**Not official copy**

# REPUBLIC OF ARMENIA

# CIVIL PROCEDURE CODE

(Adopted by the National Assembly of the Republic of Armenia on June 17, 1998)

Translated by Chemonics International Inc.
USAID/Armenia Rule of Law - Commercial Law Project

TABLE OF CONTENTS

PART ONE

GENERAL PROPOSITIONS

CHAPTER 1. BASIC PROPOSITIONS



CHAPTER 2. JURISDICTION OVER CIVIL CASES



CHAPTER 3. COMPOSITION OF COURT



CHAPTER 4. CHALLENGING

## CHAPTER 5. PERSONS PARTICIPATING IN THE CASE



## CHAPTER 6. REPRESENTATION IN COURT.



## CHAPTER 7. OTHER PARTICIPANTS OF THE PROCEEDINGS.



## CHAPTER 8. EVIDENCE.

## CHAPTER 9. COURT COSTS.



## CHAPTER 10. TIME LIMITS OF PROCEEDINGS.



## CHAPTER 11. COURT SUMMONS.

## PART TWO

## PROCEEDINGS IN FIRST INSTANCE COURT.

### CHAPTER 12. JURISDICTION



### CHAPTER 13. BRINGING ACTION.



### CHAPTER 14. PROVISIONAL REMEDY TO SECURE THE ACTION.



### CHAPTER 15. LEAVING ACTION OR COMPLAINT WITHOUT CONSIDERATION

## SUBSECTION TWO

## SPECIAL PROCEEDINGS

### CHAPTER 27. GENERAL PROVISIONS



### CHAPTER 28. PROCEEDINGS OF CASES CONCERNING THE RECOGNITION OF A MINOR AS FULLY LEGALLY CAPABLE (EMANCIPATION).



### CHAPTER 29. PROCEEDINGS OF CASES CONCERNING THE RECOGNITION OF A CITIZEN AS INCAPABLE OR SPECIALLY INCAPABLE.



### CHAPTER 30. PROCEEDINGS CONCERNED WITH FORCED TREATMENT OF A CITIZEN IN A MENTAL HOSPITAL.



### CHAPTER 31. PROCEEDINGS CONCERNED WITH RECOGNITION OF A CITIZEN AS A MISSING PERSON OR DEAD.

## CHAPTER 36. REVIEW OF A COURT RULING WHICH CAME INTO EFFECT BASED ON THE RECONCILIATION OF PARTIES BY APPLICATION OF THE ENFORCED EXECUTOR.



# PART FOUR.

# PROCEEDINGS IN APPELLATE COURT.



# PART FIVE

# PROCEEDINGS IN CASSATION COURT.

## PART SIX

## PROCEEDINGS IN WHICH FOREIGN PERSONS PARTICIPATE



## PART SEVEN

## CLOSING PROVISIONS

# PART ONE

## GENERAL PROPOSITIONS

## CHAPTER 1. BASIC PROPOSITIONS

Article 1. Legislation on civil procedure.

1. In the courts of the Republic of Armenia (referred to below as "courts"), the procedure of civil proceedings is determined by the Constitution of the Republic of Armenia, by this Code and other laws adopted in conformity with them.
   The norms of civil procedure contained in other laws must be brought into conformity with this Code, and in case of controversy, the norms of this Code are applicable.
2. If the international agreements of the Republic of Armenia establish other procedural norms than envisaged in the Civil Procedure Code of the Republic of Armenia, then the norms of the international agreement are applicable.
3. The civil proceedings are implemented based on the Code operating during the case trial.

Article 2. The right to apply to court.

The interested person is entitled to apply to court, in accordance with the procedure established in this Code, for the protection of one's rights, freedoms and legal interests stipulated and envisaged in the Constitution of the Republic of Armenia, laws and other legal acts or agreements.
In cases envisaged in this Code and other laws, the persons entitled to defend the rights, freedoms and other legal interests of other persons, can apply to the court for the purpose of defense.

Article 3. The grounds for initiation of a civil case.

The court initiates a civil case only based on a civil action or application.

Article 4. Independence of judges and their submission only to law.

1. When exercising justice, the judges are independent and submit only to law.
2. The law of the Republic of Armenia "On the Status of Judges" establishes the guarantees of the independence of judges.

Article 5. Equality before law and the court.

Justice in civil cases is exercised based on the principle of equality of citizens and legal entities before the law and the court.

Article 6. Competition of parties and legal equality.

Civil proceedings are carried out based on the competition between parties and equality of rights.

Article 7. The language of proceedings.

1. The proceedings of civil cases are conducted in the Armenian language.
2. The persons who do not master the Armenian language are entitled to familiarization with the materials of the case, to participation in the proceedings and to appearance in court speaking another language, with the help of an interpreter.
3. The court can demand from the persons participating in the case to submit the Armenian translation of the written evidence certified as established by law.

Article 8. Open trial of cases.

1. In courts civil cases are considered in open trial.
2. Closed-door trial is allowed in cases envisaged by law, as well as in cases when the court approved the motion concerning the protection of the secrecy of adoption, privacy of citizens or their families, and protection of commercial or other secrets.
3. A decision is made to conduct a closed-door trial of the case.
4. The persons participating in the case, their representatives, and, when necessary, also the witnesses, the experts and the interpreters are present at the closed-door trial.
5. Closed-door trial is conducted in accordance with the regulations of the civil procedure.
   In any case, the ruling of the court is announced in an open session.

Article 9. Oral nature and directness of proceedings.

1. The trial is conducted in the oral form.
2. The trial is conducted by an unchangeable set-up of the court. In case of replacement of the judge during the trial, the case is tried anew.
3. The trial of any case is conducted continuously, except the days and hours envisaged for recreation.
4. Unless the trial is over, postponed, or suspended, the court can not to start a trial of another case.

Article 10. Laws and other legal acts used during resolution of disputes and other cases.

1. The disputes and other cases are solved in court based on the Constitution of the Republic of Armenia, laws and other legal acts adopted in accordance with them.
2. If the international agreements of the Republic of Armenia envisage norms differing from the ones stipulated in law or other legal acts, then the norms of the international agreement are applicable.
3. In case of lack of a law or legal act regulating the disputed relations, the court applies the legal norms (statute analogy) which regulate similar relations. In case of lack of such norms, the court solves the dispute based on the principles of law (law analogy).
4. In accordance with the law and international agreements of the Republic of Armenia, the court can also apply the legal norms of other countries.

Article 11. Application of foreign legislation.

1. In case of applying foreign law the court finds out the existence and content of its norms in accordance with its interpretation and application in the foreign country.
2. In order to find out the existence and content of foreign legal norms, in accordance with the procedure, the court can apply for the assistance of the authorized bodies in the Republic of Armenia and abroad or involve specialists.
   When necessary to find out the existence and content of foreign legal norms, the court applies the appropriate norms of the Republic of Armenia.

Article 12. Application of industry customs.

The court is entitled to apply the customs of industry.

Article 13. Court acts concerning civil cases.

The court makes rulings and decisions concerning civil cases.

Article 14. Compulsory nature of court acts.

The court act which has come into effect is mandatory for all state bodies, local self-government bodies, their officials, legal entities and citizens and is subject to execution in the whole territory of the Republic of Armenia.

## CHAPTER 2. JURISDICTION OVER CIVIL CASES

### Article 15. Jurisdiction of civil court over civil cases.

1. The court in charge of trial of civil cases has jurisdiction over all civil cases, except the cases under jurisdiction of the court which considers economic cases, as envisaged in Article 16 of this Code (referred to below as “economic court”).
2. The court in charge of civil cases considers in particular the following:

1) cases originating from disputes concerning civil legal relations, land legal relations, legal relations concerning the exploitation of nature resources and environmental protection, provided, at least, one of the parties is a citizen.
2) Cases originating from legal relations concerning state, administrative, tax and other jurisdiction, provided one of the parties is a citizen.
3) Cases originating from disputes concerning the family and labor legal relations.
4) Cases concerning the complete or partial nullification of illegal acts breaching the rights, freedoms and other legal interests of citizens, adopted by a state body, local self-government body or their officials.
5) Cases concerning the disputes between state bodies, local self-government bodies on the one hand and non-commercial organizations on the other hand, as well as, between each other.
6) Cases concerning honor and dignity.
7) Cases envisaged in Articles 23-26, 28-36 of this Code.

### Article 16. Jurisdiction of economic court over civil cases.

1. Economic court has jurisdiction over disputes originating in the entrepreneurial sphere between commercial organizations, individual entrepreneurs (referred to below as “economic disputes”).
2. In particular, economic court solves the following economic disputes:

1) cases originating from state, administrative and tax legal relations.
2) Cases concerning the differences on the agreement whose signing is envisaged by law, or if the parties agreed to forward the differences on the agreement to economic court for resolution.
3) Cases concerning resolution or amendment of agreements.
4) Cases concerning the failure to fulfill an agreement or its improper fulfillment.
5) Cases concerning the recognition of a property right.
6) Cases concerning the demand to return the property from illegal ownership to the owner or other legal manager of property.
7) Cases concerning the breach of the rights of the owner or legal manager of property not related to the deprivation from ownership.
8) Cases concerning compensation of losses.

9) Cases concerning the complete or partial nullification of illegal acts breaching the rights and legal interests of commercial organizations or individual entrepreneurs, adopted by state bodies, local self-government bodies and their officials.
10) Cases concerning the protection of business reputation.
11) Cases concerning the appeal against denial of state registration or avoidance of state registration within due time limits, in cases when such registration is envisaged by law.
12) Cases concerning imposition of fines on commercial organizations or individual entrepreneurs by authorized state body or local self-government body.

3. Economic court considers other cases, including:
1) cases concerning the bankruptcy of legal entities and citizens.
2) Cases concerning the establishment of legally relevant facts significant for the creation, change or termination of the rights of the commercial organizations or individual entrepreneurs in the domain of entrepreneurial activity.
3) Cases concerning the restoration of rights certified in lost bearer or order securities.

4.Disputes and other cases concerning the citizens without the status of an individual entrepreneur and the participants of an entity which is not a commercial enterprise, also fall under the jurisdiction of economic court in cases stipulated in this Code and other laws.

5. The law can extend the jurisdiction of economic court to other cases.

Article 17. Jurisdiction over several related demands.

In case of the joinder of several related demands, when some of them fall under the jurisdiction of a civil court, and the remaining ones, are under the jurisdiction of economic court, all demands are subject to trial in civil court.

Article 18. Transfer of dispute to intermediate court.

A property dispute following from civil legal relations and subject to the jurisdiction of the court, before the ruling is made, by agreement of parties can be transferred to solution by intermediate court.

## CHAPTER 3. COMPOSITION OF COURT

Article 19. Composition of court in charge of civil cases.

1. In first instance court the judge considers the cases solely.
2. In appellate court the cases are considered by full court, i.e. by three judges.
3. In the cassation court chamber (referred to below as “cassation court”) cases are considered by the full court, i.e. the whole chamber.
4. The judge when considering the case and solving individual issues solely, functions as the court.

5. When considering the case and solving individual issues by full court, all judges have equal rights.

Article 20. Procedure of problem solving by court.

1. When considering cases in court by full court, the emerging problems are solved by majority of the judges' votes. No judge is entitled to abstain from voting. The judge chairing at the session is the last to vote during.
2. The judge who disagrees with the decision of the majority is entitled not to sign the ruling, however, is obliged to write down one's special opinion which is attached to the case.
   The special opinion is not publicized.

## CHAPTER 4. CHALLENGING

Article 21. Challenging a judge.

1. The parties are entitled to challenge the judge who considers the case, based on facts and considerations which give rise to doubts about the judge's impartiality.
2. The challenge is announced in the written form in which the grounds for the challenge are listed.
3. Repeated challenge of the same judge can become a subject of discussion if the challenge lists new facts and considerations which give rise to doubts about the judge's impartiality.

Article 22. Self-challenge by a judge.

1. Based on the grounds mentioned in Article 21, part 1 of this Code, a judge who considers a case can announce a self-challenge.
2. The self-challenge is announced in the written form, prior to the beginning of the trial, where the grounds for self-challenge are listed. It is allowed to announce self-challenge during the trial, if the judge learned about the grounds for self-challenge after the beginning of the trial.

Article 23. Grounds for challenging the expert and the court secretary.

1. The grounds for challenge mentioned in Article 21, part 1 of this Code, are also extended to the expert and the court secretary.
   In addition, the following are the grounds for challenging the expert:

1) administrative or other dependence of the expert from the parties participating in the case or their representatives, during case trial or previously.
2) The inspection (audit) or expert examination performed by this expert, which served as a ground for application to court.

2. Participation of the expert or court secretary in the previous trial of the given case, in the capacity of an expert or court secretary respectively, can not be a ground for challenging them.

Article 24. Self-challenge by the expert or court secretary or challenging them.

1. In case of considerations mentioned in Article 21, part 1, and Article 23, of this Code, the expert and the court secretary are obliged to self-challenge themselves.

Based on the same grounds, they can be challenged by other persons participating in the case.

2. Self-challenge and challenge are announced in the written form, prior to the actual trial, where the grounds are listed. It is allowed to announce a self-challenge or challenge only if the grounds for a self-challenge or challenge became known to the person announcing the self-challenge or challenge after the beginning of the trial.

Article 25. Procedure of resolution for a challenge and self-challenge.

