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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ARMENIA**

**DRAFT CONSTITUTIONAL LAW  
ON THE CONSTITUTIONAL COURT**

**I. CHAPTER 1****II. GENERAL PROVISIONS****Article 1. The Constitutional Court of the Republic of Armenia**

1. The Constitutional Court is the body administering constitutional justice, ensuring the supremacy of the Constitution.
2. When administering constitutional justice, the Constitutional Court shall be independent and shall abide by the Constitution alone.

**Article 2. Powers, procedure for formation and rules of operation of the Constitutional Court**

1. The powers of the Constitutional Court shall be prescribed by the Constitution, whereas the procedure for formation and rules of operation thereof shall be prescribed by the Constitution and this Law.

**Article 3. Requirements set forth for a judge of the Constitutional Court**

1. A lawyer with higher education, having attained the age of forty, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional and moral qualities and at least fifteen years of professional work experience, having command of the Armenian language, may be elected as a judge of the Constitutional Court.
2. The same person may be elected as a judge of the Constitutional Court only once.
3. A judge of the Constitutional Court may not hold any position in commercial organisations, or engage in entrepreneurial activities, or perform other paid work, except for scientific, educational and creative work which must not hinder the exercise of his or her powers of a judge of the Constitutional Court and shall not be considered a valid reason for the absence from the sessions of the Constitutional Court and for non-performance of other duties prescribed by this Law.
4. A judge of the Constitutional Court may not hold membership in or be a founder of any political party or engage in other political activities.
5. The command of the Armenian language shall be certified by a graduation document (academic certificate, school certificate, diploma) issued by educational institutions with regard to the fact of having received education in the Armenian language at educational institutions or having completed the studies of the Armenian language included in educational programmes and having passed a final qualification. In case of lack of a graduation document certifying the command of the Armenia language, the command of the Armenian language shall be checked in accordance with the procedure prescribed by the Ministry of Education and Science of the Republic of Armenia, which shall establish reasonable and objective criteria for checking the command of the Armenian language, as well as procedures for supervision over the process. The test results may be appealed to the court within a period of three days.

**Article 4. Oath of the judge of the Constitutional Court**

1. A judge of the Constitutional Court shall assume office by taking the following oath at the sitting of the National Assembly: "Assuming the office of a judge of the Constitutional Court, I

hereby swear in front of the people of the Republic of Armenia to act in the interests of the Republic of Armenia, unswervingly abide by the Constitution, act in good faith, be impartial, and remain faithful to the distinguished title of a judge of the Constitutional Court”.

**Article 5. Guarantees for the operation of the Constitutional Court**

1. Due financing shall be ensured at the expense of the funds of the State Budget for the normal operation of the Constitutional Court.
2. The budget of the Constitutional Court shall constitute a part of the State Budget and shall be provided for in the State Budget by a separate line.
3. The Chairperson of the Constitutional Court shall — as prescribed by the Rules of Procedure of the Constitutional Court, within the time limit prescribed by the Law of the Republic of Armenia “On the budgetary system of the Republic of Armenia” — submit the estimate of expenditures (the budget request) of the Constitutional Court to the Government so as to include it in the draft State Budget.
4. Where the budget request of the Constitutional Court is approved by the Government, it shall be included in the draft State Budget; however, if there are any objections, it shall be submitted to the National Assembly along with the draft State Budget. The Government shall present to the National Assembly and to the Constitutional Court justifications for objection to the budget request.
5. For the purpose of covering the unexpected expenditures to ensure the normal operation of the Constitutional Court, a reserve fund of the Constitutional Court shall be established, which shall be presented in a separate budget line. The amount of the reserve fund shall be equal to two per cent of the budget of the Constitutional Court provided for by the Law on State Budget for the given year.
6. The Constitutional Court shall form its staff and manage its resources independently.
7. The Government shall provide the Constitutional Court with a separate building and property necessary for the normal operation thereof.
8. The security of buildings and premises of the Constitutional Court shall be ensured as prescribed by law.
9. Persons other than the judges and employees of the Staff of the Constitutional Court may enter the building of the Constitutional Court as prescribed by the Rules of Procedure of the Constitutional Court.
10. Where there is an unlawful influence or a threat of unlawful influence on the immunity of a judge of the Constitutional Court, his or her family members, the residential and office premises occupied by him or her, or the official vehicles, the Constitutional Court shall submit a request for taking necessary measures to the competent state bodies who shall be obliged to immediately take relevant measures to ensure the security of the judge of the Constitutional Court, his or her family members, the residential and office premises occupied by him or her, and the official vehicles.

**Article 6.                    Seat of the Constitutional Court**

1. Sessions of the Constitutional Court shall be held at the seat of the Constitutional Court at 10 Marshal Baghramyan Avenue, Yerevan.
2. The Constitutional Court may — upon the procedural decision rendered by a vote of at least two thirds of all the judges — hold sessions of the Constitutional Court elsewhere within the Republic of Armenia.

**Article 7.                    Use of state symbols in the Constitutional Court. Seal of the Constitutional Court**

1. The flag of the Republic of Armenia shall be hoisted at the seat of the Constitutional Court.
2. The image of the Coat of Arms of the Republic of Armenia and the flag of the Republic of Armenia shall be placed in the courtroom of the Constitutional Court and the offices of the judges of the Constitutional Court.
3. The Constitutional Court shall have a seal with the image of the Coat of Arms of the Republic of Armenia and the name of the Constitutional Court.

**CHAPTER 2****JUDGES OF THE CONSTITUTIONAL COURT****Article 8.                    Independence of the judges of the Constitutional Court**

1. When administering constitutional justice, a judge of the Constitutional Court shall be independent, impartial and act only in accordance with the Constitution and laws.
2. A judge of the Constitutional Court may not seek instructions with respect to his or her functions.
3. Any influence on a judge of the Constitutional Court with respect to his or her functions shall be impermissible and shall be prosecuted by law.
4. A judge of the Constitutional Court shall notify the Constitutional Court of each case of interference with the functions of the judge of the Constitutional Court or any other influence on him or her and the Constitutional Court shall, upon its decision, submit a request for taking necessary measures to the competent state bodies.

**Article 9.                    Irremovability of a judge of the Constitutional Court**

1. A judge of the Constitutional Court shall be irremovable.
2. The powers of a judge of the Constitutional Court shall automatically terminate or be terminated on the grounds and in the manner provided by Article 13 of this Law.

**Article 10.                    Immunity of a judge of the Constitutional Court**

1. A judge of the Constitutional Court shall be immune.

2. A judge of the Constitutional Court may not be held liable for the opinion expressed or judicial act rendered during administration of justice, except where there are elements of crime or disciplinary violation present.
3. Criminal prosecution of a judge of the Constitutional Court with respect to the exercise of his or her powers may be initiated only upon the consent of the Constitutional Court. The decision on involving a judge of the Constitutional Court as an accused or imposing a measure of restraint on him or her may be rendered only by the Prosecutor General of the Republic of Armenia.
4. A judge of the Constitutional Court may not be deprived of liberty, with respect to the exercise of his or her powers, without the consent of the Constitutional Court, except where he or she has been caught at the time of or immediately after committing a criminal offence. In this case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the Constitutional Court shall be immediately notified of the deprivation of liberty of a judge of the Constitutional Court.
5. A judge of the Constitutional Court may not be apprehended, except where he or she has been caught at the time of or immediately after committing a criminal offence. A judge of the Constitutional Court having been apprehended and brought to a competent body without documents shall be immediately released after his or her identity has been established.
6. For the purposes of search, inspection, seizure of documents or items, the building of the Constitutional Court may be entered upon notifying the Chairperson of the Constitutional Court.
7. Declaration of martial law or state of emergency shall not remove the guarantees of immunity enshrined in this Article.

**Article 11. Material security of the Chairperson, Deputy Chairperson and judges of the Constitutional Court**

1. The relations pertaining to the remuneration, including calculations and amounts of basic and additional salaries of the Chairperson, Deputy Chairperson and judges of the Constitutional Court, shall be regulated by the Law of the Republic of Armenia "On remuneration of persons holding state positions".
2. In the case the powers of a judge of the Constitutional Court automatically terminate on the grounds provided by point 1 of part 1 of Article 13 of this Law, the person who was holding that position shall be granted pension in the manner and amount prescribed by the Law of the Republic of Armenia "On social guarantees for persons having held state positions" irrespective of his or her age, except for the cases when he or she has entered into public service.
3. In the case the powers of a judge of the Constitutional Court have been terminated on the grounds provided by point 2 of part 1 or points 3 or 4 of part 2 of Article 13 of this Law, as well as on the grounds of being declared, upon a civil judgment of the court having entered into legal force, as having no active legal capacity, he or she shall be granted pension in the manner and amount prescribed by the Law of the Republic of Armenia "On social guarantees for persons having held state positions".
4. While holding office, the amount of the remuneration of a judge of the Constitutional Court, as well as other social guarantees, may not be reduced.
5. A diplomatic passport shall be issued to the Chairperson, Deputy Chairperson and judges of the Constitutional Court.

6. The Chairperson, Deputy Chairperson and judges of the Constitutional Court shall have the right to annual paid leave for the duration of 30 working days.

7. Depending on the workload of the Constitutional Court, the Chairperson of the Constitutional Court may, upon the consent of the judges of the Constitutional Court, recall them from their leave. In the case of being recalled from his or her leave, a judge of the Constitutional Court shall retain the right to use the unused days of his or her leave.

#### **Article 12. Uniform of the judges of the Constitutional Court**

1. During the court sessions, the judges of the Constitutional Court shall wear a special uniform which shall be described in the Rules of Procedure of the Constitutional Court.

### **CHAPTER 3**

#### **AUTOMATIC TERMINATION, TERMINATION AND SUSPENSION OF THE POWERS OF THE JUDGES OF THE CONSTITUTIONAL COURT**

#### **Article 13. Grounds for automatic termination, termination and suspension of the powers of the judges of the Constitutional Court**

1. The powers of a judge of the Constitutional Court shall automatically terminate where:

- (1) his or her 12-year term of office has expired;
- (2) he or she has reached the age of 70;
- (3) he or she has died;
- (4) he or she has been deprived of the citizenship of the Republic of Armenia or has acquired the citizenship of another state;
- (5) he or she has submitted a letter of resignation to the National Assembly and has not withdrawn the letter of resignation within one week;
- (6) he or she has been declared, upon a civil judgment of the court having entered into legal force, as having no active legal capacity, missing or dead;
- (7) a criminal judgment of conviction rendered against him or her has entered into legal force or a criminal prosecution against him or her has been terminated on non-acquitting grounds.

2. The powers of a judge of the Constitutional Court shall be terminated where:

- (1) he or she has infringed the incompatibility requirements prescribed by the Constitution and this Law, or
- (2) he or she is engaged in political activities, or
- (3) he or she has not been able to exercise his or her powers of a judge of the Constitutional Court for six months due to temporary disability, or

(4) following the appointment, he or she has been affected by a physical impairment or an illness as a result of which he or she is unable to exercise his or her powers of a judge of the Constitutional Court, or

(5) he or she has committed a major disciplinary violation.

3. A major disciplinary violation is the non-attendance at the sessions of the Constitutional Court by a judge of the Constitutional Court without a valid reason for five or more times within a year.

4. Where the Constitutional Court gives its consent to initiate criminal prosecution against a judge of the Constitutional Court with regard to the exercise of his or her powers, the powers of the judge shall be considered as suspended for the period of the preliminary investigation and the trial. Where the criminal case initiated against the judge is suspended, the judge shall continue to exercise his or her powers until a decision on re-opening the criminal case is taken. For the period of suspension of the powers of the judge, the judge shall receive compensation for enforced idleness which does not involve any fault on the part of the worker.

5. The automatic termination of the powers of a judge of the Constitutional Court shall be recorded in a procedural decision of the Constitutional Court, of which the Chairperson of the Constitutional Court shall, within a period of two days, notify the President of the Republic, the Government and the General Assembly of Judges, respectively.

