

**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 101 § 1(2) OF THE ADMINISTRATIVE PROCEDURE CODE OF THE REPUBLIC OF ARMENIA, AND ARTICLE 90 § 6 OF THE CONSTITUTIONAL LAW JUDICIAL CODE OF THE REPUBLIC OF ARMENIA, CONSIDERING ALSO THE INTERPRETATION OF THE MENTIONED PROVISIONS IN LAW ENFORCEMENT PRACTICE, RAISED BY THE APPLICATION OF DAVIT HARUTYUNYAN

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

1. Article 90 § 6 of the Constitutional Law Judicial Code of the Republic of Armenia complies with the Constitution by the interpretation that the phrase “interest of justice” refers to the effective and unhindered administration of justice in a specific disciplinary case considered by the Supreme Judicial Council.

2. Article 101 § 1(2) of the Administrative Procedure Code of the Republic of Armenia complies with the Constitution by the interpretation that the judicial sanction of “removal from the courtroom” within the framework of disciplinary proceedings against a judge might be applied where the Supreme Judicial Council makes all possible and necessary efforts to ensure the right of the judge removed from the courtroom to be heard.

3. According to 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 circumstances as prescribed by the Law, since Article 90 § 6 of the Constitutional Law Judicial Code of the Republic of Armenia, and Article 101 § 1(2) of the Administrative

Procedure Code of the Republic of Armenia had been applied against the applicant by an interpretation other than given by this Decision.

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

PRESIDENT

A. DILANYAN

May 21, 2024

DCC-1729