1. In case of a self-challenge or a challenge, the trial of the case is suspended until the resolution of the problem.
2. The chairing judge of the court resolves the problem of the self-challenge or challenge, if the case is tried by a sole judge, and if the case is tried by a chairing judge, then another judge resolves the problem.
3. If the case is tried by full court, the problem of self-challenge or challenge of one of the judges is resolved by the remaining judges, excluding the challenged judge. In case of an equal number of 'pros' and 'cons' during the vote on the self-challenge or challenge, the self-challenge or challenge are regarded as satisfied.
4. The court trying the case solves the problem of self-challenge or challenge of the expert or court secretary.
5. The person who announced a self-challenge or was challenged is entitled to express oneself.
6. Based on the results of discussion on the self-challenge or challenge, a decision is made, where the grounds for granting or rejecting the self-challenge or challenge are listed.
7. The decision of the court is announced immediately and is not subject to appeal.

Article 26. Consequences of satisfaction of a challenge and self-challenge.

1. In case of satisfaction of the self-challenge of the judge or judges or the challenge announced to them, the case is tried in the same court, but by another set up of judges.
2. If as a result of satisfaction of a self-challenge or challenge in the given first instance court, it is impossible to form a new group of judges for the trial of the case, the case is forwarded to another first instance court trial.

## CHAPTER 5. PERSONS PARTICIPATING IN THE CASE

### Article 27. Composition of persons participating in the case.

The following are the persons participating in the case:
1) the parties;
2) the third parties;
3) the applicants, in cases envisaged in Part 3 of this Code.

### Article 28. The rights and obligations of the persons participating in the case.

1. The persons participating in the case are entitled:
1) to familiarize themselves with the materials of the case, to make notes, to obtain copies of the materials.
2) To announce challenges.
3) To present evidence and to participate in their examination.
4) To ask questions, to make motions, to give explanations to the court.
5) To presents their arguments for all questions emerging during the trial of the case.
6) To object to the motions and arguments made by other persons participating in the case.
7) To appeal against court acts.
8) To use other rights they are entitled to in accordance with this Code.

2.The persons participating in the case have procedural duties stipulated by law.

3. The persons participating in the case must use their procedural rights and observe their procedural duties with good will.

### Article 29. The parties.

1. The parties of the civil proceedings (referred below as “proceedings”) are the plaintiff and the defendant.
2. The citizens and legal entities who brought an action are the plaintiffs.
3. The citizens and legal entities against whom an action is brought are the defendants.
4. The parties enjoy equal procedural rights and bear equal procedural responsibilities.

### Article 30. Participation of several plaintiffs or defendants in the case.

1. The action can be brought by several plaintiffs (co-plaintiffs) or against several defendants (co-defendants).
2. Each plaintiff and each defendant presents oneself to the court individually.
3. Co-plaintiffs or co-defendants can delegate the conducting of the case to one of themselves.

Article 31. The replacement of the inappropriate party.

1. During preparation or trial of the case, the court finding out that the action was brought not by the person who has the right to demand or not against the person who must be a defendant in the case, can, with consent of the plaintiff, allow the replacement of the plaintiff or the defendant with the appropriate plaintiff or defendant.
2. If the plaintiff does not agree to be replaced by another person, then this person can participate in the case as a third person who has an individual demand concerning the subject of the dispute.
3. If the plaintiff does not agree to replace the defendant by another person, the court can make this person a participant as a second defendant.
4. After the replacement of the inappropriate party, the case trial begins anew.

Article 32. Changing the grounds or the subject of suit, changing the extent of the demanded relief, withdrawal of claim, acceptance of suit.

1. Prior to the ruling of the court, the plaintiff is entitled to change the grounds or the subject of the suit, to increase or decrease the extent of the demanded relief or withdraw the suit.
2. The defendant is entitled to accept the suit partially or in full.

Article 33. Agreement for reconciliation between parties.

1. The parties can end the case at any moment of the proceedings by reaching a reconciliation agreement.
2. The reconciliation agreement between the parties is compiled in the written form.
3. Prior to approval of the reconciliation agreement, the court explains its procedural consequences to the parties.
4. The court does not approve the reconciliation agreement if it contradicts the law and other legal acts or breaches other persons' rights and legal interests. In such cases the court tries the case in essence.

Article 34. Third parties making independent claims concerning the subject of dispute.

Third parties making independent claims concerning the subject of dispute can enter the case prior to the ruling of court the has been made. They enjoy all rights of the plaintiff and bear all plaintiff's responsibilities.

Article 35. Third parties not making independent claims concerning the subject of dispute.

1. Third parties not making independent claims concerning the subject of dispute can join the case on behalf of the plaintiff or the defendant prior to the ruling of court the has been made, if the ruling made on the case can affect the rights or responsibilities of any of the parties.
2. Third parties not making independent claims concerning the subject of dispute enjoys the rights of the party and bears its responsibilities, except the right to change the subject or grounds for the suit, to decrease of increase the demanded relief, to withdraw the suit, to accept the suit, or to conclude a reconciliation agreement and to demand enforced implementation of the court act.

Article 36. Procedural succession.

1. In case of withdrawal of one of the parties from the proceedings (citizen's death, reorganization of legal entity, satisfaction of demand, repayment of debt), the court replaces this party with its legal successor indicating this in court decision. Legal succession is possible at any stage of the proceedings.
2. All actions performed during the proceedings prior to the entrance of the legal successor into the case, as mandatory for the legal successor as much as they would be mandatory for the person who was replaced by the legal successor.

Article 37. Participation of state bodies in the case.

1. State bodies are entitled to apply to court with a suit for the protection of state property interests.
2. The state body which brought the action enjoys the rights of a plaintiff and bears its responsibility.
3. In case the appropriate state body has not brought an action, the action for the protection of state property interests is brought by the prosecutor, as established in the procedure stipulated in the Law on Procuracy of the Republic of Armenia.

Article 38. Participation of local self-government bodies in the case.

1. The head of a community is entitled to apply to court with a suit to protect the property interests of the community.
2. The head of the community who brought the action enjoys the rights of a plaintiff and bears its responsibility.

## CHAPTER 6. REPRESENTATION IN COURT.

### Article 39. Conducting cases through representatives.

1. Citizens can conduct their cases in court in person or through a representative. The citizen's participation in the case does not deprive him of the right to have a representative for the case.
2. The cases of legal entities in court are conducted by their bodies or representatives functioning in accordance with the law or by-laws, authorized within their jurisdiction.
3. The heads of the legal entities or other persons entitled to represent the interests of the legal entity in accordance with the by-laws, appear before the court with documents certifying their status or authority.

### Article 40. Persons who can be representatives in court.

Any citizen who possesses an appropriately formalized authority to conduct the case in court can be a representative in court.

### Article 41. Issue of authority to the representative.

1. The representative's authority must be stipulated in a certificate issued in accordance with formalities of law.
2. The certificate issued to a citizen is approved by an official authorized by law.
3. On behalf of a legal entity, the certificate is signed by the head of the organization or by another person authorized by by-laws, with the seal of the legal entity.
4. The authority of a lawyer is certified in accordance with procedure established by law.

### Article 42. The authority of the representative.

The certificate for conducting the case in court entitles the representative to perform court actions on behalf of the represented person, with the exception of the following:
1) signing the complaint;
2) forwarding the case to an intermediary court;
3) refusing from claims completely or partially and accepting the complaint;
4) changing the subject or grounds of claim;
5) changing the extent of claim;
6) signing reconciliation agreement;
7) transferring one's authority to another person (re-authorization);
8) appealing against the court act;
9) applying to authorized persons in order to bring a cassation petition.

In order to perform any of the actions listed in this article, the particular authority must specially mentioned in the certificate granted by the represented party to the representative.

Article 43. Legal representatives.

1. The rights and legal interests of the minors, incapable or partially incapable persons in court are defended by their parents (adopters), guardians or tutors, who submit documents certifying their status to the court.

   The property trustee of the legally recognized missing person who was supposed to participate in the case functions as the representative of the missing citizen.

   In the case, in which the heir of the dead citizen or a citizen legally recognized as dead was supposed to participate, if no one has so far accepted the heritage, the person appointed as the manager and guardian of the heritage functions as the representative of the heir.
2. The legal representatives can delegate the conducting of the case in court to another representative selected by them.

## CHAPTER 7. OTHER PARTICIPANTS OF THE PROCEEDINGS.

Article 44. The witness.

1. Any person who knows information and considerations significant for the correct resolution of the dispute by the court, can be a witness.
2. The court can summon the witnesses as suggested by the party.
3. The witness's summons must indicate the place where the witness must appear, the time and the case on the occasion of which the witness must be interrogated, as well as the consequences of the failure to appear.
4. Any person summoned by the court as a witness must appear before the court and provide the information and considerations known to him in relation to the case.
5. If the summoned witness does not appear before the court for reasons not considered good by the court, the court is entitled to rule an enforced appearance of the witness in court. The court's ruling is carried out immediately, in accordance with procedure established in the Law of the Republic of Armenia on enforced implementation of court acts.

Article 45. The expert.

1. The person who possesses the right qualifications and appointed by the court in cases and in accordance with the procedure stipulated in this Code, can appear in court as an expert.
2. The person instructed to perform an expert examination must appear by court summons and give an objective conclusion based on the questions asked.

3. The expert is entitled, if necessary for his conclusions, to familiarize himself with the case, to participate in court sessions, ask questions, to ask the court to present to him additional materials. In case insufficiency of the presented materials, the expert can refuse from making a conclusion.

Article 46. The interpreter.

1. The interpreter is the person who masters the languages necessary for interpretation.
2. The court is entitled to appoint the interpreter as suggested by the party which pays for the interpretation services.
3. The interpreter is entitled to ask questions to make the interpretation more accurate.

## CHAPTER 8. EVIDENCE.

Article 47. The notion of evidence and its types.

1. Information obtained in accordance with this Code and other laws is the evidence for the case, based on which the court finds out the demands and grounding the objections of the parties participating in the case, as well as the existence or absence of other considerations relevant for the case.
   These pieces of information are supported by:
   1) written proofs and exhibits;
   2) experts' conclusions;
   3) the testimonies of the witnesses;
   4) explanations provided by persons participating in the case;
2. Evidence obtained illegally has no legal force and can not serve as the basis for the court ruling.

Article 48. The duty to prove.

Any person participating in the case must prove the considerations on which one's demands and objections are based.

Article 49. The procedure of presenting and demanding evidence.

1. The evidence is presented by the persons participating in the case.
2. The person participating in the case who has no possibility to obtain evidence by oneself from another person participating or not participating in the case who possesses the evidence, is entitled to make to motion demanding such evidence. The motion must indicate the evidence, the considerations relevant for the case which can be verified with this evidence, as well as the whereabouts of the evidence, if known.
3. The court makes a ruling based on the results of discussion of the motion.

4. The decision with the demand for the evidence is carried out immediately, based on the procedure laid down in the Law of the Republic of Armenia on the enforced implementation of court acts.

Article 50. Examination of evidence at its location.

1. In case of difficulty or impossibility of bringing the evidence to court, the court by motion of the parties or by its own initiative is entitled to examine the evidence at its location.
   The court is entitled to at its discretion to get access to any place.
2. The persons participating in the case are informed about the examination of evidence by registered mail with notification of handing the letter. Their failure to appear is no obstacle to the examination of evidence.
3. When necessary, experts and witnesses can participate in the examination of evidence.

Article 51. Admissibility of evidence.

The considerations of the case which in accordance with law or other legal acts must be verified only with certain evidence, can not be verified with other evidence.

Article 52. Grounds for exemption from proving.

1. The facts regarded by the court as generally known do not have to be proved.
2. Facts related to a previously tried civil case and established by court ruling which came into legal force, are not proved repeatedly.
3. Court ruling concerning a criminal case which came into legal power is mandatory for the court only in relation to those facts for which certain actions and their perpetrators have been established.

Article 53. Appraisal of evidence.

1. The court appraises each evidence by its own inner conviction based on the comprehensive complete and objective examination of all evidence involved in the case.
2. For the court, no evidence has the force of an established one, except cases mentioned in Article 52 of this Code.

Article 54. Written evidence.

1. Acts, agreements, records, business correspondence, other documents and materials, including evidence obtained by electronic and other communications and other

means of confirming the authenticity of documents containing data on facts significant for the case are considered written documents.

2. Written documents are presented in the original or in the form of an appropriately certified copy. If only part of the document concerns the tried case, an appropriately certified extract is presented.
   Original documents are presented in those cases when the facts of the case, in accordance with laws and other legal acts, can be established only by such documents, and when necessary, by the court's demand.

Article 55. Return of the original documents.

By motion of persons who submitted the original documents, the originals attached to the case are returned after the court ruling came into effect. In this case, a copy or extract of the document verified with a court seal is retained in the case.

Article 56. Exhibits.

Items which by their appearance, inherent properties, whereabouts or other properties can serve as means of establishing significant facts in relation to the case are exhibits.

Article 57. Conservation of exhibits.

1. Exhibits are conserved at the court or are handed over for safekeeping.
2. Exhibits which can not be brought to the court, are preserved at the place where they find themselves. These exhibits must be described in detail and (or) sealed, and when necessary be photographed or video-taped.
3. The court takes measures to preserve the exhibits in the unchanged form.
4. The costs of exhibit conservation, in accordance with Article 73 of this Code, are divided between the parties.

Article 58. Examination of perishable exhibits.

1. The court examines without delay the perishable exhibits at the place where they find themselves.
2. The persons participating in the case are immediately informed about the place and time of the examination of the perishable exhibits. Their failure to be present is no obstacle for the examination of perishable exhibits.

Article 59. Managing the exhibits.

1. After the court ruling comes into effect, exhibits are returned to those persons from whom they were collected, or are handed over to those persons whose right to these items has been recognized by the court, or are realized as ruled by the court.

2. The items which according to law can not stay in possession of individuals, are handed over to the appropriate authorized state body.
3. In special cases during the trial of the case the court after the examination of exhibits can return them to those persons from whom they were received, if the latter make a motion to that effect, and the satisfaction of this motion does not harm the right solution of the ruling.

