

**Conference of European Constitutional Courts
XIIth Congress**

*The relations between the Constitutional Courts
and the other national courts,
including the interference in this area
of the action of the European courts*

**Report of
the Constitutional Court
of the Republic of Armenia**

I. The constitutional court, other courts and constitutionality review

A. The judicial organization of the State

1. The judicial system

1. Please give a brief presentation, using diagrams if necessary, of the different courts that exist in your State and the organisation of their powers. This concerns the ordinary courts as well as the administrative or other courts, the courts of the Federal State as well as the courts of the federated States.

1. Chapter 6 of the Constitution of the Republic of Armenia is entitled: "Judicial power". According to Article 91, Paragraph 1 of the Constitution, Justice shall be administered solely by the courts.

From the comparison of other articles of this chapter follows, that judicial power is exercised both by the courts of general jurisdiction and specialized courts, besides special place and role in the system of judicial power is reserved for the Constitutional Court of the Republic of Armenia.

According to Article 92 of the Constitution: "The courts of general jurisdiction in the Republic of Armenia shall be the courts of first instance, Review Courts and the Court of Appeals. In the Republic of Armenia, there also shall be economic, military and other courts as may be provided by law...".

Pursuant to Article 13, Paragraph 4 of the Law "On the judicial system" of the Republic of Armenia: "There is a court of general jurisdiction in each region of the Republic of Armenia, whose judicial territory is the administrative territory of the said region". There are 7 courts of first instance, the judicial territories of which are the administrative territories of the given community (communities)". In general, there are 17 courts of first instance in the Republic of Armenia (Article 13, Paragraph 3 of the Law).

According to Article 18, Paragraphs 4, 5, 6 of the Law "On judicial system" of the Republic of Armenia, there are 3 Review Courts in the Republic of Armenia:

1. Review Court on civil matters;
2. Review Court on economic matters;
3. Review Court on criminal and military matters.

The judicial territory of a Review Court is the territory of the Republic of Armenia.

Pursuant to Article 21, Paragraphs 3, 4, 6 and 7 of the Law, there is a Court of Cassation in the Republic of Armenia.

It consists of:

1. Chairman of the Court of Cassation;
2. Chamber on civil and economic matters;
3. Chamber on criminal and military matters.

The judicial territory of the Court of Cassation is the territory of the Republic of Armenia.

The 3-rd Article of Law discovers the types of administering justice by the courts (except for Constitutional Court). They are:

- 1) to rule and hear cases on civil, economic disputes concerning freedoms, rights and lawful interests of the human and the citizen, rights and lawful interests of the state and juridical persons in the Court Sessions.
- 2) to hear and rule the cases on administrative infringements.
- 3) to rule and hear cases on crimes, to recognize guilty those persons, who committed a crime, to punish them as prescribed by law, to acquit and recognize innocent the persons, who did not commit a crime, in the Court Sessions.

The role and jurisdiction of the courts of first instance is to examine on the merits all civil, economic, criminal, military cases, as well as the cases on administrative violations, to rule issues on arrest, permission of search of an apartment, as well as issues on restriction of the right to confidentiality in his or her correspondence, telephone conversations, mail, telegraph and other communications, prescribed by law.

This list is not exhaustive and may be supplemented by law (Article 13, Paragraph 1 and 2 of Law "On judicial system").

The jurisdiction of Review Courts to examine on the merits the cases heard by the courts of the first instance on the basis of an appellate claim.

The jurisdiction of Court of Cassation is to review sentences, verdicts and decisions of the court of first instance, which have been entered into legal force and sentences, verdicts and decisions of Review Court based on cassation appeal within the grounds mentioned in these documents.

In the Republic of Armenia there are not specialized economic, military, administrative courts of first instance. Such cases are ruled and heard by the courts of general jurisdiction of first instance. But some specialization exists on the levels of appeal and cassation of the courts of general jurisdiction (in the case of Court of Cassation in the Chambers).

Thus, they are:

- 1) Review Court on economic matters;
- 2) Review Court on criminal and military matters;
- 3) Chamber of the Court of Cassation on civil and economic matters;
- 4) Chamber of the Court of Cassation on criminal and military matters.

As regards the cases arising from administrative legal relations, they are ruled and heard by courts of first instance, by Review Court on civil cases and by Chamber of the Court of Cassation on civil and economic matters.

