

**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 401 § 2 OF
THE CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA 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 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. To declare Article 401 § 2 of the Criminal Procedure Code of the Republic of Armenia contradicting Articles 40, 61 and 75 of the Constitution and void, insofar as it fails to provide for the possibility to review the final judicial act rendered against a person regarding the application of a measure of restraint, upon the grounds of the decision of the Constitutional Court as a newly emerged circumstance.

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

PRESIDENT

A. DILANYAN

June 4, 2024

DCC-1736