

THE LAW OF THE REPUBLIC OF ARMENIA ON THE CONSTITUTIONAL COURT

CHAPTER 1 GENERAL TENETS

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

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

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

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

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

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

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

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

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

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

ART. 21 Verbal procedures

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

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

ART. 22 Non-interruption

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

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

ART. 23 The equality of the parties

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

ART. 24 The language used for the review of cases

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

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

CHAPTER 6 THE APPEAL TO THE CONSTITUTIONAL COURT

ART. 25 The right to appeal to the Constitutional Court

The Constitutional Court may hear cases submitted by

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

ART. 39 The parties to the trial

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

in the Constitutional Court:

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

ART. 40 *Being named as a defendant*

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

ART. 41 *The representation at the Court*

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

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

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

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

ART. 42 *The rights of the parties*

The parties may

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

ART. 53 *Dismissing a case*

The Constitutional Court dismisses the case if

- 1) during the session grounds falling under Article 32 of the present Law were discovered that could have caused the Court to reject the appeal;
- 2) the Act whose constitutionality is being questioned has been abrogated or it has become invalid before the consideration of the case or during its process and it has not been applied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1) demand material, criminal, civil, administrative cases, verdicts, decisions, resolutions, certificates and other documents from the judicial bodies, from the public prosecutor or investigating authorities;
- 2) invite and listen to authorities and citizens whose explanations may influence the decision on the case.

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

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

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

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

- 1) invite and listen to the President of the Republic, the President of the National Assembly, the Prime Minister, members of the Government, highest officers of the armed forces, other authorities and citizens
- 2) receive from State organs and authorities any documents, even those that may have state secrets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 10

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

ART. 64 *The Acts of the Constitutional Court*

The Constitutional Court adopts resolutions and conclusions.

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

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

ART. 65 *The types of Acts*

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

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

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

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

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

9) the stating of a resolution or a conclusion

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

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

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

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

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

1) the parties

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

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

ART. 70 *The consequences of not obeying the resolution*

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

CHAPTER 11

CONCLUDING TENETS

ART. 71 *The location of the Constitutional Court*

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

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