6. Where the powers of a judge of the Constitutional Court have been terminated on grounds provided by this Article, the Chairperson of the Constitutional Court shall, within a period of two days, notify the President of the Republic, the Government and the General Assembly of Judges, respectively.

**Article 14. Grounds and procedure for imposing disciplinary liability on a judge of the Constitutional Court**

1. The power to impose disciplinary liability on a judge of the Constitutional Court shall rest with the Constitutional Court.

2. The ground for imposing disciplinary liability on a judge of the Constitutional Court shall be the violation of the rules of conduct for the judges of the Constitutional Court.

3. The following shall be deemed to be violations of the rules of conduct for the judges of the Constitutional Court:

(1) displaying behaviour inappropriate for a judge of the Constitutional Court;

(2) non-observance of the requirements provided by points 2 or 3 of part 1 of Article 43 of this Law;

(3) non-observance of the requirement provided by part 9 of Article 59 of this Law.

4. The details of the rules of conduct for the judges of the Constitutional Court shall be prescribed by the Code of Conduct for the Judges of the Constitutional Court which shall be adopted upon the procedural decision of the Constitutional Court.

**Article 15. Procedure for filling a vacant position of a judge of the Constitutional Court**

1. Following the automatic termination or termination of the powers of a judge of the Constitutional Court, the selection of a new judge for the vacant position shall be conducted within the time limits prescribed by the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly" in the manner prescribed by the Constitution and law.

**CHAPTER 4**

**ORGANISATION OF THE OPERATION OF THE CONSTITUTIONAL COURT**

**Article 16. Ensuring the operation of the Constitutional Court**

1. The normal of operation of the Constitutional Court shall be ensured by the Chairperson of the Constitutional Court.
2. In the absence of the Chairperson of the Constitutional Court, he or she shall be substituted by the Deputy Chairperson of the Constitutional Court.
3. In the absence of the Chairperson and the Deputy Chairperson of the Constitutional Court, the powers of the Chairperson of the Constitutional Court shall be temporarily exercised by the eldest judge of the Constitutional Court.

**Article 17. Chairperson of the Constitutional Court**

1. From among the judges of the Constitutional Court, the candidate nominated by the judges of the Constitutional Court or the self-nominated candidate who has received the votes of two thirds of all the judges of the Constitutional Court may be elected as the Chairperson of the Constitutional Court; whereas in the case when only one candidate has been nominated, the latter shall be considered as elected if he or she has received the majority vote of all the judges of the Constitutional Court. Where in the case of nomination of two or more candidates, none of the latter has received the necessary number of votes during the election, a second round of election shall be held wherein the two candidates having received the greater numbers of votes in the first round may participate. The candidate having received the majority vote of all the judges of the Constitutional Court shall be considered as the candidate having been elected upon the results of the second round of the election. In the case of not receiving the necessary number of votes provided by this part, the election shall be considered as not having taken place, and a new election shall be organised.
2. The Chairperson of the Constitutional Court shall be elected within ten days following the opening of the vacant position.
3. The Chairperson of the Constitutional Court shall be elected for a term of six years without the possibility of being re-elected.
4. The Chairperson of the Constitutional Court shall:
  - (1) together with the rapporteur of the case, arrange the sessions of the Constitutional Court;

- (2) assign tasks to the judges of the Constitutional Court for the purpose of arranging discussions of issues at the sessions of the Constitutional Court;
- (3) convene and chair the sessions of the Constitutional Court;
- (4) present to the Constitutional Court the issues to be discussed at the sessions;
- (5) make remarks with regard to the observance of the rules of examination of cases in the Constitutional Court, make demands of the participants in the proceedings, the invited persons, those present at the session, which shall be mandatory;
- (6) represent the Constitutional Court in relations with other bodies and organisations;
- (7) carry out the general management of the Staff of the Constitutional Court, approve the Rules of Procedure and the staff list;
- (8) manage the funds of the Constitutional Court;
- (9) exercise other powers reserved thereto by this Law.

**Article 18. Deputy Chairperson of the Constitutional Court**

1. From among the judges of the Constitutional Court, the candidate nominated by the judges of the Constitutional Court or the self-nominated candidate who has received the majority vote of all the judges of the Constitutional Court may be elected as the Deputy Chairperson.
2. The Deputy Chairperson of the Constitutional Court shall be elected within ten days following the opening of the vacant position.
3. The Chairperson of the Constitutional Court shall be elected for a term of six years without the possibility of being re-elected.
4. In the absence of the Chairperson of the Constitutional Court, the Deputy Chairperson of the Constitutional Court shall exercise the powers of the Chairperson of the Constitutional Court provided by Article 17 of this Law.

**Article 19. Staff of the Constitutional Court**

1. The Staff of the Constitutional Court shall serve the advisory, organisational, information, technical and other needs of the Constitutional Court in order to ensure the exercise of the powers of the latter.
2. The service in the Staff of the Constitutional Court constitutes judicial service, a special type of state service established in the Republic of Armenia, the special aspects whereof shall be prescribed by this Law and the Rules of Procedure of the Constitutional Court.
3. Class ranks shall be conferred on judicial servants of the Constitutional Court as prescribed by law.
4. The Head of the Staff of the Constitutional Court shall be appointed to and dismissed from his or her position upon the procedural decision of the Constitutional Court.

**CHAPTER 5****PRINCIPLES OF EXAMINATION OF CASES IN THE CONSTITUTIONAL COURT****Article 20. Ex officio investigation of the circumstances of a case**

1. The Constitutional Court shall investigate the factual circumstances of a case *ex officio*, without limiting itself to the motions, proposals, objections filed, or evidence offered by the participants in the constitutional proceedings, or to other materials of the case.

**Article 21. Collegiality**

1. The Constitutional Court shall examine the cases and deliver decisions and opinions with regard thereto collegially.

2. When delivering a decision or an opinion of the Constitutional Court, a judge of the Constitutional Court shall have the right to one vote.

**Article 22. Equality before the law**

1. The Constitutional Court shall ensure that the parties have equal opportunities throughout the examination of the case by, *inter alia*, affording them the opportunity to effectively present their position on the case under examination.

**Article 23. Publicity**

1. The trial shall be public, except for the cases prescribed by part 3 of this Article.

2. Those present at a session may take written notes of the trial and audio-record it. The trial may be filmed and broadcast if the Constitutional Court has not taken a decision on restricting the filming and broadcasting of the trial.

3. For the purpose of protection of the private life of the participants in the proceedings, minors, and interests of justice, as well as for the purpose of protection of state security, public order or morality, the representatives of mass media and public representatives may be prohibited from participating in the sessions of the Constitutional Court or in some of them upon the decision of the Constitutional Court taken by the majority vote of all the judges of the Constitutional Court.

4. On the initiative of the Constitutional Court or on the motion of one of the parties to the proceedings, the question of holding a trial closed to the public shall also be discussed in a session closed to the public and the decision shall be delivered in the deliberation room.

5. A session closed to the public may be attended by the parties to the trial, their representatives, and if necessary, by witnesses, experts and translators. Regardless of all circumstances, the final part of the decisions on the merits and of the opinions of the Constitutional Court shall be announced in a public session.

**Article 24. Language of the examination of cases**

1. The constitutional proceedings shall be conducted in Armenian.

2. The participants in the proceedings may speak in the court in their preferred language if they provide the Armenian translation. The Constitutional Court shall provide free of charge translation services to the participants in the proceedings having no command of Armenian at the expense of the state budget funds if they prove that they lack the means to afford paid translation services.

3. The procedure for and the amount of remuneration of the translators shall be defined by the decision of the Government of the Republic of Armenia.

## **CHAPTER 6**

### **APPLYING TO THE CONSTITUTIONAL COURT**

#### **Article 25. Right to apply to the Constitutional Court**

1. The right to apply to the Constitutional Court as prescribed by the Constitution and this Law shall rest with the bodies and persons provided by Article 169 of the Constitution.

2. In the case referred to in point 8 of part 1 of Article 169 of the Constitution, legal persons may also apply to the Constitutional Court in accordance with Article 74 of the Constitution.

#### **Article 26. Rationale for the examination of a case in the Constitutional Court**

1. The Constitutional Court shall examine a case only if a relevant application has been submitted.

#### **Article 27. General requirements for submitting an application**

1. Applications shall be submitted to the Constitutional Court in writing and signed by the competent person. Applications shall be submitted in paper form or, where the Constitutional Court has the necessary technical capabilities, also in electronic form.

2. The following must be indicated in an application:

(1) the name of the Constitutional Court;

(2) the name of the applicant, registered address (registered office) or residential address thereof if the latter address is different from the registered address, and where the applicant is acting through a representative, the name, registered address or the residential address of the applicant's representative if the latter address is different from the registered address;

(3) the Article of the Constitution which provides for the right to apply to the Constitutional Court;

(4) the request addressed to the Constitutional Court and the arguments of the applicant with references to the relevant provisions of the Constitution;

(5) the list of materials attached to the application.

3. With regard to the cases referred to in Article 69 of this Law, the applicant shall be obliged to submit to the Constitutional Court a receipt of payment of the state duty in the amount prescribed by this Law or a motion on being exempt from paying the state duty.

**Article 28. Materials to be attached to the application**

1. The following shall be attached to the application submitted to the Constitutional Court:
  - (1) letter of authorisation or any other document certifying the powers of the representative;
  - (2) the Armenian translation of all documents in a foreign language certified as prescribed by law;
  - (3) the official text of the act in question when applying to the Constitutional Court with regard to issues prescribed by points 1, 2 or 3 of Article 168 of the Constitution;
  - (4) other materials as the applicant may think proper.
2. After the application has been accepted, the applicant party may submit new materials only upon the decision of the Constitutional Court.

**CHAPTER 7****PRELIMINARY EXAMINATION OF THE APPLICATIONS****Article 29. Acceptance of the applications by the Constitutional Court**

1. An application submitted to the Constitutional Court shall be subject to compulsory registration. The registered application shall be presented to the Chairperson of the Constitutional Court.
2. The procedure for acceptance of the applications submitted in accordance with point 8 of part 1 of Article 169 of the Constitution shall be prescribed by the Rules of Procedure of the Constitutional Court.
3. Where the question raised in an application is manifestly out of the competence of the Constitutional Court or the application has been submitted by a body or a person not entitled to apply to the Constitutional Court, the Staff of the Constitutional Court shall return the application within five days.
4. Where the application does not meet the formal requirements prescribed by Articles 27 and 28 of this Law, the applicant shall, within three days or, in cases prescribed by point 5 of Article 168 of the Constitution, within 24 hours, be notified thereof by the Staff of the Constitutional Court. The applicant may, within three days after being notified, submit the application to the Constitutional Court after bringing it into conformity with the requirements of Articles 27 and 28 of this Law. In the case of failure to ensure compliance of the application with the requirements of Articles 27 and 28 of this Law within the prescribed time limits, it shall be returned to the applicant.
5. The applicant may file a complaint with the Chairperson of the Constitutional Court with regard to the return of the application within three days and the latter shall take a final decision on the issue not later than one day after the complaint has been filed.

**Article 30. Preliminary examination of the application**

1. In case of absence of grounds provided for by part 3 and the second paragraph of part 4 of Article 29 of this Law, the Chairperson of the Constitutional Court shall

assign one or several judges of the Constitutional Court to conduct the preliminary examination of the application.

**Article 31. Accepting the case for examination**

1. Based on the results of the preliminary examination of the application, the judge of the Constitutional Court shall report to the Chairperson of the Constitutional Court on the findings.
2. Following the report, the Chairperson of the Constitutional Court shall convene a procedural session of the Constitutional Court within the time limits provided for by the Rules of Procedure of the Constitutional Court to dispose of the issue of accepting the case for examination.
3. The case shall be accepted for examination where there are no grounds for rejecting the examination of the case provided for by Article 32 of this Law.
4. The procedure for accepting the case for examination on the basis of individual applications or for rejecting the examination of the application shall be prescribed by parts 5-7 of Article 69 of this Law.
5. By the decision on accepting the case for examination, the Constitutional Court shall also dispose of the issues of declaring a respondent in the case, the time of commencing the trial of the case, appointing a case rapporteur, procedural issues of the trial of the case, as well as other issues pertaining to the preparation of the case for trial.
6. The decision rendered by the Constitutional Court shall be forwarded to the parties within a period of three days.

