

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 PART 2 ARTICLE 35, AND PART 3, ARTICLE 67 OF THE RA CRIMINAL PROCEDURE CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE CITIZENS ARAM SARGSYAN AND KARAPET RUBINYAN

Rapporteur V. Hovhannisyan

Considering the results of the examination of the case and ruled by Article 100 (1), Article 101 (6), Article 102 of the Constitution, Articles 19, 63, 64 and 69 of the RA Law on “The Constitutional Court”, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. To recognize the provision "... and the proceedings of the case is subject to termination" of Part 2, Article 35 of the Criminal Procedure Code, relating to the unprovability of the involvement of a suspect or an accused to the committed crime, as contradicting to the requirements of Part 1, Article 18 and Article 21 of the Constitution of the Republic of Armenia and invalid.
2. Part 3, Article 67 of the Criminal Procedure Code 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.

March 30, 2010
CCD – 871