

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

THE CASE ON CONFORMITY OF ARTICLE 208, PART 2 OF THE CIVIL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE CITIZEN NELLY MKRTCHYAN

Rapporteur M.Topuzyan

Based on the review of the Case and being governed by Article 100, Point 1, Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. To declare Article 208, Part 2 of the RA Civil Procedure Code, as far as it does not determine exceptions to the restriction of the right to appeal in all cases when the court of first instance made a judicial error violating the main essence of the right to fair trial, particularly, when the procedural guarantees stipulated by Article 19, Part 1 of the RA Constitution and Article 6, Part 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950 on ensured of the concrete information subject to classification, contradicting Articles 18 and 19 of the Constitution of the Republic of Armenia and void.
2. Pursuant to Article 102, Part 2 of the RA Constitution this Decision is final and enters into force from the moment of its announcement.

18 July 2012
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