Article 60. Appointment of expert examination.

1. In order to clarify issues requiring specialized knowledge which arise during case trial, the court can by motion of a party (parties) or by its own initiative, appoint expert examination.
   The costs of an expert examination appointed by a motion of a party are covered by this party.
   The costs of an expert examination appointed by initiative of the court of the parties are covered at the expense of the court.
2. Persons participating in the case are entitled to propose questions to the court which must be clarified during the expert examination.
3. The court makes a decision about conducting an expert examination in which the list of questions and their content is described.
4. The persons participating in the case are entitled to ask questions to the experts to find out their competence in the appropriate sphere of knowledge.
5. The court makes a decision about the appointment of an expert.
6. The court forewarns the expert about the criminal liability for providing obviously false conclusions. The court takes the expert signature about the warning which is attached to the record of the court session.

Article 61. Participation of parties in the expert examination.

The persons participating in the case are entitled to be present at the examination, except those cases when their presence can hinder the regular work of the expert.

Article 62. Expert's conclusion.

1. The expert's opinion is compiled in the written form. The conclusion must contain:
1) a note about the applied methods;
2) a detailed description of performed research;
3) the conclusions made as a result of the examination;
4) grounded answers to asked questions.
2.If during the examination the expert finds out such facts significant for the case about which he was not asked any questions, the expert is entitled to reflect his conclusions about these facts in his conclusions.

3.The expert's conclusions are examined at the court session and are appraised together with other evidence.

4. In case the expert's conclusion is insufficiently clear or incomplete, the court, as established in procedure stipulated in Article 60 of this Code, can appoint additional expert examination.
5. The court, as established in procedure stipulated in Article 60 of this Code, can appoint repeated expert examination, instructing another experts to carry it out.

Article 63. Witness's testimony.

1. Each witness is interrogated separately.
2. The witness testifies in court orally.
   By court's suggestion the witness can write down one's testimony.
3. The information provided by a witness are not evidence, if the witness can not clearly state the source of his information.
4. The witness is obliged to provide correct testimony, to answer the questions asked by the court, the parties and other participants of the proceedings.
   The witness is not obliged to testify against one's spouse, close relatives, and, in cases envisaged by law, also against other persons.
5. The court forewarns the witness about criminal liability for providing obviously false testimonies and for refusing to testify. The court takes the witness's signature about the warning which is attached to the record of the court session.
6. In exceptional cases, a person under 16 years of age can be summoned as a witness, who is not forewarned about the criminal liability for providing obviously false testimonies and for refusing to testify.

Article 64. Explanations provided by persons participating in the case.

1. Explanations provided by persons participating in the case about facts known to them which have significance for the case, are verified and appraised together with other evidence. By the court's proposal, the person participating in the case can present one's explanations in the written form.
2. The court is not obliged to accept the fact which was accepted by a person participating in the case, on which another person grounds one's demands or objections.
   The court can consider an accepted fact established, if there are no doubts that this corresponds to the facts of the case, and the party did not accept this because of deceit, under threat of violence, intimidation, because of confusion, as result of malicious collusion with the representative of the other party, or with the purpose of concealing the truth.

Article 65. Providing evidence.

1. The persons who have grounds to fear that presenting necessary evidence can become impossible or difficult, are entitled to make a motion to the court in charge of the case in relation to the provision of this evidence.
2. The motion concerning the provision of evidence must indicate the evidence which need provision, the facts for the establishment of which this evidence is necessary, and the reasons which are the grounds for the motion.
3. Based on the results of discussion of the motion the court makes a decision.
4. The decision concerning the provision of evidence is carried out immediately, as envisaged in the procedure established in the law of the Republic of Armenia on "Enforced implementation of court acts".

Article 66. Court instructions.

1. In order to obtain evidence at the territory of another province of the Republic of Armenia, the court trying the case is entitled to instruct the appropriate court to perform certain court actions.
2. The decision on court instructions briefly describes the essence of the case in question, indicates the facts which need clarification and the evidence which must be collected by the court performing the instructions.
3. The decision on court instructions is mandatory for the court which received the instructions and must be carried out within ten days after its receipt.

Article 67. Procedure of carrying out court instructions.

1. Court instructions are carried out at court session by rules established in this Code. Persons participating in the case are informed with registered mail requiring notification of receipt about the date and place of the session. Their failure to be present is no hindrance to the conducting of the session.
2. A decision is made on the implementation of the court instructions which is immediately forwarded with all materials to the court trying the case.
3. Persons participating in the case or witnesses who gave explanations or testimonies to the court which carries out the instructions, provide explanations and testimonies based on common grounds at the session of the court in charge of the case.

## CHAPTER 9. COURT COSTS.

Article 68. Composition of court costs.

Court costs consist of the state imposition and of costs payable for the expert, summoning the witness, examination of evidence on the spot, and other expenses concerned with the trial.

Article 69. Amount sued for.

1. The Amount sued for is determined:
1) by suits for confiscation of money, from the amount of the confiscated money.
2) By suits demanding property, from the market price of the property.
The amount sued for includes also the amounts of fines indicated in the claim.
2.The sued amount consisting of several individual claims is determined by the total amount of all claims.
3. In case the plaintiff incorrectly indicated the sued amount, it is determined by the court.

Article 70. State imposition.

1. State imposition is paid:
1) for claims;
2) for applications for participation in the case as a third person having individual claims to the subject of the dispute;
3) for applications to establish facts which have legal significance;
4) for applications to restore the guaranteed rights to lost bearer or order securities;
5) for applications to recognize legal entities and citizens as bankrupt;
6) for applications to grant execution order for enforced execution of rulings made by intermediate court;
7) for appellate and cassation petitions to review the rulings of the court.
2. In case of increase of the sued amount, the insufficient amount of state imposition is paid during the adoption of the ruling, in accordance with the increased sued amount. In case of decrease of the sued amount, the paid state imposition is not returned.
3. The issue of establishing the amount of state imposition, exemption from the state imposition, postponing the payment of state imposition, or paying on installment and decreasing its amount, is solved by the law of the Republic of Armenia “On the state imposition”.
Individual entrepreneurs and commercial organizations can not be exempted from the state imposition.

Article 71. Paying the state imposition.

In all cases tried in courts the state imposition is paid to the state budget.

Article 72. Refunding the paid state imposition.

1. State imposition is liable to refunding in accordance with procedure stipulated in the by the law of the Republic of Armenia “On the state imposition”.

2. The court act must specify the grounds for full or partial refunding of the state imposition.

Article 73. Distribution of court costs amongst persons participating in the case.

1. Distribution of court costs amongst persons participating in the case are distributed in proportion with the satisfied claims.
2. In case of agreement to distribute the court costs amongst participants of the case, the court makes an appropriate ruling.
3. Court costs concerned with appellate or cassation petitions are distributed amongst participants of the case in accordance with the rules of this Article.

## CHAPTER 10. TIME LIMITS OF PROCEEDINGS

Article 74. Establishment and calculation of time limits of proceedings.

1. Court activities are performed within time limits established in this Code or other laws. In case of their absence, the time limits of court activities are established by the judge.
2. Time limits of court activities are determined by the accurate calendar year, month, day of the month or by a certain time period within which the activities can be performed.
3. The period of proceedings measured in years, months or days begins on the next day of a calendar day, months or day by which its beginning is determined.

Article 75. Expiration of time limits of proceedings.

1. The time limits of proceedings measured in years expire on the day and month of the last year in the established time limit. The time limits of proceedings measured in months expire on the appropriate day of the last month of the established time limit. If the end of the time limit measured in months coincides with a month which has no appropriate day, the time limit expires on the last day of that month.
   When the last day of the time limit is a holiday, the previous working day is regarded as the expiration day.
2. Court activities can be performed until 24:00 of the last day of the established time limit.

Article 76. Suspending time limits of proceedings.

The process of all unfinished court time limits is suspended by the suspension of the case proceedings. The process of court time limits is resumed on the day of resumption of the proceedings

Article 77. Restoration of time limits of proceedings.

1. Based on the application of a participant of the case, the court, restores the missed time limits, if the court regards as good enough the reasons for missing the time limit established in this Code and other laws.
2. The court makes a decision on the restoration of the missed time limit or on the rejection of restoration.

## CHAPTER 11. COURT SUMMONS.

Article 78. Court summons.

1. The persons participating in the case are notified by court summons about the time and place of the court session or performance of court activities. The witnesses, experts and interpreters are also summoned to court by court summons.
2. The summons is sent by registered mail with notification of receipt, or by other reliable means of communication, or are handed with a signature (referred to below as “appropriately”).
3. The summons is sent at the address indicated by the person participating in the case.

Article 79. Contents of summons.

The summons must contain:
1) the name and accurate address of the court;
2) a note on the time and place of appearance;
3) the case about which the person is summoned;
4) a note about the person summoned to the court;
5) a note as to in what capacity the person is summoned;
6) a note as to the consequences in case of not appearing.

Article 80. Change of address of the persons participating in the case during the proceedings.

Persons participating in the case are obliged to notify the court and other persons participating in the case about the change in their address during the proceedings. In case of absence of such notification, court documents are sent at the latest address and are regarded as handed to the person, although the addressee does not reside at this address any more.

## PART TWO

PROCEEDINGS IN FIRST INSTANCE COURT.

### CHAPTER 12. JURISDICTION

Article 81. Jurisdiction over civil cases.

The civil cases under the jurisdiction of courts are examined in the first instance court.

Article 82. The venue of commencing the action.

The action is brought at the court of the residence (whereabouts) of the defendant.

Article 83. Jurisdiction by the plaintiff's choice.

1. The action against defendants residing in different provinces, by the plaintiff's choice can be brought in the court of residence (whereabouts) of one of the defendants.
2. An action against a defendant whose whereabouts are unknown can be brought at the place where his property is located or at the court of his last residence (whereabouts).
3. The action following from an agreement where the place of implementation is mentioned can be brought at the court of the place of implementation.
4. An action concerning collection of alimony or identification of fatherhood can be brought in a court at the place of residence of the plaintiff.
5. An action concerning damage to health or death of the bread-winner for a family can be brought in the court at the plaintiff's residence or at the place where damage was inflicted.
6. A divorce action against persons legally recognized missing or incapable as a result of mental disorder, persons sentenced to jail, as well as, if the plaintiff keeps the under-age child (children), can be brought in the court at the plaintiff's place of residence.
7. An action concerning illegal conviction, subjection to criminal liability, using arrest as means to secure one's presence, signing not to leave or rehabilitation of labor and other rights due to damage caused by appointment of administrative fine, return of property or its value, is brought in the court at the plaintiff's place of residence.
8. An action following from the activities of a legal entity, against the activities of its representations or branches can be brought in the court at the place of residence of the appropriate representation or branch.

Article 84. Change of jurisdiction by consent of parties.

The jurisdiction established in Articles 82 and 83 of this Code can be changed by agreement of the parties.

Article 85. Exclusive jurisdiction.

1. Actions concerning the recognition of property rights for land plots, buildings, facilities, claiming land plots, buildings, facilities back from illegal ownership, actions dealing with correction of breach of rights not related to deprivation of the owner or other legal manager of one's ownership, are brought in the court at the place of land plots, buildings and facilities.
2. Actions of the creditors of the decedent are brought in the court at the place of the decedent's property or the main part of it.
3. Actions concerning the lifting the arrest from property are brought in the court at the place of location of this property.
4. Jurisdiction established in this Article can not be changed by agreement of the parties.

Article 86. Transfer of cases from one court to another.

1. The court observing the rules of jurisdiction must try the case taken into proceedings in its essence, even though in the future the case fell under jurisdiction of another court.
2. The court transfers the case to another court's trial:
1) if during the trial of the case in this court it turned out that it was taken into proceedings with a breach of rules;
2) if after satisfaction of the judges' self-challenge or challenge brought against them, their replacement in this court becomes impossible;
3) in other cases when the trial of the case in this court becomes impossible;
3. A decision is made about the transfer of the case to another court.
4. The case transferred from one court to another must be tried by the court which received it.

## CHAPTER 13. BRINGING ACTION.

Article 87. The form and contents of complaint.

1. The complaint is submitted in the written form.
2. The complaint must indicate:
1) the name of the court to which the complaint is submitted;
2) the names (titles) of persons participating in the case, their addresses;
3) the sued amount, if the complaint lends itself to evaluation;

4) facts on which the complaint is based;
5) evidence supporting the grounds of the demands;
6) the calculation of the disputed amount or amount liable to confiscation;
7) the plaintiff's demands, and when bringing a case against a few defendants, the demands of the plaintiff to each of them;
8) a list of submitted documents attached to the complaint.

Other data can also be indicated in the complaint, if they are necessary for the right solution of the ruling, as well as the motions of the plaintiff.

3. The complaint is signed by the plaintiff or a representative authorized by the plaintiff for this purpose.

Article 88. Documents attached to the complaint.

1. Documents which certify the following are attached to the complaint:
1) the fact of payment of the legally established amount of state imposition
2) facts on which the complaint is based.
2. If the complaint is signed by the plaintiff's representative, a certificate of the representative's authority to bring action is attached.
3. To a complaint about enforced signing of an agreement the draft agreement is attached.

Article 89. Joinder and disjoinder of several complaints.

1. The plaintiff is entitled to join a few related demands in one complaint.
2. The court is entitled to join a few related cases in one proceedings in which the same persons participate.
3. The court is entitled to disjoinder one or more joined demands into separate proceedings.
4. The court makes a decision about the joinder of cases or disjoinder of demands into separate proceedings.

Article 90. Acceptance of complaints.

