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PROSECUTING VIOLENCE AND SUICIDE IN ARMENIAN ARMED FORCES

Legal Framework & Institutional Analysis

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INTRODUCTION

The protection of human rights and the provision of a dignified environment within the armed forces are matters of fundamental importance for any state governed by the rule of law. Owing to the specific nature of military service, servicemen and servicewomen operate within a closed and highly hierarchical system in which discipline, relations of subordination, and mutual respect constitute essential prerequisites not only for operational effectiveness, but also for the protection of human dignity. In practice, however, manifestations of violence, ill-treatment, and degrading treatment continue to be documented within the armed forces, endangering the physical and psychological integrity and security of military personnel and undermining the effective implementation of rule-of-law principles.

Against this background, and in light of the long-standing and continuing concerns identified within the armed forces of the Republic of Armenia, the NGO “Protection of Rights Without Borders” conducted a study of judicial practice concerning various manifestations of ill-treatment and violence within the armed forces. The study aims to identify the nature and underlying causes of such incidents, as well as the specific features of the legal response thereto in the context of Armenia’s international human rights obligations.

The report pays particular attention to the socio-demographic characteristics of accused persons and victims, the causes of violations and the circumstances preceding them, the legal qualification of the conduct in question, the course of judicial proceedings, the preventive measures applied, and the final judicial decisions rendered by the courts. It further examines state policy and criminal-law approaches aimed at preventing ill-treatment within the armed forces in light of Armenia’s international obligations and, in particular, the case-law of the European Court of Human Rights.

METHODOLOGY

This study was conducted using a combination of qualitative and quantitative research methods.

➤ Review of Judicial Practice

The primary source of data for the study was judicial practice. Within the framework of the monitoring, 51 criminal cases available through the judicial information system of the Republic of Armenia, Datalex.am (hereinafter “Datalex”), were examined. The selected cases had been referred to the courts between 2020 and 2025 and were chosen based on the relevance of the criminal offences involved to the objectives of the study. Only cases in which a judgment had been rendered by a court of first instance as of 30 December 2025 were included.

The monitoring covered criminal proceedings initiated under Articles 519–524 of the Criminal Code of the Republic of Armenia (corresponding to Articles 358, 358.1, 359–360, and 360.1–360.2 of the 2003 Criminal Code), which regulate offences relating to violations of military subordination and statutory relations among military personnel.

The reviewed cases concerned incidents that occurred between 2018 and 2025, enabling the assessment of both recent judicial practice and broader trends over time.

➤ *Case Analysis*

The analysis examined a range of procedural and substantive issues, including the duration of proceedings, the status and socio-demographic characteristics of accused persons and victims, the nature of the charges brought, the application of preventive measures, judicial decision-making, and sentencing practices.

Judicial acts were subjected to both substantive and comparative analysis in order to identify recurring approaches, patterns of judicial reasoning, and practical challenges in the adjudication of military offences. Particular attention was paid to cases terminated on the basis of reconciliation, the use of accelerated proceedings, and the criteria applied by courts in the individualization of punishment.

➤ *Expert Interviews*

To complement the analysis of judicial practice, expert interviews and consultations were conducted with specialists in the field, including lawyers, representatives of law-enforcement and judicial authorities, and other relevant officials. These interviews sought to identify systemic issues and practical challenges that may not be fully reflected in judicial decisions.

The Ministry of Defence of the Republic of Armenia declined to participate in an interview, citing workload-related constraints.

➤ *Requests for Information*

Information requests were submitted to the Prosecutor General's Office of the Republic of Armenia, the Military Prosecutor's Office, the Investigative Committee, the courts, and the Office of the Human Rights Defender of the Republic of Armenia. The information obtained through these requests was used to supplement and contextualize the findings of the study.

➤ *Analysis of Case-Law of the European Court*

The study examined relevant cases dealt by the European Court of Human Rights (hereinafter – “ECtHR”, or the “European Court”) concerning the prevention of ill-treatment and the protection of the rights of military personnel, cases against Armenia.

➤ *Limitations*

The findings of this study are based primarily on information publicly available through the online judicial information system. Consequently, the analysis does not encompass cases that were discontinued during the pre-trial stage and never referred to court. In addition, the information contained in certain judicial acts was incomplete, limiting the scope of analysis in some instances.

Despite these limitations, the methodology employed enabled the development of a comprehensive and evidence-based assessment of judicial practice and supported the conclusions and recommendations presented in this report.

1. STATE POLICY AIMED AT PREVENTING MANIFESTATIONS OF ILL-TREATMENT IN THE ARMED FORCES

Ensuring statutory relations within the armed forces, protecting the fundamental rights of servicemen and servicewomen, and preventing ill-treatment constitute important components of the State's security and human rights policy. To this end, various legal, institutional, and strategic mechanisms have been established both in legislation and in sectoral policy documents.

1.1 Legislation

1.1.1 Amendments to the Criminal Code

State policy is reflected, first and foremost, through the criminalization of certain acts. Both the 2003 Criminal Code of the Republic of Armenia and the currently applicable Criminal Code contain a separate chapter devoted to crimes against military subordination and statutory relations among military personnel.

At first glance, the offences covered by this study appear to have been criminalized in a similar manner under the new Criminal Code adopted in 2021, as all relevant offences remain included therein. Nevertheless, a comparative analysis of the provisions of the two Codes demonstrates that significant changes have occurred both in the constituent elements of offences and in the categorization of the gravity of crimes. The new Criminal Code also introduces a new approach towards exemption from liability and the application of limitation periods for offences committed before reaching the age of 21, which is particularly relevant for persons performing compulsory military service.

➤ Changes to Sanctions

Under the new Criminal Code, sanctions for a number of offences have been mitigated. This applies both to acts involving violence and, in certain cases, to incitement to suicide. As a consequence, some offences previously categorized as medium-gravity crimes have become minor offences,¹ while certain grave crimes have been reclassified as medium-gravity crimes,² and

¹ See, for example, Art. 519, part 1 or 2, Art. 520, part 1 of the Criminal Code vis-à-vis Art. 358 part 1 and 2, Art. 358.1 part 1 of the 2003 Criminal Code

² See, for example, Art. 519 (3) of the Criminal Code and Art. 358 (3) of the 2003 Criminal Code-, Art. 520 (3) and Art. 358.1 (3), Art. 522 (1) and Art. 360.2 (1).

especially grave offences have been reclassified as grave offences,³ with corresponding legal consequences.

For example, although violence committed with the use of a weapon or an object adapted or prepared in advance for inflicting bodily injury is currently regulated under Part 4 of the relevant provision, the prescribed punishment is nevertheless more lenient than under the 2003 Criminal Code, where the same conduct was criminalized under Part 3⁴.

Such amendments affect both statute of limitations periods and the application of mechanisms for exemption from criminal liability.

At the same time, sanctions for insulting a serviceman have been slightly aggravated, although without changing the categorization of the offence. The sanction for negligently causing suicide under conditions of martial law or on the battlefield has also been aggravated (Article 522(3) of the Criminal Code of the Republic of Armenia).

➤ *Changes to the Elements of Offences*

The current *corpus delicti* no longer distinguishes between battery and other forms of violence, instead using the broader term “violence.”

Under the new Criminal Code, the offence of violating statutory rules governing relations among servicemen in the absence of subordination relations now includes the requirement that the humiliation of honour and dignity be committed “repeatedly” (Article 521(1) of the Criminal Code of the Republic of Armenia).

At the same time, the requirement of “repeated” humiliation of honour and dignity has been removed from the offence of causing suicide (Article 522(1) of the Criminal Code). The requirement of indirect intent (“knowingly”) has also been removed from the offence of intentional causing of suicide.

➤ *Decriminalization of Certain Acts*

Important amendments have also been introduced into the disposition and aggravating circumstances of several offences. In particular, threats of violence against a superior’s or subordinate’s close relative, if unrelated to the performance of military duties, have been decriminalized (Articles 358(1) and 358.1(1) of the 2003 Criminal Code), while violence against a superior’s or subordinate’s close relative or close associate has been criminalized (Articles 519(2) and 520(2) of the current Criminal Code).

Violence causing minor bodily injury within the context of this chapter has also been decriminalized.

³ See, for example, Art. 519, parts 4 and 5 of Art. 519, 520 of the Criminal Code and parts 4 and 5 of Art. 358, 358.1 of the 2003 Criminal Code respectively.

⁴ See, for example, Art. 519 (4(1)) and Art. 358 (3(2)) of the 2003 Criminal Code.

➤ *Changes to Aggravating Circumstances*

A new aggravating circumstance has been introduced where violence or threats of violence against a superior or subordinate, or violence committed in the absence of subordination relations, is perpetrated by an officer or senior non-commissioned officer (Articles 519(3)(2) and 520(3)(2) of the Criminal Code).

An aggravating circumstance has also been introduced where such conduct negligently causes death (Articles 519(5), 520(5), and 521(4) of the Criminal Code).

The aggravating circumstances have otherwise been amended, including through the removal of the requirement that the act be connected with the performance of military duties.

1.1.2 Impact of Amendments to the General Part of the Criminal Code on the Investigation of Crimes Committed During Military Service

Significant amendments have also been introduced into the General Part of the Criminal Code, substantially affecting the investigation of the offences covered by this study, sentencing practices, and exemption from criminal liability.

➤ *Mitigation of Grounds for Exemption from Liability for Offences Committed Before the Age of 21*

The new Criminal Code establishes special rules concerning sentencing and exemption from criminal liability for accused persons who committed the relevant offence before reaching the age of 21.⁵ Given that most accused persons in the cases studied fall within this age category, these amendments are likely to have a substantial impact on cases involving conscripts.

The rules governing the calculation of statute of limitations periods have also been mitigated. In particular, where a person committed a criminal offence between the ages of 18 and 21, the limitation periods prescribed by Article 83 of the Criminal Code are reduced by one third.⁶

➤ *Expansion of the Grounds for Reconciliation Procedures*

The approach to reconciliation has also been amended, expanding its scope of application to medium-gravity offences. Where the parties express their free will, the application of reconciliation becomes mandatory.

The applicability of reconciliation in relation to the offences in question has expanded particularly in light of the mitigation of sanctions described above.

The current Criminal Code allows exemption from criminal liability on the basis of reconciliation between the victim and the offender, except in cases involving elements of domestic violence.

⁵ See Chapters 16 and 17 of the Criminal Code.

⁶ See Art. 106(2) of the Criminal Code.

Article 82 of the Criminal Code establishes several preconditions:

- the person must have committed an offence for the first time;
- the act committed must constitute a minor or medium-gravity offence;
- the reconciliation agreement must be based on the free and independent expression of will of both parties.

The Code further provides that a person previously exempted from criminal liability on this ground may not benefit from the same exemption again.

The 2003 Criminal Code likewise permitted exemption from criminal liability on the basis of reconciliation with the victim. However, the applicable conditions differed. Reconciliation was permitted only in cases involving minor offences and where the accused had reconciled with the victim and compensated or otherwise remedied the harm caused (Article 73).

The most significant difference is that, whereas under the 2003 Criminal Code exemption on this basis was left to judicial discretion, under the current Criminal Code it constitutes a mandatory requirement.

These amendments demonstrate that, while the new Criminal Code preserves the criminalization of acts directed against military service order, it simultaneously mitigates liability in certain cases. This may affect the preventive effectiveness of such offences, particularly in light of the expanded opportunities for reconciliation and exemption from liability, as well as the widespread application of accelerated proceedings.

1.1.3 Qualification of Acts Constituting Torture

The study of judicial practice demonstrates that, in practice, offences involving violence within the armed forces are not legally qualified as torture, irrespective of the manifestations of violence or the severity of the pain and suffering inflicted.

This conclusion was also confirmed by interviewed experts and by representatives of the Prosecutor's Office and the Investigative Committee.

The annual report of the Prosecutor General's Office, in the section devoted to the activities of the Military Prosecutor's Office, includes information on cases initiated under the article criminalizing torture.⁷

According to clarifications provided by a representative of the Prosecutor's Office, criminal proceedings under the torture provision are generally initiated where a person informs the

⁷ See, for example, the 2023 Report of the Prosecutor General to the Parliament, p.70, the 2022 Report of the Prosecutor General to the Parliament, p. 77, available at <https://www.prosecutor.am/dynamicWebPages/report>

investigating authority, primarily before a court, that pressure or violence was used to obtain testimony.

Where physical or psychological violence occurs within the armed forces, however, the relevant provisions concerning crimes against military subordination and statutory relations among servicemen are applied instead, regardless of the gravity of the suffering caused.

The UN Committee against Torture (CAT) has repeatedly expressed concerns over the high number of reported cases of suicide and other non-combat deaths of service members in the armed forces of Armenia and the continued prevalence of practices such as hazing and the application of psychological pressure as a contributing factor in this regard. CAT has recommended to ensure prompt and effective investigations into all allegations of abuse and deaths of personnel in the army, including suicides, prosecute and punish those responsible with appropriate penalties, and provide victims and their families with redress.⁸

The findings of the study, corroborated by official statistics obtained from the competent authorities, indicate that Article 450 of the Criminal Code has not been applied in cases involving violence committed within the armed forces. During the monitored period, despite numerous incidents involving repeated beatings, forced nudity, humiliation, threats, coercion, and conduct preceding suicide, no criminal proceedings were instituted under the torture provision. Instead, all cases were prosecuted exclusively under Articles 519–521 of Chapter 46 of the Criminal Code.

Although some of these acts may satisfy the elements of torture or other forms of prohibited ill-treatment under international law and Armenia's Criminal Code (Art. 450), they were prosecuted as ordinary military offenses involving violence. This resulted in non-application of safeguards provided in the Armenian legislation for cases of torture aimed at preventing impunity.

