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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**AMENDMENTS TO THE LAW
ON THE CONSTITUTIONAL COURT
OF ARMENIA**

**THE LAW OF THE REPUBLIC OF ARMENIA
ON THE CONSTITUTIONAL COURT**

(Edition of 1 June, 2006)

Article 1. Compose the law of the Republic of Armenia on the Constitutional Court in the following edition.

CHAPTER 1
GENERAL TENETS

ART. 1 The Constitutional Court of Republic of Armenia

1. The Constitutional Court is the highest body of the constitutional justice, which provides the prevalence and direct enforcement of Constitution in the legal system of Republic of Armenia (RA).

2. The Constitutional court is independent and follows only the Constitution in the course of administering constitutional justice.

ART. 2 The powers of the Constitutional Court and the procedures of its formation and activities

The powers and the procedure of formation of the Constitutional Court are stipulated by the Constitution and the procedures of activities are stipulated by the Constitution and this Law.

ART. 3 Requirements set for a Member of the Constitutional Court

1. Any citizen who is 35 years of age, that has the right to vote and has no a citizenship of any other country can be appointed to the Constitutional Court if he/she has completed a higher legal education or has an academic degree in Constitutional Law as well as has at least 10 years of legal work experience and has a command of the Armenian language.

2. The National Assembly and the President of RA shall take into account the moral characteristic of the candidate while appointing the Constitutional Court Member.

3. A Member of the Constitutional Court may not be engaged in any entrepreneurial activity nor may he/she hold any office in state or local self-government bodies not related to his/her duties, hold any position in commercial organizations, as well as engage in any other paid occupation, except for scientific, educational and creative work, which shall not hinder from fulfilling the duties of the Member of the Constitutional Court. The latter will not be considered a valid reason for the absence at the court hearings.

4. A Member of the Constitutional Court may not be a member of any political party nor may he/she engage in any political activity.

ART. 4 Oath of a Member of the Constitutional Court

A Member of the Constitutional Court assumes his/her office at a session of the National Assembly by taking the following Oath: "By assuming the Office of a Member of the Constitutional Court, I swear before the people of the Republic of Armenia that I will guarantee the prevalence of Constitution, be impartial and hold high the calling of the Member of the Constitutional Court."

ART. 5 Main principles of case review in Constitutional Court

Main principles of case review in Constitutional Court are:

- a) Independence of Constitutional Court;
- b) clarification of the circumstances of the case in ex officio;
- c) the legal equality and the competitiveness of the parties;
- d) collegiality;
- e) transparency.

ART. 6 Guarantees for Constitutional Court functioning

1. The financing of the Constitutional Court is made by the state budget assets, which shall provide the regular functioning of the Constitutional Court.

2. The President of the Constitutional Court presents to the Government the estimate expenditures of the Constitutional Court (the budgetary claim) for inclusion in the draft budget within a timeframe prescribed by the Law on budgetary system and with the procedures determined by the Charter of the Constitutional Court.

3. The Constitutional Court budget is a part of the state budget.

4. If accepted the budgetary claim of the Constitutional Court is included in the draft budget and in case of any objection is presented to the National Assembly together with the draft budget. The Government presents the grounds of objection to the budgetary claim to the National Assembly and to the Constitutional Court.

5. In order to provide the effective functioning of the Constitutional Court a reserve fund for the Constitutional Court is anticipated for the unexpected expenditures, which is presented in a separate budget line. The amount of the reserve fund is equal to the two percent of the total annual budget of the Constitutional Court determined by the law on state budget for the current year.

6. The Constitutional Court form its personnel and disposes its resources independently.

7. The Government provides the Constitutional Court with a separate building and necessary equipment for normal functioning, as well as other constructions if needed.

8. The security of the Constitutional Court buildings is provided in the manner stipulated by Law.

9. In case of any illegal effect or danger of such effect on the immunity of a Member of the Constitutional Court, of his/her family members, and of his/her office or residence space the authorized state bodies have to undertake all immediate necessary measures to provide the security of the Member of the Constitutional Court, of his/her family members, and of his/her office or residence space following the request of the Constitutional Court.

10. Except for the Members of the Constitutional Court and its staff, others can enter the building of the Constitutional Court in the order stipulated by the Charter of the Constitutional Court.

ART. 7 The Constitutional Court residence

1. The Constitutional Court sessions are held in Yerevan, the residence of the Constitutional Court.
2. By a procedural decision of the Constitutional Court, adopted by minimum of two thirds of all the Members, the Constitutional Court can hold its sessions in other locations.

ART. 8 The use of state symbols in the Constitutional Court. The seal of the Constitutional Court

1. The flag of the Republic of Armenia is raised on the residence of the Constitutional Court.
2. The state emblem and the flag of the Republic of Armenia are placed in the court room of the Constitutional Court.
3. The Constitutional Court has a seal with the state emblem and its name.

**CHAPTER 2
THE MEMBER OF THE CONSTITUTIONAL COURT**

ART. 9 Independence of Members of the Constitutional Court

1. A Member of the Constitutional Court shall be independent and only subject to the Constitution and to the Law while administering constitutional justice.
2. A Member of the Constitutional Court has no right to seek for instructions or receive those in the course of its activities.
3. Any exerting of influence on a Member of the Court in relation to his/her activities is prohibited and shall be persecuted by Law.
4. In case of interference or any other influence on a Member of the Court in relation to his/her activities shall be immediately reported to the Constitutional Court, which can request with its decision from an authorized body to hold liable the person who interfered and (or) organized the interference.

ART. 10 Irremovability of a Member of the Constitutional Court

1. A Member of the Constitutional Court shall be irremovable.
2. The powers of a Member of the Constitutional Court are revoked on the grounds and by the procedures stipulated by Article 14 of this Law.

ART. 11 The immunity of a Member of the Constitutional Court

1. A Member of the Constitutional Court shall have immunity.
2. A Member of the Constitutional Court may not be detained, involved as an accused or subjected to administrative liability through the judicial process except with the consent of the Constitutional Court and the body that has appointed him/her, that is the National Assembly and the President. The consent of the Constitutional Court is given as a Resolution, the consent of the National Assembly as a Decision of the National Assembly and the consent of the President as a Decree.

3. The Member of the Constitutional Court shall not be arrested except for cases when caught in the act or immediately after that. In this case the President of the Republic and the President of the Constitutional Court shall be notified immediately about the arrest. The decision on the arrest shall be sent not later than in 24 hours to the President and to the Constitutional Court.

The arresting authority and its officials are obligated to provide the free entrance of the President of the Constitutional Court in the area where the Member of the Constitutional Court is kept and provide his/her meeting with the arrested Member of the Constitutional Court.

4. The Member of the Constitutional Court can not be summoned. The authorized person who summoned a person without documents shall release the person as soon as it finds out that the summoned person is a Member of the Constitutional Court.

5. The entrance to the office buildings for search, examination, seizure of any documents or objects can be done by informing the President of the Constitutional Court.

6. A Member of the Constitutional Court may be charged with criminal offence only with the warrant of the Prosecutor-General.

7. A Member of the Constitutional Court may not be prosecuted or held liable for actions arising from his/her status during and after his/her term of office.

8. If martial law or emergency state is declared the guarantees of immunity prescribed in this article are not abolished.

9. A diplomatic passport shall be issued for a Member of the Constitutional Court.

ART. 12 Material security of the President and Members of the Constitutional Court.

1. In order to ensure the activities of the Member of the Constitutional Court, the state provides the Member with adequate living and working conditions.

2. The level of compensation of the President and Members of the Constitutional Court shall be determined by law. The President and Members of the Constitutional Court shall be paid additional payments determined by the length of the work experience as a Member of the Constitutional Court or as a judge in the order prescribed for judges.

3. In cases where the powers of a Member of the Constitutional Court are terminated because of Point 1 of Part 1 or Point 2 and 5 of Part 3 of Article 14 of this Law, as well as in case of incapacity of the Member of Constitutional Court determined by the court decision, the Member is granted a pension equal to 75% of his/her salary and to the additional payment as a Member of the Constitutional Court. In case of a raise to the salary and the additional payment of the President and Members of the Constitutional Court the pensions are recalculated correspondingly.

4. The President and Members of the Constitutional Court are entitled to an annual paid vacation of 30 working days.

5. In case of heavy work load the President of the Constitutional Court may recall the Members from their vacation.

The Member of the Constitutional Court recalled from vacation holds the right to use the unused vacation days.

ART. 13 The uniform of the Members of the Constitutional Court

At the court sessions Members of the Constitutional Court wear a special uniform which is described in the Charter of the Constitutional Court.

CHAPTER 3
TERMINATION OF POWER OF THE MEMBER
OF THE CONSTITUTIONAL COURT

ART. 14 Grounds for termination and suspension of power of a Member of the Constitutional Court

1. The power of a Member of the Constitutional Court shall be terminated when he/she:
 - 1) has reached the age of 65;
 - 2) has died;
 - 3) has had his/her citizenship withdrawn or has been granted a foreign citizenship;
 - 4) has applied in writing to the body that has appointed him/her, requesting to terminate his powers and has informed the Constitutional Court of that appeal and at least in 10 days has reiterated his/her resignation.
 - 5) is determined by a Court of law to be unable to work, missing or dead;
 - 6) has been found guilty by a Court of law.
 - 7) has been appointed with a violation of Constitution which was proved by a Court of law.