1. The issue of acceptance of the complaint is solved solely by the judge.
2. The judge must take into proceedings the complaint submitted with observance of demands envisaged in this Code.
3. The judge makes a decision on the acceptance of the complaint in which the time and place of trial are indicated.

Article 91. Rejection of complaints.

1. The judge rejects the complaint, if:
1) the dispute is not subject to consideration in court;

2) there is a court ruling, which came into effect, concerning the dispute between the same persons, over the same subject and on the same grounds;
3) in another court or intermediate court, there is a case concerning the dispute between the same persons, over the same subject and on the same grounds;
4) there is a ruling of the intermediate court concerning the dispute between the same persons, over the same subject and on the same grounds, except cases when the court refuses to issue a writ of execution of the ruling of the intermediate court, as well as, except cases when the rulings of the intermediate court are reviewed as a result of newly discovered circumstances, as envisaged in the Law of the Republic of Armenia On Intermediate Courts and Intermediate Proceedings.

2. The court makes a decision on the rejection of the complaint within three days after its receipt. If the decision is not made within the above-mentioned time limit, the complaint is regarded as accepted.
3. The decision, the complaint and the attached documents are forwarded to the plaintiff in the appropriate form.
4. If the plaintiff disagrees with the decision, the plaintiff with three days after the receipt of the decision is entitled to apply to the chairman of the court for the revision of the decision.
   The application is considered within three days by the chairman of the court, and if the case is in the proceedings of the chairman of the court, by another judge.
   A decision is made based on the result of the consideration of the application.
5. In case of termination of the decision, the complaint is considered to be accepted in the court on the day of initial presentation.

Article 92. Return of complaints.

1. The court returns the complaint and the documents attached to it, if:
1) the requirements to the form and content of the complaint as established in Article 87 of this Code have not been observed;
2) the complaint is not signed, or it is signed by a person who is not authorized to do so, or by a person whose official status is not indicated;
3) the case is not under the jurisdiction of the given court;
4) there is a case in the proceedings of another court or in an intermediate court concerning the dispute between the same persons, the same subject and the same grounds;
5) receipts certifying the payment of state duties in the established form and amount have not been submitted, and in cases when the law envisages the possibility to postpone the payment of the state duty or to decrease its amount, there is no appropriate motion or the motion has been turned down;
6) unrelated demands to one or more defendants have been collected in one complaint;
7) prior to the decision on the acceptance of the complaint for proceedings, the plaintiff applied for the recalling of the complaint.

2. Within three days after the receipt of the complaint, the court makes a decision about its return.
3.The return of the complaint is no hindrance to a repeated application to the court after the correction of errors.
4. In case of disagreement with the decision, the plaintiff within three days after its receipt, is entitled to apply to the chairman of the court with a request to review the decision.
   The application is considered within three days by the chairman of the court, and if the case is in the proceedings of the chairman of the court, by another judge.
   A decision is made based on the results of the consideration of the application.
5. In case of termination of the decision, the complaint is regarded as accepted on the initial date of presentation to court.

Article 93. Forwarding the complaints and the copies of attached documents to the defendant.

1. The court forwards the complaints and the copies of attached documents to the defendant in the appropriate form.
2. In the case when the documents attached to the complaint are voluminous or it is hard to copy them, the court notifies other persons participating in the case that the given documents are deposited in the court for the purpose of familiarization with them. The notification indicates the time limits for familiarization.
3. The persons participating in the case are entitled to obtain the copies of documents attached to the complaint by paying the legally established amount of the state duty.

Article 94. The unknown whereabouts of the defendant.

1. In case of the unknown whereabouts of the defendant, the court considers the case after the receipt of a signed confirmation certifying the receipt of notification by the head of the community where the last known address of the defendant was or the head of the last known work place of the defendant.
2. By the plaintiff's motion, the court, by means of the service for enforced execution of court acts (referred to below as the service for enforced execution) announces the search for defendant and (or) his property.
3. The court makes a decision on the announcement of the search for the defendant and (or) his property.
4. The decision on the announcement of the search for the defendant and (or) his property is executed without delay, as established in the Law of the Republic of Armenia on the Enforced Execution of Court Acts.

Article 95. Response to the complaints.

1. Prior to the consideration of the case, the defendant is entitled to send responses to the court and to other persons participating in the case in relation to the complaint, attaching to the response documents, establishing his own objections to the complaint.
2. The documents indicate:
1) the name of the court;
2) the name (title) of the plaintiff;
3) the motives for complete or partial rejection of the plaintiff's demands, as well as, the proofs supporting the objections to these demands;
4) a list of documents attached to the response.

The response can also indicate other data, as well as, the defendant's motions.

3. The response is signed by the defendant or his representative.

The documents signed by the representative are attached to an authorization certifying his right to conduct the case.

Article 96. Bringing a cross-action.

1. The defendant, prior to the adoption of a ruling on the case, is entitled to bring a cross-action against the initial action, for joint consideration.
2. The cross-action is brought based on general rules of initiation of a case.
3. The cross-action is accepted, if:
1) the cross-demand is aimed at the set-off of the initial action;
2) the satisfaction of the cross-action completely or partially rules out the satisfaction of the initial action;
3) if there is feedback between the cross-action and the initial action, and their joint consideration can promote speedy and correct resolution of the dispute.

## CHAPTER 14. USE OF PROVISIONAL REMEDY SECURE THE ACTION.

Article 97. Grounds for securing the action.

1. The court, by motion of a person participating in the case, takes measures to secure the action, if the failure to take such measures can make the execution of the court act impossible or difficult. The securing of the action is allowed at any stage of the proceedings.
2. The motion is discussed on the day of its receipt, and a decision is made.

Article 98. Means of securing the action.

1. The following are the means of securing the action:

1) to impose an arrest on the defendant's property or financial assets in the amount of the complaint;
2) to prohibit the committal of certain actions by the defendant;
3) to prohibit the committal of certain actions by other persons in relation to the object of the dispute;
4) to prevent the sale of property, in case of bringing a case concerning the lifting of the arrest on the property.

2.When necessary, the court is entitled to apply several means of securing the action.

3. In case of provision of the action concerning the seizure of financial assets, the defendant is entitled to pay the amount demanded by the plaintiff to the deposit account of the enforced execution service.

Article 99. Execution of decision to use provisional remedy.

The court decision on the use of provisional remedy is executed without delay, as envisaged in the Law of the Republic of Armenia on the Enforced Execution of Court Acts.

Article 100. Replacement of one provisional remedy with another.

1. By motion of a person participating in the case, the court is entitled to replace one provisional remedy with another.
2. The issue of the replacement of one provisional remedy with another is resolved as envisaged in Article 101 of this Code.

Article 101. Termination of provisional remedy.

1. The court considering the case, by motion of a participating party, can terminate the provisional remedy.
2. The issue of termination of a provisional remedy is resolved at court session. The persons participating in the case are properly notified about the time and place of the session. Their failure to be present is no hindrance to the consideration of the issue of termination of the provisional remedy.
3. A decision is made based on the results of the discussion of the issue of the termination of the provisional remedy.
4. In case of a ruling to turn down the action, the provisional remedies are preserved until the ruling comes into effect.
   In case of a ruling to satisfy the action, the provisional remedies are preserved until the execution of the ruling.

Article 102. Compensation for damage inflicted due to provisional remedy.

1. When taking measures for the implementation of the provisional remedy, the court can, by the defendant's motion, demand a provision from the plaintiff for the compensation of the possible damages of the defendant.
2. The defendant is entitled to bring an action at the same court against the plaintiff with the demand to compensate the damages inflicted by the provisional remedies.

## CHAPTER 15. LEAVING ACTION OR COMPLAINT WITHOUT CONSIDERATION

Article 103. Grounds for leaving action or complaint without consideration.

The court leaves the action or application without consideration, if:
1) the plaintiff notified about the time and place of the session failed to present oneself at the court session and did not ask to consider the case in his absence;
2) the case concerning the dispute between the same persons over the same subject on the same grounds is under consideration in another court or intermediate court;
3) there is a consensus between the persons participating in the case on the transfer of the case for the consideration of an intermediate court, and the possibility to apply to an intermediary court exists;
4) when considering the application concerning the establishment of legally significant facts or restoring the rights to lost bearer or order securities, a dispute has arisen about the rights.

Article 104. Procedure and consequences of leaving an action or application without consideration.

1. The court makes a decision concerning the action or application left without consideration.
2. The court decision can solve the issues of distribution of court costs between the persons participating in the case and the payment of the state duty.
3. If the plaintiff disagrees with the decision he is entitled, after the receipt of the decision, within three days, to apply to the chairman of the court with a request to review the decision.
   The chairman of the court considers the application within three days, and if the case is under consideration of the chairman of the court, another judge considers the case. A decision is made based on the results of consideration of the application.
4. After the elimination of circumstances based on which the action or application were left without consideration, the plaintiff or the applicant are entitled to a repeated application.

## CHAPTER 16. SUSPENDING THE CASE PROCEEDINGS.

Article 105. The court's duty to suspend the case proceedings.

The court must suspend the proceedings, if:
1) it is impossible to consider the given case until a decision has been made on other considered issue or case in terms of constitutional, civil, criminal or administrative proceedings;
2) the defendant serves in the armed forces during martial law, or the plaintiff serving in the armed forces during martial law filed an appropriate motion;
3) after the death of a person participating in the case, the disputed legal relations allow succession;
4) a person participating in the case has been recognized incapable.

Article 106. The court's right to suspend the case proceedings.

1. The court is entitled to suspend the proceedings of the case, if:
1) an expert examination has been appointed;
2) a search for the defendant has been announced;
3) the legal entity participating in the case is under reorganization.
2.If the court finds that the applicable law or other legal act contradicts the Constitution of the Republic of Armenia, the court is entitled to suspend the proceedings of the case and to apply to the council of court chairmen in order to initiate a procedure concerning the case as established in the Law of the Republic of Armenia on Court Structure.
3. The court is entitled to suspend the proceedings also in other cases envisaged in law.

Article 107. Resumption of case proceedings.

1. Case proceedings are resumed when the circumstances which brought about the suspension have disappeared.
2. In cases envisaged in paragraph 2 of Article 106 of this Code, the proceedings are resumed, if:
1) the council of court chairmen turned down the petition to apply to the President of the Republic with a motion;
2) within a month after the receipt of the motion of the council of court chairmen, the President of the Republic has not applied to the constitutional court;
3) the constitutional court has made a decision based on the application of the President of the Republic.

Article 108. Procedure of suspending and resumption of case proceedings.

1. The court makes a decision on the suspension and resumption of case proceedings.

2. If the person participating in the case disagrees with decision, he is entitled within three days after the receipt of the decision to apply to the chairman of the court with a request to review the decision.

The chairman of the court considers the application within three days, and if the case is under the consideration of the chairman of the court, the case is considered by another judge.

A decision is made based on the results of the consideration of the case.

## CHAPTER 17. TERMINATION OF CASE PROCEEDINGS.

### Article 109. Grounds for termination of case proceedings.

The court terminates the case, if:

1) the dispute is not subject to examination in court;
2) there is a court ruling which came into effect, in relation to a dispute between the same persons, over the same subject and on the same grounds;
3) there is a ruling of an intermediate court concerning a dispute between the same persons, over the same subject and on the same grounds, except the case when the court refuses to issue a writ of execution for the implementation of the ruling of the intermediate court, as well as, except cases of reviewing the rulings of intermediate courts due to newly discovered circumstances, as envisaged in the Law of the Republic of Armenia on Intermediate Courts and Intermediate Proceedings.
4) If after the death of a person participating in the case, the disputed legal relations rule out succession.
5) If the plaintiff refused from the action.
6) If the court has reached a sealed agreement on reconciliation.

### Article 110. Procedure and consequences of termination of case proceedings.

1. The court makes a ruling on the termination of the case.
2. The court ruling can solve the issues concerning the distribution of court costs between the persons participating in the case, as well as the issue of refunding of the state duty from the budget.
3. In case of the termination of the case proceedings, the repeated application to the court in relation to the same dispute between the same people, over the same subject and on the same grounds is not allowed, except the case envisaged in paragraph 6 of Article 106 of this Code.

## CHAPTER 18. COURT TRIAL

### Article 111. Time limits of case trial.

The case must be considered and a ruling must be made within two months after the receipt of the complaint.
This Code and other laws can envisage brief time limits of case consideration and ruling.

### Article 112. Court session.

The consideration of the case takes place at the court session, about which a mandatory notification is made to the persons participating in the case and other participants of the proceedings.

### Article 113. The chairperson of the court session.

1. The judge who considers the case solely performs the functions of the chairperson. During a collegiate consideration of the case, one of the judges performs the functions of the chairperson.
2. The chairperson conducts the session turning down everything that is irrelevant to the case under consideration.
3. The objections of the persons participating in the case to the actions of the chairperson are entered into the record of the court session.
4. The chairperson takes necessary measures to maintain proper order at the court session.

### Article 114. Order during court session.

1. At the moment when the judge enters the courtroom the people present in the room rise to their feet, thereafter, by invitation of the chairperson they take their seats. The court ruling is recited when all present people in the courtroom have risen to their feet.
2. The participants of the proceedings appeal to the court and testify and provide explanations on their feet, except in the cases when permitted by the chairperson.
3. The persons participating in the case and persons present at open court sessions are entitled to taking notes, short-hand and audio-recording.
   Filming and photographing of the court session, as well as, video-filming and broadcasting by radio and television is performed by consent of the parties, by permission of the court which considers the case.

Article 115. Remedies applied to the person who breached the order during court session.

In case of violation of order at the court session, the chairperson is entitled to warn the person who violated the order, and when necessary, to expel from the courtroom.