The findings suggest that Chapter 46 operates in practice as an exclusive regime governing violence within the armed forces. Although neither the Criminal Code nor the Criminal Procedure Code expressly excludes the application of Article 450 to servicemembers, the absence of any torture prosecutions indicates the existence of a *de facto lex specialis* doctrine. As a consequence, conduct that may satisfy the constitutive elements of torture is systematically reclassified as ordinary military violence

Some of the justice sector professionals argue that crimes committed in the context of armed service shall be qualified under Chapter 46 as *lex specialis*, hence, Art. 450 – torture is not applicable given that a specific article criminalizing violence between members of armed forces exists in the specific chapter (Art. 519-521). As a result, no charges of torture are ever brought in

⁸ See, Concluding observations on the fifth periodic report of Armenia, CAT, Armenia, CAT/C/ARM/CO/5, 02 May 2025, paras. 26-27, available at <https://digitallibrary.un.org/record/4084312?v=pdf>; Concluding observations on the fourth periodic report of Armenia, CAT, Armenia, CAT/C/ARM/CO/4, 26 January 2017, available at <https://digitallibrary.un.org/record/1306830?v=pdf>

the context of resorting to violence, be it physical or psychological, if committed between members of the armed forces.

Such an approach risks undermining the object and purpose of Armenia's obligations under the Convention against torture and other cruel, inhuman or degrading treatment or punishment (UN Convention against Torture). The principle of *lex specialis* cannot justify excluding the application of torture safeguards where the substantive elements of torture are present.

The findings further demonstrate that neither investigative authorities nor courts assessed whether the severity, purpose, and context of the conduct required a different legal qualification.

As a result, the current legislative framework does not adequately distinguish between isolated acts of violence and conduct involving the intentional infliction of severe suffering for prohibited purposes.

The Existing Legislative Gap

Articles 519, 520, and 521 of the Criminal Code criminalize violence by a subordinate against a superior, between servicemembers, and violence committed by superiors against subordinates. These provisions primarily protect military order, discipline, and relations of subordination.

However, they do not expressly address situations in which violence is used:

- to punish;
- to intimidate;
- to coerce;
- to degrade and humiliate;
- to enforce informal hierarchies;
- to discriminate against perceived weakness or vulnerability; or
- to intentionally inflict severe physical or mental suffering.

Consequently, as judicial monitoring demonstrates, conduct of exceptional gravity may be prosecuted and punished in the same manner as considerably less serious acts.

This legislative approach inadequately reflects both the nature of the harm suffered by victims and the heightened responsibility arising from the closed and hierarchical environment of military service.

Armenia's International Obligations

Armenia is bound by international obligations prohibiting torture and other cruel, inhuman, or degrading treatment or punishment.

These obligations require States not only to refrain from torture, but also to establish effective legislative frameworks capable of preventing, investigating, prosecuting, and punishing acts amounting to torture or ill-treatment. International law requires States to ensure that conduct satisfying the constituent elements of torture is capable, both in law and in practice, of being investigated, prosecuted, and punished as torture.

International standards recognize that severe physical or mental suffering intentionally inflicted for purposes such as punishment, intimidation, coercion, or discrimination requires a distinct legal response reflecting the particular gravity of the conduct.

The jurisprudence of international human rights bodies has repeatedly emphasized that inadequate legal qualification of serious ill-treatment may itself undermine the effectiveness of investigations and contribute to impunity.⁹ Impunity risk arises when conduct is not effectively investigated, properly classified, and adequately sanctioned.

The European Court has found violations of Article 3 where prosecutions became time-barred owing to the inadequate characterisation by the domestic authorities of acts of torture or other forms of ill-treatment as less serious offences, leading to shorter limitation periods and allowing the perpetrator to escape criminal responsibility.¹⁰

In Armenia, torture has been criminalized since 2015, and the criminalization in the current Criminal Code is generally in line with international standards.¹¹ The definition reflects the definition of the UN Convention against torture, while the Criminal Code prohibits the application of amnesty, pardon, and statute of limitations, and given the gravity of the crime of torture, a reconciliation procedure is also not applicable. However, this does not concern the applicability of accelerated proceedings as if perpetrators of grave crimes are eligible to benefit from it, should a prosecutor and the victim not object.

The CAT clarified that torture obligations extend to all public officials:

⁹ See, for example, *Chembar v. Russia*, no. [7188/03](#), 03 July 2008, para. 61.

¹⁰ See, among other authorities, *Pădureț v. the Republic of Moldova*, no. [33134/03](#), § 75, 05 January 2010; *Velev v. Bulgaria*, no. [43531/08](#), § 61, 16 April 2013; and *O.R. and L.R. v. the Republic of Moldova*, no. [24129/11](#), §§ 73-74, 30 October 2018

¹¹ However, despite the option of imposing heavier penalties in cases where there are aggravating circumstances, the minimum penalty for torture remains low. See CAT Concluding observations on the fifth periodic report of Armenia, 02 May 2025

"The Convention's obligations are applicable to all persons acting, de jure or de facto, in the name of the State, in conjunction with the State, under its direction or control, or otherwise under colour of law."¹²

This means that practices amounting to torture, if committed in the armed forces, shall be classified and investigated as torture, not lesser offences.

Analysis of the legal framework and case-law suggests that torture depends on severity and purpose, not location. Where the constitutive elements of torture are present, international law requires States to ensure that such conduct is capable of being qualified as torture, irrespective of the institutional setting in which it occurs, including the armed forces.

Why Existing Torture Provisions Are Insufficient

The findings indicate that reliance on Article 450 alone is unlikely to address the problem. First, Article 450 requires the involvement of a public official or conduct committed upon the consent, or acquiescence of such an official. This excludes cases of torture by fellow service members as private soldiers are not considered public officials as defined in the Criminal Code.

Second, many incidents documented by the study involved conscripts or fellow servicemembers acting within informal systems of dominance, without evidence sufficient to establish the requisite nexus with an official. At the same time, under the Criminal Code, conscripts cannot be considered as public officials.

Third, prosecutorial practice demonstrates a consistent preference for qualification under Chapter 46. Consequently, even where severe suffering is intentionally inflicted for prohibited purposes, the existing torture provision does not provide an effective practical response.

Why a Military-Specific Provision Is Necessary

Introducing such provisions would not duplicate existing offenses but would address the distinctive realities of military service.

The monitored cases demonstrate that violence within the armed forces frequently occurs:

- within a closed institutional environment;
- under conditions of dependence and unequal power;
- in the presence of other servicemembers;
- through repeated acts intended to establish dominance;
- with the acquiescence or ineffective intervention of command structures; and
- in contexts where victims face practical barriers to reporting abuse.

¹² CAT General Comment No. 2, CAT/C/GC/2, para. 15.

Moreover, in addition to the argument about the non-applicability of Art. 450 to private soldiers and *lex specialis* approach adopted by Armenian legislator for the crimes committed in the context of military service, the existing Articles 519-521 address only physical violence, leaving conduct causing severe psychological suffering outside.¹³

It is recommended that the National Assembly of the Republic of Armenia amend Chapter 46 of the Criminal Code by adding Article 521.1 stipulating liability for torture-like conduct committed within military relationships.

The amendments should expressly criminalize conduct whereby a servicemember intentionally inflicts severe physical or mental pain or suffering upon another servicemember for prohibited purposes.

1.2. Policy Documents

The 2023–2025 Action Plan of the National Human Rights Protection Strategy of the Republic of Armenia envisages, within the frameworks of both the protection of the right to life and the right to freedom from torture and cruel, inhuman, or degrading treatment or punishment, measures aimed at strengthening the realization of these rights within the armed forces.¹⁴ In particular, the Action Plan provides for:

- the introduction of mechanisms within the armed forces enabling the submission of anonymous reports concerning torture and inhuman or degrading treatment or punishment, with a view to enhancing the protection of the right to be free from torture and other forms of ill-treatment;
- the provision of training for command staff and military police personnel on the prohibition of torture and ill-treatment.

In parallel, the Army Transformation Concept adopted by the Ministry of Defence of the Republic of Armenia remains in force.¹⁵ The Concept aims to enhance the professionalism of the armed forces and to establish the principal directions for the implementation of comprehensive systemic reforms serving as the foundation for the structural and substantive transformation of the Armed Forces. These reforms encompass the development of command and management systems, the acquisition of new-generation weapons and military equipment, the creation and effective utilization of national scientific and technological capacities, the revision of mobilization preparedness and mobilization processes, and the enhancement of the attractiveness of military

¹³ Articles 519-521 use a term ‘violence’ which is defined in the Criminal Code as “Intentionally exerting physical force on another person against their will or ignoring their will, or causing them physical harm in this way” (Art. 3, part 1 (9)).

¹⁴ 2023–2025 Action Plan derived from the Human Rights Strategy of the Republic of Armenia.

¹⁵ The Concept Note on Army Transformation Concept adopted by the Ministry of Defence of the Republic of Armenia

service, as well as the educational standards, discipline, and social protection of servicemen and servicewomen.

Among other priorities, the Concept envisages the development of military education and science, the strengthening of the moral and psychological preparedness of servicemen, the promotion of healthy and balanced civil-military relations, and the enhancement of mechanisms for the protection of human rights.

In this context, the Disciplinary Code of the Armed Forces also plays a significant role. All interviewed experts unanimously noted that the State pursues a policy aimed at regulating relations within the armed forces and preventing criminal conduct. At the same time, they emphasized that existing efforts remain insufficient and that substantial work is still required, particularly in the sphere of education and educational reform. The experts further stressed that many of the measures currently implemented are largely formalistic and fail to produce tangible results.

As one expert observed:

“There appears to be a policy, and resources are allocated, but there are no tangible visible results. Both the legislation and the vision are adequate from a policy perspective, but at the middle levels we face problems related to mentality and entrenched practices. Unfortunately, this problem exists not only in the army but throughout society; the issue of mentality is broader and systemic.”

Another expert noted:

“For example, they say that assessments of compatibility between individuals and positions are conducted; however, in practice this process is largely formalistic.”

At the same time, none of the aforementioned policy documents envisages legislative amendments ensuring that, in cases of violence within the armed forces that *prima facie* amount to torture, the safeguards prescribed under the Criminal Code of the Republic of Armenia for the offence of torture are applied. These safeguards include, inter alia, the exclusion of limitation periods, amnesty, or pardon, as well as the imposition of more severe penalties and other related guarantees.

Within the framework of State policy aimed at preventing ill-treatment in the armed forces, particular emphasis has been placed on education, both prior to conscription and during military service. While training initiatives were generally regarded as important, experts noted that they remain insufficient and are frequently implemented in a predominantly formalistic manner. In some instances, training materials provided to military personnel were considered either insufficiently relevant to practical realities or excessively theoretical, thereby failing to address the challenges encountered in military service.

Experts further highlighted the importance of establishing effective oversight mechanisms within the armed forces. According to the interviews conducted, such mechanisms are currently lacking, despite the fact that comparable structures existed in the past.

At the same time, according to information provided by the competent authorities, no comprehensive statistical data are maintained regarding offences committed within the armed forces or criminal proceedings terminated on various grounds. This significantly limits the possibility of conducting thorough analyses of the causes and motivations underlying violence, assessing the preventive impact of existing measures, and evaluating the effectiveness of criminal policy in this area.

The systematic collection of statistical data, the development of evidence-based policies informed by such data, and the proper legal qualification of acts constituting torture should therefore be regarded among the priority measures that require prompt attention from both the Investigative Committee and the Prosecutor's Office of the Republic of Armenia.

2. ECtHR Approaches to Cases of Ill-Treatment in the Armed Forces

The prohibition of torture and inhuman or degrading treatment constitutes a fundamental and universally recognized norm of international law from which no derogation is permitted under any circumstances. This prohibition is likewise firmly embedded in domestic law. The State is not only required to refrain from subjecting individuals to torture and ill-treatment, but is also under an obligation to conduct effective investigations whenever credible allegations of such conduct arise.

The European Court has repeatedly emphasized that States must ensure that military service is performed in conditions that respect human dignity and fundamental rights. The European Court has further held that military training methods must not expose individuals to suffering or hardship exceeding that which is unavoidable and proportionate to the legitimate requirements of military discipline.¹⁶ According to the ECtHR, this obligation derives directly from the absolute prohibition of torture and ill-treatment.¹⁷

For example, the European Court found a violation in a case where a serviceman was beaten after falling asleep while on duty, concluding that such conduct constituted ill-treatment unrelated to the legitimate requirements of military discipline.¹⁸

The State is also required to ensure that the health and well-being of servicemen are adequately protected in light of the practical demands of military service, including through the provision of appropriate medical care. The Court has stressed that States must minimize risks to health arising not only from the nature of military activities but also from the human factors associated with compulsory military service.

In this regard, the ECtHR found a violation in a case involving a serviceman suffering from knee problems who was compelled to perform 350 squats as punishment for inadequately cleaning the barracks.¹⁹ The Court held that, although military service may legitimately involve intensive

¹⁶ *Kılınç and Others v. Turkey*, no. 40145/98, 7 June 2005

¹⁷ *Styazhikova v Russia*, no. 14791/04, 14 January 2020

¹⁸ *Chember v. Russia*, no. 7188/03, 03 July 2008

¹⁹ *Ibid.*

physical exercises, such exercises must not undermine human dignity or jeopardize health. In the circumstances of that case, the exercises had been imposed compulsorily as punishment, and the command staff had been aware of both their nature and consequences.

The Court has likewise characterized as torture and ill-treatment conduct involving severe humiliation and abuse of authority. In one case, a serviceman who had attempted to escape was apprehended and returned to his military unit, where he was stripped naked and forced to stand before assembled troops. He was subsequently placed against a wall while a firearm was pointed at his head and threats were made to kill him. Following his plea for forgiveness, he was returned to the unit, where the abuse continued. Personnel members beat him, another serviceman tied a rope around his neck and dragged him before the troops, and threats of sexual violence after discharge were directed against him. The ECtHR concluded that the treatment amounted to torture and further found that the State had failed to conduct an effective investigation, thereby creating a risk of impunity and future violations.

