

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

**ON THE CASE OF CONFORMITY OF CLAUSE 3 OF PART 1 OF ARTICLE 31 AND  
SECOND PARAGRAPH OF PART 1 OF ARTICLE 295 OF THE CRIMINAL PROCEDURE  
CODE OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION ON THE BASIS OF  
THE APPLICATION OF AT LEAST ONE FIFTH OF THE TOTAL NUMBER OF THE  
DEPUTIES OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF ARMENIA**

Based on the review of the case and governed by Clause 1 of Article 168, Clause 2 of Part 1 of Article 169, Article 170 of the Constitution, as well as Articles 63, 64, and 68 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

**1.** Clause 3 of Part 1 of Article 31 of the of Criminal Procedure Code of the Republic of Armenia is in conformity with the Constitution by the interpretation that:

a) the discretionary power of the competent authority - the Prosecutor General, to apply to the National Assembly on the issue of overcoming the protection vested to the Deputy by the immunity from criminal prosecution does not derive from the discretionary authority of the investigator, prosecutor, or the court;

b) where the protection vested to the Deputy by the immunity is not overcome, the failure to suspend the criminal proceedings does not in any way mean (imply) the power of the authority conducting the proceedings to perform actions (make decisions) that directly affect the protection vested to the Deputy by the immunity;

c) a person not having the status of a Deputy in imprisoned cannot be imprisoned from the moment he acquires the status of a Deputy, except for the cases prescribed by Part 2 of Article 96 of the Constitution. From the moment of acquiring the status of a Deputy, a person, except for the cases prescribed by Part 2 of Article 96 of the Constitution, cannot be deprived of his liberty otherwise than with the consent of the National Assembly.

**2.** Paragraph 2 of Part 1 of Article 295 of the Criminal Procedure Code of the Republic of Armenia is in conformity with the Constitution.

**3.** Pursuant to Part 2 of Article 170 of the Constitution this Decision shall be final and shall enter into force upon its promulgation.

**CHAIRMAN**

**A. DILANYAN**

December 7, 2021

DCC-1619