Article 116. Opening the court session.

At the time appointed for the consideration of the case, the chairperson opens the court session, announces the set-up of the court and the case under consideration.

Article 117. Checking the presence of persons participating in the case and other participants.

1. The secretary of the court session reports to the court about the presence of persons participating in the court session and other persons, whether the absent participants were properly notified, and informs about the reasons for their absence.
2. The chairperson finds out the identity of the present participants at the court session, checks the authorization of the representatives.
3. Prior to the interrogation of the witnesses, the chairperson orders them to leave the court room.

Article 118. Case trial in the absence of the plaintiff or the defendant.

1. The plaintiff or the defendant is entitled to ask the court to resolve the dispute in one's absence, based on the representing lawyer and materials.
2. The failure of the defendant, who had been properly notified about the time and place of the court session, to appear is no hindrance to the consideration of the case.

Article 119. Postponing the case trial.

1. The court is entitled to postpone the consideration of the case, if:
1) the case can not be considered at the given session, particularly, due to the absence of one of the participants, the witnesses, experts, interpreters;
2) this is determined by the necessity to present additional evidence.
3) The defendant has completely accepted the complaint about property seizure and filed a motion to the court for the performance of one's liabilities asking to give him some dead-line. In this case, based on the circumstances of the case, the judge postpones the consideration of the case for a reasonable period.

2.A decision is made on the postponing of the consideration of the case.

3. The participants of the case are properly notified about the new time and place of the court session.

4. After postponing the case, the new consideration of the case is resumed from the moment of its disruption.

Article 120. Explaining the rights and duties to the persons participating in the case and other participants.

The chairperson explains the rights and duties to the persons participating in the case and other participants and proceeds to the consideration of the essence of the case. The chairperson finds out whether the plaintiff insists on his demands, whether the defendant accepts the demands of the plaintiff, and whether the parties are willing to sign a reconciliation agreement.

Article 121. Establishment of the order of examining the evidence.

The court, taking into account the opinions of the persons participating in the case, makes a decision on the order of the examination of evidence.

Article 122. Principle of directness of the court trial.

When considering the case, the court must examine the evidence directly, to familiarize itself with the written evidence, to examine the material evidence, to hear the conclusions of the experts, the testimonies of the witnesses, and the explanations of the persons participating in the case.

Article 123. Resolution of applications and motions of the case participants by the court.

1. After having heard the opinions of other participants of the case, the court resolves the applications and motions on all issues relevant to the consideration of the case filed by the participants of the case.
2. Based on the discussion of applications and motions, the court makes a decision.

Article 124. The end of case trial.

After having examined all evidence, the chairperson asks the participants of the case whether they wish to present additional materials by filing a motion for their examination. In case of lack of such motions, the chairperson announces the case trial closed and the court retreats to make a ruling.

## CHAPTER 19. SPEEDY TRIAL

Article 125. Grounds for speedy trial.

1. The court is entitled to conduct a speedy trial, if:
1) the need for immediate consideration of the case follows from the essence of the case;
2) the complaint is obviously grounded;
3) the complaint is obviously ungrounded;
2. The grounds for a speedy trial are, in particular, those cases when:
1) the claim is based on a written contract;
2) the claim is based on an indisputable right, with a previously evaluated damage;
3) a claim for alimony has been made, not related with the identification of fatherhood;
4) a claim concerning a labor dispute has been submitted;
5) evidence supporting the claim has not been submitted.

Article 126. Court decision on application of speedy trial.

1. The court is entitled to conduct speedy trial by its own initiative or by the motion of a party.
2. The court makes a decision about conducting speedy trial.

Article 127. Termination of court decision on application of speedy trial.

If during the speedy trial the court realizes that the speedy trial of the given case is, to a certain degree, not urgent, or it turns out that a dispute has arisen about the right, the court makes a decision to terminate the application of speedy trial. In case of such a decision, the court carries out the trial of the case in accordance with the procedure established in Chapter 18 of this Code.

Article 128. Procedure of speedy trial.

In case of existence of the grounds listed in Article 125 of the Code, the court makes an immediate ruling.

Article 129. The liability of the person who brought an obviously ungrounded action.

In case the court throws out an obviously ungrounded action, the defendant is entitled to bring an action to the same court against the plaintiff with a demand for compensation of inflicted damages.

## CHAPTER 20. COURT VERDICT

### Article 130. Adopting the verdict.

1. The court adopts a verdict in case of having solved the case in essence.
2. The court adopts a verdict in the name of the Republic of Armenia.
3. The verdict of the court must legitimate and grounded. The court grounds the verdict only based on evidence examined at the court session.
4. The verdict is adopted only when the trial of the case is over, in a separate room. When adopting the verdict only a judge (judges) who tried the case can be present in this room.

### Article 131. Issues to be resolved when adopting the verdict.

1. When adopting the verdict, the court:
1) assesses the evidence;
2) decides which relevant circumstances have been found out and which have not;
3) determines the applicable laws and other legal acts relevant for the case;
4) decides whether the action must be satisfied completely or partially, or it must be thrown out.

2.The court resumes the trial of the case when it considers necessary to additionally examine the evidence, or to continue to clarify the circumstances relevant for the case.

3. The court makes a decision on the resumption of the case.

### Article 132. Verdict content.

1. The verdict of the court consists of an introduction, description, motivation and conclusion.
   The introduction contains the name of the court which adopted the verdict, the set-up of the court, the case number, the year of case trial, the month, the place, the names (title) of persons participating in the case, the subject of dispute.
   The description must contain the brief description of the action, the response to the action, the petitions and motions of the persons participating in the case.
   The motivation must indicate the circumstances clarified by the court, the evidence on which the conclusions of the court are based, the argumentation for the exclusion of this or that evidence, as well as, those laws and other legal acts by which the court was governed when adopting the verdict.
   The conclusion must contain conclusions on upholding or rejecting each claim, as well as, a note about the time limit for the appeal of the verdict.
2. In case of complete or partial satisfaction of the initial and cross actions, the conclusion of the verdict indicates the seized amount as a result of offsetting.
3. The conclusion resolves the issue of distribution of court costs between the persons participating in the case.

4. If the court establishes the procedure of implementation of the verdict or takes measures for its provision, this is indicated in the conclusion of the verdict.

Article 133. Verdict on the approval of the agreement of the parties to reconcile.

In case of an agreement of the parties to reconcile, the court verdict must contain the reconciliation statement (text) literally.

Article 134. Verdict on the seizure of money and allocation of property.

1. In case of upholding an action concerning the seizure of money, the court in the conclusion of the verdict establishes the general amount of the seized money, separately mentioning the amounts of the basic debt, damages, fines, as well as, the amount on which interest is imposed, the amount of interest and the beginning year, month and date of imposing interest.
2. In case of allocation of property, the court indicates the names of property subject to allocation, its value, and if known, its location.

Article 135. Verdict in favor of several plaintiffs or against several defendants.

1. In case of adopting a verdict in favor of several plaintiffs, the court indicates the extent to which the claims of each of them have been satisfied, or indicates that right of collection is joint.
2. In case of adopting a verdict against several defendants, the court indicates the amount of liability of each of them, or indicates that their liability is joint.

Article 136. Verdict on signing or amending an agreement.

The conclusion of the verdict concerning a dispute about signing or amending an agreement indicates the ruling on each disputable clause of the agreement, and the verdict on the enforced signing of the agreement indicates those clauses on which the parties are obliged to sign an agreement.

Article 137. Verdict forcing the defendant to carry out certain actions.

In the conclusion of the verdict forcing the defendant to carry out certain actions not concerning transfer of property or seizure of money, the court indicates who, where, when or within what deadline must carry out these actions.
When necessary, the court can maintain that in case of failure to execute the verdict by the defendant, the plaintiff is entitled to carry out appropriate actions at the expense of the defendant.

Article 138. Announcing the verdict.

1. Immediately after the adoption of the verdict, the chairperson announces the conclusion of the verdict at the court session and notifies when the participants of the case can familiarize themselves with the original of the verdict.
   The announced conclusion of the verdict must be signed by the judge (judges) and attached to the case.
2. The compilation of the original of the verdict can be delayed for no more than three days, and in exceptional circumstances and particularly complex cases, for no more than seven days.
3. The chairperson of the session clarifies the procedure of appealing the verdict.

Article 139. Forwarding the verdict to the persons participating in the case.

Immediately after compilation, the court verdict is forwarded in the appropriate form to the persons participating in the case.

Article 140. The verdict coming into legal force.

The court verdict comes into legal force in fifteen days after its promulgation.

Article 141. Securing the execution of the verdict.

By petition of the persons participating in the case, the court after the adoption of the verdict, by rules established in Chapter 14 of this Code, takes measures for the provision of the execution of the verdict.

Article 142. Additional verdict.

1. The court that adopted a verdict is entitled to adopt an additional verdict, by petition of the persons participating in the case or by its own initiative, if:
1) the court did not adopt a verdict concerning some claim for which the persons participating in the case submitted evidence;
2) when solving the issue of an additional right, the court did not indicate the amount of allocated amount of money, the property subject to transfer or those actions which are obligatory for the defendant;
3) the court did not solve the issue of court costs.
2.The petition concerning the additional verdict can be filed before the verdict comes into legal force.
3.The issue of adopting an additional verdict is solved at the court session. The persons participating in the case are appropriately notified about the time and place of the session. Their failure to be present is no hindrance to the consideration of the issue.
4.In case of refusal to adopt an additional verdict, the court adopts a ruling.

5. The decision on the refusal to adopt an additional verdict can be appealed.

Article 143. Verdict clarification. Correction of errors, spelling mistakes and arithmetic miscalculations.

1. By petition of the persons participating in the case or by its own initiative, the court that adopted a verdict is entitled to clarify the verdict, to correct errors, spelling mistakes and arithmetic miscalculations, without changing the content and essence of the verdict.
2. The demand to clarify the verdict, to correct errors, spelling mistakes and arithmetic miscalculations can be filed before the execution of the verdict.
3. The court makes a decision on the clarification of the verdict, correction of errors, spelling mistakes and arithmetic miscalculations.
4. The decision on the clarification of the verdict, correction of errors, spelling mistakes and arithmetic miscalculations can be appealed.

## CHAPTER 21. COURT RULING.

Article 144. Adoption of ruling and its content.

1. A court act which does not solve the case in essence is adopted in the form of a ruling.
2. The ruling adopted in the form of a separate act must indicate:

1) the name of the court, the set-up of the court, the case number, the date of the adoption of the ruling, the subject of the dispute;
2) the name (title) of the persons participating in the case;
3) the issue on which the ruling has been adopted;
4) the motives, by which the court came to the conclusions, with reference to laws and other legal acts;
5) the conclusion on the case under consideration;
6) the procedure and time limit of appeal, if it is subject to appeal.

3. The court is entitled to adopt a ruling on issues requiring solutions during the proceedings without formalizing the ruling in the form of a separate act. This ruling is announced orally and is entered into the record of the court session.

Article 145. Forwarding the court ruling.

The court ruling adopted in the form of a separate act is properly forwarded to the persons participating in the case within three days after adoption of the ruling.

## CHAPTER 22. RECORDS.

### Article 146. Compulsory nature of keeping the records.

A record is compiled at the court session, as well as, outside court session when performing separate judicial actions.

### Article 147. The contents of the records.

The court record indicates:
1) the year, month, date and place of the court session;
2) the name of the court trying the case, the set-up of the court;
3) the title of the case;
4) data on the presence of the persons participating in the case and other participants of the proceedings;
5) data on the explanation of their procedural rights and duties to the persons participating in the case and other participants of the proceedings;
6) the rulings adopted by the court without leaving the court room;
7) oral statements and motions made by the persons participating in the case;
8) the testimonies of the witnesses, oral clarifications of the experts concerning their conclusions;
9) the year, month and date of record compilation.

The record on the implementation of separate judicial actions also indicates the obtained data.

### Article 148. Compilation of records.

1. The record is compiled by the court session secretary.
2. The persons participating in the case are entitled to demand the promulgation of any part of the record, as well as, to demand the entry into the record of data about circumstances essential for the case.
3. The chairperson signs the court session record not later than on the next day after the session.
   The chairperson compiles and signs the record on the implementation of separate judicial actions, immediately after their implementation.

### Article 149. Objections to the records.

1. Before the verdict comes into legal force, the participants are entitled to familiarize themselves with the record of the court session or judicial actions and file objections to the completeness or correctness of the record.
2. The chairperson adopts a ruling on the acceptance or rejection of the objections to the record.

# PART THREE

## PECULIARITIES OF PROCEEDINGS CONCERNING VARIOUS TYPES OF CASES

## SUBSECTION ONE

## SPECIAL ADVERSARIAL PROCEEDINGS

### CHAPTER 23. PROCEEDINGS CONCERNING CITIZEN'S COMPLAINT ABOUT THE DANGER THREATENING ONE'S LIFE OR HEALTH.

Article 150. Citizen's complaint about the danger threatening one's life or health.

1. Citizen's complaint about the danger threatening one's life or health must contain data about facts and circumstances which attest to the existence of such danger.
2. Citizen's complaint about the danger threatening one's life or health is filed at the civil court at the place of residence of the applicant.

Article 151. Procedure of examination for the citizen's complaint about the danger threatening one's life or health.

1. The court examines the citizen's complaint about the danger threatening one's life or health as established in the procedure of speedy trial of Chapter 19 of this Code.
2. The court adopts an urgent ruling about the prevention of the danger threatening the citizen's life or health and proposes to the applicant to file a complaint at the court within three days.
3. The ruling of the court is executed without delay, as established in the procedure of the Law of the Republic of Armenia on Enforced Execution of Court Acts.

