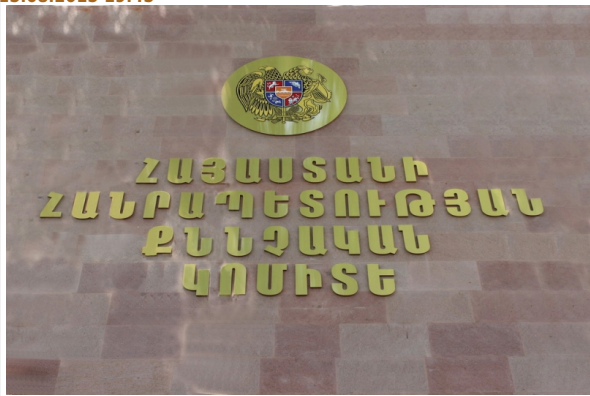


THE CRIMINAL CASE INITIATED ON HINDRANCE TO ADMINISTRATION OF JUSTICE AND CONDUCTING INVESTIGATION BY THE LAWYER TERMINATED

25.09.2015 19:45



In the result of comprehensive and objective investigation conducted in the framework of the criminal case investigated in the Investigative Division of Kentron and Norq-Marash administrative districts of Yerevan Investigative Department of RA Investigative Committee a decision was made to terminate the proceeding of the criminal case initiated on commitment envisaged by the Part 2 of the Article 332 of RA Criminal Code committed by an investigator of Special Investigatory Service (Any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance to the comprehensive, complete and objective investigation of the case) and not to conduct criminal prosecution against the lawyer Tigran Hayrapetyan.

Through investigation it was found that in the framework of the criminal case investigated by the senior investigator of particularly important cases of RA SIS, ambulatory forensic psychiatric expert examination was appointed in order to find whether the injured party was suffering from any mental illness and was able to perceive, reproduce correctly the circumstances subject to be revealed. The session day of the examination was appointed on May 21, 2015 at "Norq" psychiatric center.

According to the report of the investigator of Special Investigatory Service, the lawyer taking part in the commission session "insulted the experts involved in the commission, asking them provocative questions, unfairly accusing them of partiality and with other deliberate actions, argued with the members of the commission, disrupted the work of the commission and violating the requirement of the Point 5 of the Part 5 of the Article 79 of RA Criminal Procedure Code, did not obey the investigator's legal instructions to stop the illegal behavior. As a result, the examination was not conducted once again, it was delayed, thus with such deliberate actions the lawyer intervened into his activities to conduct comprehensive, complete and objective examination".

On May 27, 2015 a criminal case was initiated in RA Special Investigatory Service according to the Part 2 of the Article 332 of RA Criminal Code and through the Prosecution Office it was sent to the Investigative Division of Kentron and Norq-Marash administrative districts of

Yerevan Investigative Department of RA Investigative Committee according to investigative subordination.

The investigator of the Investigative Division of Kentron and Norq-Marash administrative districts accepted the criminal case as a proceeding and conducted necessary investigatory actions to provide the comprehensive, complete and objective investigation of the case. The members of the commission who were present at the mentioned session, the SIS investigator, the injured party against whom the expert examination had been appointed were interrogated. The lawyer was also invited to be interrogated but using his rights he refused to give testimony.

On the base of the evidence obtained through preliminary investigation, considering the lawyer's actions at the session of ambulatory forensic psychiatric expert examination of the injured party at "Norq" psychiatric center, the investigator of the Investigative Division of Kentron and Norq-Marash administrative districts came to a conclusion that the purpose to hinder the comprehensive, complete and objective investigation of the case by the lawyer was not grounded.

Through investigation it was found that from the very beginning the head of ambulatory commission was V. Babayan whose objectivity was challenged by the representative of the injured party, the lawyer Tigran Hayrapetyan. He stated that the head of the commission subjected the injured party to expert examination some time ago, accordingly, he can be constrained by his previous position. The lawyer's challenge was sufficed and the commission staff changed.

The other session of forensic psychiatric expert examination was appointed on 21.05.2015 at "Norq" psychiatric center. The lawyer was a little late for the session and before his arrival the members of the commission asked some introductory questions to the injured party, particularly connected with the fracture of his left hand. While the lawyer was entering the room, one of the members of the commission declared "I finished, everything is clear". This made the lawyer angry, he complained that they had started the examination without him, he disputed the objectivity of the experts and was interested how they were related to V. Babayan. The lawyer declared that the injured party had formerly had obligatory treatment at "Avan" mental health center and

the employees of the center were the partners of the mentioned commission, consequently the commission could not come to an objective conclusion.

The obtained evidence testify that the purpose of the lawyer's actions was not hindrance to expert examination and to comprehensive, complete and objective investigation of the case, but it was the protection of legal interests of the person represented by him. Hearing the expression of the member of the commission while entering the room of ambulatory forensic psychiatric expert examination, the lawyer perceived it as a partial attitude in connection with the conduction of the mentioned examination and tried to protect the interests of the person represented by him.

Considering that according to the Point 2 of the Part 1 of the Article 35 of RA Procedure Code no criminal case can be initiated, no criminal prosecution can be conducted, also the proceeding of the initiated criminal case is subject to termination if there is not crime in the committal and such circumstance is available in this case, that is there is a ground excluding the criminal proceeding, the investigator of the Investigative Division of Kentron and Norq-Marash administrative districts made a decision to terminate the criminal case and not to conduct criminal prosecution against the lawyer on the base of absence of crime in his committal.

Note; Everyone charged with alleged crime offence shall be presumed innocent until proved guilty according to law.

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