**Article 32. Rejecting the examination of the case**

1. The Constitutional Court shall render a decision on rejecting the examination of the case in full or in part:
  - (1) where the issues raised in the application fall out of the competence of the Constitutional Court; or
  - (2) where the applicant is not entitled to apply to the Constitutional Court; or
  - (3) where there is a decision of the Constitutional Court on an issue raised in any of the applications submitted with regard to cases mentioned in Articles 68-73, 75-76, 80 of this Law; or
  - (4) where there is a decision of the Constitutional Court on an issue raised in any of the applications submitted with regard to cases referred to in Articles 79, 82-84 of this Law, and no new factual circumstances are touched upon in the new application submitted with regard to that issue, which, due to reasons beyond the control of the applicant, had not been known thereto before the adoption of the decision of the Constitutional Court and had not emerged during the examination of the case; or
  - (5) where trial of a case is being conducted at the Constitutional Court based on another application on the subject matter of the application;
  - (6) in other cases provided for by Article 69 of this Law.

**Article 33.                   Withdrawing the application**

1. The applicant may withdraw the application submitted to the Constitutional Court until the commencement of the trial of the case.
2. The Constitutional Court may reject the withdrawal of the application, where it finds that the examination of the case on the subject matter of the application derives from public interests.

**Article 34.                   Suspension of a disputed legal act or legal norm upon the decision of the Constitutional Court**

1. After accepting the case for examination, the Constitution Court may, on the motion of the applicant or on its own initiative, until the completion of the trial of the case, suspend a legal act or a legal norm the constitutionality whereof is disputed, where the failure to adopt a decision on suspension may result in irrevocable or grave consequences for the applicant or the public.
2. The decision on suspension of the disputed legal act shall enter into force from the moment of its publication. The public shall be promptly notified thereof on the official website of the Constitutional Court and through the official website of public notifications of the Republic of Armenia, at <http://www.azdarar.am>, and the relevant information shall be provided through the Public Television and Radio.

**CHAPTER 8****GENERAL RULES FOR CASE EXAMINATION AT THE CONSTITUTIONAL COURT****Article 35.                   Session of the Constitutional Court**

1. The trial of cases at the Constitutional Court shall be conducted at the sessions of the Constitutional Court.
2. The session shall have quorum, where the quorum for rendering a decision with regard to the given case provided for by Article 62 of this Law is present.
3. The trial of each case at the Constitutional Court shall be conducted in a separate court session.

**Article 36.                   Convening a court session**

1. The session of the Constitutional Court shall be convened and presided by the Chairperson of the Constitutional Court.

**Article 37.                   Preparing the case for trial**

1. The Chairperson of the Constitutional Court and the rapporteur shall decide on the scope of persons to be invited to the session of the court.
2. Carbon copies of applications and of other documents obtained in the course of preparing the case for trial shall be forwarded to the judges of the Constitutional Court, the parties, and, where necessary, upon the decision of the Constitutional Court, to the invitees, at least ten days prior to the court session.

3. The Staff of the Constitutional Court shall notify the participants in the proceedings and the invitees of the day and time of the session of the Constitutional Court within the time limits and through the procedure prescribed by the Rules of Procedure of the Constitutional Court.

**Article 38. The procedure for trial of cases at the Constitutional Court**

1. Trial of cases at the Constitutional Court shall be conducted both through oral and written procedure, in compliance with this Law.

2. Rules for trial of cases through written procedure shall be prescribed by the Rules of Procedure of the Constitutional Court, based on the general requirements of this Law.

**Article 39. Joinder of cases at the Constitutional Court**

1. Before the commencement of the trial, upon the decision of the Constitutional Court, only cases on the same issue may be joined and examined at the same session of the court.

**Article 40. Requirements of the Constitutional Court**

1. The Constitutional Court, and in connection with the preparation of the case for trial, also the judge of the Constitutional Court appointed by the Constitutional Court as rapporteur in the given case, with the knowledge of the Chairperson of the Constitutional Court, shall be entitled to request documents, information and other materials from state and local self-government bodies, the officials thereof, to order examinations, expert examinations, tests, and to request from natural and legal persons materials at their disposal.

2. The requirements and instructions (hereinafter referred to as “the requirement”) of the Constitutional Court and the rapporteur shall be fulfilled within the time limits prescribed by the Constitutional Court or the rapporteur. Where the fulfilment of the requirements of the Constitutional Court or the rapporteur is impossible within such time limits, the addressee of the requirement shall be obliged to notify the Constitutional Court or the rapporteur in writing of the necessity to extend the time limits, no later than three days prior to the expiry of the time limits for the fulfilment of the requirement. The Constitutional Court and the rapporteur may extend the time limits for the fulfilment of the requirement or readdress the requirements to another body (person). Otherwise, the time limits already prescribed by the Constitutional Court or the rapporteur shall remain in force.

3. Failure to fulfil or improper fulfilment or violation of time limits of fulfilment, by state and local self-government bodies, of the requirements of the Constitutional Court for providing documents, information, and other materials shall entail administrative liability.

**Article 41. Evidence at the Constitutional Court**

1. Evidence in a case shall be any information obtained as prescribed by law, based on which the Constitutional Court clarifies the claims of the parties to the proceedings and the presence or absence of facts substantiating the objections.

2. Types of evidence shall be as follows:

(1) testimonies of witnesses;

(2) expert opinion;

(3) written documents, materials and items (written and material evidence), including official statements of information and other information received from state and local self-government bodies;

(4) testimonies given by parties to the proceedings as witnesses.

3. The parties shall not have the right to destroy or conceal any evidence or to hinder in any other manner the examination and assessment thereof, making the collection and submission of evidence impossible or difficult for the other party to the proceedings bearing the burden of proof or exercising the right to submit evidence.

#### **Article 42. Rights of a judge of the Constitutional Court**

1. A judge of the Constitutional Court shall have to right to:

(1) become familiar with the materials of the case;

(2) ask questions, receive answers and clarifications with regard to the issues examined at the session;

(3) express his or her opinion on procedural issues;

(4) make recommendations, file motions.

#### **Article 43. Responsibilities of a judge of the Constitutional Court**

1. A judge of the Constitutional Court shall be obliged to:

(1) perform the assignments of the Chairperson of the Constitutional Court with regard to the preparation of issues to be addressed during the sessions of the court;

(2) participate in court sessions and voting;

(3) maintain the secrecy of discussions and voting held in closed deliberations.

#### **Article 44. Participants and invitees in the constitutional proceedings**

1. Participants in the constitutional proceedings shall be as follows:

(1) parties to the proceedings:

(a) applicant — the bodies and the persons having the right to apply to the Constitutional Court, pursuant to Article 25 of this Law;

(b) respondent — the bodies and the persons provided for by this Law;

(2) witness, expert and translator;

(3) in cases prescribed by this Law, third parties, as well as other persons enjoying the rights of a party, as provided for by this Law.

2. Representatives of the President of the Republic, the National Assembly of the Republic of Armenia, the Government of the Republic of Armenia, the Court of Cassation of the Republic of

Armenia, the Human Rights Defender, the Prosecutor General, the Supreme Judicial Council, who are willing to participate in a session of the Constitutional Court, may apply to the Constitutional Court and receive the materials relating to the case in advance, and, during the trial, may provide clarifications on the questions of the Constitutional Court in the status of invitees.

**Article 45. Involving as a respondent**

1. Where the applicant fails to mention the respondent in an application submitted to the Constitutional Court or mentioned an improper party, the Constitutional Court shall involve the respondent or the appropriate respondent and, in cases provided for by this Law, also the co-respondents as a party upon the decision on accepting the case for examination.

**Article 46. Representation at the court**

1. Parties may act at the Constitutional Court personally or through their representatives.
2. The head of the body having submitted an application to the Constitutional Court, the head of the body having adopted the disputed act, a Deputy representing at least one fifth of the Deputies, as prescribed by the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly”, may act as an *ex officio* representative of a party.
3. Persons authorised by a party may act as a representative thereof at the Constitutional Court — an official or the advocate or the person having higher education in law, the powers whereof are certified as prescribed by law.
4. Each party may have not more than three representatives at the Constitutional Court.

**Article 47. Rights of the parties**

1. The parties shall have the right to:
  - (1) acquaint themselves with the materials of the case, take extracts therefrom;
  - (2) submit materials of significance for disposition of the case;
  - (3) present their stance in relation to the case;
  - (4) address questions to the other party, his or her representative, expert, witness;
  - (5) file a motion, make objections.

**Article 48. Responsibilities of the parties**

1. The parties shall be obliged to:
  - (1) appear at the invitation of the Constitutional Court;
  - (2) give explanations and answer questions;
  - (3) submit materials relating to the case upon the request of the Constitutional Court;

- (4) observe the rules of examination of cases at the Constitutional Court and other requirements of this Law;
- (5) exercise their procedural rights in good faith.

**Article 49. Procedure for the court session**

1. When judges of the Constitutional Court enter the courtroom those present in the courtroom shall rise to their feet. They shall then take their seats at the invitation of the presiding judge of the session.
2. The presiding judge, assuring at the appointed time, that the session has quorum, shall open the session and announce the case subject to examination.
3. The presiding judge shall, through the secretariat of the session, find out whether the participants in the proceedings are present and verify the powers of the representatives of the parties. He or she shall then put the issue of commencing the case trial under consideration. If the Court finds it impossible to commence the case trial, it shall render a decision on postponing it.
4. The presiding judge shall clarify the rights and responsibilities of those participating in the proceedings present at the court session.
5. The participants and the invitees of the proceedings shall address the Court as “High Court” and shall give explanations, clarifications or answers on feet. Derogations from the rules provided for by this part shall be allowed by the permission of the Court.
6. The case trial shall start with the report of the rapporteur. The judges of the Constitutional Court may address questions to the rapporteur.
7. After the report, the Constitutional Court shall hear the opinions of the judges of the Court and the recommendations of the parties on the proceedings for studying the materials of the case and shall render a decision thereon. The procedure established for studying the materials of the case may be altered upon the decision of the Constitutional Court. The recommendations of the judges of the Constitutional Court with regard to studying the materials in the course of the case trial shall be considered immediately.

**Article 50. Sanctions imposed by the Court**

1. The presiding judge shall have the right to warn the person having committed a violation in case the person maliciously evades appearing at the court or exercises his or her procedural rights in bad faith or fails to perform his or her procedural duties without good reason or performs them improperly, fails to perform orders of the presiding judge, hinders the natural course of the court session or commits contempt of court by means of taking other actions breaking the order of the court session, and the Constitutional Court shall have the right to remove the person breaking the order from the courtroom, if necessary.
2. The sanction shall be proportionate to the severity of the act and be aimed at ensuring the normal operation of the Court.
3. Removal from the courtroom may be imposed on the participants in the proceedings for no longer than 36 hours, whereas it may be imposed on other persons present at the court session, for a certain time period or until the conclusion of the trial.

4. Removal from the courtroom may not be imposed on the person testifying at the given moment. Where removal from the courtroom is imposed on the person applying to the Constitutional Court, the court session shall be postponed for the period for which the sanction is to be in effect.
5. The Court shall have the right to allow — upon a substantiated motion of the advocate or another representative of the person, participating in the proceedings, who has been removed from the courtroom, prior to the end of the time period for the imposition of the sanction — to restore the participation of the removed person in the court session.
6. Where a decision on removal from the courtroom is not promptly and voluntarily complied with, it shall be enforced in a compulsory manner through court bailiffs.
7. Where the court finds that the person participating in the proceedings or another person present at the court session has committed contempt of court entailing criminal liability, the presiding judge may interrupt the court session and put under court consideration the issue of applying to the body competent to institute a criminal case, as prescribed by this Article, with a motion to institute a criminal case against the wrongdoer. The Constitutional Court shall render a procedural decision on that matter.

