or in the composition of the subdivision, the Police employees shall have the right to exercise special means at the disposal of the Police in the following cases:

- 1) while repelling an attack made upon citizens and a police officer;
- 2) while overcoming disobedience or preventing resistance to a police officer or persons assisting the ensuring of the public order and combat against crimes and performing their public or official duties;
- 3) while seizing persons caught at the moment of committing an offence and attempting to escape;
- 4) when there are sufficient grounds to presume that a particular person or persons are preparing to put up armed resistance;
- 5) while forcibly bringing to the Police or other official buildings persons caught for an offence or refusing to introduce their person or introducing obviously false data, transporting arrested and detained persons, including persons in administrative custody, or while guarding the latter if their conduct gives reason to suppose that they may escape, harm themselves or the surroundings, display disobedience or put resistance to police officers;
- 6) while releasing the kidnapped persons, persons deprived of freedom and held illegally, captured apartments, constructions, areas and vehicles,
- 7) while preventing mass riots and illegitimate group acts dissolving the work of the transport, communications and other organisations,
- 8) while stopping a vehicle when the driver thereof obviously does not obey the demand of the police officer to stop the vehicle;
- 9) while discovering the criminals committing or having committed an offence.

The Police employees shall have the right to exercise as special means the following:

- a) rubber clubs, in the cases provided by the clauses 1, 2, and 7 of the first part of this article;
- b) tear gas, in the cases provided by the clauses 1, 2, 4, 6, and 7 of the first part of this article;
- c) handcuffs, in the cases provided by the clauses 2, 3, and 5 of the first part of this article;
- d) light and vocal means distracting attention, in the cases provided by the clauses 1, 2, 4 and 7 of the first part of this article;
- e) devices for dissembling obstacles, in the cases provided by the clauses 2, 4 and 7 of the first part of this article;
- f) means for forcible stopping of vehicles, in the cases provided by the clauses 7 and 8 of the first part of this article;
- g) water cannons and armoured cars, in the cases provided by the clauses 1, 2, 4 and 7 of the first part of this article;
- h) electric shocking devices in the cases provided by the clauses 1, 2, 3 and 4 of the first part of this article;

- i) special colouring means, in the cases provided by the clause 9 of the first part of this article;
- j) guard (patrol) dogs, in the cases provided by the clauses 1, 2, 3, 4, 5, 6 and 9 of the first part of this article.

The special mean shall be also employed related to the cases provided by first part of the article 32 of this law.

It shall be prohibited to employ special means towards pregnant women, obviously cripples and minors (with the exception of cases of an armed attack, armed resistance, group attacks threatening the life and health of humans), as well as while preventing non-authorised gatherings, meetings, marches and parades of non-forcible, non-armed nature if those are not disturbing the activities of transportation, communication and organisations.

Under conditions of necessary defence or extreme emergency, in the case of absence of special means or firearms, a police officer shall be entitled to employ all possible means at hand.

Article 32. Use of Firearms

The Police employees shall be entitled to use firearms personally or in the composition of the subdivision in the following cases:

- 1) while defending citizens from attacks dangerous for the life and health of citizens;
- 2) while repulsing an attack made upon a police officer when his/her life or health are endangered, as well as while preventing an attempt to seize his/her weapon;
- 3) while releasing hostages;
- 4) while arresting persons caught at the commission of a serious crime or grave crime against the life, health, property and making an attempt to escape, as well as displaying armed resistance;
- 5) while repulsing group or armed attacks made upon apartments of citizens, areas occupied by state bodies, organisations, as well as upon escorting detail;
- 6) while seizing or preventing the escape of the persons arrested under suspicion of committing a crime, in custody or persons escaping from a place of incarceration, as well as while preventing the forcible attempts of deliverance thereof.

The Police employees should be entitled to use firearms in the following case:

1. while stopping a vehicle by damaging it if the driver creates real danger for the life and health of citizens and does not obey the signals of the police officer to stop the vehicle;
2. while rendering harmless the animals threatening the life and health of citizens;
3. while warning about the intention to employ an arm, while declaring an alarm or calling for help.

It shall be prohibited to employ firearms against obviously pregnant women, obviously disabled persons and minors (with the exception of cases of armed or group attacks and resistance on their behalf, dangerous for the life of citizens), as well as during considerable accumulation of people when other persons may suffer from the exercise of firearms.

In all cases of exercise of a firearm, a police officer shall submit a report to his/her superior immediately after the exercise of the firearm.

The list of firearms and the types of ammunitions in the armament of the Police shall be approved by the Government of the Republic of Armenia. It shall be prohibited to accept those types of firearms and ammunitions into the armament of the Police which cause especially grave injuries or are a source of unjustifiable risk.

Article 33. Guarantees for the Personal Safety of an Armed Police Officer

The armed police officer shall have the right to bare his/her arm and prepare it for an action if he/she finds that there may occur in the created situation a necessity to exercise a firearm pursuant to article 32 of this law.

The Police officer shall have the right to exercise a firearm without prior notification and according to the point 2 of the first part of article 32 at any attempt by the person to be arrested to approach the police officer executing arrest with a bared firearm (by violating the distance required by him), to make an unexpected abrupt movement without permission, to take his/her hands to his/her pockets or exercise a firearm.

Article 34. Means for the Individual Defence of a Police Officer

To ensure his/her personal safety, a police officer shall be entitled to use a helmet, a shield, an armoured jacket, a gas-mask (respirator) and other means of individual defence.

CHAPTER V. SERVICE WITH THE POLICE

Article 35. The Police Officer

A state employee of the Republic of Armenia assuming a certain office in the Police, possessing a police rank (title), who has pledged an official oath and is authorised to exercise certain duties and rights of the Police, shall be deemed as a police officer.

