

**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 290 PARTS 1 AND 5 OF THE RA CRIMINAL PROCEDURE  
CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE  
APPLICATIONS OF THE CITIZENS A. ZEYNALYAN, A. SARGSYAN AND K. RUBINYAN**

Rapporteur H. Nazaryan

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

1. To declare the provision “... and if their claims are not satisfied by the prosecutor” of Part 1, Article 290 of the RA Criminal Procedure Code, in regard to the content of “inaction” used in judicial practice according to which the requirement and its interpretation prescribed in Part 1 practically expands on the requirement stated in Part 2 of the Article thus restricting a person’s constitutional right to the access to court and fair trial, incompatible with the requirements of Part 1, Article 18 of the Constitution of the Republic of Armenia and invalid.
2. Part 5, Article 290 Criminal Procedure Code of the Republic of Armenia is in conformity with the Constitution of the Republic of Armenia.
3. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

December 7, 2009

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