**Article 51. Explanations of the parties**

1. The presiding judge shall suggest the parties to give explanations on the circumstances of the case under examination and presenting evidence substantiating their stance.
2. The Constitutional Court shall hear the explanations of the parties in full.
3. After the explanations given by the party, the judges of the Constitutional Court, the other party and, upon the permission of the Court, also the expert may address questions to the party concerned.
4. The parties shall not have the right to use their speeches for making political statements.
5. The information presented in the explanations of the parties concerning the facts shall not have probative value. A party may disclose information of probative value relating to the facts only through the procedure provided for by Article 52 of this Law.
6. The parties, after having given the explanations, shall submit the text of their explanations to the Constitutional Court.

**Article 52. A party acting as a witness**

1. If a party is aware of any fact to be clarified with respect to the given case, it may act as a witness on its own initiative.
2. If, notwithstanding the measures taken to obtain evidence, the acquired evidence is not sufficient for rendering a decision or accepting an opinion on the case, and a party may be aware of any fact to be clarified with respect to the given case, it shall be obliged to act as a witness on the initiative of the Constitutional Court or upon the motion of the other party.
3. Parts 2-4 of Article 55 of this Law shall extend to the party having acted as a witness.

**Article 53. Expert opinions**

1. A person with special knowledge on the matters of the case under examination and not interested in the outcome of the case may, upon his or her consent, be involved in the constitutional proceedings as an expert.
2. If an expert has not appeared at a session of the Constitutional Court for good reason, he or she may be apprehended to the Constitutional Court upon the procedural decision of the Constitutional Court, as prescribed by the Law of the Republic of Armenia “On Police”.
3. The expert shall be warned by the presiding judge of the court session about the liability prescribed by law for delivering an obviously false opinion or refusing to deliver opinion.
4. The Constitutional Court shall decide on the scope of the issues requiring expert opinion.

**Article 54. Rights and responsibilities of the expert**

1. The expert shall have the right to:
  - (1) acquaint himself or herself with the materials of the case upon permission of the Constitutional Court;
  - (2) address questions, upon permission of the Constitutional Court, to the parties and witnesses, as well as to another expert having delivered an opinion at the court session;
  - (3) file motions to provide him or her with additional materials.
2. After delivering the opinion, the expert shall be obliged to answer the questions of the judges of the Court and the parties.
3. The opinion shall be submitted to the Constitutional Court with the signature of the expert.
4. The section on legal matters in the expert opinion shall not have probative value.

**Article 55. Testimonies of witnesses**

1. The Constitutional Court shall, upon the motion of a party or on its own initiative, invite those who may be aware of any fact to be disclosed with respect to the given case to the court session as a witness and hear their testimonies. The Constitutional Court may reject the motion of a party to invite a witness with a reasoned decision.
2. If a witness has not appeared at a session of the Constitutional Court for good reason, he or she may be apprehended to the Constitutional Court upon the procedural decision of the Constitutional Court, as prescribed by the Law of the Republic of Armenia “On Police”.
3. The witness shall be warned by the presiding judge of the court about the liability prescribed by law for giving an obviously false testimony or refusing to give testimony.
4. A witness shall be obliged to inform the Court of the facts — he or she is personally aware of — relating to the merits of the case under examination, to answer the questions of the judges, the parties and the expert.

5. The witnesses having appeared at the court session shall be asked to leave the courtroom before their interrogations start. The staff shall take measures to make sure that the interrogated witnesses do not communicate with those not interrogated.

**Article 56. Suspension of case proceedings**

1. The Constitutional Court may suspend the case proceedings:

- (1) if it has called for an expert examination;
- (2) if it has given judicial assignments;
- (3) if it is necessary to require evidence from other bodies or persons;
- (4) if one of the parties of the court proceedings has requested to suspend the proceedings on the case due to illness or other good reason;
- (5) in other cases provided for by a reasoned decision of the Constitutional Court.

2. The suspension of the case proceedings lead to suspension of procedural time limits prescribed by this Law, the rules and procedures of the Constitutional Court and by the decisions of the Constitutional Court.

3. The case proceedings shall be resumed upon elimination of the grounds for suspension thereof. Prior to elimination of the grounds for suspension, the case proceedings shall be resumed upon a reasoned decision of the Constitutional Court.

**Article 57. Resumption of case proceedings**

1. After final speeches made by the parties, the Constitutional Court shall decide to resume the case proceedings, if it considers necessary to discover circumstances significant for disposal of the case or to examine new materials.

2. After resumption of the case proceedings, the parties shall have the right to make final speeches in relation to the new circumstances and materials examined.

3. After final speeches made by the parties, the presiding judge shall announce about the end of examination of the case.

**Article 58. Minutes of sessions of the Constitutional Court**

1. The sessions of the Constitutional Court shall be recorded.

2. The presiding judge and the person responsible for drawing up minutes shall sign the minutes of the session.

3. The parties shall have the right to get acquainted themselves with the minutes of the session and submit their observations, which shall be attached thereto.

**Article 59. Adopting decisions and accepting opinions on a case**

1. The Constitutional Court shall adopt decisions or accept opinions in closed-door court deliberation at which only the judges having participated in the trial may be present.

2. During the deliberation, a judge shall have the right to express his or her opinion on the matters under consideration, as well as to express his or her stance on how the case should be disposed.
3. The number of speeches during the deliberation and duration thereof shall not be limited.
4. One of the judges of the Constitutional Court shall, upon assignment of the Chairperson of the Constitutional Court, record the results of the deliberation, as prescribed by the rules and procedures of the Constitutional Court. The issues that have been voted on and the results of the voting shall be specified in the minutes.
5. The minutes shall be signed by the judges of the Constitutional Court having participated in the deliberation.
6. The results of the roll-call voting shall not be subject to publication.
7. The deliberation shall continue until the Court adopts a decision or accepts an opinion, not including the time envisaged for breaks and rest.
8. After the deliberation ends, the member of the staff of the Court, entitled to record the decision of the Court and enter it into the computer, shall be invited to the deliberation room.
9. Before the decision is made public during the session of the Constitutional Court, the judges and the staff member shall be obliged to refrain from releasing any information on the decision.

**Article 60. Termination of the case proceedings**

1. The Constitutional Court shall terminate the proceedings of the case:
  - (1) at any stage of examination of the case, where grounds for rejecting the examination of the case provided for by Article 32 of this Law have been disclosed;
  - (2) where the action of the challenged legal act or the provision thereof has been terminated prior to or in the course of the trial, and it has not been applied;
  - (3) in the cases provided for by Articles 79, 82-84 of this Law;
  - (4) in the cases provided for by point 5 of part 1 of Article 56 of this Law when the circumstances serving as grounds for suspension have not been eliminated within one year after a decision has been rendered to suspend the case proceedings, and it is impossible to resume the case proceedings under such conditions.

**CHAPTER 9**

**ACTS OF THE CONSTITUTIONAL COURT, THE PROCEDURE FOR RENDERING  
THEREOF AND THE REQUIREMENTS FOR SUCH ACTS**

**Article 61. Acts of the Constitutional Court**

1. The Constitutional Court shall render decisions and opinions on the issues provided for by Article 168 of the Constitution.

2. The Constitutional Court shall render decisions on the issues provided for by Article 168, except for the issue provided for by point 7, and opinions on the issue provided for by point 7 of Article 168 of the Constitution.
3. The Constitutional Court shall render procedural decisions by the majority of votes of the total number of judges of the Constitutional Court on issues relating to preparation of cases for trial and the trial at the court, as well as other issues with regard to the organisation of activities thereof, except for cases prescribed by this Law.
4. The decisions and opinions on the merits of the Constitutional Court shall be final and shall enter into force upon publication thereof at the session of the Constitutional Court.
5. The decisions rendered by the Constitutional Court on the merits of a case shall be binding for all state and local self-government bodies, the officials thereof, as well as for natural and legal persons throughout the territory of the Republic of Armenia.
6. The procedural decisions of the Constitutional Court shall be binding for the participants of the proceedings and other addressees.
7. Where the opinion of the Constitutional Court is negative, the issue shall be excluded from the discussion of the competent authority.

**Article 62. The procedure for rendering decisions and opinions**

1. The decisions and opinions of the Constitutional Court shall be rendered through open ballot — by roll call of the judges.
2. The presiding judge shall be the last to vote.
3. The Constitutional Court shall render decisions by the majority of votes of the total number of judges, except for cases provided for by part 4 of this Law. The decisions on the merits of the Constitutional Court shall be rendered in the name of the Republic of Armenia.
4. The decisions of the Constitutional Court on cases concerning termination of powers of a judge of the Constitutional Court and suspending or prohibiting the activities of a political party shall be rendered by at least two thirds of votes of the total number of judges.
5. The Constitutional Court shall render opinions by at least two thirds of votes of the total number of judges.
6. A judge of the Constitutional Court shall have no right to abstain from voting or refuse to vote.
7. Where the Constitutional Court fails to render a decision or an opinion on the merits due to a tie vote on the issue under the discussion, the claim submitted on the basis of an application shall be deemed rejected.
8. When rendering a decision or an opinion, a judge of the Constitutional Court may submit a special opinion both on the concluding and reasoning parts of the decision or opinion, which shall be published in the Official Journal of the Republic of Armenia, in the Journal and official website of the Constitutional Court along with the decision or opinion of the court.

**Article 63. Requirements for the decisions and opinions**

1. While determining the constitutionality of a legal act, the Constitutional Court shall assess both the act and the developed law enforcement practice.
2. The Constitutional Court shall render decisions and opinions only on the subject matter included in the application.
3. Circumstances that have not been examined during the trial of the case may not serve as a basis for the decision or opinion of the Constitutional Court.
4. The decisions and opinions of the Constitutional Court shall be made public at the session and attached to the case.

**Article 64. The text of the decision or opinion**

1. Depending on the nature of the case, the decision or opinion of the Constitutional Court shall include the following information:
  - (1) the title of the decision or opinion, year, month, day and venue of rendering it;
  - (2) necessary data on the parties and other participants of the proceedings;
  - (3) the issue under examination, reasons and grounds;
  - (4) the article of the Constitution pursuant to which the court has the jurisdiction to examine the given case;
  - (5) brief content of the application;
  - (6) factual and legal circumstances that have been examined by the court;
  - (7) the articles of the Constitution and this Law which have served as a basis for the Court while rendering a decision or an opinion;
  - (8) the legal stances substantiating the decision or opinion rendered by the Court, including those arguments which approve or deny what the parties claim;
  - (9) conclusion of the decision or opinion by mentioning, in cases provided for by this Law, about the invalidity of other provisions related to the legal act or to the provisions of that legal act that have been declared invalid;
  - (10) in the cases provided for by chapter 10 of this Law, a note that administrative and judicial acts are subject to revision as prescribed by law;
  - (11) in the case of rendering the decision prescribed by point 2 of part 8 of Article 68 of this Law, the brief constitutional and legal content of the challenged legal act or its provision in the concluding part of the decision;
  - (12) a note that the decision or opinion is final;

(13) a note that the decision enters into force from the moment of publication or a note on prescribing a later time limit for repealing a regulatory legal act or a part thereof not complying with the Constitution.

2. The decision and opinion rendered by the Constitutional Court on the merits of a case shall be signed by the judges of the Constitutional Court having participated in rendering of the decision or opinion on the given case.

**Article 65. Delivery and publication of a decision or an opinion**

1. The decisions and opinions of the Constitutional Court shall, within three days from the day of rendering them, be delivered to:

(1) the parties of the proceedings;

(2) the President of the Republic, the National Assembly of the Republic of Armenia, the Government of the Republic of Armenia, the Court of Cassation of the Republic of Armenia, the Human Rights Defender and the Prosecutor General.

2. The decisions and opinions of the Constitutional Court shall be published in the Official Journal of the Republic of Armenia in the procedure prescribed by law, as well as in the Journal of the Constitutional Court and at the official website of the Constitutional Court.

**Article 66. Making amendments to the legal acts based on the decision of the Constitutional Court**

1. The Government shall — not later than within a three-month period after publication of the decision of the Constitutional Court — study and initiate, where necessary, drafting relevant legal acts and submitting them to the National Assembly. Where the legal act has fully or partially been declared as contradicting the Constitution by the decision of the Constitutional Court and a deadline has been set for repealing the legal norm, the Government shall — prior to the expiry of that period — ensure the execution of the decision by submitting a draft or a draft package of a relevant law.

