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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**THE LAW OF THE REPUBLIC OF ARMENIA
ON THE CONSTITUTIONAL COURT**

THE LAW
OF THE REPUBLIC OF ARMENIA ON
THE CONSTITUTIONAL COURT

CHAPTER 1
GENERAL TENETS

ART. 1 *The composition of the Constitutional Court and its formation*

The Constitutional Court is made up of nine members. Five members are appointed by the National Assembly, the other four by the President of the Republic.

The National Assembly appoints members of the Constitutional Court according to the order established by its by-laws.

The Constitutional Court is considered established when more than half its members are appointed.

ART. 2 *The designation of the President of the Constitutional Court*

The President of the Constitutional Court is designated from among its members by the National Assembly on the basis of a proposition made by the President of the National Assembly.

If the National Assembly is unable to designate a President of the Constitutional Court within 30 days of the formation of the Constitutional Court, the President of the Constitutional is then designated by the President of the Republic.

The President of the Republic designates a President of the Constitutional Court from among the members of the Constitutional Court.

ART. 3 *The requirements for a member of the Constitutional Court*

Any citizen of the Republic of Armenia who is 35 years of age and has the right to vote can be appointed to the Constitutional Court if he/she has completed higher education, has at least 10 years of work experience, experience in the legal field in governmental or scientific institutions, high moral characteristics and commands the Armenian language.

The member of the Constitutional Court may not hold any other public office nor be engaged in any other paid occupation except for scientific, educational and creative work.

The member of the Constitutional Court may not be member of any political party nor engage in any political activity.

ART. 4 *The oath of the member of the Constitutional Court*

The member of the Constitutional Court assumes his/her office in the presence of the President of the Republic at a session of the National Assembly by taking the following oath of office:

By assuming the office of member of the Constitutional Court, I swear before the people of the Republic of Armenia that I will defend the Constitution, be impartial and hold high the calling of the member of the Constitutional Court.

ART. 5 *The powers of the Constitutional Court*

According to Article 100 of the Constitution and in the manner prescribed by this Law, the Constitutional Court:

- 1) shall decide on whether the laws, the resolutions of the National Assembly, the orders and decrees of the President of the Republic and the resolutions of Government are in conformity with the Constitution;
- 2) shall decide, prior to the ratification of an international treaty, whether the obligations assumed therein are in conformity with the Constitution;
- 3) shall rule on disputes concerning referenda and the results of Presidential and parliamentary elections;
- 4) Shall ascertain the existence of insurmountable obstacles facing a Presidential candidate or the elimination of such obstacles;
- 5) Shall determine whether there are grounds for the removal of the President of the Republic;
- 6) Shall determine whether there are grounds for the application of Sections 13 and 14 of Article 55 of the Constitution;
- 7) Shall determine whether the President of the Republic is incapable of continuing to perform his or her functions;
- 8) Shall determine whether there are grounds for the removal of a member of the Constitutional Court, his or her arrest or initiation of administrative or criminal proceedings through the judicial process;
- 9) Shall decide on the suspension or prohibition of a political party in cases prescribed by law.

ART. 6 *The fundamental principles guiding the activities of the Constitutional Court*

The fundamental principles guiding the activities of the Constitutional Court are the independence, collegiality and transparency.

ART. 7 *The guarantees for the material security of the Constitutional Court*

The President of the Constitutional Court presents to the Government for inclusion in the State budget the projected expenses of the Constitutional Court.

The budget of the Constitutional Court is part of the State budget.

The Government provides the Constitutional Court its own building and the necessary equipment to ensure its normal functioning.

ART. 8 *The legislation on the Constitutional Court*

The powers of the Constitutional Court are defined by the Constitution; its composition and by-laws determining its activities, by the Constitution and by this Law.

CHAPTER 2
THE MEMBER OF THE CONSTITUTIONAL COURT

ART. 9 *The equality of the members of the Constitutional Court*

The members of the Constitutional Court have equal rights.
The member of the Constitutional Court has the right to one vote.