Manifestations of ill-treatment during military service have also been identified in several judgments against Armenia, confirming the existence of similar practices within the Armed Forces of the Republic of Armenia.²⁰

In *Muradyan v. Armenia*, the applicant's representatives argued that the serviceman had sustained a fatal blow to the spleen and that the presence of both old and recent hemorrhages indicated repeated ill-treatment over an extended period. They further alleged that the authorities had failed to conduct an effective investigation and had instead attempted to conceal the true circumstances of the incident by presenting misleading explanations regarding the cause of death. According to the applicants, investigative mechanisms, including forensic examinations, had been employed in a manner intended to lend credibility to an inaccurate version of events while disregarding substantial evidence to the contrary. The ECtHR concluded that the State had failed to provide a convincing explanation for the serviceman's death and that the allegation of suicide lacked evidentiary support. The Court further found that the State had failed to protect the serviceman's right to life and his right to be free from ill-treatment, particularly in light of evidence suggesting that he had been subjected to pressure and abuse by military personnel while being denied adequate medical assistance.²¹

In *Mirzoyan v. Armenia*, the applicants alleged that an officer had engaged in aggressive and violent conduct toward subordinates over a prolonged period and had failed to maintain discipline, while commanding officers neglected to address these concerns adequately. The Court concluded that the state failed to ensure the right to life and be free from torture. The ECtHR found a procedural violation of the right to life, concluding that the authorities had failed to conduct an

²⁰ Lyalyakin v. Russia, no 31305/09, 12 March 2015

²¹ Muradyan v Armenia, no. 11275/07, 24 November 2016

effective investigation into both the death itself and the allegations of ill-treatment. The Court also noted the failure to ensure the participation of the victim's family in the proceedings.²²

In *Varyan v. Armenia*, the Court established, on the basis of evidence obtained during the domestic investigation, a pattern of repeated humiliation, ridicule, physical abuse, and exploitation perpetrated by both superiors and fellow servicemen. These incidents were recognized as contributing factors leading to the serviceman's suicide. The evidence demonstrated repeated insults, physical assaults, degrading treatment, and humiliating tasks imposed by superior officers, as well as abuse by other servicemen. This included subjecting to violence for failing to bring the superior officer's cap immediately or, on another occasion, failing to hand over his belt. The ECtHR concluded that the authorities had failed to fulfil their positive obligation to protect the serviceman's right to life while he remained under their supervision.²³

The significance of *Varyan v. Armenia* lies in the Court's recognition that ill-treatment encompasses not only physical violence but also sustained humiliation, psychological pressure, and conduct offensive to human dignity. The judgment illustrates the Court's broader understanding that such an environment may itself create risks to both the life and psychological integrity of servicemen.

Several judgments against Armenia demonstrate that the ECtHR has not regarded incidents of ill-treatment within the armed forces as isolated occurrences. Rather, the Court has identified systemic deficiencies, including inadequate command oversight, tolerance of violence, and the absence of effective investigative mechanisms.

The Court has also clarified the distinction between torture and inhuman or degrading treatment. Torture represents a particularly aggravated form of ill-treatment that is intentionally inflicted and results in severe physical or mental suffering. It is additionally characterized by a specific purpose, such as obtaining information, punishment, intimidation, or discrimination.

At the same time, the Court has recognized that similar conduct may be classified as torture in one case and as inhuman or degrading treatment in another. The distinction is therefore not rigid and requires an assessment of all relevant circumstances.²⁴

In determining the appropriate qualification, the Court takes into account the severity and duration of the treatment, its purpose, the physical and psychological condition of the victim, and the conduct of State authorities. Within the military context, particular weight is attached to relationships of authority and subordination, which may substantially aggravate the suffering inflicted.

The ECtHR approaches such cases from both substantive and procedural perspectives. Substantively, the State is required to prevent violence, ensure safe conditions of service, and

²² *Mirzoyan v Armenia*, no. 57129/10, 23 May 2019

²³ *Varyan v Armeni*, no. 48998/14, 04 June 2024

²⁴ *Aksoy v. Turkey*, no 21987/93, 18 December 1996; *Petrosyan v Azerbaijan*, no 32427/16, 04 November 2021

safeguard human dignity. Procedurally, it must conduct investigations that are effective, independent, prompt, thorough, and capable of protecting the legitimate interests of victims.

The foregoing analysis demonstrates that the ECtHR has adopted a broad interpretation of the State's positive obligations in cases concerning ill-treatment within the armed forces. The Court attaches importance not only to preventing direct violence, but also to ensuring effective command oversight, maintaining a safe and healthy service environment, and conducting effective investigations into allegations of abuse.

At the domestic level, the assessment of both the effectiveness of investigations and the fulfilment of the State's positive obligations in cases involving violence within the armed forces should be guided by these standards and criteria developed in the Court's jurisprudence.

3. GENERAL OBSERVATIONS

3.1 General Data

Within the framework of the monitoring, 51 court cases initiated under Articles 519–524 of the Criminal Code of the Republic of Armenia (Articles 358, 358.1, 359–360, and 360.1–360.2 of the previous Criminal Code) were examined through the judicial information system Datalex.am. The cases concerned crimes against the order of military subordination and statutory relations among servicemen. In all of the examined cases, judgments had already been rendered by the courts of first instance.

It should be noted that the number of cases available in Datalex does not fully reflect the overall picture presented by the statistical data obtained from the Military Prosecutor's Office of the Republic of Armenia, particularly with regard to cases involving incitement to suicide. It may reasonably be assumed that certain cases, especially those involving more serious charges, are conducted in camera. Under the current practice, even where only a single hearing is held in camera, access to the entire case file in Datalex is restricted, including information relating to the substance of the charges and the operative part of the judgment. Interviewed specialists likewise referred to the existence of this practice.

The cases examined within the framework of the monitoring were submitted to court, adjudicated, and resolved during the five-year period from 2020 to 30 December 2025.

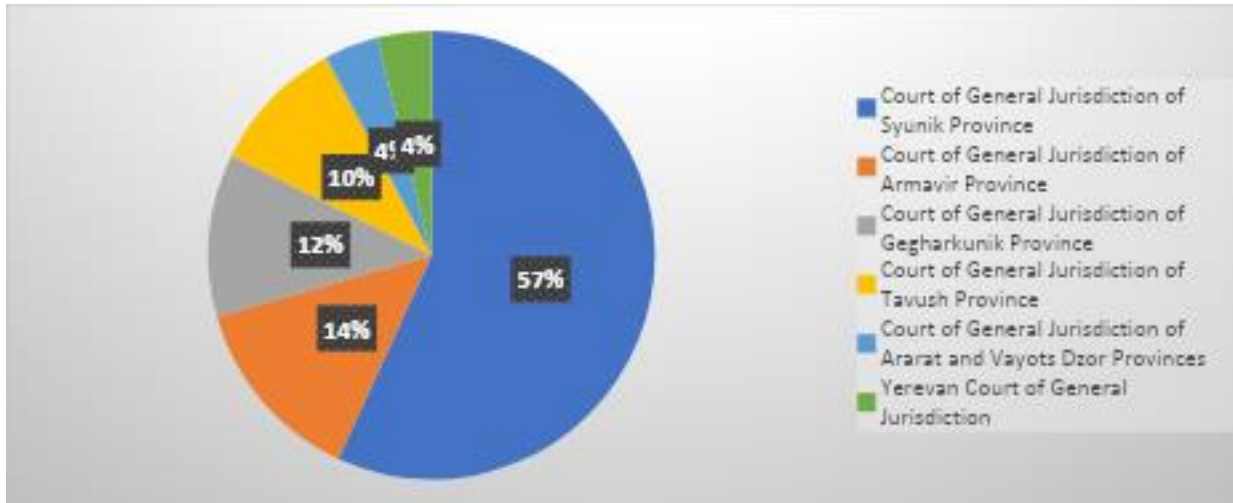
➤ Court Examining the Case

The majority of the analyzed criminal cases (57%) were examined by the Court of General Jurisdiction of Syunik Province. The regional distribution of the analyzed cases was as follows:

- Court of General Jurisdiction of Syunik Province — 29 cases;
- Court of General Jurisdiction of Armavir Province — 7 cases;

- Court of General Jurisdiction of Gegharkunik Province — 6 cases;
- Court of General Jurisdiction of Tavush Province — 5 cases;
- Court of General Jurisdiction of Ararat and Vayots Dzor Provinces — 2 cases;
- Yerevan Court of General Jurisdiction (Criminal Division) — 2 cases.

Chart 1. The Court examining the case.

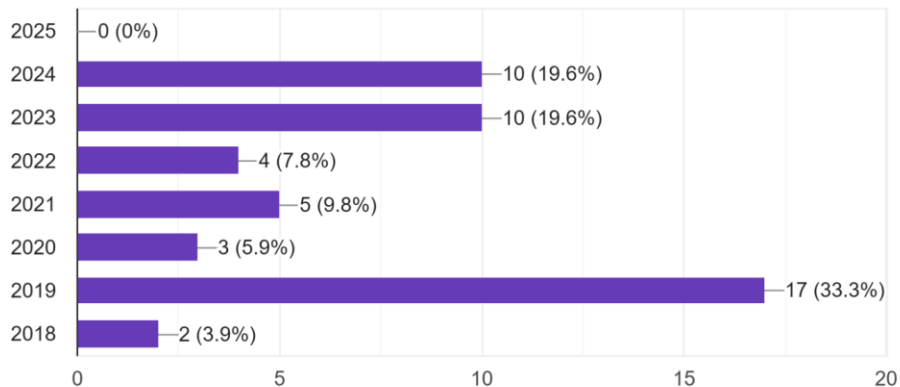


With regard to the judges who examined the cases, the largest number of proceedings were heard by Judges Boris Bakhshiyanyan (8 cases), Hrachya Mekhakyanyan (7 cases), Rima Arakelyanyan (5 cases), and Davit Sargsyanyan (4 cases).

➤ *Year in Which the Alleged Incident Occurred*

The highest number of alleged offenses in the monitored cases occurred in 2019 and during the period 2023–2024.

Chart 2. The year of the incident.



➤ *Duration and Particularities of the Pre-Trial Investigation*

In the majority of the monitored cases, the pre-trial investigation lasted up to six months (32 cases, or 63%). In five cases, the investigation lasted between six months and one year; in nine cases, between one and two years; and in the remaining cases, more than two years. Information concerning the duration of the investigation was unavailable in two cases.

The longest recorded pre-trial investigation lasted **four years and two months**²⁵ (*emphasis added – PRWB*), whereas the shortest lasted only **nine days**²⁶. In the latter case, a conscript serviceman was charged with using violence against another conscript serviceman, resulting in minor bodily injury causing short-term impairment of health.

*In the case involving the longest investigation, the investigator failed to undertake any procedural actions and was subsequently removed from the proceedings for committing gross procedural violations. The accused was a military unit commander holding the rank of colonel, while the victim was a conscript serviceman. According to the indictment, during a dispute arising from the victim's non-participation in physical training, the accused engaged in an argument with his subordinate and used violence against him by striking him in the face and physically pulling him. Upon the motion of the accused, the proceedings were terminated due to the expiration of the statutory limitation period for criminal prosecution. The court assessed the inactivity of the authority conducting the proceedings not only as a violation of legislative requirements but also as conduct that facilitated the evasion of justice.*²⁷

According to interviewed specialists, the conduct of pre-trial investigations in such cases is often problematic, as prevailing attitudes within the military environment frequently discourage fellow servicemen from providing testimony due to fears of adverse treatment during service.

An analysis of witness testimonies reflected in the judgments further indicates that, in certain cases, witnesses are subjected to pressure aimed at concealing or distorting the circumstances of the incident in order to enable perpetrators to avoid accountability.

➤ *Duration of Court Proceedings*

The duration of court proceedings and the time required for the delivery of judgments varied considerably. Nevertheless, as a general rule, cases within this category were resolved relatively quickly, largely due to the application of accelerated proceedings or reconciliation agreements.

²⁵ UŇ3/0018/01/25, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065631735

²⁶ UŇ3/0006/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594052

²⁷ The Court of Appeal overruled the judgment based on the prosecutor's appeal and sent the case for a new examination, UŇŇ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598

In 27 cases (53%), proceedings lasted up to five months; in 12 cases (24%), between six months and one year; and in a further 12 cases (24%), more than one year. The shortest trial lasted **nine days**²⁸, whereas the longest extended for approximately **five years and eight months**²⁹.

In the case resolved within the shortest period, the accused was charged with physically assaulting another conscript serviceman by striking him with his hands and feet after being reprimanded for speaking while gesturing.

In certain cases, the duration of proceedings was affected by the replacement of judges due to the expiration of secondment periods, the termination of judicial powers, or transfer to another court.

In the longest-running case, five judges were replaced, and the proceedings recommenced from the beginning on each occasion. As a consequence, criminal prosecution against three defendants accused of violence resulting in suicide was terminated, and the criminal proceedings were discontinued due to the expiration of the statute of limitations.

Although the victim in this case died by suicide, the indictment submitted to the court did not include charges relating to incitement to suicide. Furthermore, during the pendency of the proceedings, amendments to the Criminal Code introduced a more favourable method of calculating limitation periods for defendants under the age of 21. The repeated replacement of judges resulted in the failure to examine the case within a reasonable time, while the legal qualification of the act and subsequent legislative amendments ultimately led to exemption from criminal liability.

The overall picture demonstrates that, notwithstanding the widespread use of accelerated proceedings and reconciliation mechanisms, both pre-trial investigations and court proceedings may extend beyond one year and, in certain instances, substantially longer. Consequently, irrespective of the gravity of the charges, the judicial system remains burdened by a significant caseload, while, as the findings of the study demonstrate, certain factual circumstances continue to receive insufficient examination.

3.2 Defendant-Related Data

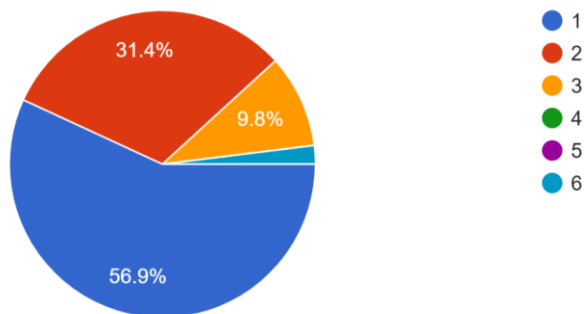
In the majority of the examined cases, only one defendant was involved. Specifically:

- 30 cases involved one defendant;
- 15 cases involved two defendants;
- 5 cases involved three defendants;
- 1 case involved six defendants.