2. In case another legal act has been fully or partially declared as contradicting the Constitution by the decision of the Constitutional Court and a deadline has been set for repealing the legal norm, the state body or official having rendered that act shall make that legal act a subject matter of examination within the deadline set for repealing the legal norm and ensure its compliance with the requirements of the decision of the Constitutional Court.

**Article 67. Status summary of execution of decisions**

1. The Constitutional Court shall — within a forty-five-day period after the end of each year — issue a communication on the official website of the Constitutional Court on the status of execution of its decisions. It shall be sent to the relevant state and local self-government bodies and officials.

**CHAPTER 10****PECULIARITIES OF EXAMINATION AND DISPOSING OF CASES AT THE  
CONSTITUTIONAL COURT****Article 68. Examination of cases on determining the compliance of legal acts with the Constitution based on applications of at least one fifth of the total number of Deputies, the President of the Republic, the Government of the Republic of Armenia and the Human Rights Defender**

1. The constitutionality of legal acts of both normative and individual nature specified in point 1 of Article 168 of the Constitution may be disputed based on the cases provided for by the same point, except for cases when the Human Rights Defender submits an application. The Human Rights Defender may only dispute the constitutionality of normative legal acts listed in point 1 of Article 168 of the Constitution.
2. The constitutionality of the laws on ratification of international treaties of the Republic of Armenia may be disputed only from the perspective of observance of requirements provided for by the Constitution for rendering such decision.
3. Pursuant to point 1 of Article 168 of the Constitution, the following may apply to the Constitutional Court: at least one fifth of the total number of Deputies, the President of the Republic, the Government of the Republic of Armenia, local self-government bodies, the Human Rights Defender.
4. For the cases specified in part 1 of this Article, the state or local self-government body or the official having adopted the act being challenged shall be involved in the proceedings as a respondent.
5. The National Assembly shall be involved as a respondent in cases on the dispute of constitutionality of laws adopted through a referendum, except for cases — provided for by Article 204 of the Constitution — on disputing the constitutionality of laws submitted upon popular initiative and adopted through a referendum, where the authorised representative of a popular initiative shall be involved as a respondent. In case of impossibility to involve the authorised representative of a popular initiative, no respondent party shall be involved.
6. The Constitutional Court shall render a decision on cases specified in part 1 of this Article not later than within six months after the arrival of the application. The time limit for examination of the case may be prolonged, but not more than for three months, upon the reasoned decision of the Constitutional Court.
7. Cases specified in part 1 of this Article shall be examined by the Constitutional Court through the written procedure, except for cases when the given case has acquired wide public notice by the assessment of the Constitutional Court or where the oral procedure thereof contributes to the disclosure of the circumstances of the case more effectively.
8. While rendering a decision on cases specified in part 1 of this Article, the Constitutional Court shall clarify the compliance of the challenged act or separate provisions thereof with the Constitution, particularly taking into account the following:
  - (1) the required type of the legal act;

- (2) the observance of the procedure provided for by the Constitution for adopting a legal act and putting it into effect;
- (3) the necessity for ensuring, protecting and freely exercising human and citizen's rights and freedoms enshrined in the Constitution, admissibility of restrictions thereon;
- (4) the provision of separation and balance of powers provided for by the Constitution;
- (5) the permissible limits of powers of state and local self-government bodies and the officials thereof;
- (6) the necessity of ensuring direct application of the Constitution.

9. The Constitutional Court may render one of the following decisions in the cases referred to in this Article:

- (1) recognising the challenged act or the challenged provision thereof as complying with the Constitution;
- (2) recognising the challenged act or the challenged provision thereof as complying with the Constitution by the constitutional and legal contents revealed upon the decision of the Constitutional Court;
- (3) recognising the challenged act as fully or partially contradicting the Constitution and invalid;
- (4) recognising the challenged act as fully or partially contradicting the Constitution and prescribing a deadline for repealing it.

10. While determining the constitutionality of any regulatory act referred to in point 1 of Article 168 of the Constitution, the Constitutional Court shall also clarify the constitutionality of other provisions of the given act interrelated within a system with the challenged provision of that act. Once the Constitutional Court ascertains that other provisions of the given regulatory act interrelated with the challenged provisions contradict the Constitution, the Constitutional Court may also declare those provisions as contradicting the Constitution and invalid.

11. In case a decision is rendered on recognising the challenged act as fully or partially contradicting the Constitution and invalid, it shall lose its legal force upon entry into force of the decision of the Constitutional Court, except for cases prescribed by parts 13 and 14 of this Article. Administrative or judicial acts, rendered or executed based on those acts, prior to rendering of the decision of the Constitutional Court, shall not be subject to revision.

12. The relevant provisions of other regulatory legal acts which have ensured the execution of the legal act that has been declared invalid shall lose their legal force at the same time when the challenged act loses its legal force.

13. The Constitutional Court shall be entitled to extend the decision referred to in point 3 of part 8 of this Article also to legal relations preceding the entry into force of that decision, where failure to render such decision may entail grave consequences for the public or the state.

Administrative and judicial acts that have been rendered and executed within three years preceding the entry into force of the decision of the Constitutional Court, based on the legal act that has been recognized as contradicting the Constitution and invalid upon the decision

referred to in part 10 of this Article, as well as based on other legal acts having ensured the execution of that act shall be subject to revision by the body having rendered the administrative or judicial act as prescribed by law.

14. In case a decision is rendered on recognising the challenged provision of the Criminal Code of the Republic of Armenia or of law prescribing administrative liability as contradicting the Constitution or invalid, that provision shall lose its legal force upon the entry into force of such decision. The judicial and administrative acts, rendered during the period of time preceding the entry into force of the decision of the Constitutional Court with respect to application of that provision, shall be subject to revision as prescribed by law.

15. The Constitutional Court may — at least seven years after rendering a decision on the merits with respect to any case referred to in part 1 of this Article — review its aforementioned decision as prescribed by this Law based on an application submitted, where:

(1) the provision of the Constitution applied with respect to the given case has been changed or

(2) new perception of the provision of the Constitution applied with respect to the given case has emerged owing to which other decision of the Constitutional Court may be rendered with regard to the same issue, and where the given issue has a fundamental constitutional and legal significance.

16. The application referred to in part 15 of this Article may not concern legal acts (separate provisions thereof) which have been declared as contradicting the Constitution and invalid upon the decision of the Constitutional Court. The decision of the Constitutional Court with regard to accepting the case for examination based on those applications shall be adopted by 7 votes of the judges of the Constitutional Court.

17. The examination of the cases referred to in part 15 of this Article may not be rejected based on point 3 of part 1 of Article 32 of this Law, where there are grounds provided for by parts 15 and 16 of this Article for the revision of the decision of the Constitutional Court.

18. Where the Constitutional Court finds — pursuant to part 3 of Article 170 of the Constitution — that recognising the challenged regulatory legal act or any provision thereof as contradicting the Constitution and invalid upon the promulgation of the decision of the Constitutional Court may inevitably entail grave consequences for the public and the state that will violate the legal security to be ensured at that moment by the elimination of the given regulatory legal act, the Constitutional Court may, by recognising that act as contradicting the Constitution, postpone in its decision the time when that act shall lose its legal force. In that case, the act shall remain in force until it loses its legal force.

19. Postponement of repealing of the regulatory legal act must be adequate to a period of time during which it is possible and necessary to undertake measures aimed at preventing the consequences referred to in part 18 of this Article.

20. The decision on the postponement shall be rendered with the view to actually prevent inevitable and grave consequences for the public and the state and in order not to cause more significant damage to basic human rights and freedoms.

**Article 69. Examination of cases with regard to determining compliance with Constitution of regulatory legal acts applied against natural and legal persons through final judicial act under specific cases based on applications thereof**

1. Application (hereinafter referred to as “individual application”) with regard to cases referred to in this Article may be submitted by a natural or a legal person on a specific case, where the final act of the court is available, all domestic judicial remedies have been exhausted and the constitutionality of the relevant provision of a regulatory legal act applied against him or her with that act is being challenged, which has led to the violation of his or her fundamental rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice.
2. The body, having rendered a relevant regulatory legal act, shall be involved as a respondent in the proceedings on the cases referred to in this Article, except for the case provided for by part 5 of Article 68 of this Law.
3. The individual application must contain references to the provisions of the regulatory legal act the constitutionality of which is being challenged and justifications that the contradiction of the regulatory legal act has led to the violation of his or her fundamental rights and freedoms enshrined in Chapter 2 of the Constitution, by taking into account also the interpretation of the respective provision in law enforcement practice.
4. The applications with regard to cases referred to in this Article may be submitted to the Constitutional Court by a natural or a legal person not later than six month after all judicial remedies have been exhausted.
5. The decision on accepting the case with regard to individual applications for examination or on rejecting the examination of the application shall be rendered by a panel composed of three judges of the Constitutional Court, except for cases prescribed by part 15 of Article 68 of this Law. The composition of the court shall be formed by way of lot, the procedure whereof shall be prescribed by the Rules of Procedure of the Constitutional Court.
6. In addition to the cases provided for by Article 32 of this Law, the examination of individual applications may be rejected also in cases when the individual application is obviously ungrounded or where the applicant has not exhausted all remedies for judicial protection.
7. The decision rendered as provided for by part 5 of this Article on rejecting the examination of individual applications must be reasoned. It shall be adopted by a unanimous vote, otherwise the Constitutional Court shall re-examine and decide on the issue with regard to accepting the application for examination in a full composition, and the decision on such issue shall be rendered not later than three months after the day of arrival of the individual application.
8. The Constitutional Court shall render a decision with regard to cases referred to in this Article within time limits provided for by part 6 of Article 68 of this Law.
9. The procedure for acceptance and preliminary examination of individual applications shall be prescribed by the Rules of Procedure of the Constitutional Court whereas the special rules for accepting the cases for examination or rejecting their examination based thereon shall be prescribed by this Law.
10. The rules of parts 7-20 of Article 68 of this Law shall apply when examining all other circumstances related to the cases referred to in this Article and when rendering decisions thereon.

11. Where a provision of a law applied against the applicant with regard to cases referred to in this Article is declared as contradicting the Constitution and invalid, as well as where the Constitutional Court has — revealing the constitutional and legal contents of the provision of the law in the final part of the decision — declared it as complying with the Constitution and has simultaneously found that the provision had been applied against him or her by another interpretation, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstance as prescribed by the Law.

12. Part 11 of this Article shall also extend to persons who have retained the right to apply to the Constitutional Court with the same issue as of the arrival of the application to the Constitutional Court, however, have not applied to the Constitutional Court. While deciding on the issue of the right to apply to the Constitutional Court as being retained, points 3 and 5 of part 1 of Article 32 of this Law shall not apply with regard to persons provided for by this part.

**Article 70. Examination of cases with regard to determining compliance of regulatory legal acts with the Constitution based on applications of local self-government bodies**

1. The local self-government bodies shall apply to the Constitutional Court with regard to cases referred to in this Article related to the issue of compliance with the Constitution of the regulatory legal acts, listed in point 1 of Article 168 of the Constitution, which violate constitutional rights thereof.

2. The applications of the local self-government bodies with regard to cases referred to in this Article must comply with the general requirements for application provided for by this Law, as well as requirements provided for by part 3 of Article 69 of this Law.

3. The applications with regard to cases referred to in this Article may be submitted to the Constitutional Court not later than a year after the entry into force of the relevant regulatory legal act.

4. The state body, having rendered the challenged regulatory act, shall be involved as a respondent with regard to cases referred to in this Article, except for the case provided for by part 5 of Article 68 of this Law.

5. The Constitutional Court shall render a decision with regard to cases referred to in this Article within time limits provided for by part 6 of Article 68 of this Law.

6. The rules provided for by parts 7-20 of Article 68 of this Law shall apply when examining all other circumstances related to the cases referred to in this Article and rendering decisions thereon.