ART. 10 *The independence of the member of the Constitutional Court*

The member of the Constitutional Court is independent and is only subject to the law. Any exerting of influence on the member of the Court in relation to his activities is prohibited and shall be persecuted by law.

ART. 11 *The irremovability of the member of the Constitutional Court*

A member of the Constitutional Court is irremovable and may hold office until the age of 70.

A member of the Constitutional Court may be removed from office on the grounds and by the procedures specified by the Constitution and this Law.

ART. 12 *The personal immunity of the member of the Constitutional Court*

The member of the Constitutional Court has personal immunity. The member of the Constitutional Court may not be arrested and subjected to administrative or criminal prosecution through judicial proceedings without the consent of the body that has appointed him/her upon decision of the Constitutional Court.

In the case of the arrest or search of a member of the Constitutional court, the President of the Constitutional Court and the body that has appointed him/her must be immediately informed.

ART. 13 *The material security of the President and members of the Constitutional Court.*

The salaries of the President and the members of the Constitutional Court are determined by law.

In those cases where the powers of the member of the Constitutional Court are terminated because of Point 1 of Part 1 or Point 3 of Part 2 of Article 14 of the present Law, the member is granted a pension equal to 75% of his salary as a member of the Constitutional Court.

CHAPTER 3
TERMINATION OF THE MEMBERSHIP OF THE MEMBER
OF THE CONSTITUTIONAL COURT

ART. 14 *The grounds for the termination of the membership of the member of the Constitutional Court*

The membership in the Constitutional Court of the member of the Constitutional Court is terminated in case

- 1) he/she has reached the age of retirement
- 2) he/she dies
- 3) his/her citizenship has been withdrawn
- 4) he/she is determined by a court of law to be unable to work, missing or dead
- 5) he/she has been found guilty by a court of law.

The membership in the Constitutional Court of the member of the Constitutional Court is terminated in case

- 1) he/she has submitted a written resignation to the body that has appointed him/her
- 2) he/she has been absent three consecutive times from the sessions of the Court without an excuse
- 3) he/she has been unable to fulfill his/her duties as a member of the Constitutional Court due to illness or adoptable reason
- 4) he/she has committed an Act disrespectful of the honor and dignity of a member of the Constitutional Court.

ART. 15 *The procedure to fill the vacant position of the President or member of the Constitutional Court*

The appointment of a new member of the Constitutional Court is made within two months of the termination of the member's membership in the Court on the basis of procedures prescribed by the Constitution and this Law.

If the vacant position of the President of the Constitutional Court is not filled by the National Assembly within 30 days, the President of the Republic appoints the President of the Constitutional Court in one month.

CHAPTER 4
THE ORGANIZATION OF THE ACTIVITIES OF
THE CONSTITUTIONAL COURT.
THE PRESIDENT AND THE VICE-PRESIDENT OF THE CONSTITUTIONAL
COURT

ART. 16 *The organization of the activities of the Constitutional Court*

The President of the Constitutional Court organizes and directs the activities of the Constitutional Court. The Vice President of the Court replaces him in his absence under the instructions of the President of the Court.

ART. 17 *The President of the Constitutional Court*

- The President of the Constitutional Court
- 1) prepares the sessions of the Constitutional Court
 - 2) in order to prepare the review of issues during the sessions of the Court, gives instructions to the members of the Constitutional Court
 - 3) Invites and presides over the sessions of the Constitutional Court
 - 4) presents to the Constitutional Court the issues to be reviewed at the sessions

5) makes observations on the preserving of order during the review of cases, makes demands to the parties and invited persons, which are mandatory for all

6) represents the Constitutional Court in its relations with other bodies and organizations

7) is responsible for the general management of the staff of the Constitutional Court, appoints and dismisses the chief of staff, approves the by-laws and list of positions of the staff

8) is responsible for the expenditures of the Constitutional Court and ensures its normal functioning

9) realizes other rights granted him/her by this Law.

ART. 18 *The election of the Vice President of the Constitutional Court*

The Constitutional Court elects and recalls the Vice President of the Constitutional Court upon the recommendation of the President of the Court by a majority vote of the members of the Court.