2. The Constitutional Court

2. What is the place of the constitutional court in the judicial organisation of the State? If it is part of the judiciary, what is its status within the judiciary?

2. The provisions on the Constitutional Court are stipulated in Chapter 6 of the Constitution of the Republic of Armenia. It means, that the Constitutional Court is part of the judicial system.

The Law "On the Judicial system" of the Republic of Armenia, outlining the judicial system of the Republic of Armenia, does not include the Constitutional Court of the Republic of Armenia. The more general and the first provision of Chapter 6 of the Constitution, Article

91, Paragraph 1 also concerns the Constitutional Court of the Republic of Armenia. The Constitutional Court administers justice through a constitutional procedure. Accordingly, the Constitutional Court of the Republic of Armenia is the judicial body of centralized constitutional review (European model).

According to Article 100 of the Constitution, the Constitutional Court:

- 1) shall decide whether the laws, the resolutions of the National Assembly, the orders and decrees of the President of the Republic and resolutions of the Government are in conformity with the Constitution (carrying out of subsequent abstract review of norms).
- 2) shall decide, prior to the ratification of an international treaty, whether the obligations assumed therein are in conformity with the Constitution (preliminary and mandatory review of the international treaties, which are subject to ratification (Article 56, Paragraph 1 of the Law "On Constitutional Court"));
- 3) shall rule on disputes concerning referenda and the results of presidential and parliamentary elections (review procedure of the validity of referenda and elections);
- 4) shall ascertain the existence of insurmountable obstacles facting a presidential candidate or elimination of such obstacles (review procedure of preparation of presidential elections);
- 5) shall determine whether there are grounds for the removal of the President of the Republic (procedure of impeachment of the President);
- 6) shall give an opinion on measures appropriate to the situation taking by President in the event of imminent danger to the constitutional order, as well as on decision on using of the armed forces by President of the Republic or declaration (calling for) of martial law and a general or partial mobilization (review procedure of resolutions and acts of the President of the Republic in a state emergency).
- 7) shall determine whether the President is incapable of continuing to perform his or her functions (review procedure of possibility of carrying out the powers of President of the Republic);
- 8) shall determine whether there are grounds for the removal of a member of the Constitutional Court, his or her arrest or initiation of administrative or criminal proceedings through the judicial process (procedure of impeachment of members of the Constitutional Court and **suspension** procedure of their immunity (inviolability));
- 9) shall decide on the suspension or prohibition of a political party in cases prescribed by law (procedure of prohibition of parties).

The Constitution of the Republic of Armenia does not reserve to the Constitutional Court powers for exercising individual review, examining disputes concerning constitutional appeals and competence, but the Constitution does not solve the problem: whether the list of powers of the constitutional court is exhaustive or it can be extended by law? The Law "On Constitutional Court" adopts the restrictive interpretation of the Constitution and determines as much powers, as prescribed by the Constitution, only by concretizing the procedure of its implementation.

B. The respective jurisdictions of the constitutional court and other courts in the area of constitutionality review

1. Review of laws and other acts

§ 1. Type of review

3. What acts (of domestic law and international law) are reviewed by the constitutional court in relation to the higher standards that are the Constitution, the principles of constitutional value and the provisions of international law?

3. As it was above mentioned, the Constitutional Court of the Republic of Armenia has jurisdiction to carry out either repressive review, or preliminary review of the constitutionality with regards to exhausting listing of legal acts (review of norms).

According to Article 100, clause 1 of the Constitution, the Constitutional Court shall decide whether the laws, the resolutions of the National Assembly, the orders and decrees of the President of the Republic and resolutions of the Government are in conformity with the Constitution.

Thus, the object of review of the Constitutional Court of the Republic of Armenia may be the laws both in formal and material sense. It does not depend on their normative or individual nature.

Pursuant to Article 55, Paragraph 2 of the Law “On Constitutional Court” of the Republic of Armenia, the Constitutional Court shall decide on constitutionality of above mentioned legal acts, especially proceeding from the following standards: the types of the controllable acts required by the Constitution, successive order of adopting and promulgating the act required by the Constitution, the constitutionality of the content of norms of a legal act, protection of human and citizen's rights and freedoms provided by the Constitution, from their balance of limitation, preservation of the principle of the separation of powers, providing for permissible limits of the powers of state bodies and public officials, the necessity of the direct effect of the Constitution.

