

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

**ON THE CASE OF CONFORMITY OF PART 2, ARTICLE 5 OF THE RA LAW ON THE DISSEMINATION OF MASS MEDIA, PART 2, ARTICLE 14 AND POINT 1, PART 2, ARTICLE 41 AND ARTICLE 279 OF THE CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATIONS OF THE “HRAPARAK ORATERT” LLC AND “START MEDIA” LLC**

Rapporteur A. Tunyan

Proceeding from the results of consideration of the case and ruled by Article 100, Point 2, Article 102, Parts 1 and 4 of the Constitution of the Republic of Armenia, Articles 63,64 and 72 of the RA Law on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Part 2 of Article 5 of the RA Law on Mass Media is in conformity with the Constitution of the Republic of Armenia in the framework of the constitutional-legal contents revealed in this decision by the Constitutional Court.

The constitutional-legal contents of Part 2 of Article 5 of the RA Law on Mass Media concludes that in rule of law democratic state, deriving from the principles of equability of restriction of legal definiteness and rights, the legitimate interest of revealing the source of information may be recognized as priority against not revealing public interest in the cases when revealing of the source is necessary for protection human life, for prevention of grave (particularly grave)crimes or ensuring the judicial defense to the person accused in committing of the grave (particularly grave) crime. The presence of at least one of these legal terms may serve as legitimate grounds for revealing the source of information in accordance with the order prescribed by law and in the case of availability of other grounds prescribed in the provision of the challenged object.

2. Part 2 of Article 14, Point 1, Part 2 of Article 41 of the RA Criminal Procedural Code and Article 279 are in concordance with the Constitution of the Republic of Armenia in the framework of the legal regulations prescribed by the RA Constitutional Court.

Regarding the defense of the rights prescribed by Article 27 of the RA Constitution, Part 2 of Article 14, Point 1, Part 2 of Article 41 and Article 279 of the RA Criminal Procedural Code in the scopes of the constitutional legal contents cannot include in the expression “for revealing secrecy of other information” the expression “revealing the source of information” which possesses with other material-legal grounds and is the subject to independent legal regulation.

3. On the basis of Part 12 of Article 69 of the RA on the Constitutional Court and Article 426.4 of the RA Criminal Procedural Code the final judicial acts are subject to review on the basis of new circumstances prescribed by law as the challenged provisions are implemented against the applicants on other interpretation.

4. Pursuant to Article 102, Part 2 of the Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of the announcement.

October 20, 2015

DCC-1234