CHAPTER 5
THE PRINCIPLES FOR THE REVIEW OF CASES BY
THE CONSTITUTIONAL COURT

ART. 19 *The collegiality*

The review of cases and the adoption of decisions or resolutions of the cases by the Constitutional Court is done on the basis of collegiality.

The decisions and resolutions of the Constitutional Court are adopted by voting.

ART. 20 *The transparency*

The sessions of the Constitutional Court are held in public.

By a majority vote, the Constitutional Court may decide to hold a session or part of a session in the absence of the media and the public in the interest of community morals, public order, state security, the privacy of the parties and of the case.

The decisions and resolutions adopted by the Constitutional Court are announced publicly during the sessions of the Court.

The Constitutional Court may allow the sessions to be photographed, tape or video recorded, or broadcast.

ART. 21 *Verbal procedures*

The review of cases in the Constitutional Court is done verbally. During the review of cases, the Court hears the explanations of the parties and witnesses, the conclusions of experts, makes public the documents related to the cases.

Those documents whose copies have been distributed to the members of the Court and the parties before the session are not subject to distribution.

ART. 22 *Non-interruption*

During each session the Constitutional Court reviews a case without interruptions, except for periods designated for rest.

The Court may not review another case until the review of the case under consideration is completed or postponed.

ART. 23 *The equality of the parties*

During the session of the Constitutional Court the parties have equal procedural rights and have equal opportunity to exercise them.

ART. 24 *The language used for the review of cases*

The review of cases during Constitutional Court sessions is conducted in the Armenian language.

Persons participating in the session and not knowing the Armenian language are entitled to address the Court in another language. The services of an interpreter will be assured by the Court.

CHAPTER 6
THE APPEAL TO THE CONSTITUTIONAL COURT

ART. 25 *The right to appeal to the Constitutional Court*

The Constitutional Court may hear cases submitted by

- 1) the President of the Republic
- 2) at least one third of the deputies of the National Assembly
- 3) Presidential and the parliamentary candidates on disputes concerning elections results
- 4) the Government in cases prescribed by Article 59 of the Constitution

5) the National Assembly in cases prescribed in Article 57 of the Constitution.

ART. 26 *The basis for review of cases by the Constitutional Court*

The Constitutional Court shall only hear cases that are duly submitted.

ART. 27 *The general requirements for the submission of a case*

Appeals are presented to the Constitutional Court in writing by the authorized party with the latter's signature.

The appeal must include

- 1) the appellation of the Constitutional Court
- 2) the name (the appellation) and address (legal address) of the party appealing
- 3) necessary information on the representative of the appealing party, if any
- 4) the Article of the Constitution which constitutes the basis for the appeal to the Constitutional Court
- 5) the position of the appealing party on the issue raised by it with references to the relevant Constitutional norms
- 6) the request being made to the Constitutional Court, i.e., the substance of the appeal
- 7) the list of documents attached to the appeal.

In addition to the requirements mentioned in the second part of this Article, those appealing on the basis of Points 1 and 2 of Article 100 of the Constitution, the appeal must include the appellation of the body that has adopted the Act being questioned, the title of the Act, the date of its adoption.

ART. 28 *The documents to be attached to the appeal*

The following documents must be attached to the appeal presented to the Constitutional Court:

- 1) The mandate or other documents certifying to the mandate of the representative
- 2) The Armenian translation of all documents in foreign languages certified in the manner prescribed by law
- 3) In the case of appeals related to Points 1 and 2 of Article 100 of the Constitution, copies of the Acts.

The appeal may also be accompanied by the list of those witnesses and experts who the appealing party proposes to see invited to the session of the Constitutional Court, as well as other documents and materials.

CHAPTER 7 THE PRELIMINARY REVIEW OF THE APPEAL

ART. 29 *The adoption of the appeal by the Constitutional Court*

The registration of the appeals by the Constitutional Court is mandatory .

The registered appeal is submitted to the President of the Constitutional Court.

