

**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 1 OF ARTICLE 104 OF THE LAW ON
PRINCIPLES OF ADMINISTRATIVE ACTION AND ADMINISTRATIVE PROCEEDINGS
OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION OF THE REPUBLIC OF
ARMENIA ON THE BASIS OF THE APPLICATION OF LEVON BARSEGHYAN**

Rapporteur A. Khachatryan

Proceeding from the results of examination of the case and ruled by Article 100(1), Article 102 of the Constitution of the Republic of Armenia (2005), Articles 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Part 1 of Article 104 of the Law on Principles of Administrative Action and Administrative Proceedings of the Republic of Armenia is in conformity with the Constitution of the Republic of Armenia with such a constitutional legal context, according to which the possibility of compensation for non-pecuniary damage due to illegitimate administration in case of violation of **all** basic human rights shall be ensured in accordance with the international treaties ratified by the Republic of Armenia and the Constitution of the Republic of Armenia until the clarification of the relevant legal regulations and overcoming of the legal gap by the RA National Assembly.

2. The term "adequate size" prescribed in Part 1 of Article 104 of the Law on Principles of Administrative Action and Administrative Proceedings of the Republic of Armenia is in conformity with the Constitution of the RA with such a constitutional – legal context, according to which the considered provision until the clarification of the relevant legal regulations and overcoming of the legal gap by the RA National Assembly includes the maximum amount of non-pecuniary damage prescribed in Articles 162.1 and 1087.2 of the Civil Code of the Republic of Armenia as well as the relevant criteria which shall be considered in determining the amount of pecuniary compensation for non-pecuniary damages caused to a person by the administrative body.

3. Based on the requirements of Article 69 of the Law on the Constitutional Court, as well as Part 1 of Article 104 of the Law on Principles of Administrative Action and Administrative Proceedings of the Republic of Armenia, the final judgment of Applicant adopted due to new circumstances is subject to review in accordance with the order prescribed by law.

4. In accordance with Article 102(2) of RA (with amendments of 2005) Constitution this decision is final and enters into force from the moment of its announcement.

November 7, 2017

DCC-1383