Article 9 of the Constitution makes a *implicit* reference on *pacta sunt servanda* principle, which, in this case, becomes a standard for the estimation of the constitutionality of National Laws and other legal acts on duly implementing the commitments of the Republic of Armenia under International Treaties.

According to Article 100, Paragraph 2, the Constitutional Court shall decide, prior to the ratification of an international treaty, whether an obligation assumed therein is in conformity with the Constitution. Thus, international treaties which are subject to ratification, are the object of such review (They are ratified by different internal state procedures).

4. Is this competence exclusive? If not, which are the other competent courts in this area? How about the other acts and decisions?

4. In the Republic of Armenia only the Constitutional Court has exclusive jurisdiction to review the above mentioned legal acts. Pursuant to Article 160, clause 1, Part 2 of the "Civil procedural Code" of the Republic of Armenia, applications for annulment of such acts are not the subject of court review, which are within the exclusive jurisdiction of the Constitutional Court to decide whether they are in conformity with the Constitution of the Republic of Armenia.

As regards to other decision and acts, Chapter 26 of the "Criminal Procedural Code" of the Republic of Armenia stipulates a special procedure, which is closer procedure by its nature to administrative procedure than to civil procedure. It is entitled: "Proceedings for annulment of decisions and disputable acts (failure to act) of the state bodies, local self-government bodies and their public officials", which contradict the law. Though, the title of the Chapter mentions only law as a standard for estimation of legality of the acts of state bodies, local self-government bodies and their public officials, the content of articles of the Chapter is broader than the title. For example, Article 159 of the Code determines the admissibility grounds for applications of such cases, foresees, the basis for annulment of decisions of above mentioned bodies and public officials or for litigation of their acts (failure to act) are in contradiction to the law and the fact of existence¹ of violation of rights and freedoms of the applicant, guaranteed by law and the Constitution of the Republic of Armenia.

Though this procedure is not within the powers of the Constitutional Court, but nevertheless it is the examining procedure of cases especially on violation of human rights and freedoms prescribed by the Constitution ruling by the courts² on civil or economic matters. It means that, it consists of special elements for examining individual applications, which implies a certain procedure of constitutional review. But this procedure is defective, because only the law is recognized as the scale of review, in formal way, and not the Constitution. Taking into account the fact, that only some limited number of legal acts are within the jurisdiction of the Constitutional Court of the Republic of Armenia, as well as the fact, that the scope of subjects accessed to the Constitutional Court is limited. This fact is a substantial omission, which must be improved by constitutional and partially administrative legal reforms.

5. Is the review carried out by the constitutional court a prior or subsequent review?

5. The Constitutional Court of the Republic of Armenia is carried out subsequent review with regard to the laws, the decisions of the National Assembly, the acts of the President and the decisions of Government of the Republic of Armenia, but in regard to the international treaties, the constitutional court is carried out the preliminary review.

6. Is the review carried out by the constitutional court an abstract or concrete review?

6. The Constitutional Court of the Republic of Armenia is not carried out the concrete review. The constitutional court is carried out only abstract review.

§ 2. Referral to the constitutional court

a. Types of referral

7. How can the constitutional court be accessed (action for annulment, preliminary question, constitutional appeal, etc.)? How many cases have there been for each type of referral?

¹ See the Article 159 of the Code.

² See the Article 160, Paragraph 1, Point 1 of the Code.

b. Actions for annulment

8. Does direct recourse exist to the constitutional court against statutes? And against other regulations and acts?

9. Who can bring such actions and within what time limit?

7-9. According to Article 101 of the Constitution, the Constitutional Court may hear cases submitted by the President of the Republic, at least 1/3 of the deputies, presidential and parliamentary candidates on disputes concerning election results, the Government in cases prescribed by Article 59 of the Constitution (in the event of insurmountable obstacles affecting the performance of duties of the President of the Republic). Pursuant to Article 57, Paragraph 2 of the Constitution, in order to request a determination on questions pertaining the removal of the President of the Republic from office, National Assembly must appeal to the Constitutional Court by a resolution adopted by the majority of the deputies.

The Law "On Constitutional Court" of the Republic of Armenia (Articles 27, 28) determines the official title and the form of the application to the Constitutional Court.

Since the day of the formation of the Constitutional Court (since 1996), it took decisions on at least 300 cases, they are:

- 1) 6 cases on constitutionality of laws of the Republic of Armenia:
- 2) 1 case on constitutionality of the resolution of the National Assembly of the Republic of Armenia:
- 3) 276 cases on the constitutionality of the obligations assumed in international treaties, which are subject to ratification:
- 4) 1 case on the conflicts pertaining to the results of the President elections of the Republic of Armenia:
- 5) 11 cases on the results of the Parliamentary election of the Republic of Armenia.

