

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

**ON THE CASE OF CONFORMITY OF ARTICLES 258, 260, 262, 266 AND 267 OF THE  
ADMINISTRATIVE OFFENCES CODE OF THE REPUBLIC OF ARMENIA, PARTS 5  
AND 6 OF ARTICLE 5 OF THE LAW OF THE REPUBLIC OF ARMENIA ON POLICE  
SERVICE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE  
BASIS OF THE APPLICATION OF THE HUMAN RIGHTS DEFENDER OF THE  
REPUBLIC OF ARMENIA**

**Rapporteur A. Gyulumyan**

Based on the review of the Case and being governed by Point 1 of Article 100, Point 8 of Part 1 of Article 101, and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), Point 3 of Article 32, Point 1 of Article 60, Articles 63, 64 and 68 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

- 1. To partially terminate the proceedings** of the Case on conformity of Articles 258, 260, 262, 266 and 267 of the Administrative Offences Code of the Republic of Armenia, Parts 5 and 6 of Article 5 of the Law of the Republic of Armenia on Police Service with the Constitution of the Republic of Armenia on the basis of the Application of the Human Rights Defender of the Republic of Armenia in regard to the part of the provision “Upon a request from a person detained for committing an administrative offense, the relatives and the administration at the place of work or education shall be notified of the place of her/his location” stipulated by **Part 3 of Article 260** of the RA Administrative Offences Code, as well as in regard to the part of the provisions stipulated by **Parts 2 and 3 of Article 262** of the RA Administrative Offences Code, since the RA Constitutional Court has adopted decisions in regard to the above-mentioned, stressing at the same time that improper implementation of the Decisions DCC-1048 and DCC-1059 of the RA Constitutional Court in regard to the RA Administrative Offences Code has become a serious threat to the establishment of constitutional legality in the country.
- 2.** The rest of the provisions of Articles 260 and 262, as well as Articles 258 and 267 of the RA Administrative Offences Code are in conformity with the RA Constitution in the constitutional legal content, according to which, in the case of measures such as “bringing of the offender”, “administrative arrest” and “detention”, the rights established

by Article 27 and Part 1 of Article 64 of the RA Constitution - as directly applicable rights - shall be ensured for the person deprived of her/his liberty **from the moment of de facto deprivation** of personal liberty.

3. Article 266 of the RA Administrative Offences Code is in conformity with the RA Constitution in the constitutional legal content, according to which, the failure to mention the court in this Article may not be interpreted and applied in such a way as to impede the exercise of the right of the person to challenge the legitimacy of administrative detention in court.
4. The provisions of Part 5 of Article 5 of the RA Law on Police Service are in conformity with the RA Constitution in the constitutional legal content, according to which, the list of rights subject to notification always must at least include the rights established by Article 27 and Part 1 of Article 64 of the RA Constitution.
5. To declare Part 6 of Article 5 of the RA Law on Police Service contradicting the requirements of Parts 2 and 3 of Article 27 of the Constitution of the Republic of Armenia and void in regard to the part that necessary legal guarantees for the protection of constitutionally stipulated rights for the persons - who were at the very moment de facto deprived of liberty - are not ensured.
6. Pursuant to Part 2 of Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005) this Decision is final and enters into force from the moment of the announcement.

January 24, 2017

DCC-1339