

Article 142. Strip Search

1. At the beginning of strip warrant, a warrant thereof shall be read out and given to the person concerned for reading by himself; the person concerned and other persons present at the place of strip search must be informed of their rights and obligations.

The conducting person must order the person concerned to present things related to the case, in case the person refuses to obey such order, he should be subjected to strip search.

2. When strip search are conducted, the persons carrying out and the witnesses must be of the same sex as the person searched.

3. Strip search may take place without a warrant in case of arresting a person or in case there exists reasonable grounds to believe that person present at searched place hides on his body things needed to be seized.

Article 143. Search of premises

1. Search of premises, including search of dwelling and working place, shall be undertaken according to Articles 140, 141 and 142 of this code.

2. Search of dwelling and other premises must be proceeded in presence of the host or adult members of his family, representatives of local authority of commune or ward, town and his neighbors who act as eyewitnesses. In case the person concerned and other member of his family found to be intentionally absent, escaped and be away for a long time while the search must be done without delay, search must be conducted with eyewitness of the representatives of local authority and two of his neighbors.

3. Search of premises shall not be conducted at night time except where such a search cannot be delayed provided that the reasons thereof shall be put into a record.

4. Search of working place of a person must be conducted with presence of that person except where such search cannot be delayed but the reasons thereof must be specified in a record.

Search of working place must be conducted with presence of the representative of his employer.

5. During a search, the persons present may not leave the place at their discretion or discuss or otherwise communicate with each other or with other persons until the search completed.

Article 144. Seizure of correspondence, telegram, postal parcel and matters at post office

If it is necessary to seize correspondence, telegram, postal parcel and matters at the post office, the Head of the Investigating Body or his Deputy shall issue a warrant of seizure. Such warrant must be approved by the Chief prosecutor at corresponding level or his Deputy before being conducted, except where such seizure cannot be delayed, provided that the reasons thereof must be clearly stated in a record and the seizure in such situation be promptly reported to the Procuracies at corresponding level.

The officer carrying out a seizure warrant must inform persons in charge of the post office concerned before the seizure be conducted. The latter must assist the former in conducting the seizure.

Seizure of correspondence, telegram, postal parcel and matters must be conducted in the presence of the representatives of the post office who shall act as eyewitness and sign the record. The office issuing a seizure warrant must notify the whose correspondence, telegram, postal parcel and other matters to be seized provided it would not delay the investigation, otherwise the persons must be noticed promptly after such delay no longer exists.

Article 145. Seizure of things or documents during search

During searching, the investigator may seize things that are competent evidences and documents directly related to the case. Those things that are prohibited to be kept and circulated shall be seized and promptly delivered to the competent agency. In case of necessity the seized articles are required to be put under seal or otherwise locked, this procedure must be conducted in presence of the owner or representatives of his family, representatives of local authority and other eyewitnesses.

Seizure of things, documents during a search must be recorded in a record. The record on seizure shall be made in four copies: one shall be given to the owner of seized things and documents; one shall be put in the case file; one shall be sent to the Procuracy at corresponding level and the last one to agency responsible for administration of those things and documents.