**Article 71. Examination of cases with regard to determining compliance of regulatory legal acts with the Constitution based on applications of courts and Prosecutor General**

1. Courts shall apply to the Constitutional Court in respect of the constitutionality of the regulatory legal act applicable in a specific case in the proceedings of the court, where they have reasonable doubts on the constitutionality thereof and find that the adjudication of the case is possible only through the application of that regulatory legal act.

2. The Prosecutor General may apply to the Constitutional Court in respect of the constitutionality of provisions of regulatory legal acts related to specific proceedings administered by the Prosecutor's Office.

3. The state body or local self-government body, having rendered the challenged regulatory legal act, shall be involved as a respondent with regard to cases referred to in this Article, except for the case provided for by part 5 of Article 68 of this Law.

4. Before applying to the Constitutional Court, the courts shall be obliged to suspend the proceedings of a specific case until the decision rendered by the Constitutional Court enters into force. The Prosecutor General may suspend the proceedings of a specific case before the entry into force of the decision rendered by the Constitutional Court, except for cases, where the challenged norm is directly related to performance of his or her constitutional function within the scope of defence of charges by the prosecutor.

5. Where the application of the Prosecutor General is related to the constitutionality of regulatory legal acts with regard to specific proceedings conducted by the Prosecutor's Office provided for by point 1-2 of part 2 of Article 176 of the Constitution, the Prosecutor General may suspend the proceedings of the case or cases until the decision rendered by the Constitutional Court enters into force.

6. Courts may apply to the Constitutional Court from the moment of initiation of proceedings with regard to the relevant case until the moment of rendering a decision on the merits with regard to that case.

7. In case of suspending proceedings, the courts and the Prosecutor General may submit the applications provided for by this Article within a period of three days after rendering a decision on suspension of the proceedings. Application to the Constitutional Court shall be recorded upon the decision of the relevant court or Prosecutor General.

8. The court shall substantiate its stance in the applications referred to in part 1 of this Article with regard to the challenged provision of the regulatory act regarding its contradiction to the Constitution, as well as the circumstance that the disposing of the case may be carried out only with the application of the challenged provision.

9. In the applications referred to in part 2 of this Article the Prosecutor General shall substantiate his or her stance with regard to the challenged provision of the regulatory act regarding its contradiction with the Constitution, as well as the fact that proper performance of power (powers) or function (functions) provided for by parts 2 or 3 of Article 176 of the Constitution is possible through application of the challenged provision.

10. The trial on the cases referred to in this Article shall be carried out through written procedure. The parties shall submit written statements expressing their stances to the Constitutional Court before commencement of the trial of the case.

11. The Constitutional Court shall render a decision with regard to cases referred to in this Article within time limits provided for by part 6 of Article 68 of this Law.

12. The rules provided for by parts 7-20 of Article 68 of this Law shall apply when examining all other circumstances related to the cases referred to in this Article and rendering decisions thereon.

**Article 72. Examination of the cases on determining the compliance with the Constitution of draft amendments to the Constitution, as well as draft legal acts to be put to a referendum**

1. Prior to the adoption of a draft amendment to the Constitution or putting it to a referendum, as well as the adoption of draft legal acts to be put to a referendum, the National Assembly shall

apply to the Constitutional Court in respect of issues on membership in supranational organisations or on territorial changes.

2. The authorised representative of a popular initiative shall apply to the Constitutional Court with regard to the issue of a draft law being put to a referendum through a popular initiative.

3. When verifying the compliance of draft amendments to the Constitution, the Constitutional Court shall particularly take account of their compliance with the following:

(1) necessity to secure and protect, as well as for freely exercise the rights and freedoms of man and of the citizen defined in the Constitution, and permissibility of the restrictions thereof;

(2) securing of separation and balance of powers;

(3) powers of state and local self-government bodies and their officials thereof, and the permissible scope thereof;

(4) non-amendable Articles of the Constitution;

(5) procedure provided for by Article 202 of the Constitution for draft amendments to the Constitution.

4. When examining the cases on draft legal acts to be put to a referendum, in respect of issues on membership in supranational organisations or territorial changes, the Constitutional Court shall take account of the provisions of part 8 of Article 68 of this Law and of part 3 of this Article to the extent they are applicable to the mentioned legal relations.

5. With regard to the cases referred to in part 1 of this Article, the Constitutional Court shall render one of the following decisions:

(1) on declaring the draft as complying with the Constitution;

(2) on declaring the draft or an individual provision of the draft as contradicting the Constitution.

6. With regard to the cases provided for by this Article, the Constitutional Court shall render a decision not later than six months after the application is registered. Upon a reasoned decision of the Constitutional Court, the time limits for examination of the case may be extended, but for not more than three months.

7. The cases referred to in this Article shall be examined by the Constitutional Court through written procedure, except for the cases where the given case, according to the Constitutional Court, has gained public resonance, or where the oral trial thereof will contribute to a more effective establishment of the circumstances of the case.

### **Article 73. Determination of the compliance with the Constitution of commitments defined in an international treaty**

1. Prior to the ratification of an international treaty by the National Assembly, the Government shall apply to the Constitutional Court with regard to the issue on compliance of the commitments defined therein with the Constitution.

2. With regard to the cases referred to in this Article, the Constitutional Court may, based on its workload, render a decision on examining the mentioned cases in consecutive court sessions by postponing the adoption of the decision on the merits of the case after the completion of examination of each case, until the completion of examination of all the mentioned cases. The decision on the merits of each of those cases shall be rendered as a result of the same closed deliberations, and all the decisions shall be promulgated consecutively during the court session, according to the sequence of the examined cases.

3. The trial of the cases referred to in this Article shall be carried out through written procedure. Upon a reasoned decision of the Constitutional Court, the trial of the case may be carried out through oral procedure.

4. With regard to the cases referred to in this Article, the Constitutional Court shall render a decision within three months following the arrival of the application.

5. With regard to the cases on determining the compliance of the commitments defined in an international treaty with the Constitution, the Constitutional Court shall render one of the following decisions:

(1) on declaring the commitments defined in an international treaty as complying with the Constitution;

(2) on declaring the commitments defined in an international treaty as fully or partially contradicting the Constitution.

**Article 74. Examination of the cases on disputes arising between constitutional bodies with respect to their constitutional powers**

1. With regard to the cases on disputes arising between constitutional bodies with respect to their constitutional powers, at least one fifth of the total number of Deputies, the President of the Republic of Armenia, the Government, the Supreme Judicial Council and the local self-government bodies shall apply to the Constitutional Court in relation to disputes arising with respect to the constitutional powers thereof.

2. The Constitutional Court shall examine the cases referred to in this Article, where:

(1) the disputed power derives from the Constitution;

(2) the settlement of the submitted dispute does not fall within the competence of other bodies, or the issue is not subject to settlement within the scope of other powers of the Constitutional Court provided for by Article 168 of the Constitution;

(3) the applicant substantiates that, as a result of performance of the respective power, a dispute has arisen between relevant constitutional bodies with regard to the performance of the constitutional powers.

3. The Constitutional Court shall examine the disputes with respect to the constitutional powers from the perspective of the principles, prescribed by the Constitution, of the necessity to secure and protect the rights and freedoms of man and of the citizen, securing lawfulness, separating the legislative, executive and judicial powers, and guaranteeing local self-governance.

4. The trial of cases referred to in this Article shall be carried out through oral procedure.

5. With regard to the cases provided for by this Article, the Constitutional Court shall render a decision not later than six months after the arrival of the application. Upon a reasoned decision of the Constitutional Court, the time limits for examination of the case may be extended, but for not more than three months.

6. The Constitutional Court shall state the following in the decision with regard to the disputes between constitutional bodies on the powers thereof:

(1) the constitutional body entitled to perform the disputed power;

(2) the constitutional body entitled to perform the disputed power, and shall declare the action committed by the constitutional body as a result of performance of the disputed power as complying with the Constitution;

(3) the constitutional body entitled to perform the disputed power, and shall declare the action committed by the constitutional body as a result of performance of the disputed power as contradicting the Constitution.

**Article 75. Settlement of disputes related to decisions adopted upon the results of a referendum**

1. The cases referred to in this Article shall be brought before the Constitutional Court by a faction of the National Assembly.

2. In respect of the cases referred to in this Article, the state body summarising the results of the referendum shall be involved as a respondent party.

3. In respect of the cases referred to in this Article, the Constitutional Court shall be entitled to assign the state or local self-government bodies, including the courts and the bodies of the prosecutor's office, also, where necessary, the employees of its Staff to obtain evidence (information on the facts) necessary for rendering its decision. The presented evidence shall be subject to examination by the Constitutional Court, in the general procedure prescribed by this Law. The Constitutional Court shall also be entitled to form a Task Force involving experts of the relevant field. The head of the Task Force shall be the judge of the Constitutional Court having been *ex officio* appointed as the Rapporteur of the given case. The formation of the special Task Force shall be mandatory, where the applicant or the respondent party has filed a motion for the formation thereof.

4. In respect of disputes related to decisions adopted upon the results of the referendum, the faction of the National Assembly shall apply to the Constitutional Court on the 5<sup>th</sup> day following the day of official publication of the results, by 18:00.

5. The trial of cases referred to in this Article shall be conducted in an oral procedure.

6. In respect of the cases referred to in this Article the Constitutional Court shall render a decision within a 50-day period upon the arrival of the application.

7. The time limit for examination of the case may — upon the decision of the Constitutional Court — be extended, but no more than one month.

8. In respect of disputes related to decisions adopted upon the results of the referendum, the Constitutional Court shall render one of the following decisions on:

- (1) upholding the decision on summarising the results of the referendum;
- (2) declaring the decision on summarising the results of the referendum as invalid.

**Article 76. Settlement of disputes related to decisions adopted upon the results of elections of the National Assembly**

1. The cases related to decisions adopted upon the results of elections of the National Assembly shall be brought before the Constitutional Court by the political parties or alliances of political parties.

2. The state body summarising the results of elections shall be involved in the procedure as a respondent party. Where necessary, upon the motion of the party or on its own initiative, the Constitutional Court may involve, as a co-respondent, the state or local self-government bodies — except for courts — whose decisions or actions might have affected the results of elections, or who were obliged (shall be obliged) to ensure and protect the right of suffrage, as prescribed by law.

3. In respect of disputes related to decisions adopted upon the results of elections of the National Assembly an application may be submitted to the Constitutional Court on the 5<sup>th</sup> day following the day of official publication of the results, by 18:00.

4. The candidates or political parties (alliances of political parties), whose interests are or may be affected during the examination of the case or by the decision to be adopted as a result, may — on the basis of their application — be involved in the procedure as third persons upon the decision of the Constitutional Court, whereas in cases when the decision of the Constitutional Court will also necessarily extend to the third persons, the Constitutional Court shall itself be obliged to involve these persons in the procedure.

5. Third persons may be involved in the procedure at any stage of the examination of the case.

6. Third persons shall enjoy all the rights of a party and shall bear all the responsibilities of the party, except for the rights and responsibilities which, by their essence, are not applicable to third persons.

7. With regard to obtaining evidence (information on the facts) necessary for rendering a decision in the case being examined in the Constitutional Court, the rules provided for by part 3 of Article 75 of this Law shall apply.

8. The trial of cases referred to in this Article shall be conducted in an oral procedure.

9. Information submitted by the applicant party on the facts shall be deemed reliable, where the respondent party refuses to express his or her position thereon, and where it is not refuted by other evidence obtained by the Constitutional Court, having an essential significance for rendering a decision in the given case.

10. Where the respondent party accepts the circumstances, whereby the applicant party substantiates the claims and objections thereof, the applicant party shall be exempt from the duty to further submit evidence on the these circumstances.

11. Examination of cases on challenging the decisions adopted upon the results of elections of the National Assembly may be suspended only in cases when the suspension does not

obstruct the completion of examination of the given case within the time limits provided for by the Constitution and part 14 of this Article.