²⁸ See Q-73/0062/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228674558;

²⁹ U71/0001/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065593922

Diagram 3. The number of defendants.



Although most cases involved a single defendant, this does not fully reflect the actual circumstances of the incidents under examination. In certain instances, multiple defendants had initially been involved in the proceedings; however, criminal prosecution against some of them was terminated during the pre-trial stage on various grounds, primarily reconciliation with the victim or lack of involvement in the alleged offense.

At the same time, instances were identified in which the case materials did not clarify the grounds on which criminal prosecution against certain servicemen had either been terminated or not initiated at all.

In one case, conscript serviceman H.M. was ultimately charged only with the misappropriation of military ammunition. During the pre-trial stage, however, he had also been charged with assisting another serviceman in overcoming the victim's resistance, including restraining the victim while another serviceman struck him in the face with a military towel, as well as participating in a group assault together with other servicemen on a separate occasion. The victim was subjected to both verbal abuse and physical violence. Although these individuals were initially involved in the proceedings as accused persons, the investigator subsequently decided not to pursue criminal prosecution against them on the grounds that their actions did not contain the elements of a criminal offense. Ultimately, H.M. was convicted only under Part 2 of Article 371 of the Criminal Code of the Republic of Armenia and sentenced to one year of imprisonment, the execution of which was conditionally suspended for a probation period of one year.³⁰

According to interviewed specialists, the apparent increase in the number of such cases may, at least in part, be attributable to the requirements of the current Criminal Code, which mandate the initiation of proceedings even in relation to relatively minor incidents involving scratches or minor bodily injuries. A considerable proportion of these proceedings are subsequently terminated, meaning that the number of initiated proceedings does not necessarily reflect the actual prevalence of serious incidents. During the preliminary investigation stage, proceedings may be terminated

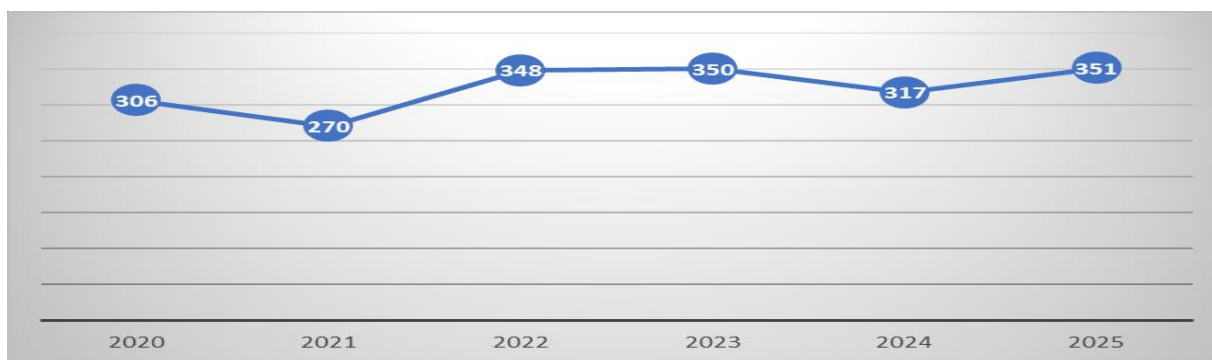
³⁰ SՂ/0002/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=32369622321760590

for a variety of reasons, including the failure to substantiate the alleged incident, the absence of elements of a criminal offense, or reconciliation between the accused and the victim. Investigators further stated that where doubts arise regarding the genuineness of reconciliation, proceedings generally continue.

Statistical data obtained from the Prosecutor’s Office of the Republic of Armenia indicate that the annual dynamics of crimes against the order of military subordination and statutory relations among servicemen have remained relatively stable.

In 2025, the Military Prosecutor’s Office of the Republic of Armenia recorded 351 crimes against the order of military subordination and statutory relations among servicemen (Articles 516–524 of the Criminal Code), compared with 317 in 2024, 350 in 2023, 348 in 2022, 270 in 2021 (under Articles 356–360 of the 2003 Criminal Code), and 306 in 2020³¹.

Chart 4. The number of registered crimes against the order of the military subordination and statutory relationships in 2020-2025.

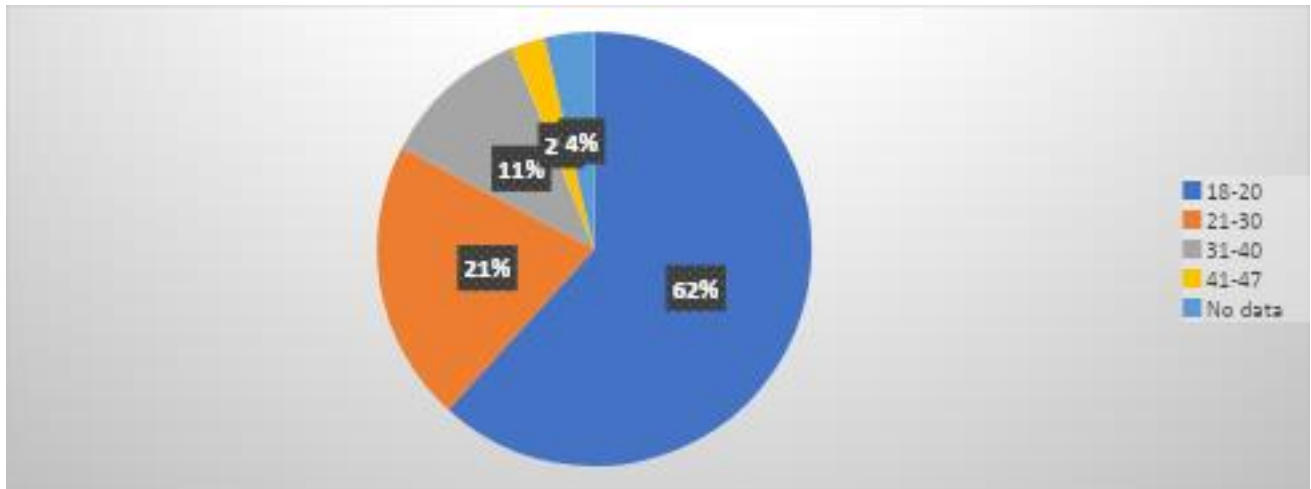


➤ *Age*

The individuals involved in the monitored criminal cases belonged to various age groups. Of the 81 defendants, 50 (62%) were between 18 and 20 years of age at the time of the alleged offense; 17 (21%) were between 21 and 30 years old; 9 (11%) were between 31 and 40 years old; 2 defendants were aged between 41 and 47; and in 3 cases the relevant information was unavailable.

Chart 5. The age of defendants at the moment of committing the offence.

³¹ See Annual activity reports of the prosecutor’s office, available at <https://www.prosecutor.am/dynamicWebPages/report>



Interviewed specialists emphasized that violence, particularly among fellow servicemen, frequently arises from difficulties associated with adaptation to a new environment, as well as the transfer of behavioral patterns formed prior to conscription into the military setting.

As one interviewee noted:

“They enter a new environment, do not know each other, adaptation is a challenge, and disputes occur frequently. Each new conscription brings new people and new customs. In this regard, the main challenge for the Armed Forces is ensuring that the officer corps prevents such incidents and that statutory relations are properly regulated, because street culture is brought into the army.”

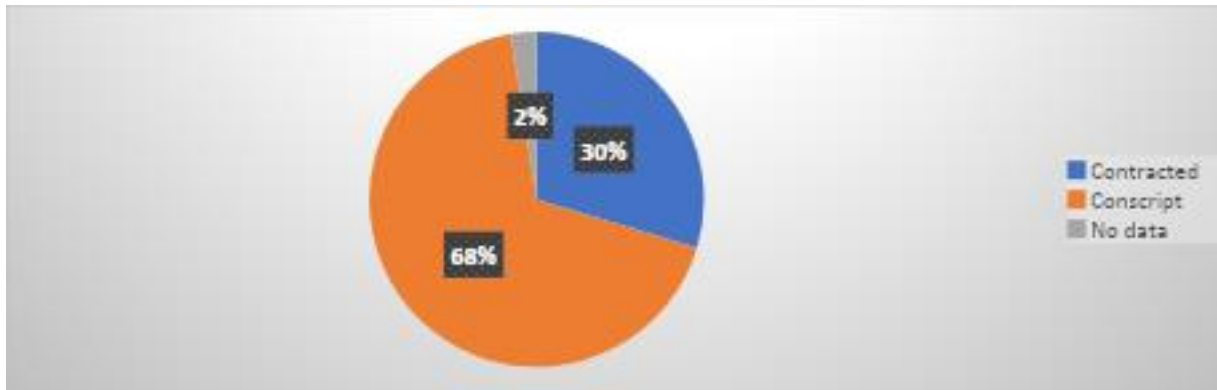
Representatives of the Prosecutor’s Office expressed a similar view. According to the prosecution authorities, the examination of relevant incidents demonstrates that one of the principal factors contributing to violent offenses is the persistence of attitudes that disregard the norms governing servicemen’s conduct and interpersonal relations. Such attitudes are often formed prior to conscription and may become further entrenched during military service in the absence of institutional intolerance toward such behavior.³²

➤ *Status*

The defendants in the monitored cases were predominantly conscript servicemen accused of committing acts of violence and/or insults against fellow servicemen or subordinates. Of the 81 defendants, 55 (68%) were conscripts, while 24 (30%) were contract servicemen. In two cases, the defendants’ status could not be determined on the basis of the information available in Datalex.

Chart 6. The status of the defendant in the armed forces.

³² 2022 Activity report of the Prosecutor’s Office, p. 80, available at https://www.prosecutor.am/storage/dynamic_web_pages/rep_50_8560351818.pdf



Among the contract servicemen, the highest-ranking defendant held the rank of colonel. According to the judgment, the investigator intentionally failed to undertake the necessary procedural actions, resulting in the termination of criminal prosecution by the court of first instance due to the expiration of the applicable limitation period. Given the defendant’s rank and position, the conduct of the competent authorities in this case raises serious concerns regarding the effective implementation of a policy of zero tolerance toward violence committed by superiors against subordinates and the broader principle of the inevitability of punishment.³³

The information available in Datalex does not permit a comprehensive assessment of whether contract servicemen convicted in the monitored cases continued their service in the Armed Forces following conviction.

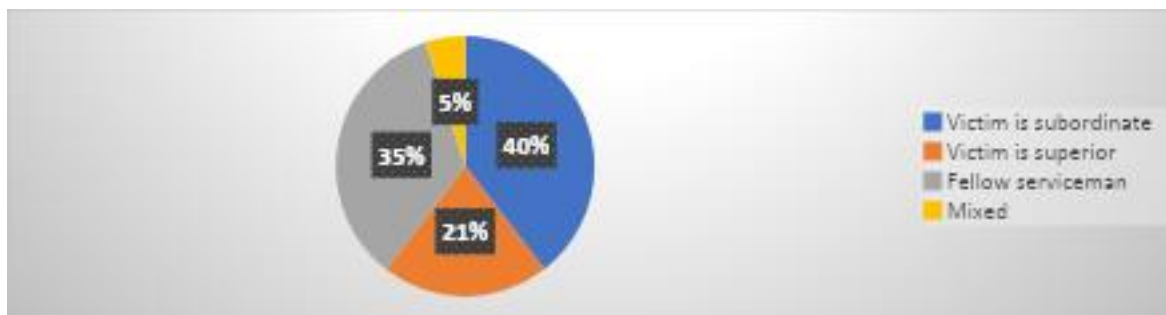
➤ *Official Relationship Between Victim and Defendant*

Given the nature of the offenses examined within the framework of the study and the relevant provisions of the Criminal Code, particular attention was paid to the official relationship between defendants and victims.

The analysis established that in 32 cases (40%), the offense occurred within a superior-subordinate relationship, with the victim being subordinate to the defendant. In 17 cases (21%), the victim was the superior of the accused. In 28 cases (35%), the parties were fellow servicemen with no relationship of subordination. In the remaining 4 cases, there were multiple victims, including both superiors/subordinates and fellow servicemen.

Chart 7. *Relationship Between Victim and Defendant*

³³ УРГ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598



The analysis further demonstrated that in cases involving mutual violence, defendants were not always simultaneously recognized as victims within the same proceedings. Even where such recognition appears to have existed, the available information in Datalex did not consistently reflect it. Judicial practice in this regard appears inconsistent.³⁴

➤ *Previous Criminal Record*

Only five defendants had prior convictions, one of which had been expunged.

Some defendants with prior convictions had previously been convicted of offenses related to military service.³⁵ In other cases, the prior convictions concerned offenses unrelated to military service, including the possession and acquisition of narcotic substances.³⁶

At the same time, the analysis revealed situations in which defendants formally had no prior convictions, despite the fact that guilty verdicts in other criminal proceedings had already been rendered before the judgment in the monitored case. Courts nevertheless did not regard such individuals as previously convicted, assessing the issue from the perspective of whether a conviction existed at the time the offense under examination had been committed.

On two occasions, prosecutors challenged judicial interpretations that permitted defendants to benefit from reconciliation-based exemptions despite their involvement in multiple criminal episodes examined within separate proceedings.

In one case, the defendant requested the termination of criminal prosecution and the discontinuation of proceedings on the basis of reconciliation with the victim. The prosecutor objected, arguing that a final and binding conviction already existed in respect of the defendant and that, consequently, the legislative provisions allowing termination of criminal prosecution on the basis of reconciliation were inapplicable. The court rejected this argument, holding that, at the time of committing the offense under examination, the defendant qualified as a first-time offender because he had not yet been convicted. The court emphasized that the decisive moment for assessing whether an individual is a first-time offender is the time at which the criminal act is committed. Referring to Article 82 of

³⁴ See, for example, U᠒3/0019/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594297

³⁵ See, for example, ᠖᠒1/2924/01/24, https://datalex.am/?app=AppCaseSearch&case_id=48976645947682736

³⁶ U᠒᠒/0359/01/22, https://datalex.am:443/?app=AppCaseSearch&case_id=38843546786240576

the Criminal Code of the Republic of Armenia, the court noted that the concept of a “first-time offender” relates to the commission of the offense itself and must therefore be assessed with reference to the moment when the relevant act or omission occurred.