The special police ranks are as follows:

Soldiers rank

Police Soldier

Junior officer personnel (Police Junior sergeant, Police Sergeant, Police Senior sergeant, Sergeant-major)

Police Middle/Secondary officer personnel (Police Junior lieutenant, Police Lieutenant, Police Senior lieutenant, Police Captain)

Senior officer personnel (Police Major, Police Lieutenant-colonel, Police Colonel)

Supreme officer personnel

Article 36. The Official Duties and Rights of a Police Officer

The Police officers shall perform the duties defined by this Law and enjoy the rights of the Police within the limits of the powers reserved to them and in accordance with their positions.

Within the territory of the Republic of Armenia, regardless of their position, place and time, the police officers shall:

1. render assistance (including first medical aid) to citizens who have suffered from crimes, administrative offences and accidents, as well as helpless citizens or citizens who have appeared in other situations hazardous for life;
2. take measures addressed at rescuing humans, preventing or repelling an offence, arresting the person suspected in the commission thereof, and the preservation of the site of the crime upon receiving an announcement from citizens about a case threatening the safety of a person or society or upon discovering directly such a case and immediately advise so to the nearest body of the Internal Affairs or Police subdivision.

While performing the official duties stipulated by part two of this Article, the police officers shall enjoy the rights reserved for the Police by this law.

Article 37. The Procedure and Conditions of Entering into Service with the Police

The procedure and conditions of entering into service with the Police shall be defined in compliance with the procedure of entering into service with the State Body of the Internal Affairs.

The Police officers may be involved in safeguarding of the public order activities in other states only on the voluntary basis and in cases foreseen by the International Treaties of the Republic of Armenia.

CHAPTER VI. STATE GUARANTEES FOR THE LEGAL AND SOCIAL SECURITY OF A POLICE OFFICER

Article 38. The State Guarantees for the Legal Security of a Police Officer

A police officer is a representative of executive power and shall be placed under the protection of law and the state.

The performance of the legitimate requirements of a police officer shall be mandatory for all citizens and officials of the Republic of Armenia. Failing to perform these requirements or commission of acts impeding the police officer to perform his/her duties shall be punished according to the procedure stipulated by law.

A police officer shall not bear responsibility for the physical or financial detriment caused by himself/herself to the offender through the exercise of physical force, special means and firearms in the cases and under the procedure provided by this law.

A police officer operating within the limits of powers reserved to him/her by this law shall not bear liability for the damage caused to enterprises, institutions, organisations and citizens by him/her unless the requirements of the legislation of the Republic of Armenia have been infringed. The said damage shall be reimbursed at the state expense.

The rules for necessary defence and extreme necessity, damage caused while seizing the offender, physical or psychological strains, justified risk and fulfilment of order or instruction stipulated by law shall extend to the activity of a police officer.

While performing the duties imposed upon himself/herself, a police officer shall obey solely his/her immediate and direct supervisors, and no one shall be entitled to interfere with his/her legitimate actions except persons directly authorised by the law. No one may compel a police officer to perform duties other than the ones imposed on him by this law.

In the cases of receiving from his supervisors (immediate or direct) or other authorised officials commands, instructions and orders obviously contradicting the law, a police officer shall guide himself/herself solely by the requirements of the law, advising so to his/her higher (officer).

The Police officers having committed a crime under obviously illegal command or order, as well as the officials issuing illegal order or command shall be subject to punishment under general principles and non-fulfilment of obviously illegal command or order shall release the Police officer from the liability.

A police officer arrested or incarcerated for suspicion of commission of a crime shall be kept at the separate garrison jail and isolators.

All police officers shall be subjected to mandatory state life insurance at the expense of corresponding budget assets. The procedure and terms of the insurance of police officers and of the payment of insurance sums shall be stipulated by the Government of the Republic of Armenia.

Article 39. The State Guarantees for the Social Security of Police Officers

The tasks of the social security of police officers shall be carried out in conformity with the Law of the Republic of Armenia "On the Social Security of Military Servicemen and Members of their Families".

Other guarantees of social security may be foreseen for police officers, the payment of which shall be made at the expense of the state budget under the procedure defined by the legislation of the Republic of Armenia.

CHAPTER VII. FUNDING AND LOGISTICS OF THE POLICE

Article 40. Funding of the Police

The Police shall be funded at the expense of the state budget of the Republic of Armenia and at the expense of assets received from other organisations and citizens against rendering services to them on a contractual basis.

Article 41. The Logistics of the Police

The logistics, working, social and subsistence requirements of the Police shall be provided for at the expense of the state budget of the Republic of Armenia and assets received from services provided on a contractual basis.

CHAPTER VIII. THE CONTROL AND OVERSIGHT OF THE ACTIVITY OF POLICE AND THE RESPONSIBILITY OF THE POLICE OFFICERS

Article 42. The Oversight of the Police Activity

The higher relevant bodies and the Authorised body of the Ministry of Interior shall control and the Prosecutor's Office shall exercise oversight over the activity of the Police under the procedure defined by the legislation.

Other state bodies and organisations shall not be entitled to intervene in operational and investigatory and criminal procedural activity of the police, as well as in the investigation of cases of administrative offences.

Article 43. The Responsibility of the Police Officer

The Police officer failing to perform his/her responsibility or performing it in improper manner shall be subject to liability according to the procedures defined by the legislation of the Republic of Armenia.

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

The illegal actions of the Police officers may be appealed to the superiors thereof or under court order.

President of the Republic of Armenia
Robert Kocharyan