Concerning other powers of the Constitutional Court of the Republic of Armenia there were no the applications.

10. Can the constitutional court suspend statutes or other regulations and acts?

10. In Article 5, Point 2 of the Constitution is determined the version, that the state bodies and public officials may execute only such acts as authorized by legislation. This jurisdiction is not foreseen by the Constitution (possibility to act) and by the "Law on Constitutional Court". The Constitutional Court did not make a diffusive interpretation of its powers.

c. Preliminary issues - plea of unconstitutionality

Who can refer cases to the constitutional court?

11. Which courts can refer cases to the constitutional court? If any court can put a preliminary question, does that mean that a broad or a restrictive interpretation is given to the notion of court?

12. Are the courts obliged to put the question?

13. Is it possible to oppose, by a procedure of objection, opposition or recourse, the submission of all or part of case to the constitutional court by a decision of referral? If so, who can initiate this procedure and how does it proceed? What are the consequences?

14. *What is the procedure for referral to the constitutional court? What is the role of the parties in drawing up the preliminary question? Can the preliminary question be raised ex officio? In that case, are the discussions on the question reopened?*

15. *Do the courts that put the question rule on the constitutionality or unconstitutionality of the regulation at issue?*

Screening

16. *Is there a screening procedure which allows the constitutional court to limit the number of cases or to speed up the hearing of those cases (nonsuit, quick reply, demurrer, evident unfoundedness, identity or similarity of questions which the constitutional court has already answered)? What is the proportion of cases screened in this way?*

Scope of referral of the constitutional court

17. *What is the import of the considerations of unconstitutionality given by the court that puts the question (court a quo)? Must the constitutional court take these considerations into account or can it ignore them? Can it raise, ex officio or at the request of the parties, the arguments of unconstitutionality not envisaged by the court a quo or is it restricted by the decision of referral? Can the constitutional court review regulations not intended by the preliminary question yet linked thereto?*

18. *Are all aspects, both in law and in fact, of the action pending before the court a quo referred to the constitutional court?*

Relevance of the question

19. *Can the constitutional court dismiss the question on the grounds that it is not useful to the settlement of the action brought before court a quo?*

Interpretation of the question

20. *Can the constitutional court reformulate the question in order to make it clearer and to define the constitutional debate better? If so, what use is made of this option?*

Interpretation of the reviewed regulation

21. *Must the constitutional court adhere to the interpretation of the reviewed regulation given by the court a quo?*

Jus superveniens

22. *What is the impact of a legislative amendment to the challenged regulation subsequent to the decision of referral?*

Parties

23. *Can the parties before the court a quo or third parties (individuals, institutions, other courts, etc.) participate (voluntary or compulsorily) in the procedure before the constitutional court? If so, in what way? How are they informed of the procedure before the constitutional court? Can one intervene before the constitutional court on the mere grounds of being a party before a court deciding on merits in an action similar to the one that led the court a quo to put the preliminary question?*

24. *Is there a counsel for the defence? If so, in what form? Is there is a counsel for the prosecution with the constitutional court?*

Points of law in the constitutional proceedings

25. *Does the withdrawal of suit before the court a quo or the death of a party before the same court subsequent to the decision of referral have an impact on the progress of the constitutional action?*

11-25. As it was above mentioned, the Constitutional Court of the Republic of Armenia has not jurisdiction to carry out the concrete review.

d. The constitutional appeal (for example recours d'amparo, Verfassungsbeschwerde etc.)

Object of the constitutional appeal

26. *What is the object of the constitutional appeal? Against which acts can such an appeal be lodged? Once a constitutional appeal has been referred to it, can the constitutional court examine the facts of the case?*

Allowability of the appeal

27. *Who can refer an appeal to the constitutional court? How?*

28. *Is appeal to the constitutional court only possible once all other avenues of appeal have been tried?*

Screening

29. *Is there a screening procedure which allows the constitutional court to limit the number of cases or to speed up the hearing of those cases (selection of cases, nonsuit, quick reply, demurrer, evident unfoundedness, etc.)? What is the proportion of cases screened in this way?*

Parties

30. *Does the plaintiff participate in the procedure before the constitutional court? If so, in what form? What about the other parties? Can or must certain public authorities intervene in the proceedings?*

31. *Is there a counsel for the defence? If so, in what form? Is there a counsel for the prosecution with the constitutional court?*

26-31. The Constitutional Court of the Republic of Armenia has not jurisdiction to hear cases based on constitutional appeals.