2. In the case described by point 1 of part 1 of this Article, if the Constitutional Court Member is involved in the case hearing of one or more cases at a time of reaching the age limit of remaining in power, then his/her power is terminated the day when the case(s) is completed, but no later than six months after the day when he/she reaches the age limit.

3. The membership in the Constitutional Court may be terminated on the basis of a ruling of the Constitutional Court by the appointing body when a Member:
 - 1) has been absent for three times within one year from the sessions of the Court without an excuse;
 - 2) has been unable to fulfill for six months his/her powers as a Member of the Constitutional Court because of some temporary disability or other lawful reason;
 - 3) violated the rules of incompatibility related to the Constitutional Court Member that are prescribed by this Law.
 - 4) expressed an opinion in advance on the case being reviewed by the Constitutional Law or otherwise raised suspicion in his/her impartiality or released information on the process of the closed door consultation or broke the oath of the Constitutional Court Member in any other way.
 - 5) after the appointment gained a physical disease or illness, which affected the fulfillment of the duties of a Constitutional Court Member.

4. In the cases described by part 3 of this Article the powers of the Constitutional Court Member appointed by the National Assembly are terminated by the order prescribed by the Law Charter of the National Assembly.

5. In the cases described by part 3 of this Article the President applies to the Constitutional Court for Resolution on the termination of the power of the Constitutional Court Member appointed by the President. On the basis of Resolutions of the Constitutional Court finding grounds of termination the President can remove the Constitutional Court Member from the position with his/her decree.

If the power of the Constitutional Court Member is not terminated within three days after the release of the Resolution of the Constitutional Court the same grounds can not be later used for such termination.

6. After the approval of the request of involving the Constitutional Court Member as an accused in a criminal case the power of the Constitutional Court Member are suspended in an order determined for the suspension of the power of a judge.

7. In cases when the membership in the Constitutional Court has been terminated because of the reasons envisaged by this Article, the President of the Constitutional Court, in a period of two days after the vacancy has occurred, shall apply respectively either to the President of RA or the National Assembly, requesting to appoint a new Member.

ART. 15 Procedure to fill a vacant position of the President and a Member of the Constitutional Court

1. Appointment of a new Member of the Constitutional Court shall be made within two months of the termination of the Membership in the Court on the basis of procedures prescribed by the Constitution.

2. If the position of the President of the Constitutional Court is vacant the position is filled by the procedure prescribed by the Constitution.

CHAPTER 4
THE ORGANIZATION OF THE ACTIVITIES OF
THE CONSTITUTIONAL COURT

ART. 16 Organization of the activities of the Constitutional Court

1. The President of the Constitutional Court shall organize the activities of the Constitutional Court.

2. During his absence the President of the Constitutional Court passes his responsibilities upon one of the Constitutional Court Members in advance. In the case the substitute is absent the place of the President of the Constitutional Court is taken by the elder Member of the Constitutional Court.

ART. 17 President of the Constitutional Court

1. In accordance with the Part 2 of this Article the President of the Constitutional Court organizes and supervises the activities of the Constitutional Court.

2. The President of the Constitutional Court shall:

- 1) together with the Rapporteur(s) of the case prepares the Constitutional Court sessions;
- 2) give instructions to the Members of the Constitutional Court, in order to prepare the review of the case during the sessions of the Court;

- 3) convene and chair the Constitutional Court sessions;
- 4) present to the Constitutional Court the issues to be reviewed at the sessions;
- 5) make reprimands for the rules of the Constitutional Court examination cases, make obligatory demands for the Court procedure parties, invited entities, and those who are present at the sessions;
- 6) present the interrelations of the Constitutional Court with other bodies and organizations;
- 7) implement the general supervision of the Constitutional Court personnel, appoint or dismiss head of the personnel, approve the staff-list and the regulations for the personnel;
- 8) manage the financial resources and the regular functioning of the Court;
- 9) carries out other powers prescribed in this Law.

ART. 18 Personnel of the Constitutional Court

1. The Constitutional Court personnel provides necessary counseling, organizational, informational, technical and other conditions for fulfillment of the powers of the Constitutional Court.
2. The service in the personnel of the Constitutional Court is a special type of state service in the Republic of Armenia, the judicial service, the peculiarities of which are prescribed by this law and by the Charter of the Constitutional Court.
3. The professional workers of the constitutional court are granted with ranks according to the rule of this Law.

CHAPTER 5 THE PRINCIPLES FOR THE REVIEW OF CASES BY THE CONSTITUTIONAL COURT

ART. 19 Ex-officio Clarification of the Case Circumstances

The Constitutional Court clarifies all the circumstances of the case in ex-officio without limiting itself with the motions, suggestions, evidences and other materials of the case brought by the participant of the Constitutional Court trial.

ART. 20 Collegiality

1. The review of cases and the adoption of decisions or resolutions on cases by the Constitutional Court shall be done on the basis of collegiality.
2. The Member of the Constitutional Court has the right of single vote in passing decisions or resolutions.

ART. 21 Implementation of court procedure based on the competitiveness and the equality of rights of the parties

The Constitutional Court is obliged to provide equal opportunities for the parties impartially during the whole process of the case review, also to provide each party a complete opportunity of representing its position concerning the case that is being reviewed.

ART. 22 Publicity

1. The court hearing is open for public with the exceptions provided in the Part 3 of this article.

2. The court hearing can be written down, recorded.

The court hearing can be videotaped and broadcasted by the decision of the Constitutional Court.

3. By a majority vote, the Constitutional Court may decide to hold a session or part of a session in the absence of the media and the public for the interest of community morals, public order and state security, and for the privacy of the parties and the case.

4. With the initiation of the Constitutional Court or with the motion of any party of the trial the issue of the close-door court hearing is also examined and solved in the closed session.

5. The parties of the trial, their representatives, and in case of need the witnesses, as well as the experts and interpreters have the right to be present at the closed session.

The parties present at the closed session are notified by the Constitutional Court about the liability for disclosing the information acquired during the closed session.

6. The decision of the Constitutional Court on the substance of the case as well as the final part of the Resolution in any case is announced at the open session.

ART. 23 Non-interruption

1. During each session the Constitutional Court shall review a case without interruptions, except for the periods of rest and breaks as determined by the Constitutional Court.

2. The review of other cases is prohibited unless the revision of the pending case is over or the case is postponed. After postponing the case, the Constitutional Court can begin the hearing of another case or continue the revision of the interrupted case in a separate session.

ART. 25 Language used for the review of cases

1. The Constitutional Justice is administered in Armenian language.

2. The participants of the trial have a right to present their arguments in court in their preferred language in case they provide the Armenian translation.

For those trial participants who do not know Armenian the Constitutional Court provides a free translator services at the expense covered by the state budget, if they prove their lack of resources for having paid interpretation.

3. Translators payment order is prescribed by Law.

CHAPTER 6 THE APPEAL TO THE CONSTITUTIONAL COURT

ART. 25 The right to appeal to the Constitutional Court

The bodies and persons determined by Article 101 of the Constitution can appeal to the Constitutional Court in the order prescribed by the Constitution and this Law. Moreover, in

cases determined in the Point 6 of Article 101 legal persons are also eligible to appeal to the Constitutional Court according to the Article 42.1 of the Constitution.

ART. 26 The cause of case review in the Constitutional Court.

The Constitutional Court reviews the case only if a relevant application exists.

ART. 27 The general requirements for the application

1. The application is submitted to the Constitutional Court in written, signed by authorized person(s).

2. The application shall include the following:

- 1) name of the Constitutional Court;
- 2) name(title), the address (legal address) of the applicant;
- 3) required information on the representative of the applicant if the applicant is being represented;
- 4) article of the Constitution that gives the right to an applicant to apply to the Constitutional Court;
- 5) request submitted to the Constitutional Court and the arguments of the applicant with the references to the relevant articles of the Constitution;
- 6) list of documents attached to the application if such exist.

3. In cases determined by Article 69 of this Law the applicant is also obliged to submit to the Constitutional Court the receipt of the paid state duty in the amount prescribed by this Law or a motion of release of such a duty.

For applying to the Constitutional Court the individuals pay the five times of the basic state duty and the legal entities pay twenty times of it.

Based on the motion of the applicant the issue of release of the latter from the state duty is decided in the course of reviewing the admissibility of the individual appeal by the Constitutional Court.

ART. 28 The attached documents to the application

1. The attachments to the application submitted to the Constitutional Court are:

- 1) power of attorney or any other document that certifies the authority of the representative;
- 2) Armenian translation, certified in the order determined by law, of all the documents in foreign language;
- 3) official text of the argued legal act in cases of appeals regarding the issues determined by Points 1 and 2 of Article 100 of the Constitution;
- 4) other materials that the applicant find appropriate.

2. After the admission of the application new materials can be presented only by the permission of the Constitutional Court.

CHAPTER 7

THE PRELIMINARY REVIEW OF THE APPEAL

ART. 29 Admission of the application by the Constitutional Court

1. Application presented to the Constitutional Court shall be subject to mandatory registration. The registered appeal shall be submitted to the President of the Constitutional Court.

2. The procedure of admission of the application to the Constitutional Court prescribed by Point 6 of Article 101 of the Constitution is determined by the Charter of the Constitutional Court.