The prosecutor appealed this interpretation. However, the Court of Appeal upheld the reasoning of the court of first instance, finding that the defendant had committed the offense envisaged by Article 520(3)(1) of the Criminal Code on 26 January 2024 and that, at that point in time, he had neither been previously convicted nor released from criminal liability, and therefore qualified as a first-time offender. The fact that he was convicted in relation to another offense at a later date did not alter this conclusion.³⁷

In another case, the prosecutor argued that the defendant could not benefit from this mechanism as in another case he had already benefitted from the reconciliation procedure. The Court again stated that for the purposes of the application of this measure, “for the first time” means the moment of committing the offence, not the date when a procedural decision is taken.³⁸

In another case involving grievous bodily harm, the court was subsequently required to correct a technical error contained in the judgment concerning the existence of recidivism. The court acknowledged that recidivism had been incorrectly indicated because the defendant’s previous offense had been committed while he was a minor. Consequently, the judgment was amended to reflect the absence of aggravating circumstances.³⁹

Representatives of investigative bodies interviewed within the framework of the study stated that, in certain cases, investigators seek to avoid excessively punitive approaches and terminate proceedings, particularly where young individuals are involved, the situation remains manageable, and no significant risks are identified. According to these representatives, such an approach is intended to avoid creating disproportionate long-term consequences for young persons. At the same time, where the incident is serious or doubts exist regarding the genuineness of reconciliation, proceedings generally continue.

In this context, it is particularly concerning that neither the Investigative Committee nor the Prosecutor’s Office maintains comprehensive statistics on initiated and terminated criminal proceedings. Furthermore, the grounds and reasons for terminating proceedings are not systematically analyzed or studied.⁴⁰

➤ *Education*

The study revealed several noteworthy findings regarding the educational background of defendants. In the overwhelming majority of cases, defendants had secondary education (56

³⁷ ՏԳ/0216/01/24, https://datalex.am/?app=AppCaseSearch&case_id=32369622321792880

³⁸ ԱԴԳ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598

³⁹ ԱԴԳ/0078/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=38843546786183573

⁴⁰ The letter from the Central military prosecutor’s office of the Republic of Armenia, N 19-ԵԳ 1288-26 dated 25.02.2026, also interviews with the investigators

defendants, or 69%). Twelve defendants had higher education, one had incomplete higher education, five had completed only eight or nine years of schooling, and one had vocational secondary education. In six cases, information concerning educational attainment was unavailable.

While this distribution may be expected among conscript servicemen, it is notable that eight of the 24 contract servicemen defendants, approximately one-third, had only secondary education or had completed only eight years of schooling.

During expert consultations conducted within the framework of the study, specialists consistently emphasized the importance of education in preventing violence and eliminating harmful informal practices within the armed forces. Particular emphasis was placed on the need for young people to enter military service with adequate preparation and, to the greatest extent possible, free from the influence of so-called “street culture.”

Experts further observed that one of the underlying causes of challenges within the armed forces is that some young people who discontinue their education and fail to secure alternative employment subsequently choose military service as a profession, despite the fact that modern military service requires substantial knowledge, professional competence, and continuous education throughout one’s career.

➤ *Health Condition*

The reviewed cases contained limited information regarding the health condition of defendants. References to health issues generally concerned bodily injuries sustained during incidents of mutual violence that formed part of the charges.

The information available in the judicial information system did not contain records indicating the existence of mental health conditions among defendants. Only a single reference relating to the mental health condition of a victim was identified during the review.

➤ *Family Status*

Analysis of the reviewed court cases demonstrated that the majority of defendants were unmarried. Specifically, 66 out of 81 defendants (81%) were single, 9 were married, 1 was divorced, and in 5 cases information regarding family status was unavailable. The unmarried defendants included both conscript servicemen and 14 contract servicemen, representing 58% of all contract servicemen involved in the monitored cases.

With regard to dependents, the reviewed judgments indicated that most defendants either had no dependents or that no information concerning dependents was available. The existence of dependents was recorded in only eight cases. In each of these cases, courts considered this circumstance to be a mitigating factor when determining criminal liability and sentencing.

Particularly noteworthy is one case in which the defendant had previously been convicted of similar conduct, yet the court nevertheless regarded the existence of minor children under his care

as a mitigating circumstance. The prosecutor challenged this assessment on appeal, arguing that repeated reliance on the same mitigating factor in previous proceedings had failed to deter the defendant from committing further offenses. According to the prosecutor, the fact that the defendant continued to engage in unlawful conduct despite having minor children under his care called into question the mitigating significance of that circumstance. However, during the appellate proceedings, the defense successfully requested the application of the statute of limitations, resulting in the termination of criminal prosecution on that basis.⁴¹

The analysis demonstrates that the majority of the reviewed cases were examined by regional courts, particularly the Court of General Jurisdiction of Syunik Province. The duration of pre-trial investigations varied significantly. In certain cases, investigations were completed within exceptionally short periods, lasting as little as nine days, whereas in others they were subject to substantial delays. In at least one case, the delay resulted from the intentional failure of the investigator to undertake the necessary procedural actions, ultimately allowing the defendant to avoid criminal liability due to the expiration of the applicable limitation period.

Court proceedings generally lasted up to five months. A substantial proportion of cases were resolved through accelerated procedures or reconciliation mechanisms, which limited the scope for a comprehensive examination of the factual circumstances. At the same time, the monitoring identified cases in which proceedings were not completed within a reasonable time, primarily due to the repeated replacement of presiding judges. The longest-running case remained pending for approximately five years and eight months.

In 59% of the reviewed cases, the proceedings involved one defendant and one victim. Nevertheless, cases involving up to six defendants were also identified. Importantly, the number of defendants ultimately brought before the court did not always reflect the actual number of individuals involved in the incident, as criminal prosecution against some participants had been terminated during the pre-trial stage. The practice of failing to prosecute all participants in incidents of group violence raises serious concerns regarding accountability and may contribute to a broader climate of impunity.

The typical defendant profile emerging from the monitored cases was that of an unmarried conscript serviceman aged between 18 and 20 years, possessing secondary education and no prior conviction. Specifically, 62% of defendants were aged 18–20, 68% were conscript servicemen, 69% had secondary education, 81% were unmarried, and 94% had no prior convictions.

At the same time, the absence of a formal criminal record did not necessarily indicate a lack of previous conflict with the law. In a number of cases, defendants had previously been involved in incidents, including violent conduct during military service, but criminal proceedings had been terminated at the pre-trial stage on non-exonerating grounds, their convictions had been expunged,

⁴¹ UՂ1/0099/01/23, https://datalex.am/?app=AppCaseSearch&case_id=35465847065627513

or judgments in other criminal proceedings had not yet entered into force at the time the offense under examination was committed.

Although the majority of defendants held the ranks of private or sergeant, the monitored cases also involved officers, including individuals holding the rank of colonel.

3.3 Victims in the Cases

Determining the precise number of victims in the reviewed cases proved challenging due to limitations in the information available through Datalex. In particular, it was not always clear whether an accused person who had also been subjected to violence by another accused person involved in the same incident had been formally recognized as a victim within the proceedings. In some instances, this issue could be clarified through references to reconciliation between the parties. However, in cases resolved through accelerated procedures, the question of victim status was frequently not addressed.

Based on the available information, it may be concluded that the reviewed cases generally involved a single victim. More specifically:

- 31 cases involved one victim;
- 8 cases involved two victims;
- 4 cases involved three victims;
- in 8 cases, no victim was formally identified, despite the fact that the alleged conduct involved mutual violence.

It should be emphasized that these figures do not necessarily reflect the actual number of individuals who experienced violence. In several cases, more than one victim had been involved during the preliminary investigation stage; however, criminal prosecution in relation to one or more incidents was subsequently terminated on the basis of reconciliation with the victim. Consequently, an examination of judicial practice alone does not permit an accurate assessment of the actual number of servicemen who became victims of violence.

Based on the information available, at least 32 victims were conscript servicemen and at least 17 were contract servicemen. The status of the remaining victims could not be determined from the available records.

The information concerning victims contained in Datalex was generally incomplete, including with respect to age. Nevertheless, given that a substantial proportion of victims were conscript servicemen, it may reasonably be inferred that the majority belonged to the 18–21 age group.

According to the available data, most victims were subjected to violence by fellow servicemen (20 victims) or by superiors (25 victims, including superiors by rank who were themselves conscript servicemen). In 10 cases, the victim was the superior of the accused. In certain cases, the accused

persons held different service statuses, resulting in more complex patterns of interpersonal and hierarchical relationships.

4. THE EXAMINATION OF CASES IN COURT

No acquittals were rendered in any of the reviewed cases. The primary reason for this outcome is that defendants generally petitioned for accelerated proceedings or plea-based procedures, both of which presuppose an admission of guilt. In a number of cases, the proceedings were also terminated on the basis of reconciliation with the victim.

Interviewed experts noted that the widespread use of accelerated procedures often results in an insufficient examination of the subjective elements of the offense, particularly the element of intent, thereby influencing and potentially distorting judicial practice. More broadly, the prevailing approach to the examination and resolution of such cases appears to be accepted by all actors within the criminal justice system. Consequently, although criminal liability is formally imposed, certain manifestations of violence and ill-treatment are not always properly classified in practice, and not all factual circumstances relevant to the determination of a proportionate and individualized punishment are adequately clarified. Given that both victims and defendants operate within a hierarchical military structure and frequently continue serving within the same military unit following the proceedings, legitimate concerns arise regarding whether victims are able to express their views and exercise their procedural rights freely and without undue influence.

4.1 Nature of the Violations and Charges

In a number of the reviewed cases, the charges included both violence and insult, as well as other related offenses. In the majority of cases, defendants were charged under two or more provisions of the Criminal Code.

The analysis of violent incidents and the corresponding practice of legal qualification demonstrates that, irrespective of the nature of the violence or the severity of the physical pain or mental suffering inflicted, no charges of torture were brought in any of the reviewed cases. Consequently, isolated incidents of violence, such as a single blow delivered in response to a sexually explicit insult, and prolonged conduct involving humiliation, degradation, and sustained abuse were often subject to the same legal qualification. In practice, such conduct was generally classified as violence against a subordinate or another offense relating to statutory military relations.

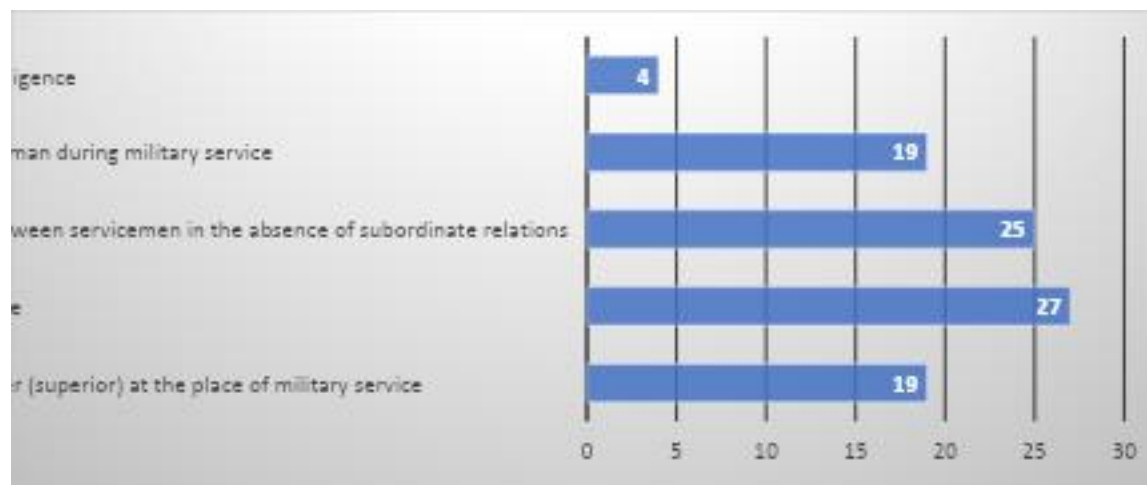
Under this approach, even where certain factual circumstances may *prima facie* have suggested the presence of elements associated with torture, the investigation was not conducted within that legal framework. As a result, the relevant facts were not assessed through the lens of the prohibition of torture and other forms of ill-treatment. This also had practical consequences, as mechanisms for exemption from criminal liability or punishment remained available, whereas such mechanisms would not have been applicable had the conduct been classified as torture.

At the same time, the study indicates that certain incidents were relatively minor in nature and could arguably have been addressed through disciplinary rather than criminal measures.

Within the framework of the monitoring, the reviewed cases involved the following charges:

- Violence or threat of violence against a commander (superior) at the place of military service (Article 519 of the Criminal Code; Article 358 of the 2003 Criminal Code) — 19 defendants;
- Violence or threat of violence against a subordinate (Article 520 of the Criminal Code; Article 358.1 of the 2003 Criminal Code) — 27 defendants;
- Violation of statutory rules governing relations between servicemen in the absence of subordinate relations (Article 521 of the Criminal Code; Article 359 of the 2003 Criminal Code) — 25 defendants;
- Insult degrading the honor and dignity of a serviceman during military service (Article 524 of the Criminal Code; Article 360 of the 2003 Criminal Code) — 19 defendants;
- Incitement of a serviceman to suicide through negligence (Article 522 of the Criminal Code; Article 360.1 of the 2003 Criminal Code) — 4 defendants.

Chart 8. The number of defendants charged under a particular article of the Criminal Code.



4.2 Causes of Conflicts

The study demonstrates that breaches of statutory military relations most commonly arose from routine interpersonal disputes and everyday interactions occurring during military service. These conflicts were frequently accompanied by violence or insults and occurred irrespective of whether they were directly connected to the performance of official duties.