If it is not evident that the issue raised in the appeal is subject to the review of the Constitutional Court, or if the appeal does not correspond in form to the requirements of Articles 27 and 28 of this Law, or if it is presented to the Court by bodies, a person or persons who are not authorized to make appeals to the Court, the Court must inform in writing the appealing party within five days of the presentation of the appeal on the fact the appeal does not correspond with the requirements of this Law.

The appealing party has the right to reapply to the Constitutional Court having adjusted the appeal to the requirements of this Law.

ART. 30 *The preliminary study of the appeal*

In the absence of the grounds foreseen in part 3 of Article 29, the appeal is subjected to a preliminary study.

The President of the Constitutional Court assigns one or more members of the Constitutional Court to undertake a preliminary study of the appeal, which must be completed not later than 12 days following the registration of the appeal, unless other deadlines are prescribed by this Law.

ART. 31 *Adopting the case for review*

Based on the results of the preliminary study, the member (members) report to the President of the Constitutional Court on the results of his/her (their) preliminary study.

Following the report, the President of the Constitutional Court invites a session of the Constitutional Court within three days of the report to resolve the question of the adoption of the case for review.

In case a decision is taken to adopt the case for review, the Constitutional Court undertake the review of the case no later than 20 days after the registration of the appeal, if there are no other deadlines foreseen in this Law.

The Constitutional Court informs the appealing party as well as interested parties and persons of the decision of the Constitutional Court.

ART. 32 *Rejecting to review a case*

The Constitutional adopts a decision not to review a case if :

- 1) the issues raised in the appeal are not subject to the jurisdiction of the Constitutional Court
- 2) the appealing party is not authorized to appeal to the Constitutional Court
- 3) the issue raised in the appeal has been subject to a prior decision of the Constitutional Court.

ART. 33 *Withdrawing the appeal*

The appealing party may withdraw the appeal presented to the Constitutional Court until the start of the session scheduled to review of the case.

CHAPTER 8
THE GENERAL RULES FOR THE REVIEW OF CASES IN THE
CONSTITUTIONAL COURT

ART. 34 *The session of the Constitutional Court*

The Constitutional Court reviews cases during sessions of the Constitutional Court.

The session is legal if a majority of the total number of members of the Constitutional are present.

ART. 35 *The call for a session*

Sessions of the Constitutional Court are called for and presided over by the President of the Constitutional Court.

In the absence of the President of the Constitutional Court and upon his instructions a session of the Constitutional Court may be called for by the Vice President of the Constitutional Court.

ART. 36 *Preparing the case for review*

In order to prepare a case for review and to present the circumstances related to the case, the Constitutional Court designates a rapporteur (rapporteurs) from among its members.

In studying the appeal and preparing the case for review, the member (members) of the Constitutional Court, with the knowledge of the President of the Constitutional Court, has (have) the right to request documents, conclusions and other material from state bodies, official persons, enterprises, institutions, organizations and citizens; he/she (they) can instruct to undertake examinations, studies and research.

Invitees to the session are determined by the President of the Constitutional Court and the rapporteur (rapporteurs).

Three days before the convening of the session, unless other deadlines are foreseen by this Law, members of the Constitutional Court, the parties and in case of need and by a decision of the President of the Constitutional Court the invitees are forwarded the announcement of the convening of the session of the Constitutional Court, copies of the appeal and documents obtained during the preliminary review of the case.

The announcement on the date and time of the session of the Constitutional Court are forwarded to the parties and invitees by the staff of the Constitutional Court.

ART. 37 *The rights of the member of the Constitutional Court*

The member of the Constitutional Court has the right to

- 1) to get acquainted with the material related to the case under review during the session
- 2) to ask questions and receive clarifications on the case under review during the session
- 3) to express his/her opinion on questions related the rules of order;
- 4) to make recommendations and motions.

ART. 38 *The duties of the member of the Constitutional Court*

The member of the Constitutional Court has the following duties:

- 1) To execute the instructions of the President of the Court on the preparation regarding cases under review
- 2) To participate in the sessions and voting of the Court
- 3) To preserve the confidentiality of the deliberations and votes undertaken during closed door meetings
- 4) To remain faithful to the oath of the member of the Constitutional Court.