12. In respect of the cases referred to in this Article, the Constitutional Court shall investigate the circumstances of groundlessly rejecting by the competent electoral commission the consideration (examination) of electoral complaints submitted as prescribed by law, the circumstances of not considering (not examining) and refusing or avoiding the consideration (examination) of such complaints within the time limits prescribed, and in such cases it shall be entitled to assess the facts specified in complaints as reliable and indisputable, where such assessment does not contradict other facts confirmed on the basis of assessment of other evidence obtained during the examination of the case.

13. In respect of disputes related to decisions adopted upon the results of elections of the National Assembly, the Constitutional Court shall adopt one of the following decisions on:

- (1) upholding the decision adopted upon the results of elections of the National Assembly;
- (2) declaring the decision adopted upon the results of elections of the National Assembly as invalid, and
  - a. declaring the results of elections as invalid;
  - b. declaring the results of elections as invalid and prescribing the procedure for distributing mandates;
  - c. declaring elections as not having taken place;
  - d. calling a second round of elections.

14. Where as a result of examination of the case the Constitutional Court, exhausting all the means provided for by this Law for obtaining evidence, did not, however, have an opportunity to determine the actual results of the election, but it has become obvious from the evidence assessed as reliable by the Constitutional Court that the election fraud has had an organised, massive, repeated or regular nature, and the comparison thereof attests to such a systemic interconnection between them, against the backdrop of which the principles of suffrage enshrined in Article 7 of the Constitution are violated, the Constitutional Court shall — when rendering a decision — be entitled to declare the results of elections as invalid based on that ground.

15. In respect of disputes related to decisions adopted upon the results of elections of the National Assembly the Constitutional Court shall render a decision no later than 15 days after the arrival of the application.

**Article 77. Settlement of disputes related to decisions adopted upon the results of elections of the President of the Republic**

1. Applications for challenging the decisions adopted upon the results of elections of the President of the Republic may be submitted to the Constitutional Court by the candidates of the President of the Republic and the factions of the National Assembly.

2. In respect of the cases referred to in this Article, the respondent party involved in the procedure shall be the National Assembly.

3. Examination of cases provided for in this Article shall be conducted in an oral procedure.
4. During the examination of the cases provided for by this Article, the Constitutional Court shall determine the procedure for nomination and election of a candidate for the President of the Republic in terms of observance of the requirements provided for by the Constitution.
5. In respect of disputes related to decisions adopted upon the results of elections of the President of the Republic, the Constitutional Court shall adopt one of the following decisions on:
  - (1) upholding the decision adopted upon the result of the election of the President of the Republic;
  - (2) declaring the decision adopted upon the result of the election of the President of the Republic as invalid;
  - (3) declaring the election of the President of the Republic as invalid and calling a second round of election;
  - (4) declaring the election of the President of the Republic as invalid and calling a third round of election.
6. In respect of disputes related to decisions adopted upon the results of the election of the President of the Republic, the Constitutional Court must render a decision within a 10-day period after the arrival of the application.

**Article 78. Examination of the cases on termination of Powers of a Deputy**

1. The Council of the National Assembly of the Republic of Armenia shall, as well as at least one fifth of the total number of Deputies may apply, as prescribed by the Constitutional Law of the Republic of Armenia “The Rules of Procedure of the National Assembly”, to the Constitutional Court in relation to the cases on termination of powers of a Deputy provided for by point 6 of Article 168 of the Constitution.
2. The trial of the cases referred to in this Article shall be carried out through oral procedure.
3. The application must indicate the ground for termination of powers of a Deputy provided for by Article 95 and part 2 of Article 98 of the Constitution.
4. The applications in respect of the cases referred to in this Article must comply with the general requirements for applications provided for by this Law, as well as evidence confirming the ground for termination of the powers of a Deputy must be attached to the application.
5. The Deputy, a case in respect of termination of whose powers is to be examined, shall be involved in the proceedings as a respondent in the cases referred to in this Article and shall enjoy the rights of a party to the proceedings prescribed by this Law and bear the responsibilities provided therefor. The failure of the Deputy to appear before the court shall not be an obstacle for the trial of the case.
6. Where necessary the court may — on the motion of a party or on its initiative — involve in the proceedings as third parties the state bodies or local self-government bodies whose decisions or actions may have influence on rendering of the decision on the termination of powers of a Deputy.

7. The burden of proof in the mentioned cases shall be borne by the applicant.
8. For the purposes of the cases referred to in this Article, the Constitutional Court shall verify the existence of the grounds for termination of powers of a Deputy provided for by part 2 of Article 98 and Article 95 of the Constitution.
9. Where the applicant abandons the application within the time limits prescribed by this Law, and the Deputy does not object to it within a period of three days, the proceedings of the case shall be subject to dismissal.
10. The decision of the Constitutional Court in respect of cases referred to in this Article shall be rendered not later than thirty days after the arrival of the application.
11. In respect of the cases related to deciding on the termination of the powers of a Deputy, the Constitutional Court may render one of the following decisions:
  - (1) on termination of the powers of a Deputy;
  - (2) on absence of grounds for termination of the powers of a Deputy.

**Article 79. Examination of cases in respect of delivering opinion on the existence of grounds for removing the President of the Republic from office**

1. The National Assembly shall apply to the Constitutional Court in respect of the cases referred to in this Article upon a decision adopted by the majority of votes of the total number of the Deputies.
2. The National Assembly must indicate in its decision the legal act, action or omission of the President of the Republic of Armenia the adoption or performance of which contains elements of treason against the State or other particularly grave or grave crimes provided for by the Criminal Code of the Republic of Armenia or elements of gross violation of the Constitution, the Article of the Criminal Code of the Republic of Armenia or the Constitution the violation of which is a ground for removing the President of the Republic from office.
3. The applications in respect of the cases referred to in this Article must comply with the general requirements for applications provided for by this Law, as well as evidence confirming the grounds for removing the President of the Republic from office must be attached to the decision of the National Assembly.
4. The issue of removing the President of the Republic from office may be raised not later than within a period of three months after the National Assembly has learnt of the grounds for removing from office.
5. The burden of proof in the cases referred to in this Article shall be borne by the applicant.
6. The President of the Republic shall be involved as a respondent in the proceedings in the cases referred to in this Article, and shall enjoy the rights of a party to the proceedings, prescribed by this Law, and bear the responsibilities provided therefor.
7. The failure of the President of the Republic to appear before the court shall not be an obstacle for the trial of the case.

8. The proceedings of the cases referred to in this Article may not be dismissed in case of resignation of the President of the Republic or termination of his or her powers on any other ground.

9. The trial of the cases referred to in this Article shall be carried out through oral procedure.

10. The opinion of the Constitutional Court in respect of the cases referred to in this Article shall be delivered not later than three months after the arrival of the application.

11. When preparing the case for the trial, the Constitutional Court may form a special Task Force, which includes experts of the relevant fields. The head of the Task Force shall be the judge of the Constitutional Court having been *ex officio* appointed as the rapporteur in a given case. The submitted evidence shall be subject to examination by the Constitutional Court through the general procedure prescribed by this Law.

12. The formation of the special Task Force shall be mandatory, where the applicant or the President of the Republic has filed a motion for the formation thereof.

13. During the examination of the cases referred to in this Article, the Constitutional Court or the special Task Force shall be entitled to:

(1) request materials, criminal, civil, administrative cases, criminal judgments, judgments, decisions, statements of information and other materials from judicial, prosecutorial, investigation bodies, other state bodies, as well as local self-government bodies. The Constitutional Court may, as prescribed by law, become familiar with information containing state or official secret or other secret protected by law;

(2) order expert examinations and receive opinions drawn up based thereon;

(3) invite and hear the persons whose explanations may have significance for the opinion to be delivered in a case.

14. After the court session opens, the representative of the National Assembly shall introduce the position of the applicant, after which the President of the Republic or the representative thereof shall present his or her position on the introduced facts. After that, examination of evidence shall be carried out. The applicant, who may reinstate or abandon his or her application and the President of the Republic or the representative thereof, who is granted an opportunity to state his or her defence, shall make final statements at the end of the session. Afterwards, the Constitutional Court shall hear the position on the case of the Task Force formed in a given case. The President of the Republic or the representative thereof shall have the right to make a final speech. After the final speech, the Constitutional Court may, through the procedure provided for by this Law, render a decision to resume the proceedings of the case, and where such a decision is not rendered, the person presiding at the session shall announce the completion of the examination of the case.

15. Where the applicant abandons the application within the time limits prescribed by this Law, and the President of the Republic does not object to it within a period of three days, the proceedings of the case shall be subject to dismissal. Abandonment of the application shall be carried out through the procedure prescribed by the Constitutional Law of the Republic of Armenia "The Rules of Procedure of the National Assembly".

16. In respect of the cases referred to in this Article, the Constitutional Court may deliver one of the following opinions:

- (1) on the absence of grounds for removing the President of the Republic from office;
- (2) on the existence of grounds for removing the President of the Republic from office.

17. When delivering an opinion, the Constitutional Court shall also be entitled to assess the constitutionality of the provisions of the Criminal Code of the Republic of Armenia stipulating the elements of crime referred to in part 1 of this Article. Once convinced that those provisions contradict the Constitution, the Constitutional Court shall declare the mentioned provision as contradicting the Constitution and invalid and shall deliver an opinion provided for by point 1 of part 16 of this Article.

18. In the opinion provided for by point 2 of part 16 of this Article, the Constitutional Court must indicate:

- (1) the legal acts, actions, or omission of the President of the Republic, which contain elements of treason or other particularly grave or grave crimes provided for by the Criminal Code of the Republic of Armenia, as well as the qualification of that crime or the legal acts, actions or omission which contain elements of a gross violation of the Constitution;
- (2) the evidence confirming the guilt of the President of the Republic for the actions referred to in point 1 of this part and the reasoned position of the court on the examination thereof.

19. The opinion shall be forwarded to the National Assembly and announced on public television not later than the day following the delivery of the opinion.

**Article 80. Examination of the cases in respect of rendering a decision on impossibility of exercise of powers of the President of the Republic**

1. The Government shall apply to the Constitutional court in respect of the cases referred to in this Article not later than five days after it has learnt of information on the impossibility of exercise of the powers of the President of the Republic.

2. The applications in respect of the cases referred to in this Article must comply with the general requirements for an application provided for by this Law, as well as evidence confirming the grounds for the impossibility of exercise of the powers of the President of the Republic must be attached to the decision of the Government.

3. The trial of the cases referred to in this Article shall be carried out through oral procedure.

4. In respect of cases referred to in this Article, the Constitutional Court shall provide the President of the Republic with the opportunity to express his or her position on the given case, where it is possible.

5. The burden of proof in respect of the cases referred to in this Article shall be borne by the applicant.

6. In respect of the cases referred to in this Article, the Constitutional Court shall be entitled to:

- (1) request decisions, statements of information, and other materials from state and local self-government bodies, as well as medical institutions;
- (2) invite and hear persons whose explanations may have significance for the opinion to be delivered in a case.

7. The decision of the Constitutional Court in respect of the cases referred to in this Article must be rendered not later than five days after the arrival of the application.

8. The decision shall be forwarded to the National Assembly, the Government and announced on public television not later than the day following the rendering of the decision.

9. In respect of a case related to deciding on the impossibility of exercise of the powers of the President of the Republic, the Constitutional Court may adopt one of the following decisions:

(1) on the impossibility of exercise of the powers of the President of the Republic;

(2) on the absence of grounds for the impossibility of exercise of the powers of the President of the Republic.

**Article 81. Examination of cases related to subjecting the judge of the Constitutional Court to disciplinary liability**

1. Examination of the cases related to subjecting the judge of the Constitutional Court to disciplinary liability shall be carried out where an application is submitted by at least three judges of the Constitutional Court.

2. The trial of the cases referred to in this Article shall be carried out through oral procedure.

3. The judge of the Constitutional Court, the issue of imposing disciplinary liability whereon is being examined, shall be involved in the proceedings exclusively as a respondent and have the rights and responsibilities of a party to the proceedings provided by this Law. Failure by a judge of the Constitutional Court to appear shall be no hindrance for the trial of the case.

4. The application must specify the grounds provided by this Law on which disciplinary liability may be imposed on the judge of the Constitutional Court.

