

According to the Law on Operative-intelligence Activities of the Republic of Armenia (article 31, paragraph 4), operative-intelligence measures defined by article 14, paragraph 1, part 8 of the same law (...) can be implemented only in case the person who is subjected to the measures is suspected in executing a heavy crime and a felony and in case there are substantiated proofs that the body responsible for operative-intelligence measures in another way is unable to obtain the information needed for the implementation of the tasks set forth by this law.

The analysis of the quoted legal norm indicates that the "internal observation" of the operative-intelligence measures against any person can only be carried out exclusively when the person is involved as a suspect in a criminal case initiated in accordance with the Criminal Procedure Code of the Republic of Armenia.

According to article 62, paragraph 1, of the Criminal Procedure Code of the Republic of Armenia:

1. The suspect is the person:

- 1) detained upon the suspicion in committing a crime;
- 2) with regard to whom a resolution on the selection of precautionary measure is adopted.

Combining the above mentioned article with article 31, paragraph 4, of the RA Law on Operative Intelligence Activities and with the factual circumstances of this case, it becomes evident that the case against Marina Poghosyan, a witness in criminal case No. 14149815, the decision of 11.09.2015 on conducting an "internal observation" of the operative-intelligence measure was illegal as the time it was decided Marina Poghosyan was not suspected of any crime in criminal case No. 14149815. Moreover, three days after the decision was made M. Poghosyan was interrogated as a witness in criminal case No. 14149815, that is, she did not have a status of a suspect. In criminal case No. 14149815 a signature as a preventive measure on not leaving the place against Poghosyan was undertaken only on July 28, 2016 (a copy of the decision is attached), which confirms the fact that the decision on conducting the operative-intelligence measure of the internal observation of 11.09.2015 was done through gross violations of article 31 of the Constitution of Armenia; article 8 of the European Convention on Human Rights; and of article 31, paragraph 4, of the Law on Operative-intelligence Activities of Armenia.

In addition, Marina Poghosyan applied to the Police of Armenia with a letter dated on 17.08.2016, asking for information on the operative-intelligence measures conducted against her from 1 January, 2014, to 17 August, 2016, foreseen by article 14, paragraph 1, of the Law on Operative-Intelligence Activities of Armenia.

In the written response of 26.08.2016, the acting head of the General Department of the Criminal Investigation of the Police of the Republic of Armenia, S. Asatryan informed that from January 1, 2014, to 26, 2013, no investigative measures foreseen by article 14, paragraph 1, part 1, of the Law

on Operative-intelligence Activities were filed against Marina Poghosyan (a copy of the written response is presented in attach).

Thus, the Police of Armenia gave evidently false information and concealed the information from the human rights activist on conducting operative-intelligence actions against her.

Based on the above-presented, I am applying to you with my request for proceeding with this report on the procedure prescribed by law, and initiating a criminal case to subject the potential offenders to liability.