3. If it is evident that the issue brought in the appeal is not subject to the review of the Constitutional Court or if it is presented to the Court by bodies, person(s) who are not authorized to make an appeal to the Court, the Court Personnel must return the application within five days.

4. If the appeal does not correspond in form to the requirements of Articles 27 and 28 of this Law, the applicant is informed about that by the Constitutional Court Personnel within three days and in cases determined by Points 3, 3.1 and 4 of Article 100 of the Constitution within 24 hours. The application is processed further within two days after the corresponding requirements were met by the applicant.

If within the given time period the requirements of Articles 27 and 28 of this Law are not met the application is rejected.

5. The rejection of the application can be appealed to the President of the Constitutional Court within three days which rules the final decision on the appeal within one day.

ART. 30 Preliminary study of the application

1. In the absence of the grounds determined in Part 3 and section 2 of Part 4 of Article 30 of this Law, the President of the Constitutional Court assigns the preliminary study of the application to one or more Members of the Constitutional Court.

ART. 31 Admission the case for review

1. Based on the results of the preliminary study, the Member(s) shall report to the President of the Constitutional Court on the results of his/her (their) preliminary study.

2. Following the report, the President of the Constitutional Court shall call a session of the Constitutional Court within the time period determined by the Charter of the Constitutional Court, to decide the issue of admissibility of the case.

3. The case is admitted if there are no grounds for refusal determined in the Article 33 of this Law.

4. In case of an individual application the admissibility hearing procedure is determined by Part 6-8 of Article 70 of this Law.

5. Together with the admissibility decision the Court decides the start date of the court hearing of the case, the appointment of the Rapporteur of the case, the procedural issues of the case hearing as well as other issues regarding the preparation of the case for the hearing.

6. The Constitutional Court shall inform the appealing party as well as interested parties and persons about the decision of the Constitutional Court within three days.

ART. 32 Rejecting the review of the case

The Constitutional Court shall decide not to review a case or it parts if:

- 1) the issues raised in the appeal are not subject to the jurisdiction of the Constitutional Court;
- 2) the appealing party is not authorized to appeal to the Constitutional Court;
- 3) the issue raised in the appeal has been subject to a prior decision of the Constitutional Court in cases determined by Articles 68-75 and 77 of this Law.
- 4) the issue raised in the appeal has been subject to a prior decision of the Constitutional Court in cases determined by Articles 76, 78-80 of this Law and any new factual circumstances (not known to the applicant before the adoption of the Constitutional Court Decision for some independent reasons or not appeared at the case hearing) regarding that issue are not presented in the application;
5. if the matter of the appeal(s) is being reviewed within another appeal at the Constitutional Court;
6. in other cases determined by Article 69 of this Law.

ART. 33 Withdrawing the appeal

1. The appealing party may withdraw the appeal presented to the Constitutional Court until the beginning of the session on the review of the case.
2. The withdrawal of the case by the applicant can be declined if the Constitutional Court finds that the review of the case on the substance of the application is of public or state interests, except for the cases when the withdrawal of the application brings to the dismiss of the case.

ART. 34 Securing the application by the Constitutional Court decision

1. By the initiative of the applicant or the Constitutional Court, after the case is admitted, the Constitutional Court can suspend the application of the legal act, the constitutionality of which is challenged, if the absence of such decision on suspension can cause irretrievable or harmful consequences for the applicant or the society.
2. The decision on suspension of the arguable legal act gets into force after its publication. The public is immediately informed on that by the means of Mass Media and the relevant information is released by the Public Television and Radio.

CHAPTER 8**GENERAL RULES FOR THE CASE REVIEW IN THE CONSTITUTIONAL COURT****ART. 35 Session of the Constitutional Court**

1. The Constitutional Court shall review cases during the sessions of the Constitutional Court.
2. A session shall be valid if a quorum for holding decisions determined by Articles 62 and 80 of this Law is provided.
3. Each case in the Constitutional Court is reviewed in a separate session of the Court.

ART. 36 The call for a session

Sessions of the Constitutional Court shall be called and presided over by the President of the Constitutional Court and in the absence of the President of the Constitutional Court his/her replacement appointed by the rules of Part 2 of Article 16 of this Law.

ART. 37 Preparation of the court review of the case

1. Invitees to a session shall be determined by the President of the Constitutional Court and the Rapporteur(s).

2. Minimum five days prior to convening of a session, Members of the Constitutional Court, the parties and in case of need and by a decision of the President of the Constitutional Court the invitees are forwarded a notification of the convening of the session of the Constitutional Court, copies of the appeal and documents obtained during the preliminary review of the case.

In cases of the appeals of the decisions regarding the Presidential election results as well as in cases prescribed in the Article 76 of this Law the Constitutional Court can define in its Charter a shorter time period for sending out the materials determined in the first paragraph of this Part.

3. The notification on the date and time of the session of the Constitutional Court shall be forwarded to the parties and invitees by the staff of the Constitutional Court.

ART. 38 The procedure of case review in the Constitutional Court

1. The cases in the Constitutional Court are reviewed verbally and by a written procedure in accordance with the procedures of this Law.

2. The rules of the case review by a written procedure are determined by the Constitutional Court in its Charter based on the requirements of this Law.

ART. 39 Combining of cases under review by the Constitutional Court

Before the start of the case review only the cases referring to the same issue can be combined by the decision of the Constitutional Court.

ART. 40 Requirements of the Constitutional Court

1. In order to prepare the case the Constitutional Court and its Rapporteur(s), after informing the President of the Constitutional Court, are authorized to request documents, recommendations and other materials from the state and local self-government bodies, to assign check-ups, studies, examinations, researches from the state officials as well as to demand from individuals and legal entities materials available to them.

2. The requirements and assignments (hereinafter requirements) of the Constitutional Courts and the Rapporteur shall be done in the timeframe required by those.

If meeting the timeframe of those requirements is not possible the addressee of those shall inform the Constitutional Court or the Rapporteur about the need of prolonging that timeframe not later than three days in advance of the day of exhaustion of it. The Constitutional Court and the Rapporteur can prolong the timeframe of the requirement or redirect those requirements to another body (person). Otherwise the timeframe determined by the Constitutional Court or the Rapporteur is getting into force.

3. In case of not meeting or not proper meeting of the requirements of the Constitutional Court or avoiding of doing those or breaking the timeframes the Constitutional Court can hold liable the officials of those bodies in the procedure prescribed by Law.

Holding accountable is not releasing from the responsibility to meet the requirements of the Constitutional Court.

For the actions or inactions described in this Part the natural persons and the head of legal persons can be fined in the amounts determined by Law.

4. Not meeting or not proper meeting of the requirements of the Constitutional Court or avoiding of doing those or breaking the timeframes set forth by the Constitutional Court once more after the liability measures taken will cause a criminal charge.

ART. 41 Evidences in the Constitutional Court

1. The evidences of the case are the pieces of information acquired by the procedure stipulated in the Law, based on which the Constitutional Court determines the existence or absence of the facts that can be grounds for the requests and arguments of the parties of the trial.

According to this Law those pieces of information can be acquired by the:

- 1) clarifications of the witnesses;
- 2) recommendations of the experts;
- 3) written materials, documents and objects (written and material evidences) including official statements and information received from the state and local self-government bodies;
- 4) inspections;
- 5) the explanations of the parties who give those as witnesses.

2. The parties have no right to destroy or hide any evidence or hinder the process of examination and evaluation of those by making the collection and submission of the evidences for the other party of the trial that has the burden of proof or the right to present its evidences impossible or hard.

ART. 42 The rights of a Member of the Constitutional Court

A Member of the Constitutional Court shall have the right to:

- 1) get acquainted with the materials of the case;
- 2) ask questions and receive responds and clarifications on the case under review during the session;
- 3) express his/her opinion on issues related to the rules of order;
- 4) make recommendations and motions.

ART. 43 The duties of a Member of the Constitutional Court

A Member of the Constitutional Court shall have the following duties:

- 1) execute the instructions of the President of the Court for the preparation for the issues under review;
- 2) participate in the sessions and the vote of the Court;
- 3) preserve the confidentiality of the deliberations and the vote undertaken during close-door meetings.

ART. 44 Participants to the trial

The following can be participants in the Constitutional Court:

- 1) the parties of the trial:
 - a) the applicants, which are the persons and bodies that applied to the Constitutional Court according to the Article 25 of this Law;
 - b) the respondents which are the persons and bodies determined in this Law;
- 2) the witness, the expert and the interpreter;

3) the third parties and other entities in cases prescribed by this Law, which have the same rights as the parties.

ART. 45 Being named a respondent

If the applicant have not referred to the respondent or have named the wrong defendant in their appeal to the Constitutional Court, the latter will name the respondent or the proper respondent and shall name also the co-respondents (in cases described by this Law) of the case in its decision on the case admissibility.

ART. 46 Representation before the Court

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

2. As an ex officio representative of the party in the Constitutional Court can act the head of the applicant body, the head of the body that adopted the arguable act, any Deputy of the Parliament that represents the one fifth of the Deputies in the order prescribed by the Law Charter of the National Assembly.

3. The authorized person of a party can act as its representative in the Constitutional Court if he/she is an official of the party or is an advocate or has a higher legal education or holds an academic degree in Constitutional Law and whose authorities are confirmed by the order prescribed by Law.

