

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

ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE CONFORMITY OF ARTICLE 426.7, PART 2, ARTICLE 426.2 AND PART 1, POINT 2, ARTICLE 426.4 OF THE RA CRIMINAL PROCEDURE CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE APPLICATIONS OF THE CITIZENS A. ZEYNALYAN AND V. KHACHATRYAN

Rapporteur H. Nazaryan

Proceeding from the results of examination of the case and ruled by Article 100(1), Part 6, Article 101 and Article 102 of the Constitution, Articles 1, 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. To declare the legal provision stated in the last sentence of Part 4, Article 426.7 of the RA Criminal Procedure Code, incompatible with the requirements of Article 19 of the Constitution of the Republic of Armenia and invalid, within the scopes of the legal positions expressed in this decision.
2. To declare Part 2, Article 426.2 and systematically interrelated Point 1, Part 1, Article 426.4 of the RA Criminal Procedure Code, incompatible with the requirements of Article 19 of the Constitution of the Republic of Armenia and invalid in regard to the part that limits the possibility of rehabilitation on the grounds of the new circumstances the rights of the persons who enjoy the potential possibility to execute the mentioned right according to the requirements (the terms) of the RA Law on Constitutional Court from starting day of the hearing at the Constitutional Court based on another application (other applications) regarding the issue of constitutionality of the provision of the law applied with respect to the given person or by the day of adopting the decision of Constitutional Court on that issue.
3. Part 1, Point 2, Article 426.4 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia within the scopes of the legal positions expressed by the Constitutional Court in this decision.
4. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

October 13, 2009
DCC-833