5. The applications in the cases referred to in this Article must comply with the general requirements for applications provided by this Law, and evidence confirming the existence of grounds for imposing disciplinary liability on the judge of the Constitutional Court must be attached to the application.

6. Where the applicant party withdraws the application within the time limits prescribed by this Law and the judge of the Constitutional Court does not object to it within a period of three days, the proceedings of the case shall be terminated. The withdrawal of the application shall be established upon the unanimous consent of the applicant judges.

7. In the cases referred to in this Article, the Constitutional Court shall, not later than 50 days after the arrival of the application, render one of the following decisions:

(1) Decision on the absence of grounds for imposing disciplinary liability on the judge of the Constitutional Court;

(2) Decision on imposing disciplinary liability on the judge of the Constitutional Court and imposing thereon one of the types of disciplinary penalties provided by part 8 of this Article.

8. As a result of examining the issue of imposing disciplinary liability on the judge of the Constitutional Court, the Constitutional Court may impose one of the following types of disciplinary penalties on the judge:

- (1) warning;
- (2) reprimand, which shall be combined with depriving the judge of 30 per cent of his or her salary for a period of six months;
- (3) severe reprimand, which shall be combined with depriving the judge of 30 per cent of his or her salary for a period of one year.

9. While choosing the type of disciplinary penalty, the Constitutional Court shall take into account the consequences of the violation, the personal characteristics of the judge, the degree of guilt, whether any disciplinary liability has been previously imposed on him or her, as well as other circumstances significant for the case.

10. Where no new disciplinary penalty has been imposed on the judge of the Constitutional Court within two years after the day of receiving a reprimand or severe reprimand, or within one year after the day of receiving a warning, it shall be considered that no disciplinary liability has been imposed on him or her.

## **Article 82. Examination of cases on terminating the powers of a judge of the Constitutional Court**

1. The right to apply to the Constitutional Court for terminating the powers of a judge of the Constitutional Court shall rest with the National Assembly which may do so upon a decision — in which the grounds prescribed in part 9 of Article 164 of the Constitution and part 2 of Article 13 of this Law shall be specified — adopted by a vote of at least three fifths of all the Deputies. The National Assembly may apply to the Constitutional Court for terminating the powers of a judge of the Constitutional Court on the grounds of violating the incompatibility provisions or the prohibition to engage in political activities based on a relevant opinion of the Commission on Ethics of High-Ranking Officials.

2. The applications in the cases referred to in this Article must comply with the general requirements for applications provided by this Law, and evidence confirming the grounds for termination of powers of a judge of the Constitutional Court must be attached to the decision of the National Assembly.

3. The trial of the cases referred to in this Article shall be carried out through oral procedure.

4. The judge of the Constitutional Court, the issue of terminating the powers whereof is being examined, shall be involved in the proceedings exclusively as a respondent and have the rights and responsibilities of a party to the proceedings provided by this Law. Failure by a judge of the Constitutional Court to appear shall be no hindrance for the trial of the case.

5. Where necessary, the court may, on the motion of a party or on its own initiative, involve state or local self-government bodies, the decisions or actions of which may have influence on rendering the decision on the termination of the powers of the judge of the Constitutional Court, as a third party to the proceedings.

6. The burden of proof in the cases referred to in this Article shall be borne by the applicant party.

7. Where the applicant party withdraws the application within the time limits prescribed by this Law and the judge of the Constitutional Court does not object to it within a period of three days, the proceedings of the case shall be terminated. The withdrawal of the application shall be

carried out as prescribed by the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly”.

8. In the cases referred to in this Article, the Constitutional Court shall exercise its powers provided by part 6 of Article 80 of this Law.

9. In the cases on deciding on the issue of terminating the powers of a judge, the Constitutional Court shall, not later than 30 days after the arrival of the application, render one of the following decisions:

(1) Decision on terminating the powers of the judge of the Constitutional Court;

(2) Decision on the absence of grounds for terminating the powers of the judge of the Constitutional Court.

10. Upon the reasoned decision of the Constitutional Court, the period referred to in part 9 of this Article may be extended for up to fifty days.

**Article 83. Examination of cases on giving consent for initiating criminal prosecution against a judge of the Constitutional Court or for depriving him or her of liberty with respect to the exercise of his or her powers**

1. The right to apply to the Constitutional Court for giving consent for initiating criminal prosecution against a judge of the Constitutional Court or for depriving him or her of liberty with respect to the exercise of his or her powers shall rest with the Prosecutor General.

2. The applications in the cases referred to in this Article must comply with the general requirements for applications provided by this Law, and evidence confirming the grounds for initiating criminal prosecution against a judge of the Constitutional Court or for depriving him or her of liberty must be attached to the application.

3. The trial of the cases referred to in this Article shall be carried out through oral procedure.

4. The judge of the Constitutional Court, against whom the issue of initiating criminal prosecution or of depriving him or her of liberty is being examined, shall be involved in the proceedings as a respondent and have the rights and responsibilities of a party to the proceedings provided by this Law. Failure by a judge of the Constitutional Court to appear shall be no hindrance for the trial of the case.

5. The burden of proof in the cases referred to in this Article shall be borne by the applicant party.

6. Where the applicant party withdraws the application within the time limits prescribed by this Law and the judge of the Constitutional Court does not object to it within a period of three days, the proceedings of the case shall be terminated.

7. In the cases referred to in this Article, the Constitutional Court shall exercise its powers provided by part 13 of Article 79 of this Law.

8. In the cases on deciding on the issue of giving consent for initiating criminal prosecution against a judge of the Constitutional Court or for depriving him or her of liberty, the

Constitutional Court shall, not later than within 48 hours from the day of arrival of the application, render one or several of the following decisions:

- (1) Decision on giving consent for initiating criminal prosecution against the judge of the Constitutional Court;
- (2) Decision on the absence of grounds for initiating criminal prosecution against the judge of the Constitutional Court;
- (3) Decision on giving consent for depriving the judge of the Constitutional Court of liberty;
- (4) Decision on the absence of grounds for depriving the judge of the Constitutional Court of liberty.

**Article 84. Examination of cases on suspending or prohibiting the activities of a political party**

1. The right to apply to the Constitutional Court in the cases referred to in this Article shall rest with National Assembly, which may do so upon a decision adopted by the majority vote of all the Deputies, and the Government.
2. The Constitutional Court may adopt a decision on suspending or prohibiting the activities of a political party where it makes findings of grounds for suspending or prohibiting the activities of a political party prescribed by the Constitution and the Constitutional Law of the Republic of Armenia "On political parties" present in the activities thereof.
3. The political party, with regard to which an application has been submitted for suspending or prohibiting its activities, shall be involved in the constitutional proceedings as a respondent who enjoys the rights and bears the responsibilities of a party to the proceedings prescribed by this Law. Failure by a representative of a political party to appear shall be no hindrance for the trial of the case.
4. The applications in the cases referred to in this Article must comply with the general requirements for applications provided by this Law, and evidence confirming the grounds for suspension or prohibition of the activities of a political party must be attached to the decision of the National Assembly.
5. The trial of the cases referred to in this Article shall be carried out through oral procedure.
6. The burden of proof in the cases referred to in this Article shall be borne by the applicant party.
7. In the cases referred to in this Article, the Constitutional Court shall exercise its powers provided by part 13 of Article 79 of this Law.
8. The Constitutional Court shall also be entitled to impose an attachment on the property of the political party in question as a measure securing the application.
9. In the cases referred to in this Article, the decision of the Constitutional Court shall be rendered within a period of three months after the arrival of the application.

10. Where the applicant party withdraws the application as prescribed by this Law, and the political party in question does not object to it within a period of three days, the proceedings of the case shall be terminated.

11. In the cases referred to in this Article, the Constitutional Court shall render one of the following decisions:

(1) Decision on rejecting the application;

(2) Decision on suspending the activities of a political party, along with which an obligation to eliminate the violations having served as a ground for the suspension may be imposed on the political party;

(3) Decision on prohibiting the activities of the political party.

12. While adopting a decision in the cases referred to in this Article, the Constitutional Court shall also be entitled to assess the constitutionality of the provisions of the Constitutional Law of the Republic of Armenia "On political parties" subject to application in the case under examination and, in the case of arriving to the conclusion that they contradict the Constitution, the Constitutional Court shall declare the relevant provisions as contradicting the Constitution and invalid, and adopt a decision on rejecting the application.

**Article 85. Examination of cases on issues provided by part 1 of Article 129, part 2 of Article 139, and Article 150 of the Constitution**

1. The right to apply to the Constitutional Court with issues provided by part 1 of Article 129, part 2 of Article 139, and Article 150 of the Constitution shall rest with the President of the Republic.

2. The trial of the cases referred to in this Article shall be carried out through written procedure.

3. In the cases provided by this Article, the Constitutional Court shall examine the application and render a decision within a period of ten days after the arrival of the application, except for the cases with regard to the formation of the Government provided by Article 150 of the Constitution, in the case of which the Constitutional Court shall examine the application and render a decision within a period of five days after the arrival of the application.

**CHAPTER 11**

**JUDICIAL SERVICE WITHIN THE STAFF OF THE CONSTITUTIONAL COURT**

**Article 86. Judicial service and judicial servants**

1. Professional activity within the Staff of the Constitutional Court, except for the work activity pertaining to technical service functions, shall be judicial service and officials holding relevant positions within the Staff, shall be judicial servants.

2. Laws regulating judicial service relations shall apply to judicial service at the Constitutional Court insofar as they do not contradict this Law.

3. Peculiarities of judicial service at the Constitutional Court shall be prescribed by the Rules of Procedure of the Constitutional Court, based on this Law and other laws regulating judicial service relations.

**Article 87. Final and transitional provisions**

1. Based on Article 210 of the Constitution, this Law shall enter into force on the day of assuming powers by the newly-elected President of the Republic of Armenia.

2. The Rules of Procedure of the Constitutional Court shall be brought into compliance with this Law and shall enter into force within three months following entry into force of this Law.

3. The Code of Conduct of judges of the Constitutional Court shall be adopted within three months following entry into force of this Law.

4. As of the date of entry into force of the Law of the Republic of Armenia “On social guarantees for persons having held state offices”, the amount of pension assigned on the grounds of terminating powers of a judge of the Constitutional Court as prescribed by points 1 and 2 of part 1 and points 3 and 4 of part 2 of Article 13 of this Law and granted to the person having held the position of the Chairperson or a member of the Constitutional Court as appointed prior to entry into force of Chapter 7 of the Constitution, shall be calculated in the amount equal to 75 per cent of the multiplication of the coefficient of decimal zero point nine and the total amount of the official pay rate and the bonus received while holding the position of a judge of the Constitutional Court. Where the amount of pension calculated as prescribed by this paragraph is lower than the amount of pension calculated as prescribed by the first paragraph of this part, pension shall be awarded in the amount calculated as prescribed by the Law of the Republic of Armenia “On social guarantees for persons having held state offices”.

5. As provided for by Article 213 of the Constitution, the person having been appointed to the position of member of the Constitutional Court prior to entry into force of Chapter 7 of the Constitution and having held the position of judge of the Constitutional Court for at least twelve years after entry into force of this Law, may — independent of age — be granted a pension in the manner and amount prescribed by the Law of the Republic of Armenia “On social guarantees for persons having held state offices” on the grounds provided for by part 2 of Article 11 and part 4 of Article 87 of this Law, where he or she has submitted to the National Assembly an application on the resignation with regard to termination of powers for the purpose of going on pension and has not withdrawn it within one week after the submission.

6. “The Chairperson and members of the Constitutional Court appointed prior to entry into force of Chapter 7 of the Constitution amended as of 2015 shall continue to hold office till the expiry of term of their powers prescribed by the Constitution amended as of 2005”.

7. Nominations for vacancies of judges of the Constitutional Court shall be made subsequently by the President of the Republic of Armenia, the General Assembly of Judges and the Government after entry into force of Chapter 7 of the Constitution.

8. The Law of the Republic of Armenia HO-58-N of 1 June 2006 “On the Constitutional Court” shall be repealed upon entry into force of this Law.