

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

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF ARTICLE 290 § 1 OF THE
RA CRIMINAL PROCEDURE CODE ADOPTED ON 1 JULY 1998, INsofar AS IT FAILS
TO ENvisAGE THE RESTRAINT MEASURE SUBSCRIPTION ON RECOGNIZANCE TO BE
DIRECTLY SUBJECT TO JUDICIAL REVIEW OVER PRE-TRIAL PROCEEDINGS, RAISED
BY THE APPLICATION OF HAYK MAMIJANYAN**

Based on the examination of the case and subject to Article 168(1), Article 169 § 1(8), and Article 170 §§ 1 and 4-5 of the Constitution, as well as guided by Articles 63 and 64, Article 69 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. Article 290 § 1 of the RA Criminal Procedure Code adopted on 1 July 1998 complies with the Constitution by the interpretation that the decision of the prosecuting authority on applying the restraint measure subscription on recognizance is subject to appeal before a court in accordance with the procedure prescribed by the Law.

2. In accordance with Article 69 § 10 of the Constitutional Law on the Constitutional Court, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstance as prescribed by the Law, since Article 290 § 1 of the RA Criminal Procedure Code adopted on 1 July 1998, had been applied against the applicant by an interpretation other than prescribed by this Decision.

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

PRESIDENT

A. DILANYAN

30 May 2023

DCC-1690