4. A party before the Constitutional Court may have no more than three representatives.

5. The representatives of the President, the National Assembly, the Government, the Court of Cassation, the Ombudsman, the Chief Prosecutor that are interested in participating at the Constitutional Court session can apply to the Constitutional Court and receive the materials of the case under review in advance and can give clarifications to the questions of the Constitutional Court in a status of invitees to the case hearing.

ART. 47 Rights of the parties

The parties may:

- 1) get acquainted with the materials attached to the case, make extracts;
- 2) submit documents necessary for the review of the case;
- 3) present their own point of view on the case;
- 4) ask questions to the other party, its representatives, the expert and the witness;
- 5) make motions, proposals.

ART. 48 Duties of the parties

The parties must

- 1) attend the Constitutional Court session by the latter's invitation;
- 2) give explanations and answer questions;
- 3) submit necessary materials concerning the case by order of the Constitutional Court;
- 4) abide by the rules of the Constitutional Court set for the review of cases and other provisions of this Law;
- 5) to exercise their procedural rights in bona fide.

ART. 49 The procedures of a session

1. At the moment of the entrance of the Members of the Constitutional Court into the court room those present in it shall stand up and take their seats with the invitation of the Presiding Member of the session.
2. At a fixed time after having been assured of the validity of the Session, the President shall declare so and announce the case to be reviewed.
3. The President shall make sure of the presence of the parties and invitees and shall check the mandates of the representatives of the parties, then shall table the question on starting the review of the case. If the Court considers it impossible to start the review of the case, then a decision shall be made to postpone the review.
4. The President shall explain to the parties their rights and duties.
5. The participants and the invitees of the case while referring to the Court shall use “High Court”. Except for the parties the rest shall stand up while submitting their explanations, clarifications and responds. Presentation of explanations, clarifications and responds in a different manner can be allowed only by the Court.
6. The review of a case at the Constitutional Court session starts with the report of the Rapporteur. The Members of the Constitutional Court may ask questions to the Rapporteur.
7. Following the report, the Constitutional Court shall hear the opinion of the Members of the Court and the suggestions of the parties as to the rules of order of the review of the case and shall reach a decision on this matter. The order of the review of a case decided by the Constitutional Court may be subject to change by the decision of the Court. During the process of reviewing the case, proposals by Constitutional Court Members regarding the order of examining materials shall be considered immediately.

ART. 50 Enforcement measures against the violators of the order at the Constitutional Court

1. In case of violation of the order in the Court session the Presiding Member of the session has the right to give a warning to the violator and in case of necessity the Court has the right to fine in the procedure and amount prescribed by Law or to rule out from the court room.
2. If the participants of the trial or other individuals express disrespect towards the Constitutional Court then the Presiding Member can stop the case hearing and table the issue of applying to the authorized state body for holding liable the violator in the order prescribed by Law. The Constitutional Court rules an administrative decision on this issue.

ART. 51 Explanations of the parties

1. The Presiding Member shall ask the parties to provide explanations on the case under review and to present arguments proving their point of view.
2. The Constitutional Court shall hear the explanations of the parties in full.
3. After the explanations of the parties, the Members of the Constitutional Court, the opposing party as well as the experts (by the permission of the Court) may ask questions to the presenting

party.

4. The parties shall have no right to use their presentations to make political statements.
5. The facts presented in the explanations of the parties have no evidential importance. The party can submit information on the fact of evidential importance only in procedure prescribed by Article 52 of this Law.
6. The parties submit the texts of their explanations in written to the Constitutional Court after presenting those.

ART. 52 The Parties acting as witnesses

1. If the Party knows any fact to be clarified for the case it can act as a witness with its own initiative.
2. If in spite of all the attempts to find evidences, the acquired evidences were not enough for ruling a decision or resolution on the case and if the Party knows any fact to be clarified for the case, then by the initiative of the Constitutional Court or by the motion of the other party it has to act as a witness.
3. If acting as a witness the party shall follow the rules of Parts 2-4 of Article 54 and Article 55 of this Law.

ART. 53 Experts' findings, rights and duties

1. A person possessing special knowledge in the issues of the case under review and not having any interest in the outcome of the case may be invited as an expert at the Constitutional Court session with his/her consent.
2. If the expert is not present at the session with invalid reason, he/she can be summoned by the ruling of the Presiding Member by the procedure stipulated in the Law.
3. The Presiding Member shall warn the expert that he/she may be subject to legal prosecution for obviously falsified findings or for refusing to present a finding.
4. The Constitutional Court shall decide the framework of problems requiring the experts' findings.
5. An expert has the right to:
 - 1) get acquainted with the case by the permission of the Constitutional Court;
 - 2) ask questions to the parties, witnesses and other experts that presented findings in the session, with the permission of the Constitutional Court;
 - 3) file a motion requesting additional materials.
6. After having presented his/her conclusion, the expert must answer the questions of the Members of the Court and the parties.
7. The written finding, bearing the signature of the expert, shall be submitted to the Constitutional Court.
8. The parts of the expert's conclusion related to legal issues have no evidential importance.

ART. 54 Explanations of witnesses

1. By the motion of the Party or by its own initiative the Constitutional Court shall invite to the session as witnesses and hear the explanations of those individuals who may be aware of any facts which may shed light on the case under review. The motion of the party to invite a witness can be rejected with a justified decision of the Constitutional Court.
2. If the witness is not present at the session with invalid reason, he/she can be summoned by the ruling of the Presiding Member by the procedure stipulated in the Law.
3. The witness shall be warned by the Presiding Member that making obviously false statements or refusal to provide explanations are punishable by law.
4. The witness must tell all the facts known to him/her personally; he/she must answer the questions of the Members of the Court and of the parties.
5. The witnesses present at the session are invited out of the court room before their questioning. The Presiding Member takes measures to avoid any communication of the questioned witnesses with those that shall be still questioned.

ART. 55 Accountability of the expert, witness and interpreter

The presentation of obviously false findings or obviously false explanations, or obviously false translation by the interpreter, or the refusal to provide findings or explanations to the Constitutional Court is punishable by Law.

ART. 56 Suspension of the case review

1. The Constitutional Court can suspend the case if:
 1. an examination is assigned;
 2. it gave a judicial assignment;
 3. other bodies or individuals shall be requested necessary evidences;
 4. any party of the trial requested the suspension of the case because of illness or any other valid reason;
 5. in other cases, by the grounded decision of the Constitutional Court.
2. The suspension of the case causes the suspension of the time counting determined in this Law, in the Charter of the Constitutional Court and in the Decisions of the Constitutional Court.

ART. 57 Restarting the case review

1. The case review restarts after the grounds of suspension are withdrawn or by the grounded decision of the Constitutional Court before such a withdrawal.
2. After the resuming speeches of the parties the Constitutional Court can make a decision on restarting of the case review, if it finds necessary to discover circumstances of essential importance for the case solution or to study new materials.
3. After the restarted hearing the parties have a right to a resuming speech regarding the newly examined circumstances and materials.
4. After the resuming speeches the Presiding Member announces the end of the case hearing.

ART. 58. Minutes of the Constitutional Court

1. The sessions of the Constitutional Court shall be recorded.
2. The minutes of the session shall be signed by the Presiding Member and the recording person.
3. The parties may look through the minutes of the session and introduce their remarks which are attached to the minutes.

ART. 59 Adopting decisions or conclusions for the case that are in effect

1. The Constitutional Court shall adopt a decision or conclusion on the case at a closed session at which only Members of the Constitutional Court are present.
2. A Member of the Constitutional Court may express his/her own point of view on the issues under discussion; he/she may state his/her position regarding the conclusion of the case.
3. The number and duration of presentations at the session shall not be restricted.
4. The results of the session shall be recorded by a Member of the Court on the President's instructions. The questions put to the vote and the results of the vote shall be registered for the record.
5. The record shall be signed by the Members of the Constitutional Court who have participated in the session.
6. The results of the voting by name shall not be published.
7. The session shall continue until the Court adopts a decision or a conclusion with the exception of time devoted to breaks and rest.
8. After the end of the session the authorized staff member of the Constitutional Court is invited to the meeting room where he writes down the decision and then enters it into the computer.
9. Before the announcement of the decision in the Constitutional Court session the Court Members and the member of the staff have to do their best in order not to release any information on the decision.

ART. 60 Dismissing a case

The Constitutional Court shall dismiss a case:

- 1) if at any stage of the case review grounds were discovered that could have caused the Court to reject the appeal under Article 33 of this Law;
- 2) if the legal act, the constitutionality of which is being questioned, has been abrogated or has been invalidated before the review of the case or during the process of being reviewed, and it has not been applied;
- 3) in cases described in the Articles 76, 78-80 of this Law;
- 4) in cases described in the Point 5 of Part 1 of Articles 56 of this Law if the grounds of suspension are not withdrawn within one year after the decision on suspension and the restarting of the case under that conditions is impossible.

