

# Armenian Court System

By Nerses Isajanyan

Armenian judicial system has undergone various reforms in recent years and currently comprises four tiers:

- First instance courts
- Courts of Appeal
- Court of Cassation
- Constitutional Court

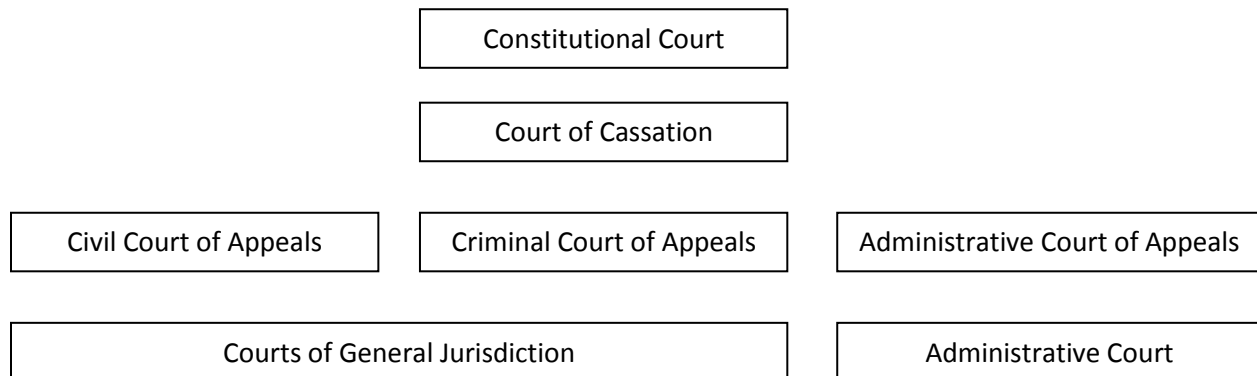
The first tier is represented by two types of courts: courts of general jurisdiction and the Administrative Court. The latter has jurisdiction primarily over cases involving public authorities, including tax and customs services, whether they act as respondents or plaintiffs.

Cases not subject to the special administrative jurisdiction, including civil and criminal cases, are tried by the courts of general jurisdiction, irrespective of the amount involved.

The second tier consists of three intermediate-level appellate courts: the Civil Court of Appeals, the Criminal Court of Appeals and the Administrative Court of Appeals. The former two adjudicate appeals against decisions of the courts of general jurisdiction in civil and criminal cases respectively, while the latter hears appeals brought against decisions of the Administrative Court

The Court of Cassation is the main court of last resort, which hears appeals for cassation against decisions of all three courts of appeal and is responsible for ensuring the uniform interpretation and implementation of law by stating legally binding precedents. It examines only matters of law and does not try facts.

The Constitutional Court is specifically charged with constitutional review and can declare immediately ineffective acts of Parliament if they are not compatible with the Constitution. A constitutional appeal can be brought only after all other remedies are exhausted and only if violations of constitutional rights are alleged.



Judges use three procedural codes: the code of civil procedure, the code of criminal procedure and the code of administrative procedure. Cases are adjudicated by one judge in the first instance courts, by three judges in the courts of appeal and by at least six judges in the Court of Cassation. There are nine seats on the Constitutional Court.

There are no jury trials in Armenia, and facts are tried by professional judges. Proceedings are adversarial in nature, and the right to cross-examination is guaranteed. However judges are entitled, and sometimes required, to act of their own motion in order to establish the truth. Proceedings are conducted in Armenian language and, with several exceptions, are open to public.

Interpretations of law by the Court of Cassation are legally binding upon lower courts. Opinions and findings of lower courts are not binding but must be taken into account as persuasive authority.

Provisions on alternative dispute resolution are primarily contained in the Law on Commercial Arbitration based on the UNCITRAL Model-Law and the Law on Financial System Mediator aimed at protection of consumers of financial services.

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