

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

ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE CONFORMITY OF POINT 4 , PART 1, ARTICLE 426.3 AND POINT 1, PART 1, ARTICLE 426.4 OF THE CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA, PART 12, ARTICLE 69 OF THE RA LAW ON THE CONSTITUTIONAL COURT WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE APPLICATIONS OF THE CITIZENS S. ASATRYAN AND A. MANUKYAN

Rapporteur H. Nazaryan

Proceeding from the results of examination of the case and ruled by the provisions of Articles 100(1), Point 6, Article 101 of the RA Constitution, Articles 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. Point 4, Part 1, Article 426.3 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia within the scopes of legal positions expressed in this decision.
2. To declare, Point 1, Part 1, Article 426.4 of the RA Criminal Procedure Code in regard to the content used in law-enforcement practice, that does not provide an opportunity to restore the infringed human rights that were resulted from the applying of a law (other legal norm) with an interpretation other than the legal positions of the Constitutional Court, through the revision of the case within the scopes of judicial appeal based on new circumstances, to be in conformity with the requirements of Articles 3, 6, 18, 19 and 93 of the Constitution of the Republic of Armenia and invalid.
3. To dismiss the case in regard to Part 12, Article 69 of the RA Law on Constitutional Court.
4. Considering the fact, that the recognition of the norm of being inconformity with the Constitution and invalid from the date of publication of the decision, the norm declared inconformity with the RA Constitution in Part 2 of the concluding part of this decision, shall inevitably give rise to unfavorable effects in the sense of complex solution of the issue of human rights protection and guaranteeing the necessary legal security, on the basis of Part 3, Article 102 of the RA Constitution and Part 15, Article 68 of the RA Law on Constitutional Court to determine November 12011 as the deadline for the invalidation of the provision that is recognized incompatible with the Constitution of the RA and invalid.
5. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

February 25, 2011

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