An examination of the indictments indicates that the principal triggers of violence included:

- sexually explicit insults and profanity;
- minor everyday disputes;
- remarks concerning discipline and issues arising from the performance of official duties;
- improper communication;
- tensions within superior–subordinate relationships;
- psychological pressure and humiliation.

These factors were often interconnected. Minor disagreements frequently began with verbal insults or service-related disputes and subsequently escalated into physical violence, regardless of the military status or rank of the individuals involved.

➤ *Verbal Insults and Profanity as Precursors to Violence*

Article 524 of the Criminal Code criminalizes the insult of a serviceman within a military unit or other place of military service, defined as the degradation of the honor and dignity of a serviceman by another serviceman. The wording of the provision is broad and leaves significant room for evaluative interpretation and discretion, potentially giving rise to concerns regarding legal certainty.

The second paragraph of the provision establishes enhanced penalties where the insult is directed by a subordinate toward a commander (superior) or by a commander toward a subordinate. The offense is punishable by restriction in military service for a period of one to two years, short-term imprisonment for one to two months, placement in a disciplinary battalion for up to two years, or imprisonment for up to two years.

The review of criminal charges demonstrates that verbal abuse and sexually explicit profanity were among the most common triggers of conflicts that subsequently escalated into violence. Such expressions were frequently perceived as attacks on personal honor and dignity and often provoked retaliatory conduct.

Perceptions of honor, reputation, and personal respect play a particularly significant role within the military environment. Consequently, even verbal insults may be perceived as direct attacks on an individual's social standing, thereby increasing the likelihood of physical confrontation.

Only one reviewed case involved charges solely for insult. In all other instances, the offense was charged in conjunction with additional offenses.

The monitoring further demonstrated that criminal proceedings under Article 524 were initiated in cases involving the use of sexually explicit profanity, accusations that another serviceman was an “informant,” references to a serviceman as a “blasphemer,” or other offensive expressions directed toward superiors or fellow servicemen.

For example, the conflict between G.A. and R.I. began after G.A. referred to R.I. as an “informant,” which subsequently led to mutual insults and physical violence.⁴²

➤ *Issues Arising from the Performance of Official Duties*

The study demonstrates that issues relating to military discipline constituted one of the most common causes of violence. Such incidents generally arose in connection with the improper performance of official duties or breaches of disciplinary requirements and escalated when these shortcomings were addressed.

Examples included sleeping while on duty, waking up late, improperly organizing morning formation, absence from formation, leaving formation without authorization, and failures to maintain cleanliness within military premises.

The reviewed cases indicate that remarks made by superiors were often perceived as personal insults rather than legitimate disciplinary interventions. In several cases, superiors resorted to physical violence instead of disciplinary measures, thereby escalating the conflict. Accordingly, although the disputes originated from issues relating to military discipline, unlawful force was frequently used to resolve them.

Notably, such incidents involved both conscript sergeants and contract officers, suggesting that military discipline, subordination, and statutory relations are not always consistently perceived as fundamental institutional values.

For example, V.M. used violence against Private Zh.G. after accusing him of waking servicemen late during combat duty and subsequently lying about the incident.⁴³

In another case, conscript serviceman N.E., while serving as an observer during combat duty, failed to comply with an instruction to bring a position inspection logbook into the dugout. This resulted in a dispute with the position leader, Junior Sergeant G.Z., who beat N.E. and caused minor bodily injury. In response, N.E., while uttering sexually explicit insults, threw an axe at G.Z., although it did not strike him because G.Z. managed to take cover. N.E. then approached G.Z. carrying a pickaxe and threatening to kill him. The offense remained incomplete only because fellow servicemen intervened, restrained N.E., and confiscated the pickaxe⁴⁴.

In another case, a group of conscript servicemen were charged after entering into a dispute with Captain E.D., the company commander, who had reprimanded them for remaining awake beyond the time prescribed by the daily schedule. During the altercation, the

⁴² UГ/0007/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594293

⁴³ UГ/3/0027/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594324

⁴⁴ UГ/3/0030/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594453

*servicemen assaulted a superior officer Captain E.D., striking him on various parts of the body with their hands and feet and causing bodily injuries of medium gravity*⁴⁵.

➤ *Violations of Superior–Subordinate Relations*

Another category of cases involved violence arising from breaches of superior–subordinate relations. These cases demonstrate that military hierarchy may itself become a source of conflict, particularly where superiors resort to force instead of lawful disciplinary measures or where subordinates refuse to recognize the authority of their superiors. This issue appears particularly acute where the superior is also a conscript serviceman.

*For example, conscript serviceman I.G., holding the rank of corporal, together with Private K.A., assaulted Junior Sergeant H.H., their superior, after being criticized for improperly organizing morning formation. During the incident, K.A. noticed a knife in H.H.'s hand, took possession of it, and intentionally stabbed H.H. twice in the back, causing life-threatening serious bodily injury.*⁴⁶

*In another case, conscript serviceman G.A., while serving as an observer at a combat position, entered into a dispute with the commander of the military unit, T.E., after receiving a reprimand for sleeping while on duty. G.A. struck T.E., causing physical pain. T.E. was subsequently charged for using violence against G.A.*⁴⁷

*Similarly, V.B., a contract serviceman holding the rank of private, insulted Senior Lieutenant H.H., his superior by both rank and position, after being prohibited from taking timber designated for observation post shelters for personal use as firewood. Following the incident, Major A.A., the battalion chief of staff, rather than applying disciplinary measures, used violence against Senior Lieutenant H.H. for having addressed the serviceman with indiscriminate profanity. Major A.A. struck him with his head and foot, causing minor bodily injury*⁴⁸.

*In another case, Major A.D., deputy commander for moral and psychological support, discovered smartphones prohibited by order of the Chief of the General Staff in the battalion barracks. After demanding that the devices be surrendered, he learned that Private V.H. had left the barracks without handing over his phone. In the presence of other servicemen, Major A.D. directed sexually explicit insults toward V.H. Subsequently, conscript serviceman J.H. assaulted Major A.D., striking him twice in the face in response to the insults directed at his fellow serviceman*⁴⁹.

➤ *Minor Everyday Issues*

⁴⁵ U᠒3/0196/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065631459

⁴⁶ U᠒3/0016/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594109

⁴⁷ Q᠒/0490/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=33495522228678042

⁴⁸ U᠒1/0099/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065627513

⁴⁹ U᠒᠒/0284/01/21, https://datalex.am:443/?app=AppCaseSearch&case_id=38843546786222120

The reviewed cases further demonstrate that conflicts frequently arose from seemingly insignificant everyday matters that escalated rapidly within the particular conditions of military service. Examples included whistling to summon another serviceman, disputes regarding sleeping arrangements, or disagreements concerning the placement of personal belongings. In an environment characterized by prolonged cohabitation, limited personal space, and constant psychological pressure, minor everyday disagreements can quickly develop into serious confrontations.

For example, conscript serviceman V.U., holding the rank of junior sergeant, entered into a dispute with Private I.H., who was subordinate to him by rank, after attempting to wipe paint-stained hands on I.H.'s uniform. Following an exchange of insults, V.U. threw a lock taken from a cabinet table, striking I.H. in the face.⁵⁰

In another case, V.D. was charged after arguing with conscript serviceman T.T. in the infirmary over a non-service-related matter. The dispute arose after V.D. referred to T.T. as “messy” for placing toothpaste on a bedside cabinet, following which V.D. punched him.⁵¹

➤ *Psychological Pressure, Humiliation, and Violence*

A number of the reviewed cases revealed manifestations of non-statutory relations, coercion, and humiliation that are particularly concerning from both a human rights and military discipline perspective. These incidents involved various forms of degrading treatment, including humiliation, blackmail, extortion, psychological abuse, and physical violence against fellow servicemen.

Although such cases were less frequent than incidents involving isolated acts of violence, they warrant particular attention due to their nature, duration, and impact on victims. Of particular concern is the fact that such conduct often continued over extended periods and, in some cases, affected multiple servicemen without any apparent intervention by the command structure.

These findings suggest that patterns previously identified in the jurisprudence of the ECtHR continue to manifest themselves within the military environment.

In one case, Zh.N., acting as the superior officer of a combat position, subjected subordinate conscript servicemen to sexually explicit insults after believing that they had deceived him regarding the preparation of coffee. As a form of punishment, he ordered them to remove their uniforms and undress, poured water on one serviceman, and forced another serviceman, who was partially undressed and wearing only a helmet and body armor, to remain outside the shelter for approximately thirty minutes. Zh.N. also

⁵⁰ U᠒3/0075/01/24, https://datalex.am/?app=AppCaseSearch&case_id=35465847065630469

⁵¹ ᠖᠒1/2924/01/24, https://datalex.am/?app=AppCaseSearch&case_id=48976645947682736

*repeatedly assaulted one of the soldiers for sleeping during his shift, striking him several times, spitting on him, and referring to him as a “blasphemous disgrace.”*⁵²

*Another case concerned V.M. and the senior position officer V.H., who repeatedly humiliated and abused Private A.E., an observer serving at the same combat position, for falling asleep while on duty. They subjected him to sexually explicit insults, publicly portrayed him as disgraceful before other servicemen, and repeatedly assaulted him. On one occasion, they dragged him from the upper level of his bed and beat him, while repeatedly emphasizing that servicemen who fall asleep while on observation duty are regarded as “dishonorable” and “blasphemous.” Following these incidents, A.E. died by suicide, shooting himself in the chest with his service rifle while performing observation duty. Witness testimony in this case revealed the existence of deeply entrenched stereotypes concerning servicemen who fall asleep while on duty. One witness stated that within the unit there was “a prevailing understanding that servicemen who fall asleep while standing observation duty at a combat position are treated poorly and are regarded with a sexually degrading slur.” Another witness testified that some servicemen in the battalion viewed sleeping while on observation duty as evidence that a serviceman was dishonorable and indifferent to the safety of fellow soldiers, thereby damaging his reputation among peers.*⁵³

Interviewed experts confirmed the existence of similar informal practices. One expert noted that “sleeping in the trench is punished first by insults, including insults directed at parents, and by violence, and this is an unwritten rule.” Other experts likewise reported that violence and ill-treatment associated with sleeping while on duty had, in certain cases, contributed to suicides among servicemen.

Notably, the Prosecutor’s Office has also addressed violence-related incidents within the armed forces in its annual reports. Among the contributing causes identified is the improper attitude of servicemen toward statutory rules and military discipline. According to the Prosecutor’s Office, “disrespect toward the norms regulating servicemen’s conduct and relations is often formed even before conscription and continues to strengthen after enlistment if such behaviour is tolerated.” Official data further indicate that such conduct is not limited to conscripts and is also present among officers, a circumstance characterized by the authorities themselves as particularly concerning.⁵⁴

The expert discussions conducted within the framework of this study largely confirmed the findings emerging from the court case analysis. In particular, participants emphasized that relations both among fellow servicemen and between superiors and subordinates are often shaped not by institutional values but by informal norms commonly associated with “street culture.” Consequently, changing attitudes and promoting value-based education were identified as

⁵² Q-13/0062/01/23, https://datalex.am/?app=AppCaseSearch&case_id=3349552228674558

⁵³ Q-13/0070/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=3349552228675050

⁵⁴ See, for example, Report of the General Prosecutor to the National Assembly for 2023, 2024, available at <https://www.prosecutor.am/dynamicWebPages/report>

essential components of prevention efforts. In this regard, particular emphasis was placed on the role of officers, whose conduct and leadership significantly influence the culture of military units and whose responsibility to serve as role models was repeatedly highlighted.

Experts further stressed that responsibility for the formation of appropriate values should not rest exclusively with the military institution. Society as a whole, including families, educational institutions, and communities, must contribute to the development of attitudes conducive to respectful and lawful conduct. According to interviewees, concern for the armed forces should not be limited to moments of crisis or public attention but should constitute a continuous societal commitment.

Another factor identified during the study was the ineffective implementation of military regulations, again linked to the influence of informal norms. Interviewees observed that violence often occurs because disciplinary regulations are applied only formally and are not supported by genuine respect for, or understanding of, their importance. It was noted that military regulations are frequently perceived as procedural requirements rather than as mechanisms intended to shape behavior and protect servicemen's rights. Some experts further observed that orders issued by the Minister of Defence no longer carry the practical authority they once did and therefore have a diminished influence on the development of legal awareness and discipline within the armed forces.

The causes of violations were also linked to systemic shortcomings at the conscription stage. Interviewees noted that factors potentially relevant to military service are often identified during conscription but are not adequately documented or addressed thereafter. According to participants, early identification and proper management of such vulnerabilities could prevent numerous incidents occurring during military service.

One example discussed during the study involved a conscript with an intellectual disability who was deployed to combat positions. Fellow servicemen became aware of his condition and subjected him to exploitation and severe humiliation, including coercion into sexual acts with animals. During one incident, he was insulted by another serviceman, after which he took a firearm and fatally shot the individual responsible. Subsequent work with the serviceman reportedly revealed that, in his perception, the verbal insult was more degrading than the other forms of abuse he had endured because he lacked the capacity to fully comprehend the broader context of the prolonged humiliation. It appeared that individuals from his social environment had previously told him that a person who tolerated insults would lose the right to return to society, a belief that significantly influenced his reaction.

Interviewees further noted that although personal vulnerabilities and service restrictions may be identified during conscription, such recommendations are not always observed in practice once military service begins.

Certain vulnerabilities may relate to a serviceman's physical endurance or ability to remain awake for extended periods. Experts emphasized that many conflicts arise from duty schedules and sleep deprivation. Such conditions create difficulties both for those who are capable of remaining awake for longer periods and for those who are not, often resulting in irritability, aggressive behavior, and interpersonal conflict.

Finally, interviewed specialists emphasized that these manifestations become systemic because personnel responsible for identifying and addressing servicemen's vulnerabilities frequently fail to act, servicemen's concerns are often disregarded, and preventive interventions are not undertaken in a timely manner. Although measures aimed at preventing violence formally exist, experts considered many of them largely procedural and insufficient to produce meaningful practical results. In other words, while policies and mechanisms have been established, their implementation often fails to generate tangible and sustainable outcomes.