2. Procedure of settlement the conflicts between courts

32. *Is it the task of the constitutional court to circumscribe the respective jurisdictions of the other courts? If so, how does it proceed?*

32. The above mentioned concerns also to the Point 2.

II. The relations between the Constitutional Court and the other courts

A. The organic link

33. What are the organic links between the constitutional court and other national courts (conditions of admission, appointment procedure, etc.)?

33. There is no organic link between the Constitutional Court and other courts of the Republic of Armenia. We can mention Article 27, clause 4 of the Law “On judicial system” of the Republic of Armenia, by which the Council of Chairmen of the courts³ has the right to apply to the President of the Republic to access the Constitutional Court for the procedure of abstract review. It is natural that this is no proof of an organic link at all, on the contrary, it is an attempt to involve the courts of general jurisdiction in the process of constitutional review of norms.

B. The procedural link

34. Are the procedural links between the constitutional court and the court referring the case to it or against which the appeal was lodged (for example, a judge-to-judge meeting in order to clarify or refine the question)? If so, what use is made of this option?

34. There is no procedural link between the Constitutional Court and other courts of the Republic of Armenia.

C. The functional link

§ 1. The review and its effects

35. Do the rulings of the constitutional court always constitute a binding precedent for the other courts?

35. According to Article 102, Paragraph 2 of the Constitution, the decisions of the Constitutional Court shall be final, may not be subject to review, and shall enter into legal force upon their publication. Thus, the decisions of the Constitutional Court have determining effect for other courts. Departure from the decisions of the Constitutional Court is forbidden.

36. What are the review methods of the constitutional court (annulment, dismissal, declaration of constitutionality, interpretative decisions, interpretation reserves, annulment of a judicial decision, establishment of deficiencies, establishment of limited validity, etc.)? If necessary, distinguish for the different types of referral (action for annulment, prejudicial question, constitutional appeal).

36. The Constitutional Court of the Republic of Armenia may declare a legal act, which is the subject of review, or its part to contradict to the Constitution, through a review procedure of

³ The Council of Chairmen of the courts is the consultative body, which consists of the Chairmen of Court of Appeals and its Chambers, Review Courts and the Courts of the first instance.

norms. In such a case, the legal acts (provisions) declared unconstitutional shall have no legal force.

37. What are the review the legal effects of the rullings of the constitutional court (ex nunc, ex tuncs: erga omnes, inter partes: etc.), individually, on the original action and on all actions before common law courts, on other regulations, administrative acts – statutory or individual – or judicial decisions, etc. (for example, is there a re-examination procedure)? Can the constitutional court limit or sustain the effects in time?

37. Pursuant to Article 64, Paragraph 3 of the Law “On Constitutional Court”, the decisions of the Constitutional Court have *erga omnes* effect. But the law does not concretize whether these decisions may have retroactive effect, or not? In that case, the above-mentioned version of the Constitution works: if it is not prescribed, such an effect can not exist. The Constitution does not interpret this question either. Proceeding from the content of Article 6 of the Constitution and Article 64 of the Law, it follows, that the rulings of the Constitutional Court have *ex nunc* effect. These decisions are not subject to review, even by the Constitutional Court. The Constitutional Court cannot limit or sustain the effect of its decision in time, because it has not such jurisdiction.

38. Is the authority of the rulings of the constitutional court always restrected? Does it sometimes meet with opposition from institutions or courts? Do the other courts sometimes experience difficulties in implementing the rulings of the Constitutional Court?

38. It is natural, that the decisions of the Constitutional Court are not always approved by everybody. That is why, they sometimes meet with opposition, particularly, from legislative and executive powers, which does not take an explicit nature.

§ 2. Interpretation by the constitutional court

a. The case law of other courts accepted by the constitutional court in the exercise of its own jurisdiction

39. Does the constitutional court consider itself bound by the interpretations of the challenged act given by the Supreme Court or other courts (theory of living law, for example)? Can the constitutional court, however, give another interpretation?

b. The effects of the interpretation of the constitutional court and the acceptance of the case law of the constitutional court by the other courts in the exercise of their own jurisdiction

40. Is the interpretation of the constitutional rules and the legislative rules given by the constitutional court binding on the other courts? What happens in case of non-adherence to the interpretation of the constitutional court?