CHAPTER 9
THE ACTS OF THE CONSTITUTIONAL COURT, REQUIREMENTS FOR AN ACT, AND
THE ORDER OF ADOPTION OF AN ACT

ART. 61 The Acts of the Constitutional Court

1. The Constitutional Court shall adopt decisions regarding the issues described in the Points 1-4 and 9 of Article 100 of the Constitution.
2. The Constitutional Court shall adopt resolutions regarding the issues described in the Points 5-8 of Article 100 of the Constitution.
3. For the preparation and hearing of the cases as well as for the organization of its activities adopts procedural decisions with the majority vote of the Constitutional Court Members with the exception of the cases described in this Law.
4. The decisions of the Constitutional Court are final. They come into force from the moment of their publication.
5. The decisions of the Constitutional Court on the substance of the case are mandatory for all the state and local self-government bodies, their officials as well as for the natural and legal persons in the whole territory of the Republic of Armenia.
6. The procedural decisions of the Constitutional Court are mandatory for all the participants of the case and other addressees of those.
7. If any person is fined by the decision of the Constitutional Court in the cases stipulated by law and is reluctant to follow that decision then the decision will be forced by the service of judicial marshals in the procedure prescribed by Law.
8. If the finding of the Constitutional Court is negative then the issue is withdrawn from the agenda of the relevant body.

ART. 62 Procedure of adoption of decisions and resolutions

1. The decisions and resolutions of the Constitutional Court shall be adopted by an open vote, by a roll-call of the Members.
2. The President shall cast his vote last.
3. The Constitutional Court shall adopt decisions the basis of a majority of the votes of the total number of Members, with the exception of the case foreseen by the Article 80.
4. The Constitutional Court shall adopt resolutions by at least two-thirds vote of the total number of Members.
5. The Member of the Constitutional Court has no right to abstain of voting or to refuse from voting.

6. If the Constitutional Court does not adopt a decision or a resolution on the matter being deliberated because of tie vote, the appeal shall be deemed rejected.

7. While making decisions on the cases determined by the Point 1 and 2 of Article 100 of the Constitution a Constitutional Court Member can present a descending opinion on the final as well as on the reasoning part of the decision, which is published in the Constitutional Court Bulletin together with the Court decision.

ART. 63 Demands placed upon decisions and resolutions

1. With regard to the issue of constitutionality of the act the Constitutional Court evaluates the act and the existing law enforcement practice.

2. The Constitutional Court shall adopt decisions and resolutions only regarding to the issues that are raised in the appeal.

3. The decisions and resolutions of the Constitutional Court can not include facts that were not examined during the hearing.

4. The decisions and resolutions of the Constitutional Court shall be made public during the session and shall be attached to the case file.

ART. 64 Composition of the decisions and resolutions

Depending on the nature of the case, a decision or a resolution of the Constitutional Court shall include the following information:

- 1) the title of the decision or resolution, the year, the date and the place of its adoption;
- 2) the necessary data about the parties and the participants of the trial;
- 3) the issue under review, the reason and the ground;
- 4) the Constitutional Article in accordance with which the Court is empowered to consider the case;
- 5) the essence of the appeal in brief;
- 6) documentary and other evidence which have been investigated by the Court;
- 7) those Articles of the Constitutional and this Law, in accordance with which a decision or a resolution has been passed by the Court;
- 8) arguments verifying the decision or the resolution adopted by the Court, including the arguments refuting or confirming the submissions of the parties;
- 9) a statement of a decision or a resolution with indication of the fact of invalidity of the acts and its provisions as well as the interrelated provisions in cases prescribed by Law;
- 10) a statement that the decision or the resolution is final;
- 11) a statement that the decision shall take effect immediately after its publication or the timeframe of nullifying any act or its part found unconstitutional by the Constitutional Court.

2. The decision as well as the resolution regarding the case under review by the Court is signed by the Presiding Member.

ART. 65 Mailing and publication of the finding or the conclusion

1. Within three days after their adoption, the decision and the resolutions of the Constitutional Court shall be sent to:

- 1) the trial parties;
- 2) te President of RA, the National Assembly, the Government, the Court of Cassation, the Ombudsman and the Chief Prosecutor.

2. The decisions and resolutions of the Constitutional Court shall be published in the Official Gazette of RA in the order prescribed by Law and in the Bulletin of the Constitutional Court.

ART. 66 Consequences of not applying the decision

Not applying the decision of the Constitutional Court or obeying it inadequately, as well as preventing its observance will cause liability stipulated by the Law.

ART 67. Resuming the situation of applying the decisions

The Constitutional Court after the end of each year publishes information about the situation of applying its decisions. It is sent to the relevant state and local self-government bodies.

CHAPTER 10
THE SPECIFITIES OF A CASE HEARING AND SOLUTION
AT THE CONSTITUTIONAL COURT

ART. 68 The review of cases determined by Point 1 of Article 100 of the Constitution on the basis of appeals of the bodies and persons determined in the Points 1, 3, 4 and 8 of Article 101 of the Constitution (the abstract control of the constitutionality over the legal norms)

1. In regard to cases determined by Point 1 of Article 100 of the Constitution the constitutionality of the general acts as well as individual acts mentioned in that Point can be challenged, except for the cases of the appeals brought by the Ombudsmen.

The Ombudsmen can challenge only the constitutionality of general acts.

2. The constitutionality of the National Assembly's Decisions on the ratification of the International Treaties of the Republic of Armenia can be challenged only from the perspective of meeting the requirements for the adoption of such decisions determined by the Constitution.

3. In cases regarding the challenge of the constitutionality of the Government's Decisions made by the President of RA according to the Part 4 of Article 84 of the Constitution the President suspends the enforcement of those decisions for one month period. In regard to that case the President of RA can apply to the Constitutional Court on the day the Decree on suspension gets into force.

4. In cases mentioned in Part 1 of this Article, the state or local self-government body that adopted the challenged act is involved in the case as a respondent.

In cases of the challenge of the laws adopted by a referendum the National Assembly is involved as a respondent and by the decision of the Constitutional Court the Government can be involved as co-respondent if the proposal of the referendum for the Law was made by the latter.

5. In cases mentioned in Part 1 of this Article the Constitutional Court makes decisions not later than in six months after the registration of the appeal.

With a grounded decision of the Constitutional Court the timeframe of the case review can be prolonged, but no longer than three months.

In cases mentioned in Part 3 of this Article the Constitutional Court makes a decision not later than in one month after the registration of the appeal.

6. The Constitutional Court reviews the cases mentioned in Part 1 of this Article in a written procedure except in the cases when the Constitutional Court finds that the particular case gained a wide publicity or the verbal review will foster a faster discovery of the circumstances of the case.

7. In cases mentioned in Part 1 of this Article the Constitutional Court shall determine whether the legal acts referred to in the appeal are in conformity with the Constitution or not, proceeding from the following factors:

- 1) the type and the form of the legal act;
- 2) the time when the act was adopted, as well as whether it got into force in compliance with established procedures;
- 3) the necessity of protection and free exercise of human rights and freedoms enshrined in the Constitution, the grounds and frames of their permissible restriction;
- 4) the principle of separation of powers as enshrined in the Constitution;
- 5) the permissible limits of powers of state and local self-government bodies and their officials,
- 6) the necessity of ensuring direct application of the Constitution.

8. In cases mentioned in Part 1 of this Article the Constitutional Court can make one of the following decisions:

- 1) finding the challenged act in conformity with the Constitution;
- 2) finding the challenged act fully or partially invalid and in non-conformity with the Constitution.

9. While determining the constitutionality of any general act mentioned in Part 1 of Article 100 of the Constitution the Constitutional Court together with the challenged provision of the act finds out the constitutionality of any other provision of the act from the perspective of systematic interrelation of those. If the findings of the Court prove that other provisions of the act are interrelated with the challenged provisions and are not in conformity with the Constitution, the Constitutional Court can determine those provisions also invalid and unconstitutional.

10. In case of making a decision on determining the challenged act fully or partially invalid and unconstitutional the act is annulled after the Constitutional Court decision enters into force, except for the cases described in Parts 12 and 13 of this Article.

The administrative and judicial acts adopted and implemented on the basis of those acts previous from the Constitutional Court decision are not subject to re-examination.

The implementation of the non-implemented administrative and judicial acts after the announcement of the Constitutional Court decision is immediately stopped by the decision of a relevant administrative body or court.

11. The relevant provisions of the other acts that provided the implementation of the acts determined as invalid are annulled together with the challenged act.

12. The Constitutional Court can decide to validate the influence of the decisions mentioned in Point 2 of Part 8 of this Article on the relations that started before those decisions got into force if the absence of such decision of the Court can cause irretrievable consequences for the state or the public

The administrative and judicial acts that were adopted and implemented on the basis of the general acts that were annulled and found unconstitutional (together with those acts that were providing the implementation of the former) by the decision defined in the Paragraph 1 of this Article within three years before the Constitutional Court decision got into force shall be revisited by the administrative and judicial bodies that adopted those in the procedure stipulated by Law.

13. In case of ruling a decision on finding unconstitutional or invalid the challenged provisions of Law related to the criminal code or the administrative liability, those provisions are annulled from the moment of the announcement of the Court's decision.

The administrative and judicial acts that were adopted and implemented for the implementation of those provisions within the period before the Constitutional Court decision got into force shall be revisited in the procedure stipulated by Law.

