

**REPUBLIC OF ARMENIA  
CRIMINAL PROCEDURE CODE**

*(The Code has been adopted on July 1, 1998)*

**Article 478.1: Rules for Arrest of Persons Having Committed Offenses outside the Territory of the Republic of Armenia**

1. In case of arresting in the territory of the Republic of Armenia persons having committed offenses outside the territory of the Republic of Armenia, the body that arrested the person shall without delay notify the initiator of the search and request the decision or verdict of the competent authority of that state on determining detention as a provisional measure.
2. The notification on the person's arrest along with the necessary documents shall be without delay sent to the General Prosecutor's Office of the Republic of Armenia.
3. Upon receipt of the arrest record, the General Prosecutor's Office of the Republic of Armenia shall without delay notify the competent authorities of the state that announced the international search, and (or) the Ministry of Foreign Affairs of the Republic of Armenia.
4. If, within 72 hours from the arrest of a person, the court of the Republic of Armenia has not issued a decision on his temporary detention, the arrested person shall be subject to immediate release.

***(Article 478.1 has been amended by HO-42-N of March 19, 2012)***

**Article 478.2. Rules for Temporary Detention of Persons Having Committed Offenses outside the Territory of the Republic of Armenia**

1. A temporary detention for a term of up to 40 days or for another term stipulated by an international treaty shall be applied to persons having committed offenses outside the territory of the Republic of Armenia and arrested in the territory of the Republic of Armenia, in order to receive the request for extradition and to ascertain the circumstances that would exclude extradition. Where the request for extradition has not been received within the maximum term provided for temporary detention, or the court of the Republic of Armenia has refused the motion to impose detention for extradition, or circumstances have been found out to exclude extradition, the person shall be subject to immediate release. The release of a person from temporary detention on the ground that the request for extradition has not been submitted in timely manner shall not preclude imposing on him detention for extradition in future.
2. Before the receipt of the request for extradition, the competent authority of the foreign state may submit the request for temporary detention of the person or the decision or verdict on determining for him detention as a provisional measure via post, including electronic mail or telegram or other technical means, as well as through the International Criminal Police (Interpol) or through another international search organization joined by the Republic of Armenia.

3. The prosecutor's motion to impose temporary detention on the person shall be submitted to the court at the place of arrest. The motion shall be accompanied by a copy of the arrest record, the request or decision of the foreign state's competent authority to impose temporary detention on the person, or any of the documents stipulated in Part 2 of this Article and the identification documents of the arrested person.
4. When considering the motion, the court shall hear the prosecutor, the arrested person and his advocate, study the submitted materials and decide on satisfying the motion and imposing temporary detention, or on refusing the motion. The court decision on imposing temporary detention can be appealed through the procedure prescribed by this Code.
5. The prosecutor shall without delay communicate, as prescribed by Part 2 of this Article, the results of consideration of the motion to the competent authority of the foreign state.

***(Article 478.2 has been amended by HO-42-N of March 19, 2012)***

#### **Article 478.3. Rules for Detention for Extradition**

1. Upon receipt of a request for extradition, the prosecutor or, regarding criminal cases in the court of the foreign state or court decision enforcement cases, the Ministry of Justice of the Republic of Armenia shall submit a motion to impose detention for extradition to the court at the place of apprehending the person.
2. The motion to impose detention for extradition shall be accompanied by a copy of the request for extradition and a reference on the person's citizenship.
3. When considering the motion, the court shall hear the prosecutor, the apprehended person and his advocate, examine the request for extradition and study other submitted materials, and decide on satisfying the motion and imposing detention for extradition, or on extending the term of detention, or on refusing the motion. The court decision can be appealed through the procedure prescribed by this Code.
4. In considering the motion, the court shall not be empowered to investigate the person's guilt or to verify the legality of juridical documents adopted by the authorities of the foreign state.
5. The detention for extradition shall be applied for a term of two months. Ten days prior to the expiration of the term of detention, the prosecutor or the Ministry of Justice of the Republic of Armenia shall submit to the court a motion to extend the term of the person's detention. The term of detention for extradition cannot exceed 8 months.
6. If, within the maximum term of detention for extradition, the issue of extraditing the person has not been resolved, or the factual extradition has not taken place, the person shall be subject to immediate release. The release of a person on this ground shall not preclude imposing on him detention for factual extradition.
7. In case of releasing a person from detention, other provisional measures as stipulated in Articles 144-148 of this Code can be applied on him for a term of up to 8 months.
8. The provisions of this Article and of Article 478.2 of this Code shall apply to the citizens of the Republic of Armenia having committed grave and particularly grave offenses outside the

territory of the Republic of Armenia, so as to transfer proceeding of the criminal case to the Republic of Armenia. Once the transferred criminal case is received for proceeding, the issue of determining a provisional measure for the person shall be resolved through the general procedure prescribed by this Code.

***(Article 478.3 has been amended by HO-42-N of March 19, 2012)***

**Article 478.4: Rights of Apprehended Persons**

1. In cases stipulated by Articles 478.1, 478.2, 478.3, 491 and 492 of this Code, apprehended persons shall have the right to express challenges; to obtain, free of charge, arrest records, as well as copies of the decision to impose temporary detention or detention for extradition, or of the decision to determine a provisional measure; to have an advocate; to refuse having an advocate and to defend by themselves; to have separate and confidential meetings with the advocate with no restriction on the number and duration of visits; to recall objections submitted by him or by his advocate; to appeal the decisions and actions of the investigation body, the prosecutor, and the court.
2. Persons lacking knowledge of the language of the criminal procedure shall be provided the opportunity to exercise their rights with the help of a translator at the state's cost. Persons lacking knowledge of the language of the criminal procedure shall be given copies of the documents to be submitted, as stipulated by Part 1 of this Article, in the language which they have knowledge of.
3. The investigation body shall provide a written explanation of the rights of apprehended persons and ensure their implementation, as prescribed by this Code.
4. The body considering the request for extradition shall resolve the issue of visits to the persons under temporary detention or under detention for extradition by their relatives or other persons.

***(Article 478.4 has been amended by HO-42-N March 19, 2012)***