4.3 Distinction Between Disciplinary and Criminal Liability

The analysis of criminal charges demonstrates that, in a number of cases, the boundary between disciplinary and criminal liability remains unclear, particularly in incidents involving verbal insults or conduct that resulted in no bodily injury or only minimal physical consequences.

The findings suggest that the application of criminal liability in such cases does not always contribute to the restoration of military discipline. In the majority of reviewed cases, defendants either benefited from probationary measures or resolved the matter through reconciliation. Consequently, the principal effect of criminal prosecution often consisted in the creation of a criminal record, while its preventive, corrective, or disciplinary impact remained uncertain.

Moreover, the criminalization of relatively minor incidents places an additional burden on investigative authorities and courts without clear evidence of corresponding effectiveness.

Several examples identified during the monitoring illustrate situations that could arguably have been addressed through disciplinary mechanisms rather than criminal proceedings.

In one case, a conscript serviceman undergoing inpatient treatment in the therapeutic unit of a military base argued with another conscript over the placement of toothpaste on a bedside cabinet. During the dispute, he referred to the other serviceman as "messy" and punched him in the left arm, causing bruising that did not amount to bodily injury harmful to health.⁵⁵

In another case, a private entered into an argument with another private after being summoned by whistling within the military facility. During the dispute, he directed sexually explicit insults toward the other serviceman, pulled him by the arms, and threw him to the ground, causing scratches.⁵⁶

⁵⁵ UГ/1/2924/01/24, https://datalex.am/?app=AppCaseSearch&case_id=48976645947682736

⁵⁶ UГ/0101/01/24, https://datalex.am/?app=AppCaseSearch&case_id=35465847065630442

Particularly noteworthy is a case in which the victim testified that he had spent time in a disciplinary unit following the incident. However, the case materials do not clearly indicate whether this amounted to a form of double punishment for the same conduct. The victim stated:

*“After the incident, even while in the disciplinary unit and later in the military unit, we spoke with each other, understood what had happened, reconciled, and concluded that such an incident should not have occurred.”*⁵⁷

In this regard, it is important to note that the European Court of Human Rights has recognized that severe disciplinary sanctions, particularly those involving deprivation or significant restriction of liberty, may be equivalent in substance to criminal punishment and therefore engage the principle of *ne bis in idem*, which prohibits double jeopardy.⁵⁸

These cases illustrate that not every interpersonal conflict arising within military service necessarily requires recourse to criminal justice mechanisms, particularly where the degree of harm is limited and the conduct could be effectively addressed through military disciplinary procedures.

Interviewed experts similarly emphasized the importance of prioritizing disciplinary accountability mechanisms. As one expert observed, *“the primary basis for addressing violations of statutory military relations should be the military disciplinary regulations, and only afterwards the Criminal Code; artificial severity is not effective.”*

4.4 Right to Defense

Not all defendants in the reviewed cases were represented by defense counsel during court proceedings.

In the case of five defendants, the available materials contained no indication whatsoever that they had legal representation, even where lawyers representing co-defendants were clearly identified in the case file.

One case involving three defendants illustrates the concerns arising from this practice. One of the defendants was simultaneously recognized as a victim, while the other two defendants were accused of assaulting him despite the fact that he was their superior officer. Both the decision terminating criminal prosecution on the basis of reconciliation in the case of one defendant and the judgment rendered under accelerated proceedings in relation to the other defendant referred to only one defense attorney. The court decision

⁵⁷ U᠒3/0075/01/24, https://datalex.am/?app=AppCaseSearch&case_id=35465847065630469

⁵⁸ See more at Council of Europe, Guide on Article 4 of Protocol No. 7 to the European Convention on Human Rights Right not to be tried or punished twice, available at https://ks.echr.coe.int/documents/d/echr-ks/guide_art_4_protocol_7_eng

*specifically stated that the lawyer represented the defendant, while the victim had no representative.*⁵⁹

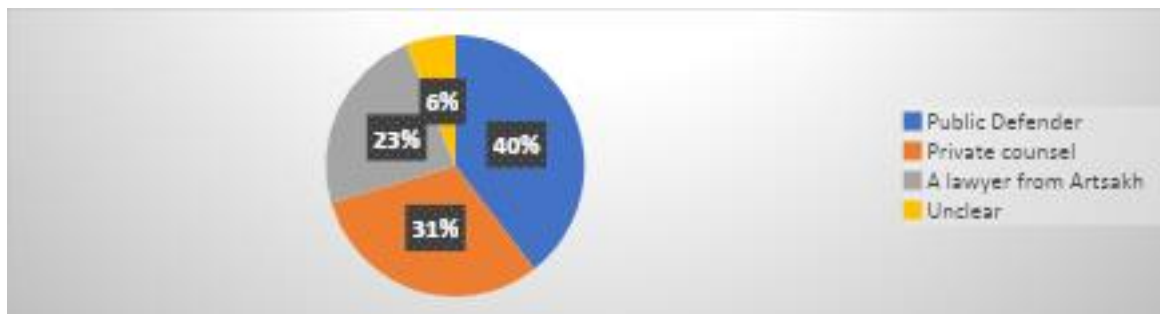
Even assuming that the same lawyer represented all three defendants, questions concerning potential conflicts of interest would inevitably arise.

Other reviewed cases similarly revealed situations in which multiple defendants were represented by a single lawyer despite the possibility of divergent interests.⁶⁰

Of the 81 defendants:

- 32 defendants (40%) were represented by public defenders;
- 25 defendants (31%) retained private attorneys;
- 19 defendants (23%) were represented by members of the Chamber of Advocates of Artsakh;
- in the case of 5 defendants (6%), it remained unclear whether any legal representation was provided.

Chart 9. Representation by Defense Counsel



Analysis of the information available in Datalex suggests that defense counsel predominantly advised defendants either to seek reconciliation with the victim or termination of criminal prosecution on the grounds of active repentance (25 defendants), or to request accelerated or plea-based proceedings (48 defendants). In an additional three cases, proceedings were terminated due to the death of the accused.

As a result, only five defendants (6%) underwent full adversarial proceedings before the court. Four of these defendants were charged, in two separate cases, with inciting another serviceman to suicide.

Particularly noteworthy is one case in which the defendant did not seek termination of the proceedings on reconciliation grounds despite both servicemen, the victim and the defendant,

⁵⁹ UՂ3/0016/01/20, https://datalex.am/?app=AppCaseSearch&case_id=35465847065594109

⁶⁰ See, for example, ՏՂ/0216/01/24, https://datalex.am/?app=AppCaseSearch&case_id=32369622321792880

stating during trial that they had long since reconciled. The defendant was represented by a public defender. The court ultimately convicted the defendant but exempted him from punishment on the basis of reconciliation with the victim⁶¹.

4.5 Protection of Victims' Interests

In the majority of the reviewed cases, victims were simultaneously defendants within the same proceedings. Consequently, the protection of their interests occurred primarily through the procedural safeguards available to defendants. Among the monitored cases, only the legal successors of two victims in cases involving suicide and one victim in a violence case⁶² were represented by legal counsel in their capacity as victims.

Most victims did not object to the application of accelerated proceedings and communicated their consent either in writing, by telephone, or during court hearings. Notably, among the 51 reviewed cases, only one victim objected to the termination of criminal prosecution on the grounds of the expiration of the statute of limitations. The prosecutor likewise opposed termination in that case.

*The accused, A.S., was charged under Article 520(2) of the Criminal Code of the Republic of Armenia. According to the indictment, while serving as commander of a military unit with the rank of colonel, he became involved in an argument with a subordinate conscript serviceman concerning the latter's failure to participate in physical training and assaulted him by punching him in the face and violently shaking him.*⁶³

The investigation in this case was delayed to such an extent that, during the preliminary hearings, defense counsel successfully petitioned for termination of criminal prosecution on the grounds that the maximum statutory limitation period had expired.

The study further demonstrated that many victims who were not themselves defendants did not participate in court hearings. In some instances, they communicated their position solely by telephone, including with respect to the use of accelerated proceedings. Consequently, it remains unclear whether such victims were fully informed of their procedural rights or able to exercise them effectively.

Furthermore, because motions for reconciliation and requests for accelerated or plea-based proceedings were typically submitted during preliminary hearings, the overwhelming majority of cases never progressed to the stage of victim testimony. Only three cases proceeded to full judicial examination.

Interviewed respondents identified a broader systemic issue arising from the current criminal procedure framework. Under Armenian law, only members of the Bar may act as victims'

⁶¹ UՂ3/0075/01/24, https://datalex.am/?app=AppCaseSearch&case_id=35465847065630469

⁶² ՏՂ/0002/01/20, https://datalex.am/?app=AppCaseSearch&case_id=32369622321760590

⁶³ ԱՂԴ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598

representatives in criminal proceedings. Previously, representatives of civil society organizations could participate in proceedings and provide support for the protection of victims' rights.

Legislative amendments adopted on 5 October 2022 introduced an important safeguard by providing that servicemen recognized as victims are entitled to free legal assistance from the Office of the Public Defender.⁶⁴ However, the study suggests that this guarantee is not fully effective in practice. Interviewees pointed to the excessive workload of public defenders, the limited number of public defenders available in the regions, and potential conflicts of interest in military cases where both defendants and victims are simultaneously entitled to state-guaranteed legal aid. Under such circumstances, ensuring effective and independent representation for all parties may prove particularly challenging.

4.6. Application of Preventive Measures

The monitoring revealed that detention was applied relatively rarely during the pre-trial stage. Out of the 51 reviewed cases, detention as a preventive measure was imposed in only five cases involving seven defendants, four of whom were accused of inciting another serviceman to suicide.⁶⁵

In the remaining cases, defendants were subjected to less restrictive preventive measures, including military supervision, a prohibition on absence from their place of residence (written undertaking not to leave), or no preventive measure at all.

Notably, defendants accused of acts of violence that allegedly resulted in a serviceman's suicide were not placed in pre-trial detention.⁶⁶ By contrast, detention was imposed in the two cases involving charges of incitement to suicide, where the defendants remained in custody for varying periods during the investigation.

During the judicial stage, only two defendants remained in detention. In one of these cases, the preventive measure was subsequently modified and made more restrictive after the defendant repeatedly failed to appear before the court.⁶⁷

The review of judicial practice suggests that the selection of preventive measures was influenced not only by the nature of the alleged offence but also by the defendant's status, including whether

⁶⁴ Law on Amendments made to the Law on Advocacy, adopted on 5 October 2022, available at <https://www.arlis.am/hy/acts/169828>

⁶⁵ Q-3/0062/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228674558, Q-5/0005/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228669823, Q-3/0070/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228675050, U-3/0014/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594108, U-1/0176/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065629083

⁶⁶ U-1/0001/01/20, https://datalex.am/?app=AppCaseSearch&case_id=35465847065593922

⁶⁷ U-3/0014/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594108

the individual remained in compulsory military service or had already completed military service, or was a contracted servicemember.

Several cases illustrate the circumstances in which detention was deemed necessary.

*In one case, a conscript private repeatedly engaged in violent conduct against his superior, Junior Sergeant H.K. Following a series of disputes and assaults, the defendant was detained for one month and nineteen days. The case was subsequently examined under accelerated proceedings, and detention was replaced with a written undertaking not to leave pending the entry into force of the judgment.*⁶⁸

*In another case, a junior sergeant became involved in a dispute with a subordinate contract serviceman over a matter unrelated to military duties. During the incident, the accused assaulted the victim, seized another serviceman's rifle, fired several shots into the air, and subsequently shot the victim in the leg, causing life-threatening injuries. The defendant was detained for one month, after which detention was replaced by a prohibition on absence.*⁶⁹

*In a third case, two defendants accused of negligently inciting a fellow contract serviceman to suicide through cruel treatment and systematic humiliation were initially detained for six and four months respectively. Detention was later replaced by less restrictive measures. According to the indictment, the defendants had also assaulted another serviceman assigned to the same combat outpost.*⁷⁰

*Another case involving charges of incitement to suicide resulted in the detention of two defendants. One remained in custody for approximately six months following two extensions of detention, while the second was detained for two months and nine days before the measure was replaced by a prohibition on absence. A custodial sentence was ultimately imposed in that case.*⁷¹

*The fifth case concerned a junior sergeant who, while serving as the senior serviceman at a combat position, subjected subordinate conscripts to degrading treatment, including humiliation, forced undressing, exposure to cold conditions, physical violence, and repeated insults. The defendant remained in detention for one month and seventeen days.*⁷²

Overall, the reviewed cases demonstrate that detention was used exceptionally and primarily in cases involving particularly serious allegations, the use of weapons, grave consequences, or a heightened degree of public danger. In the vast majority of cases, preference was given to less restrictive preventive measures, including military supervision, written undertakings not to leave, and prohibitions on absence.

⁶⁸ Ibid.

⁶⁹ U᠒-1/0176/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065629083

⁷⁰ Q-᠒-5/0005/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228669823

⁷¹ Q-᠒-3/0070/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228675050

⁷² Q-᠒-3/0062/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228674558

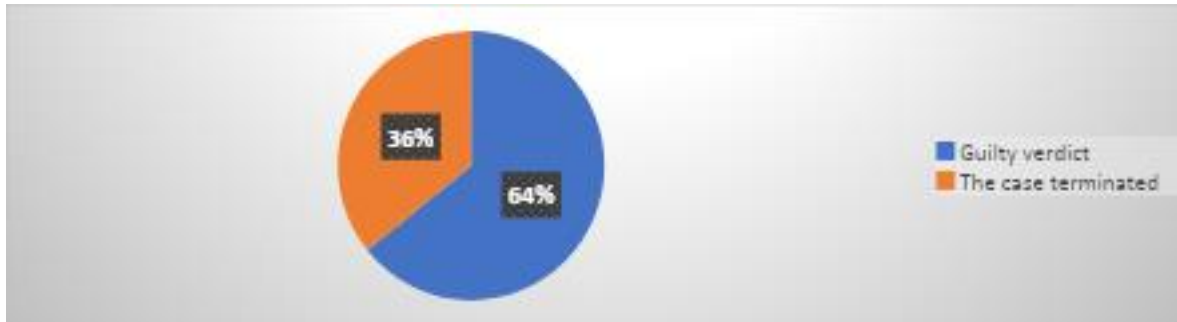
The analysis was further constrained by limitations in the available data. In most cases, Datalex did not contain court decisions concerning the selection, modification, or review of preventive measures, nor did it systematically reflect the positions advanced by the parties. As a result, it was not always possible to assess the reasoning underlying judicial decisions on preventive measures.