14. The Constitutional Court may reconsider any of its decisions mentioned in Part 1 of this Article within 7 years after the ruling of its decision on the substance of the case on the basis of an appeal brought by the procedure prescribed in this Law if:

- a) the provision of the Constitution applied for the case is changed;
- b) a new understanding of the provision of the Constitution applied for the case has emerged, which may be a basis for a differing decision on the same case and if the issue has a principle importance for Constitutional Law.

The application mentioned in Part 1 of this Article can not refer to the legal acts (their any provisions) that were found unconstitutional and invalid by the decision of the Constitutional Court.

The decision on admission of the cases based on the applications mentioned in the first Paragraph of this Part can be made by the Constitutional Court with minimum seven votes of its Members.

The review of the cases mentioned in this Part can not be rejected on the grounds of the Point 3 of Article 32 of this Law if there are grounds of the Paragraphs 1 and 2 of this Part for reconsidering the decision of the Constitutional Court.

15. If in accordance with Part 3 of Article 102 of the Constitution the Constitutional Court finds that declaring invalid the challenged general act or any provision of it from the time of the announcement of the Court decision are unconstitutional and will inevitably cause such hard consequences for the public and for the state that it would harm the legal security expected from the annulment of the given general act, then the Constitutional Court has the right to declare the act as unconstitutional and at the same time to postpone the period of invalidation of the act.

In this case the act is considered constitutional before being invalidated.

16. The postponing of the invalidation of the general legal act shall be proportionate to the period of time which provides possibility and is necessary for taking measures for preventing the consequences described in Paragraph 1 of Part 15 of this Article.

17. The decision on the postponing must be adopted with consideration of real prevention of inevitable and harmful consequences for the public and for the state and in order to avoid more essential harm to the basic human and citizenry rights and freedoms.

ART. 69 Review of cases brought by natural and legal persons on the constitutionality of the laws implemented by final court decisions against those persons regarding concrete cases (review of individual appeals)

1. The appeals on the cases described in this Article (hereinafter individual appeals) can be brought by those natural and legal persons who were participants at the courts of general jurisdiction and in specialized courts, in relation of who the law was implemented by a judicial act, who exhausted all the remedies of judicial protection and who believe that the provision of the Law applied for the particular case contradicts the Constitution.

2. The individual appeals can be submitted regarding the constitutionality of provisions of Laws adopted by the National Assembly and on referendum.

3. The National Assembly is involved as respondent in cases determined by this Law in regard to its adopted Laws.

In cases of the challenge of the Laws adopted on a referendum the National Assembly is involved as a respondent and by the decision of the Constitutional Court the Government can be involved as co-respondent if the proposal of the referendum for the Law was made by the latter.

4. The individual appeal shall include references to the provisions of the Law the constitutionality of which is challenged as well as to those provisions of the Constitution which are considered by the applicant to be contradicted by the provisions of the Law. It shall also include the arguments proving the non-conformity of those with the Constitution.

5. In cases determined in this Article the appeals can be submitted to the Constitutional Court by the natural and legal persons no later than six months after the exhaustion of the opportunities of appeal of the judicial act ruled against those.

6. The admissibility decision on the individual appeals is made by a court of three Members who act on behalf of the Constitutional Court except for cases determined by Paragraph 1 of Part 14 of Article 68 of this Law. These courts of three Members are formed by drawing, the procedure of which is stipulated by the Charter of the Constitutional Court.

7. In addition to the grounds of rejection of the appeal determined in Article 32 of this Law the individual appeals may be rejected if the appeal is evidently groundless or the applicant did not exhaust all the remedies of judicial protection.

8. The decision of finding the appeal non-admissible by the procedure prescribed in Part 7 of this Article shall be justified. It shall be adopted unanimously otherwise the issue of

admissibility is reviewed with the full composition of the Constitutional Court. The decision on that issue is ruled no later than three months after the day of registration of the appeal.

9. In regard to cases determined by this article the Constitutional Court rules decisions in the timeframes prescribed in Paragraphs 1 and 2 of Part 5 of Article 68 of this Law.

10. The procedure of admission and preliminary review of the individual appeals is determined by the Charter of the Constitutional Court and the specific rules of making the admissibility decisions of those cases are stipulated by this Law.

11. The rules of Part 7-18 of Article 69 of this Law are applicable at the review of all other circumstances related to the cases determined by this Article and during making decisions on those cases.

12. In cases defined by this Article if the Constitutional Court decision finds the challenged provision unconstitutional and annuls it, the final judicial act shall be revisited in the order prescribed by Law.

ART 70. Review of cases brought by local self-government bodies on the constitutionality of the general legal acts

1. In cases determined in this Article an appeal can be brought to the Constitutional Court by the local self-government bodies whose rights are violated by a legal act of general nature (or its provision), which is under the jurisdiction of the Constitutional Court according to Point 1 of Article 100 of the Constitution.

2. The appeals determined by this Article can be brought to the Constitutional Court from the moment when the local self-government body learnt or could learn of the violation of its rights or of the real possibility of such violation, but no later than one year after the relevant act has got into force.

3. In cases determined by this Article the appeals of the local self-government bodies shall confirm with the general requirements prescribed by this Law as well as to the requirements of Part 4 of Article 69 of this Law.

4. In cases determined by this Article the respondent shall be the body that adopted the challenged general act and in case when a Law is challenged the issue of the respondent shall be decided according to the rules prescribed in Part 3 of Article 69 of this Law.

5. In regard to cases determined by this article the Constitutional Court rules decisions in the timeframes prescribed in Paragraphs 1 and 2 of Part 5 of Article 68 of this Law.

6. The rules of Part 6-17 of Article 68 of this Law are applicable to the review of all other circumstances related to the cases determined by this Article and during making decisions on those cases.

ART. 71 Review of cases brought by Courts and by the Chief Prosecutor on the constitutionality of the general legal acts (Concrete control over the legal provisions)

1. In cases determined by this Article the Courts and the Chief Prosecutor appeal to the Constitutional Court if they find that the legal acts of general nature (or its provision(s)), which are under the jurisdiction of the Constitutional Court according to Point 1 of Article 100 of the

Constitution and which shall be implemented for the case under their review, contradict the constitution.

2. Before applying to Constitutional Court the courts must and the Chief Prosecutor has the right to suspend the given case until the decision of the Constitutional Court gets into force.

3. The Courts may apply to the Constitutional Court after taking the case under its review before making a decision on the substance of the given case and the Chief Prosecutor can apply after taking the case under its review before sending it to the relevant Court by the procedure prescribed by Law.

4. In case of suspension of the case review the Courts and the Chief Prosecutor can submit the appeals for the cases determined by this Article within three days after such suspension.

The appeal to the Constitutional Court is formulated in a relevant decision of the Court or the Chief Prosecutor.

5. In the applications prescribed by Part 1 of this Article the Court and the Chief Prosecutor shall justify their statements on the unconstitutionality of the provisions of the challenged general act as well as the fact that solution of the given case may be possible only by the implementation of the challenged provision.

6. The file of the case under review of the applicant is attached to the application and is returned to the applicant after the ruling of the Constitutional Court decision.

7. In cases determined by this Article the respondent shall be the body that adopted the challenged general act and in case when a Law is challenged the issue of the respondent shall be decided according to the rules prescribed in Part 3 of Article 69 of this Law.

8. The review of the cases determined in this Article is done by written procedure. The parties of the trial submit written explanations expressing their standpoints before the beginning of the case review.

9. In regard to cases determined by this article the Constitutional Court rules decisions in the timeframes prescribed in Paragraphs 1 and 2 of Part 5 of Article 68 of this Law.

10. The rules of Part 7-17 of Article 68 of this Law are applicable at the review of all other circumstances related to the cases determined by this Article and during making decisions on those cases.

ART. 72 Review of the cases determined by Point 2 of Article 100 of the Constitution (Consideration of the conformity with the Constitution of obligations assumed under an international agreement)

1. Before the ratification of an international agreement by the National Assembly, the President of RA shall appeal to the Constitutional Court with the question concerning the conformity of obligations assumed within the agreement with the Constitution.

2. In cases determined by this Article, based on its caseload, the Constitutional Court may take a decision on reviewing those cases in consecutive court hearings postponing the substantive decision-making for each case until the end of review of the following case.

The decision on the substance for each of those cases is made at a close-door meeting and all the decisions are announced successively in the order of their review.

3. In cases determined by this Article the case review is done in written procedure and with justified decision of the Constitutional Court the review is done verbally.
4. The decisions of the Constitutional Court on the cases determined by this Article are made within three months after their registration.
5. The Constitutional Court may adopt one of the following decisions on the case on the conformity with the Constitution of obligations assumed under an international agreement:
 - 1) recognize the obligations deriving from the international agreement as being in conformity with the Constitution;
 - 2) recognize the obligations deriving from the international agreement as a whole or parts of the obligations as not being in conformity with the Constitution.