Article 152. The consequences of the failure to submit a complaint.

In case of failure to submit a complaint within the time limit established in Article 151 of this Code, the court's ruling about the prevention of the danger threatening one's life or health becomes invalid.

## CHAPTER 24. EXAMINATION PROCEDURE FOR APPLICATIONS ABOUT THE PROTECTION OF ELECTORAL RIGHTS FILED BY CITIZENS AND POLITICAL PARTIES (ASSOCIATIONS OF POLITICAL PARTIES)

### Article 153. Filing the application.

When a citizen, a political party (association of political parties) find that one's right to elect or be elected has been violated due to a decision made by a state body, a local self-government body, their officials or by decision made by electoral commissions, by their action (inaction), they can apply to a civil court.

### Article 154. Examination of the application.

1. The application must be examined within five days after its receipt, however, not later than the day of elections, and the application filed on the day of elections must be examined immediately.
2. The court examines the application in the presence of the applicant and the representative of the appropriate election commission, state body or local self-government body. The failure of the persons properly notified about the time and place of the court session to be present is no hindrance to the examination and solution of the case.

### Article 155. Court ruling and its implementation.

1. The court ruling which establishes the violation of the election rights of the citizen or political party (association of political parties) is a ground for making corrections in the list of voters, registration of a candidate or including a political party (association of political parties) in the list of organizations for participation in the elections or a referendum, as well as, for the elimination of breaches of the right elect or to be elected.
2. The ruling of the court comes into legal force at the moment of its announcement and is not subject to appeal.
3. The ruling of the court is properly forwarded to the appropriate state body, local self-government body or election commission.

## CHAPTER 25. PROCEEDINGS CONCERNING THE APPEAL AGAINST PENALTIES IMPOSED FOR ADMINISTRATIVE VIOLATIONS BY DECREE OF STATE BODIES, LOCAL SELF-GOVERNMENT BODIES AND THEIR OFFICIALS.

### Article 156. Filing the application.

1. Any person subjected to administrative liability is entitled to challenge in court the decision to impose a penalty on him for administrative violation.
2. The application and the copy of the decision to impose an administrative penalty, within ten days after being filed, in accordance with jurisdiction over cases, are submitted to a civil court or economic court.
3. The application must indicate which concrete decision made by what body or official is being challenged, and the year, month and date of its adoption. The copy of the challenged decision is attached to the application.
4. The court, accepting the application, makes an immediate decision about the suspension of the decision to impose administrative penalty.

### Article 157. Examination of the application.

1. The court examines the application within ten days.
2. The applicant, as well as, the state body, local self-government body or their official, whose decision is being challenged, are properly notified by the court about the time and place of the court session. Their failure to be present is no hindrance to the examination and solution of the case.
3. When examining the case court checks:

1) the legitimacy and the grounds for the administrative penalty;
2) whether it was adopted based on the law and by an authorized body or official;
3) whether the established procedure of imposition of the administrative penalty on the person observed;
4) whether the person committed the administrative violation for which the law envisages appropriate liability;
5) whether the person is guilty of committing the violation.

### Article 158. Court ruling.

1. If the court recognizes that due to lack of elements of administrative violation or the absence of the event the person was subjected to administrative liability without grounds, as well as, in other cases ruling out the proceedings concerning the administrative violation, the court adopts a ruling about the termination of the decision.
2. The court, taking into account the nature of the committed administrative violation, the personality of the offender, the degree of his guilt, property status and other

circumstances mitigating the liability, is entitled to change the type and amount of the penalty. The court can not make the type and amount of penalty more severe.
3. If the court finds out that the decision to impose an administrative penalty made by the official of the state body or local self-government body is legitimate and grounded, the court adopts a ruling about the rejection of the application. This ruling makes the court decision to suspend the administrative penalty null and void.
4. If the court finds out that the decision of the state body, local self-government body or the official was made in excess of authority, the court terminates the decision.

## CHAPTER 26. PROCEEDINGS CONCERNING THE APPEAL TO CONSIDER NULL AND VOID THE ILLEGAL ACTS COMMITTED BY STATE BODIES, LOCAL SELF-GOVERNMENT BODIES AND THEIR OFFICIALS OR THE APPEAL AGAINST THEIR ACTIONS (INACTION).

Article 159. The grounds for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials or appealing against their actions (inaction).

The grounds for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials or appealing against their actions (inaction), (referred to below as considering the act invalid), are the contradiction of the given act to the law and the fact that the applicant's right and (or) freedom guaranteed by the Constitution of the Republic of Armenia has been breached.

Article 160. Application for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials.

1. The application for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials, in accordance with jurisdiction over cases, is filed at the civil court or economic court.
   The court does not try those applications for considering null and void the acts whose compliance with the Constitution of the Republic of Armenia is solved exclusively by the constitutional court.
2. The application can concern an illegal act or part of it.
3. The appeal to the court does not suspend the action of the challenged act.
4. The court rejects the application if there is an effective court verdict, which established that the act of the state body, local self-government body or their officials corresponds to the law. In this case, citizens and legal entities can repeatedly challenge the legitimacy of the act committed by a state body, local self-government body or their officials only in relation to the part which was not examined by the court.

Article 161. Requirements imposed on the application for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials.

1. The application must indicate:
1) the name of the state body, local self-government body or their officials who adopted the act;
2) the year, month and date of the adoption of the act;
3) the time and means of official publicizing of the act, if it was publicized;
4) what rights and interests of the citizen or legal entity have been breached by this act or its separate provisions;
5) to which laws and (or) articles of the Constitution of the Republic of Armenia does the challenged act contradict.
2. The copy of the challenged act or its part is attached to the application.

Article 162. Examination of the application for considering null and void the illegal acts committed by state bodies, local self-government bodies or their officials.

1. The court immediately forwards the application for considering null and void the act or its part adopted by a state body, local self-government body or their officials to the body which adopted the act or to the official who is obliged to submit one's response to the court within ten days.
2. The response received from the body which made the decision is immediately forwarded by the court to the applicant who is entitled within three days to present one's objections to the response.
3. When necessary, the court by its own initiative or by motion of the parties appoints an expert.
4. The applicant, as well as the representative of the state body, local self-government body or their officials who adopted the act, are appropriately notified by the court time and place of the court session. Their failure to attend the session is no hindrance to the examination and solution of the case.
5. The court at the court session checks the authority of the state body, local self-government body or their officials who adopted the act, the correspondence of the entire act or part of it to the Constitution of the Republic of Armenia and laws.
6. When trying the application for considering null and void the act of the state body, local self-government body or its officials, the burden of proving the circumstances which were the grounds for the adoption of the act is on the body which adopted the act or its official.

Article 163. Court ruling.

1. The conclusion of the court's verdict concerning the case for considering null and void the act of the state body, local self-government body or its officials must contain:

1) data on the title of the act, its number, year of publicizing, month, date and on the body which adopted it or the official.
2) A note on recognizing the act entirely or partially invalid or on satisfaction of the claim completely or partial rejection;

2. In the case when the citizen's or legal persons rights can not be restored only by recognizing the invalidity of the act adopted by the state body, local self-government body or their official, the court is entitled by its verdict to obligate the appropriate body or official to adopt an act which restores the rights and (or) freedoms guaranteed by law.
3. The court verdict recognizing the invalidity of the act adopted by the state body, local self-government body or their official, must be published in the same official newsletter where this act was published.

## SUBSECTION TWO

## SPECIAL PROCEEDINGS

### CHAPTER 27. GENERAL PROVISIONS

Article 164. Procedure of examination of special proceeding cases.

The courts try special proceeding cases in accordance with the general rules envisaged for the proceedings in this Code, with exceptions and additions which have been established in Chapters 28-36 of this Code.

### CHAPTER 28. PROCEEDINGS OF CASES CONCERNING THE RECOGNITION OF A MINOR AS FULLY LEGALLY CAPABLE (EMANCIPATION)

Article 165. The minor's application to regard oneself as fully legally capable (emancipated).

In cases envisaged in the Civil Code of the Republic of Armenia, a minor of sixteen years of age can apply to the civil court at the place of one's residence with an application to recognize oneself as fully legally capable (emancipated).

Article 166. Examination of the application.

The court examines the application with mandatory participation of the applicant, one of the parents (adopters, guardian) or tutorship and guardianship body representative.

Article 167. Court ruling.

As a result of the examination the court adopts a verdict to uphold or reject the petition of the applicant.
In case of satisfaction of the application, the court verdict on the day of coming into force recognizes the minor of sixteen years of age as fully legally capable (emancipated).

## CHAPTER 29. PROCEEDINGS OF CASES CONCERNING THE RECOGNITION OF A CITIZEN AS INCAPABLE OR SPECIALLY INCAPABLE.

Article 168. Persons entitled to file applications for recognition of a citizen as incapable or specially incapable.

1. The case of recognizing a citizen as incapable can be initiated based on the application filed by the citizen's family members, by the tutorship and guardianship body or by the administration of the tutorship institution.
2. The case of recognizing a citizen as specially incapable can be initiated based on the application filed by the citizen's family members, by the tutorship and guardianship body.
3. The application for recognizing a citizen as incapable or specially incapable is filed at the civil court at the place of residence of the citizen, and if the person is treated in a psychiatric institution, also at the court where the institution is located.

Article 169. The contents of the application.

1. The application concerning the recognition of a person as incapable must describe the circumstances which attest to the mental disorder of the person, and as a result of which the person can not understand the meaning of his actions or manage one's actions.
2. The application concerning the recognition of a person as specially incapable must describe the circumstances which attest that the person who abuses alcohol, drugs or gambling caused the severe financial situation of one's family.

Article 170. Appointment of an expert examination to determine the citizen's mental condition.

In case of grounded suspicions about the mental disorder of the citizen, the judge appoints a forensic psychiatric expert examination in order to find out his mental state. In case of obvious evasion from the forensic psychiatric examination of the person who is the subject of the initiated incapability case, the court adopts a decision on the enforced forensic psychiatric expert examination of the citizen.

Article 171. Examination of the application.

1. The court examines the case of recognizing the citizen as incapable in the mandatory presence of the representative of the tutorship and guardianship body. The citizen can be summoned to the court session, if his health condition allows.
2. The court examines the case of recognizing the citizen as specially incapable in the mandatory presence of that citizen and the representative of the tutorship and guardianship body.

3. The applicant is exempted from court costs concerning the examination of the case for the recognition of a citizen as incapable or specially incapable.
4. The court having found that the members of the family which filed the application acted not in good faith, obviously intending to deprive the citizen of his capability without grounds or to restrict his capability, collects the court costs from them.

Article 172. Consequences of the court ruling.

1. Based on the court verdict about the recognition of the citizen as incapable, the tutorship and guardianship body appoints a guardian.
2. Based on the court verdict about the recognition of the citizen as specially incapable, the tutorship and guardianship body appoints a tutor.

Article 173. Recognition of the citizen's incapability and the repeal of the limitation imposed on the citizen's capability.

1. In cases envisaged in the Civil Code of the Republic of Armenia, the court adopts a verdict, based on the application of the guardian, family member or on the appropriate conclusion of the forensic psychiatric examination, to recognize the recovered person as capable. Based on the verdict of the court, the guardianship imposed on the citizen is lifted.
2. In cases envisaged in the Civil Code of the Republic of Armenia, the court adopts a verdict, based on the application of the citizen, his tutor or family member, to lift the restriction on the capability of the citizen. Based on the verdict of the court, the tutorship imposed on the citizen is lifted.

## CHAPTER 30. PROCEEDINGS CONCERNED WITH FORCED TREATMENT OF A CITIZEN IN A MENTAL HOSPITAL.

Article 174. Persons entitled to file applications for forced treatment of a citizen in a mental hospital.

The administration of the mental institution where the person is treated is entitled to file an application for forced treatment of the citizen in a mental hospital. The application is filed at the civil court at the place of location of the mental institution.
A grounded conclusion of the medical and psychiatric commission about the necessity of the further staying of the person in the mental institution is attached to the application.

Article 175. Time limits of filing an application.

The application concerning the forced treatment of the citizen in a mental institution is filed within 72 hours after the citizen has been admitted into the mental institution.

The judge, initiating the case, extends the time limit of the citizen's staying in the mental institution for a necessary period, for simultaneous trial of the case.

Article 176. Examination of an application.

1. The application concerning the forced treatment of the citizen in a mental institution is examined by the court within five days after the initiation of the case.
   The citizen is entitled to participate in the court session. If according to the data received from the mental institution, the mental state of the person does not allow him to participate in the court session, the judge examines the application at the mental institution.
2. The participation of the representative of the mental institution by whose initiative the case was initiated, as well as, the participation of the representative person in relation to whom the issue of treatment is being solved, is mandatory.

Article 177. Court ruling.

Based on the results of the examination of the application, the court adopts a verdict by which the application is turned down or upheld.
The verdict upholding the application is a ground for forced treatment of the citizen in a mental institution.

## CHAPTER 31. PROCEEDINGS CONCERNED WITH RECOGNITION OF A CITIZEN AS A MISSING PERSON OR DEAD.

Article 178. Filing an application.

The application for recognition of a person as missing or dead is filed at the civil court at the last known address of the citizen or the residence of the applicant.

Article 179. Requirements imposed on the application.

1. The application must indicate:
1) the expected legal consequences for the applicant in case of recognition of the citizen as missing or dead;
2) circumstances attesting to the missing of the citizen;
3) circumstances threatening with death to the missing person or other circumstances which give a ground to suppose that his death is the result of a certain accident;
2.In case of the failure to satisfy the requirements indicated in paragraph 1 of this Article, the court returns the application.

Article 180. The judge's actions after the receipt of the application.