41. Can the constitutional court declare that a rule is constitutional only in the exact interpretation given by it? Can this interpretation deviate from that of "living law"? If so, what use is made of this option?

42. What are the effects for the other courts of a purely interpretative decision?

39-42. Without having any link between the Constitutional Court and other courts, it is difficult to speak about acceptance of the case law by the Constitutional Court or vice versa.

Apart from these conditions, it should be noted, that if there are comments in final parts of the Constitutional Court decisions, they shall be binding on everyone, including other courts. Non-adherence to the comments is equivalent to non execution or inadequate execution of Constitutional Court decisions, which will result in liability stipulated by law. As regards to the interpretation of a legal norm considered in conformity with the Constitution in the decision of the Constitutional Court, there were no such cases in the practice of the Constitutional Court, but they are quite possible.

The decision adopted concerning the conformity of a number of provisions of the Law “On Television and Radio” of the Republic of Armenia with the Constitution should also be mentioned, some language (which does not conform to the Constitution of the Republic of Armenia) of which in the final part of the decision indirectly premeditate this formulation, and in such case the disputable provision of law will be in conformity with the Constitution.

It is also important to mention, that pursuant to the Electoral Code and the Constitution of the Republic of Armenia, the Constitutional Court and the courts of general jurisdiction have powers to decide on disputes related to the results of referenda and elections of the President of the Republic, deputies of the National Assembly and local self-government bodies, which are separated from each other from the point of view of subject of competence, are exercised by different institutional mechanisms, but are implemented for the same function - in the scope of the review procedure of validity of referenda and election.

On one hand, the Constitutional Court is entitled to take decisions on disputes connected with the final results of referenda and elections (Article 100, clause 3 of the Constitution). At the same time, the courts of first instance finally rule on disputes pertaining the results of election of local self-government bodies (Article 133, clause 6, 7 and Article 134, clause 9 of the Electoral Code of the Republic of Armenia).

On the other hand, Article 40 of the Electoral Code of the Republic of Armenia stipulates the general order of appealing the results of elections not related to the decisions of Electoral Commissions, their action and inaction. According to this article, any such decision of an Electoral Commission, action and inaction thereof can be appealed to the court.

After that, the Code differentiates the time limits of appealing the decisions, action or inaction.

Pursuant to clause 1, Paragraph 3 of the above-mentioned article, the decisions of the courts on electoral disputes enter into legal force upon their publication. The legal consequences of the decisions may be reviewed by the Constitutional Court. The latter takes a final decision on disputes of electoral results, but has no right to examine the causative consequences of the case. It is forbidden by the Article 57, Part 3 of the Law “On Constitutional Court” of the Republic of Armenia. This provision is the particularity of examining the conflicts concerned with the results of referenda, of Presidential and Parliamentary elections. It means, that the decisions of the national courts taken from the examination and estimation of causative consequences on conflicts arising from the preparation and holding the election in question shall have provable significance in the Constitutional Court.

III. The interference of the European courts

A. The constitutional court and the other courts vis-à-vis the European Convention on Human Rights and the case law of the European Court of Human Rights

43. Is the constitutional court bound by the case law of the European Court of Human Rights? If this case law is not binding, does it influence the course of action of the constitutional court?

44. Can the court base its decision on a provision of the European Convention and, in doing so, possibly deviate from the action of the constitutional court?

45. Must a lawsuit have been brought before the constitutional court before an appeal can be made to the European Court of Human Rights (after having tried all internal avenues of appeal)?

43-45. The Republic of Armenia has not ratified the European Convention on the Protection of Fundamental Human Rights and Freedoms and its protocols yet.

The case law of the European Court on Human Rights has no binding force. But the Constitutional Court of the Republic of Armenia, of course, takes into account the practice of the said court during taking its decisions, especially in the recent period of time. Prior to the adoption of decisions, the Constitutional Court makes different searches on the issue considered, including the decisions of the European Court on Human Rights pertaining to the issue in question or other similar issues.

The Constitutional Court of the Republic of Armenia has made a direct reference to the European Convention on Protection of Fundamental Human Rights and Freedoms in its decision on constitutionality of already mentioned Law “On Television and Radio”, in order to emphasise the necessity of outlining the scopes of state interference with the right to free information.