

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

**ON THE CASE OF CONFORMITY OF PART 5 OF ARTICLE 90 OF THE
CONSTITUTIONAL LAW ELECTORAL CODE OF THE REPUBLIC OF ARMENIA WITH
THE CONSTITUTION ON THE BASIS OF THE APPLICATION OF THE HUMAN RIGHTS
DEFENDER**

Based on the review of the case and governed by Clause 1 of Article 168, Clause 10 of Part 1 of Article 169, Article 170 of the Constitution, as well as Articles 63, 64 and 68 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. Part 5 of Article 90 of the Constitutional Law Electoral Code of the Republic of Armenia is in conformity with the Constitution by the following interpretation of the Constitutional Court:

In terms of ensuring the effective protection of the right of a candidate for Deputy of the National Assembly to be elected, in the process of examining and resolving the issue of giving consent at the Central Electoral Commission regarding the initiation of a criminal prosecution against a candidate for Deputy of the National Assembly prior to assuming the powers of the Deputy, it is necessary that:

- a) the person's participation in the given process is guaranteed;
- b) the person's right to be heard is ensured;
- c) the person is allowed to get familiarized with the documents and materials justifying the restriction of his right to be elected, to ask questions, to submit objections, explanations and motions.

2. Pursuant to Part 2 of Article 170 of the Constitution this Decision shall be final and shall enter into force upon its promulgation.

Chairman

A. Dilanyan

March 22, 2022

DCC-1644