ART. 39 *The parties to the trial*

In cases when issues foreseen by Points 1 and 3-9 of Article 5 of this Law are being resolved, the following can be parties in the Constitutional Court:

- 1) State bodies and persons who have the right to appeal to the Constitutional Court
- 2) The state body or person who has published the act under review by the Constitutional Court
- 3) A state organ, an executive body, a party the legitimacy of the activity of which is contested before the Constitutional Court
- 4) A member of the Constitutional Court in the cases raised in Point 8 of Article 5 of the present Law.

ART. 40 *Being named as a defendant*

If the State organs and individuals listed in the Article 25 have not referred to the defendant or have referred the wrong defendant in their appeal to the Constitutional Court, the letter will name the defendant or the appropriate defendant in the case in its decision to adopt the case.

ART. 41 *The representation at the Court*

Parties may appear before the Constitutional Court personally as well as through their representatives.

The head of the body appealing to the Constitutional Court, the head of the body having adopted the Act in question, or a deputy representing at least one-third of deputies may appear as a representative.

At the Constitutional Court any party may be presented by its representatives.

Each party at the Constitutional Court may have no more than three representatives.

ART. 42 *The rights of the parties*

The parties may

- 1) get acquainted with the details of the case, make extracts
- 2) produce documents necessary for the review of the case
- 3) present their own point of view on the case
- 4) ask questions to the member of the Court, the rapporteur of the case, to the other side, its representative, the expert, the witness
- 5) make motions, proposals.

ART. 43 *The duties of the parties*

The parties must :

- 1) attend the Constitutional Court session by the latter's invitation;
- 2) give explanations and answer questions;
- 3) produce necessary documents, references, material concerning the case by the order of the Constitutional Court;
- 4) abide by the rules applied for case review of the Constitutional Court.

ART. 44 *The process of a session*

At the fixed time after having been assured of the legality of the session, the President declares it and announces the case to be reviewed.

The President makes sure of the presence of the parties and invited persons and checks the mandates of the representatives of the parties, then tables the question on starting the review of the case. If the Court considers it impossible to start the review of the case, then a decision is taken to postpone it.

The President explains the parties their rights and duties.

The review of a case by the Constitutional Court session starts with the report of the rapporteur. The members of the Constitutional Court and the parties may ask questions to the rapporteur.

Following the report, the Constitutional Court hears the suggestions of the parties about the rules of order of the review of the case and reaches a decision on this matter. The order of the review of a case decided by the Constitutional Court is changeable. During the process of reviewing the case the suggestions of the Constitutional Court members on the order of examining the matter are considered immediately.

ART. 45 *The combining of the cases under review by the Constitutional Court*

Each case at the Constitutional Court is reviewed at a separate session. Only cases referring to the same issue may be combined and considered at the same session by a decision of the Constitutional Court .

ART. 46 *The minutes of the Constitutional Court*

The minutes of the sessions of the Constitutional Court are kept by the secretariat of the Court.

The minutes of the session is signed by the Presiding member and the secretary recording the minutes.

The parties may look through the minutes of the session and introduce their remarks which are attached to the minutes.

ART. 47 *The explanations of the parties*

The President offers the parties to provide explanations on the case under review and to present arguments proving their point of view.

The Constitutional Court hears the explanations of the parties in full.

After the explanations of the parties, the members of the Constitutional Court, the other party as well as experts (by the permission of the Court) may ask questions to the presenting party.

The parties have no right to use their presentations to make political statements.

ART. 48 *The expert's conclusions, his/her rights and duties*

A person who has special knowledge in the issues dealt by the case under view and is not interested in the result of the case may be invited as an expert at the Constitutional Court session.

The President of the Constitutional Court warns the expert that he/she may be subject to legal prosecution in the case of obvious false conclusions or the refusal to present a conclusion.

The Constitutional Court decides the framework of problems requiring the experts' conclusion.

An expert may

- 1) get acquainted with the case by the permission of the Constitutional Court
- 2) ask questions to the parties and witnesses with the permission of the Constitutional Court
- 3) request additional material

After having presented his/her conclusion, the expert must answer questions by members of the Court and the parties.