ART 73. Review of the cases determined by Point 3 of Article 100 of the Constitution (Consideration of disputes related to the results of referenda)

1. In cases determined by Point 3 of Article 100 of the Constitution the body that summarized the results of the Referendum is involved in the case as a respondent.
2. In cases determined in Part 1 of this Article the Constitutional Court is authorized to assign the evidence (information related to facts) collection, necessary for holding a decision, to the state and local self-government bodies, to courts and to prosecutorial bodies, as well as to its staff members if needed. For these purpose the Constitutional Court has the right to form committees involving one of the Members of the Constitutional Court (as a leader of the Committee(s)) and the employees of the same or different bodies as well as the Deputies of the Parliament, local and international observers upon their agreement.
3. In cases of disputes related to the results of referenda it is allowed to appeal to the Constitutional Court within seven days after the announcement of their official results.
4. The review of the cases determined in Part 1 of this Article is done in verbal procedure.
5. The decision of the Constitutional Court in regard to the cases determined in Part 1 of this Article shall be ruled within 50 days after the registration of the appeal.
6. The time period for reviewing the case may be prolonged by the decision of the Constitutional Court but no longer then 30 days.
7. In cases of disputes related to the results of referenda the Constitutional Court makes one of the following decisions:
 - 1) leave unchanged the decision on the summary of the results of the referendum;
 - 2) announce invalid the decision on the summary of the results of the referendum and determine the draft, put on a referendum, as adopted or not adopted or announce invalid the results of the referendum.

ART 74. Review of the cases determined by Point 3.1 of Article 100 of the Constitution (Consideration of disputes related to the results of the elections of the President and the Deputies of the National Assembly)

1. The Presidential candidates can apply to Constitutional Court in regard to cases of disputes related to the results of the elections of the President.

2. In regard to cases of disputes related to the results of the elections of the Deputies of the National Assembly (by party list system and individual system) the following persons can apply to the Constitutional Court: the candidates of the Deputies of the National Assembly for the disputes related to the results of the elections by individual system and the political parties and political unions for disputes related to the results of elections by party list system.

3. In cases of disputes related to the results of elections it is allowed to appeal to the Constitutional Court within seven days after the announcement of their official results.

4. The body that summarized the results of the elections is involved in the case hearing as a respondent.

In case of necessity by the motion of a party or by its initiative the Constitutional Court can involve as a co-respondent(s) other state and local self-government bodies (except for courts), whose decisions or actions could influence on the results of the elections or who were (are) responsible to guarantee and protect the electoral rights in the procedure stipulated by Law.

5. Those candidates or political parties (political unions) whose interests are or may be influenced by the case review or by its resulted decision can be considered as third parties by the Constitutional Court on the basis of their application. In cases when the decision of the Constitutional Court may be binding for those parties then the Court shall involve those persons itself.

6. The third parties can be involved at any stage of case review.

7. The third parties have all the rights and duties of the parties of the case, except for those rights and duties which can not be spread over the third parties due to their nature.

8. The rules prescribed by Part 2 of Article 73 of this Law are used for collection of evidences (information regarding the facts) necessary for ruling a decision on the case reviewed at the Constitutional Court.

9. The case review in cases determined by Part 1 and 2 is done by a verbal procedure.

The case review in cases of disputes related to the results of the elections of the Parliament Deputies by individual system can be held in written procedure by the Constitutional Court depending on its caseload.

10. The information regarding the facts submitted by the applicant are considered true if the respondent avoids to present its standpoint on those and if they do not contradict to other substantially important evidences obtained by the Constitutional Court.

11. If the respondent accepts the circumstances that are the basis of reasoning of the requirements and arguments of the applicant then the latter is released of obligation to bring evidences on those circumstances in the future.

12. The suspension of the case review related to the challenge of the decisions made on the results of Presidential elections may be allowed only if such suspension does not delay the case review longer than the timeframe determined in the Constitution and Part 16 of this Article.

13. In cases determined by this Article the Constitutional Court examines the circumstances of unjustified rejection of examination (review) of the electoral appeals submitted in the procedure prescribed by Law by the relevant electoral commissions as well as the circumstances of breaking of timeframes of examination (review) of such appeals and of refusal or avoidance of examination (review) of those appeals. In such cases the Constitutional Court has the right to evaluate the evidences presented in the appeal as true and indisputable if such evaluation does not contradict to other evidences acquired during the case review.

14. In cases of disputes related to the results of the elections the Constitutional Court shall rule one of the following decisions:

- 1) Leave unchanged the decision of the electoral commission;
- 2) Annul the decision of the electoral commissions and:
 - a) declare invalid the results of the elections;
 - b) determine as elected the relevant candidate or the corresponding number of candidates from the electoral list of a political party (union);
 - c) declare the elections as non-carried-out;
 - d) appoint a second round.

15. If in the process of the case review, after exhausting all the means prescribed by this Law for acquiring evidences, the Constitutional Court, nevertheless, could not find out the real results of the elections, it may decide to annul the results of the elections if the proved electoral violations make obvious for the Court that they had organized nature, took place repeatedly, continually and on massive scale, and if the combined analyses proves such a systematic interrelation of those violations that the principles of electoral rights prescribed in Article 4 of the Constitution were infringed.

16. In cases of disputes related to the results of the Presidential elections the Constitutional Court shall make a decision within ten days after the day of registration of the appeal.

17. In cases of disputes related to the results of the Parliamentary elections by party list system the Constitutional Court shall make a decision within fifteen days after the day of registration of the appeal.

18. In cases of disputes related to the results of the Parliamentary elections by individual system the Constitutional Court shall make a decision within fifteen days after the day of registration of the appeal.

19. In cases mentioned in part 18 of this Article the timeframe of case review can be prolonged not longer than fifteen days with the decision of the Constitutional Court depending on its caseload.

ART. 75 Review of the cases determined by Point 4 of Article 100 of the Constitution (Consideration of issues on determining whether the obstacles for an effective campaigning for a Presidential candidate are insurmountable or have been removed)

1. The Presidential candidates can apply to Constitutional Court in regard to their issues determined by Point 4 of Article 100 of the Constitution.
2. Appeals to the Constitutional Court requesting a determination that obstacles to the effective campaigning for a candidate for President of RA are insurmountable can be made not later than eight days before the election of the President of RA.
3. The cases described in this Article are reviewed verbally.
4. The Constitutional Court shall accept the appeal for review, review the case and decide upon it within four days after receiving the appeal.
5. The Constitutional Court can determine the obstacles to the effective campaigning for a candidate for President of RA as insurmountable if they appeared and make the participation of the given candidate in the electoral processes impossible for the reasons non-dependant from the candidate.

ART. 76 Review of the cases determined by Point 5 of Article 100 of the Constitution (Consideration of the issue on the existence of grounds for the removal of the President of RA from his position)

1. In cases determined by this Article the National assembly in its decision adopted in the correspondence of Part 2 of Article 74 of the Constitution has to refer to the decision, action or inaction of the President of RA that includes attributes of state treason or other hard crime stipulated in the criminal code.
2. The burden of proof in cases determined by this Article is on the applicant.
3. As a party of a trial, for the cases determined by this Article, the President of RA shall be involved who has the rights of a party of a court proceeding and has also such duties which can not harm his rights and freedoms.
4. The absence of the President is not an obstacle for the case review.
5. The review of the cases determined by this Article can not be dismissed in case of resignation of the President or his/her removal on any other grounds.
6. The cases described in this Article are reviewed verbally.
7. The resolution of the Constitutional Court on the cases determined by this Article shall be made no later than the day of registration of the application.
8. After the application is submitted it can not be withdrawn before the beginning of the case hearing.
9. While preparing the case for review the Constitutional Court can form a body of preliminary investigation, a special committee with powers determined by Law, which includes two Members of the Court of Cassation and the President of one of the Chambers of it as the leader of the

committee. The submitted evidence has to be examined by the Constitutional Court by the general procedure prescribed by this Law.

10. The special committee formation is mandatory if the applicant or the President of RA brought a motion for that.

11. In the course of review of the cases determined by this Article the Constitutional Court and the special committee in particular are authorized to:

- 1) demand materials, criminal, civil and administrative case files, verdicts, decisions, findings, expert opinions, certificates and other documents from the judicial, prosecutorial or investigative authorities and other state bodies as well as from the local self-government bodies;
- 2) invite and listen to persons whose explanations may bear upon the decision of the case.

12. After the opening of the court hearing the representative(s) of the National Assembly present the standpoint of the applicant and then the President of RA and (or) its representative present their standpoints on the submitted evidences. Then the examination of evidences follows. At the end of the session the applicant makes its final speech by confirming its appeal or refusing from it and the President of RA or its representative are given an opportunity to make the defending speech. After that the Constitutional Court listens to the position of the special committee on the case. The President of RA and (or) its representative have the right of the final speech. After the last speech the Constitutional Court has the right to make a decision on restarting the case review and if the Court does not make such a decision the Presiding Member announces about the end of the case review.

13. If the applicant withdraws its appeal during the review of the case and the President of RA does not object to it within three days the case is to be dismissed.

The withdrawal of the application is done by the procedure prescribed in the Law Charter of the National Assembly.

14. In cases determined in this Article the Constitutional Court shall rule one of the following decisions:

- 1) on absence of grounds for removal of the President of RA;
- 2) on existence of grounds for removal of the President of RA.

15. While ruling its decision the Constitutional Court shall have the power to evaluate the constitutionality of the provisions defining the nature of the crime of the Criminal Code defined in Part 1 of this Article. If the court reaches conclusion that those provisions are not in conformity with the Constitution it rules a Resolution determined by Point 1 of Part 14 of this Article.