In order to obtain information about the missing person, the judge makes inquiries to the last known place of residence of the missing person, as well as, at the working place, and adopts a decision to publish a notification at the expense of the applicant in press about the initiation of the case to recognize the person as missing or dead. After the acceptance of the application, the judge can propose to the tutorship and guardianship body to appoint a guardian for the protection of the property of the absent citizen.

Article 181. The consequences of the court ruling.

1. Based on the court verdict of recognizing the citizen as missing, the tutorship and guardianship body at the location of the property of the missing person establishes guardianship of this property.
2. Based on the court verdict of recognizing the citizen as dead, the office of civil registration makes an entry in the log of civil registration.

Article 182. Consequences of the appearance of the citizen recognized as a missing person or dead, or when the citizen's whereabouts become known.

In case of the appearance of the citizen recognized as missing or dead, the court, based on the application of this citizen, adopts a verdict about the termination of the previously adopted verdict. Based on this verdict, the guardianship over the property and the entry in the civil registration log about the citizen's death becomes invalid.

## CHAPTER 32. PROCEEDINGS CONCERNED WITH CLARIFICATION OF INCORRECTIONS CONTAINED IN CIVIL STATUS RECORDS.

Article 183. Grounds for filing an application.

1. The court examines the cases concerning the clarification of incorrections of the records in civil status logs, if the bodies registering the civil status refuse to make corrections or changes in the entered record, provided there is no dispute over right.
2. The application for the clarification of incorrections in the records of civil status is filed at the civil court at the place of residence of the applicant.

Article 184. Requirements imposed on the application.

The application must indicate the incorrection in the records of civil status and which body of civil status registration and when turned down the application to make correction or changes in the entered record.

Article 185. Court ruling.

The court ruling which establishes the incorrection of the entered record in the log of civil status, is the ground for the correction or change of such records by the civil status registration bodies.

## CHAPTER 33. PROCEEDINGS CONCERNED WITH RECOGNITION OF PROPERTY AS OWNERLESS.

Article 186. Filing an application.

The application for the recognition of movable property as ownerless is filed at the civil court at the place of residence of the citizen owning the property or the legal entity. The application for the recognition of immovable property as ownerless is filed at the civil court at the place of the location of the property.

Article 187. The contents of application.

The application of the citizen or legal entity for recognition of property as ownerless must indicate what property must be recognized as ownerless, the main distinctive features of the property must be described, as well as, evidence must be provided which would prove the fact that the property was abandoned by the owner without the intention to maintain the right of ownership of the property, and evidence of the transfer of ownership to the applicant.

Article 188. Court ruling.

The court, finding that the property has no owner or the property was abandoned by the owner without the intention to maintain the right of ownership of the property, adopts a ruling about the recognition of the property as ownerless and about the transfer of the property to the person who manages the property.

## CHAPTER 34. PROCEEDINGS CONCERNED WITH ESTABLISHMENT OF FACTS OF LEGAL RELEVANCE.

Article 189. Cases concerning the establishment of legally relevant facts examined by court.

1. The civil court or economic court, in accordance with jurisdiction over cases, establishes the facts which determine the origin of personal or property rights of citizens or legal entities, their change or termination.
2. The court examines those cases concerning establishment of facts which deal with:

1) the kinship relations of persons;

2) the guardianship of the person by another one;
3) records concerning birth, adoption, marriage, divorce and death;
4) the death of the person in certain time and circumstances, if the civil status registration bodies refuse to make a record about the person's death;
5) acceptance of inheritance and the place of commencement of inheritance;
6) an accident;
7) the ownership of documents which establish rights, except the passport and military documents;
8) management of property in the form of ownership;
9) the existence of force major.

3. The court, in cases envisaged in law, examines other facts which have legal relevance.

Article 190. Jurisdiction over cases concerning the establishment of legally relevant facts.

The cases concerning the establishment of legally relevant facts are examined at the court at the place of residence of the applicant, except cases concerning the establishment of facts of transferring immovable property for ownership, which are examined at the court at the place of location of the immovable property.

Article 191. Requirements imposed on the application concerning the establishment of legally relevant facts.

The application concerning the establishment of legally relevant facts must indicate for what purpose the applicant needs the establishment of this fact, as well as, appropriate documents must be submitted by the applicant proving that it is impossible to obtain these documents or the restoration of the lost documents.

Article 192. The condition necessary for the establishment of legally relevant facts.

The court establishes the legally relevant fact only if the applicant has no possibility to otherwise obtain appropriate documents establishing this fact or if it is impossible to restore the lost document.

Article 193. Court ruling.

1. The court ruling establishing the legally relevant fact must describe the established fact.
2. The court ruling on the establishment of the legally relevant fact is a ground for appropriate bodies to record the fact or to formalize the rights originated in relation with the established fact.

## CHAPTER 35. PROCEEDINGS RESTORING THE RIGHTS TO LOST BEARER OR ORDER SECURITIES

Article 194. Filing the application.

The person who lost bearer or order securities (referred to below as securities) can file an application in accordance with case jurisdiction at the civil court or at economic court in order to recognize the lost securities invalid and to restore the rights attested by the securities.
The right attested by a security can be also restored in case of the loss of the security due to its improper storage or the loss of its financial properties.

Article 195. Jurisdiction over the case concerning the restoration of rights to lost securities.

The case concerning the restoration of a right to a lost security is examined at the court where the organization which issued the security is located.

Article 196. Requirements imposed on applications concerning the restoration of rights to lost securities.

1. The application for the restoration of a right to a lost security must indicate the requisites of the security, the name of the organization which issued the security, as well as, the circumstances in which the security was lost.
2. In case of failure to satisfy the requirements listed in paragraph 1 of this Article, the court returns the application.

Article 197. Court's actions after the receipt of the application.

1. After the acceptance of the application for the restoration of a right to a lost security makes a decision to prohibit the payments or transfers by this security.
2. The court at the expense of the applicant publishes an official announcement in press.
   This announcement must indicate:

1) the name of the court;
2) the name (title) of the applicant and his place of residence (location);
3) the name of the lost security, the requisites and other distinctive features;
4) a proposal to the person in possession of the security: within two months after publication of the announcement, to notify the court about one's rights to this security and to submitting its original or copy.

Article 198. Examination of the case.

The court examines the case of the restoration of the right to lost security two months after the publication of the announcement.

Article 199. Court ruling.

1. In case of upholding the application, the court adopts a ruling about recognizing the lost security null and void and about the restoration of the applicant's right to the security.
2. Based on the court ruling, the appropriate organization issues a new security to the applicant.

Article 200. Court's actions in case of receipt of an application from the possessor of the security.

In case of receipt, within two months after publication of the announcement, of an application from the person who is in possession of the security, the court leaves the application of the person who lost the security without examination.

Article 201. The right of the security possessor to bring an action in case of ungrounded procurement of property.

The possessor of the security who has not claimed one's right to the security within two months after the publication of the announcement can, based on the court ruling, bring an action against the person who obtained a new security, in relation to ungrounded procurement of property.

## CHAPTER 36. REVIEW OF A COURT RULING WHICH CAME INTO EFFECT BASED ON THE RECONCILIATION OF PARTIES BY APPLICATION OF THE ENFORCED EXECUTOR

Article 202. Reconciliation of parties during enforced implementation of court ruling.

1. The parties are entitled to sign a reconciliation agreement during the enforced implementation of the court ruling.
2. The reconciliation of the parties can also concern the method, deadline and procedure of the enforced implementation of the court ruling.
3. The parties conclude a reconciliation agreement in the written form, by means of writing one signed document by them.
4. The parties submit the signed agreement to the enforced executor.

Article 203. The actions of the enforced executor after receipt of the parties' consent to reconcile.

The enforced executor, having received the reconciliation agreement of the parties, must suspend the execution proceedings and immediately apply to the court which issues the writ of execution.

Article 204. Review of court ruling.

1. Based on the application of the enforced executor, the court reviews the ruling by procedure of speedy trial established in Chapter 19 of this Code.
2. The court reviews only the part of the adopted ruling which concerns the method, deadline and procedure of execution established by the reconciliation agreement of the parties.
3. The court adopts a ruling on the review of the ruling in which indicates the literal text of the reconciliation agreement of the parties.

## PART FOUR.

PROCEEDINGS IN APPELLATE COURT.

Article 205. The right to bring an appeal.

Persons participating in the case, as well as the persons who have not become participants of the case about whose rights and duties a verdict has been adopted, are entitled to bring an appeal against a verdict of the first instance court which has not come into effect.

Article 206. The court considering appealed cases.

The civil appellate court or economic appellate court (referred to below as appellate court) examine, in accordance with jurisdiction over cases, the appeals against first instance court verdicts which have not come into effect.

Article 207. Time limits of appeal.

The appeal is brought within ten days after the announcement of the first instance court verdict.

Article 208. Procedure of bringing an appeal.

1. The appeal in the appropriate form is forwarded to the appellate court, and the copy of the appeal is forwarded to the first instance court which adopted the verdict.
2. No later than on the next day after the receipt of the appeal, the first instance court must properly forward the case to the appellate court.

Article 209. Contents of the appeal.

1. The appeal must indicate:
1) the name of the court to which the appeal is addressed;
2) the names (titles) of the person who brings the appeal and persons participating in the case;
3) the name of the court whose verdict is appealed against, the case number and the year, month and date of adoption of the verdict;
4) the subject of dispute;
5) the complaining person's demand for review;
6) the list of documents attached to the appeal;
2. The appeal is signed by the complaining person or his representative.

The appeal signed by the representative is attached to the authorization certifying the representative's right to appeal against court acts, if this authorization has not been submitted previously.

3. The copy of the receipt for payment of state duty and the copy of the appeal are attached to the appeal, evidence sent to other participants of the case.

Article 210. Forwarding the appeal to the persons participating in the case.

The person who brings the appeal must forward the copies of the appeal and the attached documents to other participants of the case.

Article 211. Response to appeal.

1. Having received the copy of the appeal, the participant of the case before the examination of the case is entitled to send his response to the appellate court and other persons participating in the case.
2. The response is signed by the person participating in the case or his representative. The response signed by the representative is attached to an authorization certifying his authority to conduct the case.
3. Documents which had not been previously submitted can be attached to the response. In this case, the evidence of sending the copies of these documents to other persons are attached to the response.

Article 212. Return of appeal.

1. The appeal is returned if:

1) the appeal is not signed or is signed by a person not authorized to sign it, or by a person whose official status is not indicated;
2) evidence certifying the forwarding of the copies of the appeal to persons participating in the case have not been attached to the appeal;
3) documents certifying the proper payment of state duty have not been attached to the appeal, and in those cases when the law envisages postponement of the state duty payments or the reduction of its amount, the motion to that effect is absent;
4) the appeal has been brought after the expiry of the established deadline and does not contain a motion for the restoration of the missed deadline;
5) the applicant filed a petition for revoking his appeal.

2.The appellate court adopts a decision about the return of the appeal within three days after the receipt of the appeal.

In a decision for the correction of errors, the deadline is mentioned.

3. After correction of the circumstances mentioned in paragraph 1, points 1-4 of this Article, within the appointed deadline, the applicant is entitled to file the appeal to the appellate court anew.

Article 213. Decision to start proceedings on the appeal.

1. The appellate court makes a decision to start proceedings on the appeal.
2. The decision indicates the time and place of the case trial.
3. The decision is appropriately forwarded to the persons participating in the case.

Article 214. Time limits of case trial in the appellate court.

The appellate court must try the case and adopt a verdict within two months after the beginning of the proceedings.

Article 215. Procedure of case trial in the appellate court.

The case in the appellate court is tried by the rules of the first instance court, except disputes transferred to the solution of the intermediate court (Article 18), inappropriate replacement of the party (Article 31), replacement of the grounds or the subject of the complaint, change of the claimed amount, refusal from the complaint (paragraph 1, Article 32), involvement of the third party into the case claiming or not claiming independent demands for the subject of the dispute (Articles 34 and 35), rules of bringing cross-action (Article 96).

Article 216. Recalling the appeal.

1. The applicant is entitled to recall the appeal before the beginning of trial by the appellate court.
2. In case of recalling the appeal, the court terminates the appellate proceedings of the case, if other persons have not appealed against the verdict.
3. The appellate court adopts a decision on the termination of the appellate proceedings. The verdict of the first instance court comes into effect as soon this decision is made.

Article 217. The boundaries of case trial in the appellate court.

1. The appellate court is not restricted to the appeal, and tries the case with the evidence in the case, as well as additionally submitted evidence.
2. The additional evidence submitted by the participants of the case is accepted by the appellate court, if the person presenting the evidence grounds the impossibility of presenting the evidence at first instance court for reasons beyond control of this person.
3. If the participants of the case submit additional evidence essential for the solution of the dispute, then the court, by motion of the participants of the case, postpones the case trial for a reasonable period.

Article 218. Ruling of the appellate court.

1. Based on the results of the repeated trial of the case, the appellate court adopts a ruling.
2. The ruling must indicate:

1) the name of the appellate court which adopted the ruling, case number and the year, month, date of the adoption of the ruling, the set-up of the court which adopted the ruling;
2) the year, month, date of the ruling adopted by the first instance court, the name of the court;
3) the names (titles) of the participants of the case, the name (title) of the person who brought the appeal;
4) the circumstances of the case clarified by the appellate court, the evidence, on which are based the conclusions of the appellate court in relation to these circumstances, and the arguments by which the appellate court rejects this or that evidence, as well as, the laws and other legal acts by which the appellate court was governed when adopting the ruling.

3. The ruling must contain provisions about the distribution of court costs between the parties to the case, including the distribution of court costs in the first instance court.