The written conclusion, that bears the signature of the expert, is transmitted to the Constitutional Court.

ART. 49 *The explanations of witnesses*

When necessary, the Constitutional Court invites a witness, listens to the explanations of people who may know any circumstance which may be elucidate circumstances of the case under review.

The witness is warned by the President of the Constitutional Court that the witness may be held accountable by law in case of obviously false statements or refusing to provide explanation.

The witness must tell all the circumstances known to him/her, he/she must answer the questions of the member of the Court and the parties.

ART. 50 *The accountability of the expert and witness*

The Law foresees accountability in case of obvious false conclusion or an obvious false explanation given at the Constitutional Court or in case of refusal to provide conclusions or explanations.

ART. 51 *The resumption of the case under review*

After the summations of the parties, the Constitutional Court may decide to resume the review of the case, if it considers necessary still to discover circumstances and evidence essential for the case.

The parties have the right for summations on the newly discovered aspects of the case following the resumption of the review of the case.

After the summations by the parties, the President of the Court declares the case under review closed.

ART. 52 *Adopting decisions or resolution on the case that are in effect*

The Constitutional Court adopts a decision or resolution on the case at the closed session at which only the members of the Constitutional Court may take part.

A member of the Constitutional Court may express his/her own point of view on the issues under discussion; he/she may state his/her attitude towards the resolution of the case.

The number and duration of presentations at the session are not restricted.

The results of the session are recorded by any member of the Court on the President's instructions.

The questions put to the vote and the results of the vote are marked in the record.

The record is signed by the members of the Constitutional Court who have taken part at the session.

The results of the votes of the session are not for publication.

The session goes on until the Court adopts a decision or a resolution.

ART. 53 *Dismissing a case*

The Constitutional Court dismisses the case if

1) during the session grounds falling under Article 32 of the present Law were discovered that could have caused the Court to reject the appeal;

2) the Act whose constitutionality is being questioned has been abrogated or it has become invalid before the consideration of the case or during its process and it has not been applied.

ART. 54 *The mandatory character of the demands of the Court*

When performing duties under Article 5 of this Law, demands of the Court presented to State bodies and persons, institutions, enterprises, organizations and citizens are mandatory.

The demands of the Constitutional Court are responded to in five days after their receipt, unless the Court has designated a different deadline.

The refusal or avoiding the implementation of the demands, the missing of deadlines, not meeting the demands or meeting them inadequately will hold the subject accountable as prescribed by law.

CHAPTER 9
THE CHARACTERISTICS OF A CASE UNDER REVIEW
AT THE CONSTITUTIONAL COURT

ART. 55 *Appealing on issues concerning the concordance of laws, and resolutions adopted by the National Assembly, decrees and orders of the President of the Republic, and resolutions adopted by the government with the Constitution*

With the issues listed in Point 1 of Article 100 of the Constitution, the following may appeal to the Court:

1) the President of the Republic

2) at least one-third of deputies of the National Assembly.

ART. 56 *Appealing to the Court on issues concerning the concordance of obligations assumed within an international treaty with the Constitution*

Before the ratification of an international treaty by the National Assembly, the President of the Republic appeals to the Constitutional Court with the question concerning the concordance of obligations assumed within the Treaty with the Constitution.

ART. 57 Appealing with questions concerning referendums, problems connected with the results of the election of a President and deputies of the National Assembly

Regarding issues raised under Point 3 of Article 100 of the Constitution, the following may appeal to the Constitutional Court:

- 1) The President of the Republic
- 2) At least one-third of the deputies of the National Assembly
- 3) Candidates for the President of the Republic and for deputies of the National Assembly, on issues connected with the results of the election of the President and National Assembly deputies.

The appeal to the Constitutional Court on issues connected with referenda, the results of the election of the President and deputies of the National Assembly within a month after the official publication of the results.

