

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 POINT 2 OF PART 1 OF ARTICLE 419 OF THE CIVIL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA, RAISED BY THE APPLICATION OF ARAMAYIS, HAMASPYUR, ARMINE, ARMAN, ARSHAK, LEVON, MANUSHAK ALIKHANYANS AND OTHERS

Based on the results of an examination of the Case and guided by part 1 of Article 167, point 1 of Article 168, point 8 of part 1 of Article 169, parts 1 and 2 of Article 170 of the Constitution, as well as Articles 63, 64, and 69 of the Constitutional Law “On the Constitutional Court”, the Constitutional Court **DECIDED:**

1. To declare the restriction prescribed by point 2 of part 1 of Article 419 of the Civil Procedure Code contradicting part 5 of Article 60, and part 1 of Article 63 of the Constitution and void, where under that restriction, the person who did not participate in the case trial at the court operating on the basis of an international treaty ratified by the Republic of Armenia – who did not have the opportunity to exercise the right to apply to that court following the requirements (time limits) prescribed by the international treaty at the time the judgment or decision of the same court was rendered – could not file a complaint for review of a judicial act based on a new circumstance in the event the court operating on the basis of an international treaty ratified by the Republic of Armenia has declared violated any of the principles of prior adequate compensation for the expropriation of property for prevailing public interests, as prescribed by part 5 of Article 60 of the Constitution.

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

PRESIDING JUDGE

A. DILANYAN

11 February 2025

DCC-1769