16. In the resolution determined by Point 2 of Part 14 of this Article the Constitutional Court shall include the following:

- 1) Those decisions, actions or inactions of the President of RA that contain features of hard crime and the exact qualifications of those crimes;
- 2) The evidences confirming the guilt of the President of RA in committing the crimes described in Point 1 of this Part and the justified standpoint of the Court regarding the examination of those.

17. After the resolution is issued it is sent to the National Assembly and is announced by Public Television not later than the next day.

ART. 77 Review of the cases determined by Point 6 of Article 100 of the Constitution (Consideration of the issue on giving a resolution on the incapacity of the President of RA to perform his powers)

1. With regard to the issue determined by this Article, the Government may appeal to the Constitutional Court within five days after being informed about the incapacity of the President of RA to perform his powers.

2. The cases determined by this Article are reviewed verbally.

3. In cases determined by this Article the Constitutional Court gives an opportunity to the President of the Republic to express his/her standpoint on the case if that is possible.

4. In cases determined by this Article the burden of proof is on the applicant.

5. In cases determined by this Article the Constitutional Court may:

- 1) Demand materials, decisions, expert opinions, certificates and other documents from the state and local self-government bodies as well as from medical institutions;
- 2) Invite and listen to those persons whose explanations can bear upon the resolution of the Constitutional Court.

6. In cases determined in this Article the resolution of the Constitutional Court shall be issued not later than within 5 days after the registration of the application.

7. After the resolution is issued it is sent to the National Assembly, to the Government, and is announced by Public Television not later than the next day.

ART. 78 Review of the cases determined by Point 7 of Article 100 of the Constitution (Consideration of the issue on the termination of the mandate of a Member of the Court, about his/her arrest, presenting to him/her a criminal charge or placing him/her under administrative accountability on the basis of a Court order)

1. In cases determined by this Article the Member of the Constitutional Court in regard of who a resolution to be issued on termination of the mandate of a Member of the Court, on his/her arrest, on presenting to him/her a criminal charge or on placing him/her under administrative accountability on the basis of a Court order, shall be involved in the court hearing as a party who has the rights of a party of a court proceeding prescribed by this Law and has also such duties which can not harm his/her rights and freedoms.

2. The cases determined by this Article are reviewed verbally.

3. The burden of proof in cases determined by this Article is on the applicant.

4. Before the beginning of the case review the applicant can withdraw the appeal if the Constitutional Court Member does not object to it within 10 days.

5. If the applicant withdraws its appeal during the review of the case and the Constitutional Court Member does not object to it within three days the case is to be dismissed.

6. In cases determined by this Article the Constitutional Court exercises the powers determined in Article 76 of this Law.
7. In cases determined by this Article the resolution of the Constitutional Court shall be issued within 30 days after the registration day of the appeal.
8. With the grounded decision of the Constitutional Court the timeframe determined in Part 7 of this Article can be prolonged but not longer than 50 days.
9. While adopting a Resolution on cases determined by this Article the Constitutional Court evaluates the conformity to the Constitution of the Laws defining the grounds for termination of the mandate of a Member of the Court, on his/her arrest, on presenting to him/her a criminal charge or on placing him/her under administrative accountability on the basis of a Court order as well as provisions of legal acts that are under the jurisdiction of the Constitutional Court according to Point 1 of Article 100 of the Constitution. In case the Court finds the laws unconstitutional it adopts a resolution on the absence of relevant grounds.

ART. 79 Review of the cases determined by Point 7 of Article 100 of the Constitution (Consideration of the issue on the existence of grounds for the removal of the Head of the Community from his position)

1. In cases determined in this Article the head of the community in regard of who a resolution of removal to be issued shall be involved as a party of the case. He/she has the rights of a party of a court proceeding prescribed by this Law and has also such duties which can not harm his/her rights and freedoms.
2. The cases determined by this Article are reviewed verbally.
3. The burden of proof in cases determined by this Article is on the applicant.
4. Before the beginning of the review of the case the applicant can withdraw the appeal if the Head of the Community does not object to it within 10 days.
5. If the applicant withdraws its appeal during the review of the case and the Head of the Community does not object to it within three days the case is to be dismissed.
6. In cases determined by this Article the Constitutional Court exercises the powers determined in Article 76 of this Law.
7. In cases determined by this Article the resolution of the Constitutional Court shall be issued within 30 days after the registration day of the appeal.
8. With the grounded decision of the Constitutional Court the timeframe determined in Part 7 of this Article can be prolonged but not longer than 30 days.
9. While adopting a Resolution on cases determined by this Article the Constitutional Court evaluates the conformity to the Constitution of the Laws defining the grounds for removal of the head of the community as well as provisions of legal acts that are under the jurisdiction of the Constitutional Court according to Point 1 of Article 100 of the Constitution. In case the Court finds the laws unconstitutional it adopts a resolution on the absence of relevant grounds.

ART. 80 Review of the cases determined by Point 9 of Article 100 of the Constitution (Consideration of the issue of suspending or prohibiting the activities of a political party)

1. The Constitutional Court may decide to suspend or terminate the activities of a political party if violations of the Constitution or the requirements of the relevant Law on the political parties have been detected in the activities of that party.

2. The political party, on the suspension or termination of whose activities an appeal was brought, is involved in the Constitutional Court proceedings as a party of the case and has the rights and duties of a party as determined in this Law.

3. The cases determined by this Article are reviewed verbally.

4. The burden of proof in cases determined by this Article is on the applicant.

5. In cases determined by this Article the Constitutional Court exercises the powers determined in Article 76 of this Law.

6. The Constitutional Court is authorized to entail the property of the political party for guaranteeing the appeal.

7. In cases determined by this Article the decision of the Constitutional Court shall be ruled within three months after the day of registration of the appeal.

8. The case is dismissed if the applicant withdraws its appeal during the review of the case and the given political party does not object to it within three days.

9. In cases determined by this Article the Constitutional Court rules one of the following decisions:

1) rejecting the application;

2) suspending the activity of the political party for a determined time period and may also put a burden of liquidation of infringements that are grounds for suspension within that period;

3) prohibiting the activities of the political party.

10. While adopting a Resolution on cases determined by this Article the Constitutional Court evaluates the conformity to the Constitution of the relevant Articles of the Law on Political Parties and in case the Court finds the Law unconstitutional it adopts a resolution on the absence of relevant grounds.

11. When exercising this power, the Constitutional Court shall reach a decision by at least two-thirds of votes of the total number of the Court Members.

CHAPTER 11
JUDICIAL SERVICE IN THE CONSTITUTIONAL COURT

ART. 81 Judicial service and judicial servants

1. The professional activity in the judicial personnel, except for providing technical services, is a judicial service and the holders of relevant positions in the personnel are judicial servants.

2. The laws regulating the relations in the judicial service are covering the judicial service in the Constitutional Court if they do not contradict this Law.
3. The specifics of the judicial service in the Constitutional Court are determined in the Charter of the Constitutional Court on the basis of this Law and other Laws regulating the relations of the judicial service.

ART. 82 Classification of the positions of the judicial service

1. The positions of the judicial service in the Constitutional Court are classified as:
 - 1) highest positions of the judicial service;
 - 2) main positions of the judicial service;
 - 3) leading positions of the judicial service;
 - 4) junior positions of the judicial service.
2. Each group of the positions of the judicial service is divided into 1st and 2nd subgroups.

ART. 83 The ranks of the judicial servants

1. The judicial servants of the Constitutional Court are granted the following ranks:
 - 1) The judicial servants holding the highest positions of the judicial service are granted the ranks of Highest State Counselor, 1st or 2nd Rank State Counselors of Justice.
 - 2) The judicial servants holding the main positions of the judicial service are granted the ranks of 1st or 2nd Rank Counselors of Justice or 2nd Rank State Counselors of Justice.
 - 3) The judicial servants holding the leading positions of the judicial service are granted the ranks of 1st and 2nd Rank of Leading Servant of Judicial Service or 2nd Rank Counselors of Justice.
 - 4) The judicial servants holding the junior positions of the judicial service are granted the ranks of 1st and 2nd Rank of Servant of Judicial Service or 2nd Rank of Leading Servant of Judicial Service.
2. The ranks determined by Point 1 of Part 1 of this Article are granted by the President of the Constitutional Court and the rest of the Ranks are granted by the Head of Personnel of the Constitutional Court.
3. The ranks of judicial service are equal to the ranks of civil service.
4. Simultaneously to the appointment of the judicial servants to the position determined by Article 83 of this Law in the Constitutional Court Personnel they are granted a relevant rank if they do not have a higher rank of judicial or state service. In the latter case the person holds the higher rank.
5. Granting a rank higher of the held position in judicial service subgroup is done in the procedure stipulated by Law and by the Charter of the Constitutional Court as a result of the evaluation of the work of the servant.
6. The person holding a position of judicial service the first time is granted a rank after completing the probation period.
7. The judicial service ranks preserved after resigning from the position or in case of moving to another position, including to a position in the judicial service system.

ART. 84 Bringing the Law into force

1. This Law shall come into force from 1 June, 2006.
2. The Charter of the Constitutional Court is adopted within one month after this Law gets into force.
2. The provisions of the Charter of the Constitutional Court related to the issues determined by Part 3 of Article 81 of the Law on the Constitutional Court enter into force together with other Laws regulating the relations of judicial service.
3. The ranks of the judicial servants of the Constitutional Court are granted within six months after entering into force of this Law.