

**LAW OF THE REPUBLIC OF ARMENIA**

Adopted on 26 December 2008

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

**Article 1.** To remove the words “or an accredited advocate” from Article 6(33) of the Criminal Procedure Code of 1 July 1998 of the Republic of Armenia (hereinafter referred to as “the Code”).

**Article 2.** Article 39(5) of the Code shall be replaced by the following:

“5. The Court of Cassation shall take a collective decision on becoming seized of the cassation appeal by the Chairperson and at least three judges of the Criminal Chamber of the Court of Cassation. Cassation appeal shall be deemed to become seized of the appeal, in case the majority of judges attending the session have voted affirmatively. Cassation appeals that have become seized shall be examined by the Court of Cassation collectively by the Chairperson and at least three judges.”

**Article 3.** The words “by point 2” shall be replaced by words “by points 2 and 2.1” in Article 376(1) of the Code.

**Article 4.** Article 376.1 of the Code shall be supplemented with point 2.1 which reads as follows:

“2.1. legally enforced judicial acts of the courts of first instance resolving the action on the merits with newly emerged or new circumstances;”

**Article 5.** Article 379(1) of the Code shall be supplemented with point 2.1 which reads as follows:

“2.1. in cases envisaged by Article 376.1(2.1) of this Code -- within the time limits prescribed by Articles 426.3 and 426.4 of this Code;”.

**Article 6.** Article 380.1 of the Code shall be replaced by the following:

**“Article 380.1. Grounds for lodging an appeal**

1. Grounds for lodging an appeal shall be:

(1) “Judicial error” -- a violation of substantive or procedural law which might have an effect on the outcome of the action;

(2) newly emerged or new circumstances.”

**Article 7.** Article 381(1)(5.1) of the Code shall be supplemented after the word “substantiations” with the following words: “, or which are grounds for reviewing the action as a result of newly emerged or new circumstances”.

**Article 8.** Article 395 of the Code shall be supplemented with part 2 which reads as follows:

“2. The appealed judicial acts shall be reversed or amended, where a newly emerged or a new circumstance has been approved, which had an effect on the legality or well-foundedness of the judicial act.”.

**Article 9.** The words “through accredited advocates in the Court of Cassation” shall be removed from Article 404(1)(1) of the Code.

**Article 10.** The words “the Court of Cassation *en banc*” shall be replaced by the words “the Criminal Chamber of the Court of Cassation by the Chairperson and at least three judges.

**Article 11.** Article 406(1) of the Law shall be replaced by the following:

“1. Grounds for lodging a cassation appeal shall be:

(1) “Judicial error” -- a violation of substantive or procedural law which might have an effect on the outcome of the action;

(2) newly emerged or new circumstances.”.

**Article 12.** The words “on the outcome” of Article 407(1)(5) of the Code shall be supplemented with the words “or what newly emerged or new circumstances are available”.

**Article 13.** In Article 414.1 of the Code:

- (1) the words “ten days” of part 2 shall be replaced with the words “one month”;
- (2) part 4 shall be repealed.

**Article 14.** In Article 414.2 of the Code:

- (1) part 1 shall be supplemented with the point 4 which reads as follows:

“(4) a newly emerged or a new circumstance is available.”;

- (2) part 2 shall be replaced by the following:

“2. The matter of clarifying the issue of conformity of cassation appeals brought before the Court of Cassation with Article 407 and part one of this Article of this Code and the issue of accepting or remanding court proceedings shall be decided on the collective basis by the Chairperson and at least three judges of the Criminal Chamber of the Court of Cassation. The decisions of the Chamber shall be deemed to be adopted, where the majority of judges attending the session have voted affirmatively.”;

- (3) part 3 shall be repealed.

**Article 15.** Article 416 of the Code shall be replaced by the following:

**“Article 416. The sessions of the Court of Cassation**

Court session shall have the quorum, if attended by at least four judges.”.

**Article 16.** Article 423(4) of the Law shall be replaced by the following:

“4. The decision shall be delivered by an open voting. The decision of the Court of Cassation shall be deemed to be delivered, where the majority of judges attending the court have voted affirmatively. In case of a tie, the decision which is the most favourable to the defendant shall be deemed to be delivered.”.

**Article 17.** The word “application” and its case forms in section 12.1 of the Code shall be replaced by the word “claim” and its case forms, whereas the word “applicant” and its case forms -- by the words “claimant” and its case forms.

**Article 18.** Article 426.1 of the Code shall be replaced by the following:

**“Article 426.1. Courts reviewing judicial acts with newly emerged or new circumstances**

The judicial act of the court of first instance with newly emerged or new circumstances shall be reviewed by the Court of Cassation, whereas the judicial acts of the Courts of Appeals and the Cassation Courts shall be reviewed by the Court of Cassation, based on the claim.”.

**Article 19.** Article 426.2(1) of the Law shall be replaced by the following:

“1. The following persons shall be entitled to appeal for the review of judicial acts with newly emerged or new circumstances:

- (1) participants of court proceedings, except for criminal prosecution bodies;
- (2) Prosecutor General of the Republic of Armenia and his or her Deputies.”.

**Article 20.** In Article 426.5 of the Code:

- (1) the words “or to accredited advocate” shall be removed from part 1;
- (2) part 4 shall be repealed.

**Article 21.** The words “or of an accredited advocate” shall be removed from the title of Article 426.6 of the Code and the words “or accredited advocate” shall be removed from parts 2 and 3 of Article 426.6 of the Code.

**Article 22.** In Article 426.8 of the Code:

- (1) part 1 shall be replaced by the following:

“1. The court shall review a judicial act with newly emerged or new circumstances based on the decision of instituting a review proceeding.”;

- (2) point 3 of part 2 shall be repealed.

**Article 23.** Article 426.9(2) of the Code shall be replaced by the following:

“2. The judicial acts of the Court of Appeal may, in the general manner prescribed by law, be appealed to the Court of Cassation.”.

**Article 24.** This Law shall enter into force from 1 January 2009. Before the entry into force of this Law the proceedings instituted with the grounds of newly emerged or new circumstances shall -- upon the entry into force of this Law -- be transferred correspondingly to the Court of Appeal and the Court of Cassation.

**President of the Republic of Armenia**

**S. Sargsyan**

29 December 2008  
Yerevan  
HO-237-N