Article 219. The ruling of the appellate court coming into effect.

The ruling of the appellate court comes into effect at the moment of its announcement.

Article 220. Forwarding the ruling of the appellate court to the participants of the case.

Within three days after the announcement of the ruling of the appellate court is appropriately forwarded to the participants of the case.

Article 221. The appeals brought against the rulings of the first instance court.

1. The rulings of the first instance court can be appealed against by appealing procedure only in cases envisaged in this Code and other laws.
2. The appeals against the rulings of the first instance court are tried by procedure envisaged for the trial of appeals brought against court verdicts.

## PART FIVE

PROCEEDINGS IN CASSATION COURT.

Article 222. Review of court acts under cassation.

1. The verdicts of the first instance court and the appellate court which came into effect can be reviewed by cassation procedure, based on complaints of the persons listed in Article 223 of this Code.
2. The court rulings which came into effect can be appealed against by cassation procedure only in cases envisaged in this Code and other laws.
3. The cassation appeals brought against the court rulings are tried by procedure envisaged for the trial of appeals against court verdicts.

Article 223. Persons entitled to bring cassation petition.

The following persons are entitled to bring cassation appeals:
1) The Prosecutor General of the Republic of Armenia and his deputies, in cases envisaged in Article 37 of this Code and in accordance with the Law of the Republic of Armenia on Procuracy;
2) Lawyers possessing a special license and registered at the cassation court.

Article 224. The court examining cases initiated by cassation appeals.

The cases brought by cassation appeals against the verdicts of the first instance and appellate courts are tried by the chamber of civil and economic cases of the cassation court (referred to below as the cassation court).

Article 225. Grounds for bringing cassation appeals.

The grounds for bringing cassation appeals are the following:
1) violation of financial or procedural rights of the participants of the case;
2) newly discovered circumstances.

Article 226. Breach or incorrect application of norms of substantive law.

The norms of substantive law are considered breached or incorrectly applied, if the court:
1) did not apply the law which it should have applied;
2) applied the law which it should not have applied;
3) incorrectly interpreted the law.

Article 227. Breach or incorrect application of norms of procedural law.

1. Breach or incorrect application of norms of procedural law is a ground for the review of the verdict, if this caused incorrect solution of the case.
2. The verdict is subject to review in any case if:

1) the court tried the case by a not legitimate set-up;
2) the court tried the case in the absence of one of the participants of the case who was not properly notified about the time and place of the session;
3) the court adopted a verdict in relation to the rights and duties of persons who have not become participants in the case;
4) the verdict was signed not by the judge who adopted it;
5) the verdict was adopted by the judge who is not a part of the court trying the case;
6) the court session record is missing from the case, or the chairperson has not signed it.

3. The essentially correct verdict of the court can not be reviewed only for formal reasons.

Article 228. Grounds for review of court acts as a result of newly discovered considerations.

The following are the grounds for the review of the court act as a result of newly discovered considerations:

1) the circumstances essential for the case which had not been known and could not be known to the participants of the case;
2) the circumstances essential for the case which had been known to the participants but for reasons beyond their control were submitted to the court;
3) obviously false testimonies of the witness established in the court verdict which came into effect, obviously false conclusions of the expert, forgery of documents or material evidence, which caused the adoption of an illegitimate or ungrounded court act;
4) the criminal acts of the participants of the case or their representatives or the criminal acts of the judges when trying the case, established in the court verdict which came into effect;
5) termination of a court act, court verdict or other body's ruling, which was the ground for the adoption of the given verdict.

Article 229. Procedure of bringing cassation appeal.

1. In case of existence of grounds for bringing an appeal, the persons mentioned in Article 223 of this Code bring a cassation appeal and properly forward it to the cassation court, and the copy of the appeal is forwarded to the court which adopted the verdict.

2. The court which adopted the verdict, no later than on the next day after the receipt of the copy of appeal, must forward the case in the appropriate form to the cassation court.

Article 230. The contents of cassation appeal.

1. The cassation appeal must indicate:
1) the name of the court to which the appeal is addressed;
2) the name of the person who brought the appeal;
3) the name of the court which adopted the verdict, the case number, the year, month, date of adoption of the verdict, the names (titles) of persons participating in the case, the subject of the dispute;
4) the demand of the person who brought the application, with reference to laws and other legal acts and a note specifying which financial or procedural norm of law was breached or incorrectly applied, or what are the grounds for the case review as a result of newly emerged circumstances;
5) the list of documents attached to the application.
2.The cassation appeal is signed by the person who brought the appeal.
3. The evidence attesting to the payment of the state duty is attached to the appeal.

Article 231. Recalling the cassation petition.

The person who brought the cassation appeal is entitled to recall the appeal before the cassation court starts the trial of the case.

Article 232. Time limits of case trial in cassation court.

The cassation court must try the case and adopt a ruling within a month after the receipt of the case.

Article 233. Preparation of the case for trial in cassation court.

1. The chairperson of the cassation court instructs the judge of the cassation chamber to examine the cassation appeal and the materials of the case. The examination is carried out within ten days after the receipt of the case.
2. The judges of the cassation chamber are entitled to familiarize themselves with the cassation appeal and the materials of the case.

Article 234. Procedure of trial in cassation court.

1. The trial of the case in the cassation court begins with the report of the cassation chamber judge.

The report indicates the circumstances of the case, the content of the court verdict and the arguments of the cassation appeal.
The judges of the cassation court are entitled to ask questions to the reporting judge.

2. The person who brought the appeal is entitled to be present at the session of the cassation court.
3. In case of necessity to give explanations, the person who brought the appeal can be summoned to the cassation court session, as well as, the participants of the case who are properly notified about the time and place of the session. Their failure to be present is no hindrance to the trial of the case.

Article 235. Boundaries of case trial in cassation court.

The chamber of the cassation court reviews the effective verdicts and rulings adopted by the first instance and appellate courts, within the boundaries of the grounds indicated in the cassation appeal.

Article 236. The authority of cassation court.

The cassation court, when trying the case, is entitled:
1) to leave the court verdict unchanged, and the appeal unsatisfied;
2) to review the verdict completely or partially and to forward the case for a new trial to the first instance court which tried the case, with a new set-up of judges.

Article 237. Procedure of decision-making by cassation court.

1. Based on the results of the case trial, the cassation court adopts a ruling.
2. The ruling is adopted in the name of the Republic of Armenia.
3. The ruling is adopted in the absence of the person who brought the appeal and the persons summoned for providing explanations to the cassation court session.
4. The cassation court is authorized to adopt a ruling by majority of votes of the cassation chamber judges.
5. The ruling is adopted by open ballot.

The ruling is considered adopted, if the majority of cassation chamber judges present at the session voted in its favor. In case of an equal number of pros and cons, the appeal is considered turned down.

6. The ruling of the cassation court is signed by the judges who adopted it.
7. The conclusion of the cassation court ruling is publicized at the session.

Article 238. Ruling of the cassation court.

1. The ruling of the cassation court must indicate:

1) case number and the year, month and date of adoption of the case, the set-up of the cassation court which adopted the ruling;

2) the name (title) of the person who brought the cassation appeal;
3) the name of the court which tried the case, case number, the year, month and date of adoption of the verdict, the name of the court which adopted the verdict;
4) brief account of the essence of the adopted verdict, the names (titles) of the persons participating in the case;
5) the grounds on which the issue of trying the legitimacy of the verdict is based;
6) the laws and other legal acts by which the cassation court was governed when adopting the ruling;
7) the motives of reviewing the case by which the cassation court disagreed with the conclusions of the court which adopted the verdict;
8) the conclusion based on the results of trial of the cassation appeal.

2.The cassation court, finding out that the breaches of the norms of law committed by the court which tried the case are no grounds for the review of the verdict, must mention that in the adopted ruling.

3. The cassation court is not authorized to establish or consider proved those circumstances which were not established in the verdict or denied in the verdict, to predetermine the trustworthiness or untrustworthiness of this or that evidence, to solve the issue of the advantage of one evidence over the other one, what norms of financial right must be applied and what verdict must be adopted when trying the case anew.

Article 239. The ruling of cassation court coming into effect.

The ruling of the cassation court comes into effect at the moment of its announcement and is not subject to appeal.

Article 240. Private ruling of cassation court.

1. When trying the case, the cassation court finds out that the lawyer possessing a special license and registered at the cassation court, has brought an obviously ungrounded cassation appeal, the court is entitled to file a motion at the body which issues the special license, to apply measures in relation to this lawyer.
   The body which issued the license must within one month notify the cassation court about the taken measures.
2. When finding out repeated breaches committed by the same lawyer, the cassation court is entitled to adopt a private ruling about the invalidation of the lawyer's registration.

Article 241. Forwarding the ruling of cassation court to the person who brought the cassation appeal and to persons participating in the case.

The ruling of the cassation court is appropriately forwarded to the person who brought the appeal and the persons participating in the case within three days after the adoption of the ruling.

## PART SIX

PROCEEDINGS IN WHICH FOREIGN PERSONS PARTICIPATE

Article 242. The judicial rights of foreign persons.

1. Foreign citizens and legal entities, persons without citizenship (referred to below as foreign persons) are entitled to apply to the courts of the Republic of Armenia for protection of their rights and interests in accordance with case jurisdiction.
2. Foreign persons, equally with the citizens and legal entities of the Republic of Armenia, enjoy the procedural right and have procedural duties.
3. By international agreements of the Republic of Armenia, for foreign persons from appropriate countries, longer time-limits for bringing cassation appeals can be established.
4. In response to procedural right restrictions established against the citizens and legal entities of the Republic of Armenia in some countries, the Republic of Armenia can establish procedural right restrictions in relation to the foreign citizens of those countries.

Article 243. Proceedings in which foreign persons participate.

The proceedings in which foreign persons participate, are implemented in courts in accordance with this Code and other laws of the Republic of Armenia.

Article 244. The jurisdiction of the courts of the Republic of Armenia over cases in which foreign citizens participate.

1. The courts of the Republic of Armenia try cases in which foreign citizens participate, if the defendant resides or finds himself in the territory of the Republic of Armenia.
2. The courts of the Republic of Armenia are also entitled to try civil cases with participation of foreign citizens, if:

1) there is an agreement to that effect between the citizen or legal entity of the Republic of Armenia and the foreign person;
2) the defendant has property in the territory of the Republic of Armenia;
3) in cases concerning divorce, one of the spouses is a citizen of the Republic of Armenia;
4) the case concerns the damage to one’s health or due to the death of the bread-winner inflicted in the territory of the Republic of Armenia;
5) the circumstances or other actions which served as the ground for the demand to compensate for the damage inflicted to the property, took place in the Republic of Armenia;

6) the affiliate or representation of the foreign person is located in the Republic of Armenia;
7) the action follows from an agreement whose execution took place or must take place in the territory of the Republic of Armenia;
8) the action follows from an ungrounded enrichment which took place in the territory of the Republic of Armenia.

3. Observing the rules established in this Article, the court solves the accepted case in essence, even though in the course of trial, due to the change of location of the case participants or other circumstances, the case falls under the jurisdiction of another state's court.

Article 245. Court immunity.

1. Bringing action against a foreign state in court, making the foreign state a participant as a third person in the case, imposition of a ban on the property of the foreign state located in the territory of the Republic of Armenia, and application of other means of securing the action, extending the seizure to the property in the form of enforced execution of the verdict, is allowed only with the consent of the appropriate authorized bodies of the foreign state, unless otherwise stated in the state international agreements of the Republic of Armenia.
2. The court immunity of international organizations is established by the international agreements of the Republic of Armenia.

Article 246. Procedural consequences of the case trial by a foreign court on the dispute between the same persons, on the same subject and on the same grounds.

1. The court of the Republic of Armenia leaves the action without trial or terminates the case, if before bringing the action to the court of the Republic of Armenia, the authorized court of the foreign country, accepted the case between the same persons, on the same subject and on the same grounds or adopted a verdict on the same case which has come into effect.
2. The consequences mentioned in paragraph 1 of this Article do not arise, if the adopted or the future verdict of the foreign court is not subject to recognition or execution in the territory of the Republic of Armenia, or the appropriate case concerns the exceptional jurisdiction of the court of the Republic of Armenia.

Article 247. Court instructions.

1. The court of the Republic of Armenia, according to the procedure established in the international agreements of the Republic of Armenia, carries out separate instructions of the foreign court for the implementation of procedural actions (handing over notifications and other documents, to obtain written evidence, to conduct expert examinations and examination of venues, etc.).

2. The instruction of the foreign court is not liable to execution if its execution:

1) contradicts the sovereignty of the Republic of Armenia or threatens the security of the Republic of Armenia;
2) is not under the jurisdiction of the court.

3. The instructions of the foreign courts are executed by the court of the Republic of Armenia in accordance with this Code, unless otherwise stated in the international agreements of the Republic of Armenia.

   The courts of the Republic of Armenia are entitled to apply to the courts of the foreign states for the execution of separate procedural actions, in accordance with the established procedure.

## PART SEVEN

CLOSING PROVISIONS

Article 248. This code coming into legal force.

1. This Code comes into legal force on January 1, 1999.
2. After this Code comes into legal force, to consider invalid: the Civil Procedure Code of the Armenian SSR, adopted by the June 4, 1964 Law on the Approval of the Civil Procedure Code of the Armenian SSR, (Newsletter of the Armenian SSR Supreme Soviet, 1964, No.17, Article 85) with further amendments and additions, as well as Appendix 1 entitled, “Inventory of the citizen’s property which is not liable to seizure by writs of execution”, and Appendix 2 entitled, “Restoration of lost judicial or executive proceedings”.

President of the Republic of Armenia

R. Kocharian

Yerevan

August 7, 1998

HO-247