

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

**ON THE CASE OF CONFORMITY OF POINT 10 OF PART 1 OF ARTICLE 35 OF
THE CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA ON THE
BASIS OF THE APPLICATION OF THE CRIMINAL COURT OF APPEAL OF THE
REPUBLIC OF ARMENIA WITH THE CONSTITUTION 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 7 of Part 1 of Article 101, and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), Articles 63, 64 and 71 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

1. Point 10 of Part 1 of Article 35 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia within the framework of legal positions expressed in this Decision, particularly taking into account:
 - a) the need to guarantee the constitutional principle of the presumption of innocence in the law enforcement practice;
 - b) the need to implement the exemption provided by the mentioned provision of the Code on the basis of guaranteeing the rule of law and ensuring direct action of the fundamental rights and freedoms of individuals and citizens;
 - c) in case of non-execution of criminal prosecution or termination of proceedings in the event of the death of a person, the need to notify the relatives of the deceased when making such a decision.
2. 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.

March 21, 2017

DCC-1358