ART. 58 Considering obstacles to the effective campaigning for the President of the Republic unsolvable or resolved

With regard to issues raised in Point 4 of Article 100 of the Constitution, the following may appeal to the Constitutional Court:

- 1) The President of the Republic
- 2) At least one-third of deputies of the National Assembly.

The Constitutional Court may be appealed to with the question of considering the problems connected with the candidate for the President of the Republic unsolvable not later than five days before the presidential elections.

The Constitutional Court accepts the appeal for a preliminary review, the case is reviewed and decides upon it within four days after receiving the appeal.

ART. 59 Deciding on the existence of reasons for the removal of the President of the Republic from his position

With regard to the question raised in Point 5 of Article 100 of the Constitution, the Constitutional Court may be appealed to by the National Assembly in the cases and order mentioned in Part 2 of Article 57 of the Constitution.

While acting within the above authorities, the Constitutional Court may:

1) demand material, criminal, civil, administrative cases, verdicts, decisions, resolutions, certificates and other documents from the judicial bodies, from the public prosecutor or investigating authorities;

2) invite and listen to authorities and citizens whose explanations may influence the decision on the case.

ART. 60 Deciding on measures raised in Points 13 and 14 of Article 55 of the Constitution as being well-founded

The Constitutional Court may be appealed to with the issues raised in Point 6 of Article 100 of the Constitution by

- 1) the President of the Republic
- 2) at least one-third of the deputies.

While acting within the authority of the Constitution, the Constitutional Court may

1) invite and listen to the President of the Republic, the President of the National Assembly, the Prime Minister, members of the Government, highest officers of the armed forces, other authorities and citizens

2) receive from State organs and authorities any documents, even those that may have state secrets.

ART. 61 Deciding on the incapacity of the President of the Republic to perform his duties and prerogatives

The Constitutional Court may be appealed to with the issue raised in Point 7 of Article 100 of the Constitution by the Government.

While acting under the authority of the Constitution, the Constitutional Court has the rights foreseen by Article 60.

ART. 62 Deciding on the abolishing of the mandate of a member of the Court, about his/her arrest or placing him/her under administrative or criminal accountability on the basis of a Court order

With regard to the issue raised in Point 8 of Article 100 of the Constitution, the following can appeal to the Constitutional Court:

- 1) the President of the Republic
- 2) at least one-third of the deputies of the National Assembly.

While acting under this authority, the Constitutional Court has the rights foreseen by Article 59 of this Law.

While acting under the authority, the member of the Court whose mandate is being discussed and whose arrest or placing under administrative or criminal accountability may be decided upon, does not cast a vote.

The National Assembly reaches the decision of abolishing the Court members' mandate by a majority vote of the total number of deputies.

ART. 63 *Suspending or prohibiting the activities of a political party*

With regard to issues foreseen by Point 9 of Article 100 of the Constitution, the Constitutional Court may be appealed to by:

- 1) the President of the Republic
- 2) at least one-third of deputies.

When acting under this authority, the Constitutional Court uses the rights foreseen in Articles 59 and 60 of the present Law.

When acting under this authority, the Constitutional Court reaches a decision by at least two-thirds of the total number of the Court members' voting.

CHAPTER 10
**THE ACTS OF THE CONSTITUTIONAL COURT,
REQUIREMENTS FOR AN ACT, AND
THE ORDER OF ADOPTION OF AN ACT**

ART. 64 *The Acts of the Constitutional Court*

The Constitutional Court adopts resolutions and conclusions.

The resolutions of the Constitutional Court are final, they are not to be revised and they come into force from the very moment of their publication.

The resolutions of the Constitutional Court are obligatory and must put into effect throughout the territory of the Republic.

ART. 65 *The types of Acts*

The Constitutional Court adopts resolutions on the issues raised in Points 1-4 and 9 of Article 100 of the Constitution.

The Constitutional Court adopts conclusions regarding issues raised in Points 5-8 of the Article 100 of the Constitution.

The Constitutional Court makes resolutions about the issues connected with the preparation of cases for review, as well as with other problems connected with the organization of its activities, which is done on the basis of the majority of the votes of the members present at the session, with the exception of the cases foreseen by the present Law.

ART. 66 *Adopting resolutions and conclusions*

The resolutions and conclusions of the Constitutional Court are adopted by an open vote, by a roll-call of member's.

The President casts his vote last.

The Constitutional Court adopts resolutions on the basis of a majority of the votes of the total number of members, with the exception of the case foreseen by the Article 63.

The Constitutional Court adopts conclusions by at least two-thirds vote of the total number of members.

A member of the Constitutional Court has no right to abstain in a vote or to refuse to vote.

If the Constitutional Court does not adopt a decision or a conclusion on the matter being deliberated at the closed session, the appeal is regarded to be rejected.

ART. 67 *The demands placed upon resolutions and conclusions*

With regard to issues raised in Points 1 and 2 of Article 100 of the Constitution, the decision is adopted appreciating both the literal meaning of the Act and the existing juridical practice.

The Constitutional Court adopts resolutions and conclusions only about the subject raised in the appeal.

While adopting resolutions and conclusions, the Constitutional Court is not restricted by the reasons and arguments raised in the appeal.

The resolutions and conclusions of the Constitutional Court are made public during the session and attached to the case file.

ART. 68 *The composition of the decision or conclusion*

Depending on the nature of the case, a decision or conclusion of a Constitutional Court includes the following information:

- 1) the appellation of the resolution or the conclusion, the year, the dates and the place of its adoption
- 2) the necessary data about the parties
- 3) the issue under review, reasons and grounds
- 4) the Constitutional Article in accordance with which the Court is empowered to consider the case
- 5) the essence of the appeal in short
- 6) the documentary and other circumstances which have been investigated by the Court

7) those Articles of the Constitution and the present law, in accordance with which a resolution or a conclusion has been passed by the Court.

8) arguments verifying the resolution or the conclusion adopted by the Court, and if it is necessary also the arguments refuting the insistence of the parties

9) the stating of a resolution or a conclusion

10) a note that the resolution is final and it is not to be revised

11) a note that it takes effect immediately after the publication of the resolution.

The resolution or the conclusion regarding the case under review by the Court is signed by the President of the session.

ART. 69 Mailing and publication of the resolution or the conclusion

Within three days after their adoption, the resolutions and conclusions of the Constitutional Court are sent to

1) the parties

2) The President of the Republic, the National Assembly, the Government, the Court of Appeals (and until its formation to the Supreme Court) and the Public Prosecutor.

The resolutions and conclusions of the Constitutional Court are published in the official press and bulletins;

ART. 70 The consequences of not obeying the resolution

Not obeying the resolution of the Constitutional Court or obeying it inadequately, as well as preventing its observance will cause calling to account.

CHAPTER 11 CONCLUDING TENETS

ART. 71 The location of the Constitutional Court

The sessions of the Constitutional Court are held in its permanent place, in Yerevan.

The Constitutional Court may also arrange sessions in other places in accordance with the resolution adopted by at least two-thirds vote of the total number of members.

ART. 72 *Using State symbols at the Constitutional Court*

The State flag of the Republic of Armenia is raised at the seat of the Constitutional Court.

The State insignia and the state flag of the Republic of Armenia are placed in the session hall of the Constitutional Court.

The members of the Constitutional Court wear special uniforms at the sessions, the style of which is confirmed by the Constitutional Court.

ART. 73 *The seal of the Constitutional Court*

The Constitutional Court is a juridical body, it has a seal with the State insignia of the Republic of Armenia and its name on it.

ART. 74 *The staff of the Constitutional Court*

The activities of the Constitutional Court are ensured by its staff according to its regulations.

ART. 75 *Bringing the Law into force*

The present Law comes into force from the moment of its publication.

The Constitutional Court accepts appeals a month after the appointment of the first President of the Court.

Within the deadline foreseen by the second part of the present Article, the Constitutional Court may be appealed to with the issues connected with the results of the referenda no sooner than a month before and not later than two months after the appointment of the Court President.

*Adopted by the National Assembly
November 20, 1995*

[Signed]
*The President of the Republic of Armenia
L. Ter-Petrossian*

Yerevan, December 6, 1995