5. COURT DECISIONS

In the 51 criminal cases examined, involving a total of 81 defendants, courts adopted the following decisions:

- 52 defendants were convicted;
- criminal prosecution against 29 defendants was terminated and the proceedings were discontinued.

Diagram 10. The judgments

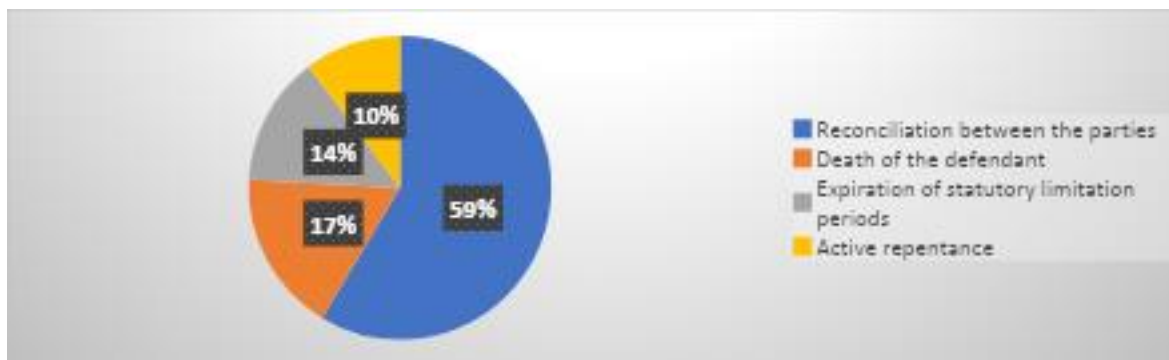


5.1. Termination of Criminal Prosecution

Criminal prosecution was terminated in respect of 29 defendants. The grounds for termination were as follows:

- reconciliation between the parties – 17 defendants;
- expiration of statutory limitation periods – 5 defendants;
- active repentance – 4 defendants;
- death of the accused – 3 defendants.

Chart 11. The number of cases terminated per ground



Interviewed specialists emphasized that no systematic analysis is conducted regarding the number of terminated proceedings, the categories of cases concerned, or the grounds on which prosecutions are discontinued. According to several respondents, the absence of such monitoring limits opportunities to identify recurring patterns, assess the effectiveness of criminal justice responses, and address underlying causes of violations.

This observation is supported by information obtained from the Military Prosecutor’s Office of the Republic of Armenia. In response to an inquiry concerning the number of criminal proceedings terminated at the pre-trial stage, the grounds for termination, and the number of cases in which criminal prosecution had been discontinued, the Military Prosecutor’s Office stated that it does not maintain statistics in this format.⁷³

➤ *Termination of Criminal Prosecution on the Basis of Reconciliation*

Among the reviewed cases, criminal prosecution against 17 defendants (21%) was terminated on the basis of reconciliation between the parties. In ten of these cases, the victim was subordinate to the accused.

In each case, the court recorded that reconciliation had occurred voluntarily and reflected the free will of the parties. However, the information available in Datalex does not permit an assessment of whether courts undertook a substantive examination of the voluntariness of consent, particularly in cases involving hierarchical military relationships, or whether they relied primarily on the parties’ formal statements.

Prosecutors generally did not oppose the termination of proceedings on reconciliation grounds. Objections were raised in only two cases. In one case, the prosecutor argued that the accused had previously benefited from reconciliation-based exemption from criminal liability. In the other, the prosecutor contended that the accused could not be considered a first-time offender because a conviction had already entered into legal force.

⁷³ Letter of the Central military prosecutor’s office N 19-ԵԳ 1288-26 dated 25.02.2026

In both cases, the courts rejected the prosecution’s interpretation and held that the relevant assessment should be made with reference to the moment when the offence was committed rather than the date on which subsequent procedural decisions were adopted.

In one case, the court concluded that the accused qualified as a first-time offender because, at the time of committing the offence under examination, no conviction existed against him. Although a conviction in another case had entered into force before the adoption of the decision in the present proceedings, it concerned conduct committed after the offence at issue. The court therefore held that the concept of a “first-time offender” under Article 82 of the Criminal Code must be assessed at the time of commission of the offence.⁷⁴

A similar issue arose in another case where the accused had previously benefited from termination of criminal proceedings on reconciliation grounds in separate proceedings. The prosecutor argued that the accused should not be permitted to benefit from the same mechanism a second time. The court nevertheless held that the decisive consideration was whether, at the time the offence under examination was committed, the accused had already been released from criminal liability on the same grounds. Because the earlier termination decision had not yet been adopted at that time, the court considered the statutory requirements fulfilled and terminated the proceedings.⁷⁵

The Court of Appeal upheld this interpretation. It emphasized that the restriction on repeated use of reconciliation-based exemption from criminal liability must be assessed as of the time the offence was committed. According to the appellate court, interpreting the provision otherwise would undermine its incentive-based nature and create legal uncertainty.

The monitoring also identified a case in which the court declined to terminate criminal prosecution despite the existence of reconciliation between the parties. Applying the 2003 Criminal Code, the court emphasized that fulfillment of the statutory conditions for reconciliation does not create an automatic obligation to terminate proceedings. Rather, the court retains discretion to assess the seriousness of the offence, the degree of public danger, the motives underlying the conduct, the extent of the harm caused, and other relevant circumstances. Having considered these factors, the court concluded that criminal liability remained justified. The case was subsequently examined under accelerated proceedings, resulting in a conviction and a suspended sentence.⁷⁶

These cases demonstrate that reconciliation serves as one of the principal mechanisms for terminating criminal prosecution in military violence cases. At the same time, the practice raises important questions regarding the assessment of voluntariness in hierarchical military

⁷⁴ SГ/0216/01/24, https://datalex.am/?app=AppCaseSearch&case_id=32369622321792880:

⁷⁵ UГ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598

⁷⁶ UГ/3/0020/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594299

environments and the broader implications of reconciliation-based exemptions for accountability, deterrence, and the prevention of repeated violations.

➤ *Termination of Criminal Prosecution Due to the Death of the Accused*

In three cases, criminal prosecution was terminated due to the death of the accused. In all three instances, the accused had been killed during the 44-day war initiated by Azerbaijan against Artsakh and the Republic of Armenia. The accused in these cases had been charged under various provisions of the Criminal Code in connection with multiple alleged acts, including violence against subordinates, threats, humiliation, spitting on servicemembers, forcibly shaving servicemembers' eyebrows with a razor, and other similar forms of degrading treatment.

➤ *Termination of Proceedings Due to Violation of Statutory Time Limits*

Criminal prosecution was terminated and the proceedings dismissed in respect of five defendants due to violations by the prosecuting authorities of statutory procedural time limits prescribed by criminal legislation. Notably, three of the five defendants were involved in the same criminal case.

In one case, the court found that the prosecuting authority had exceeded the statutory five-month period within which criminal prosecution was required to be completed. Public criminal prosecution had been initiated with substantial delay, following which the limitation period was suspended. The court concluded that criminal prosecution under Article 520(2) of the Criminal Code had to be terminated pursuant to Article 12(1)(7) of the Criminal Procedure Code, as the maximum permissible period for prosecution had expired and the prosecutor had failed to submit the case to the court within the prescribed time limit. The court characterized the prosecuting authority's inactivity not merely as a procedural violation, but also as conduct facilitating impunity. The underlying incident concerned violence committed by a superior officer holding the rank of colonel against his subordinate in the context of a dispute regarding participation in physical training.⁷⁷

In another case, three defendants accused of violence against a servicemember who subsequently died by suicide were released from criminal liability because the proceedings had been prolonged to such an extent, including as a result of the replacement of five presiding judges, that the applicable limitation period expired. Although the circumstances of the case appeared to contain elements indicative of torture or other forms of ill-treatment, neither the investigative authorities nor the courts examined whether the legal qualification of the conduct was appropriate or whether limitation periods should have been applicable in the first place.⁷⁸

The Court of Appeal upheld the decision of the first-instance court. Addressing the applicability of reduced limitation periods for defendants aged between 18 and 21 years pursuant to Article 106

⁷⁷ ԱՐԴ/0587/01/24, https://datalex.am/?app=AppCaseSearch&case_id=38843546786264598

⁷⁸ ՍԴ-1/0001/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065593922

of the Criminal Code, the appellate court clarified that the reference to Article 83 constituted a technical legislative cross-reference to the general limitation rules and should not be interpreted as excluding the application of those provisions to offences committed under the previous Criminal Code.

➤ *Termination of Proceedings on the Basis of Active Repentance*

Article 81 of the Criminal Code provides for exemption from criminal liability on the grounds of active repentance where:

- the person has committed the offence for the first time;
- the offence is classified as one of minor or medium gravity;
- the person has cooperated with the prosecuting authorities;
- the person does not dispute the alleged conduct; and
- where damage has been caused, the person has compensated for or otherwise remedied the harm.

For serious or particularly serious offences committed for the first time, exemption from criminal liability may likewise be granted in exceptional circumstances, taking into account the offender's role, conduct, or other relevant considerations.

A similar mechanism existed under the 2003 Criminal Code, pursuant to which a person could be exempted from criminal liability if, after committing a minor or medium-gravity offence for the first time, they voluntarily confessed, assisted in uncovering the offence, and compensated for the damage caused.

In four cases, criminal prosecution was terminated on the grounds of active repentance.

In one such case, D.L., a conscript serviceman holding the rank of private, was found in possession of an unauthorized mobile telephone in an officers' room. When his platoon commander, Junior Sergeant R.H., instructed him to prepare an explanatory statement concerning the violation, D.L. instead insulted the sergeant. A confrontation subsequently arose during which both individuals resorted to violence. Criminal prosecution against both defendants was terminated on the grounds of active repentance. The court emphasized that both accused had cooperated with the investigating authority from the earliest stages of the proceedings by providing confessional statements, acknowledging their guilt, and assisting in the clarification of material circumstances of the case. The court further noted that the parties no longer maintained any grievances against one another and had demonstrated positive conduct following the incident.⁷⁹

⁷⁹ UŇ3/0019/01/20, https://datalex.am/?app=AppCaseSearch&case_id=35465847065594297

It is noteworthy that, in one case examined under the 2003 Criminal Code, the court rejected a defence motion seeking termination of proceedings on the grounds of active repentance. The court found that there was no evidence demonstrating that the accused had voluntarily confessed or self-reported the incident, notwithstanding submissions by defence counsel to that effect.⁸⁰

5.2. Application of Accelerated Proceedings

The Criminal Procedure Code comprehensively regulates the conditions, grounds, and procedural framework governing accelerated proceedings. Under the current legislation, a court may apply accelerated proceedings during the preliminary hearing stage in cases involving public prosecution upon the motion of the defendant.

Accelerated proceedings may not be applied where:

1. the defendant is charged with a particularly serious crime;
2. at least one co-defendant objects to the application of the procedure;
3. the defendant lacks legal representation or has submitted the motion without consulting defence counsel; or
4. the public prosecutor or the victim submits a reasoned objection (Article 464.1).

The defendant, defence counsel, and the prosecutor must participate in the hearing during which the motion for accelerated proceedings is considered. The court is likewise required to take measures to ensure the participation of the victim (Article 464.2).

When examining such a motion, the court must ascertain whether the defendant understands the nature of the charges, agrees with them, voluntarily requests accelerated proceedings, has consulted with legal counsel, and fully understands the legal consequences of the procedure (Articles 464.1-464.2).

Following the application of accelerated proceedings, the court renders a conviction in accordance with the Criminal Procedure Code, taking into account the specific procedural characteristics of this mechanism (Article 464.4).

It should be noted that the 1998 Criminal Procedure Code also provided for accelerated proceedings. However, this mechanism was abolished through legislative amendments adopted in May 2021 and replaced by plea agreement procedures.⁸¹

The principal distinctions between the former and current accelerated procedure concern the role of the victim's objection, the grounds for refusal, and sentencing rules. Unlike the 1998 Code, which granted courts discretion to reject accelerated proceedings in the event of a victim's

⁸⁰ ՍԳ-3/0020/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594299

⁸¹ Հայաստանի Հանրապետության Քրեական դատավարության օրենսգրքում լրացումներ և փոփոխություններ կատակաւելու մասին ՀՕ-200-Ն ՀՀ օրենք, րնդունված է 2021 թվականի մայիսի 5-ին, ուժի մեջ է մտել *ուժի մեջ կմտնի 27.07.21թ.*, հասանելի է <https://www.arlis.am/hy/acts/153064>

objection, the current legislation treats a reasoned objection by the victim as a mandatory ground for refusal. Furthermore, the law expressly requires courts to take active measures to ascertain the victim's position.

Additional grounds for refusal have also been introduced where it is manifest that the act was committed by another person or with the participation of another person, or where there exists an obvious discrepancy between the legal qualification and the factual circumstances of the case.

Under the current legal framework, the sentence imposed following accelerated proceedings may not exceed three-quarters of the maximum punishment prescribed by law, replacing the previous threshold of two-thirds.

As noted above, accelerated proceedings were applied in relation to 43 of the 81 defendants examined within the framework of this study (53%), while plea agreement procedures were applied in four cases.

Accelerated proceedings are available in respect of all categories of offences examined in this study, with the exception of certain aggravated forms of incitement to suicide committed during martial law, wartime, or combat conditions.

Notably, none of the motions for accelerated proceedings submitted in the reviewed cases were rejected.

The legislation requires that any objection raised by a victim be reasoned. However, although the Law on Advocacy guarantees military victims an access to free legal assistance through the Office of the Public Defender, this safeguard appears to be ineffective in practice. Public defenders involved in criminal proceedings are frequently overburdened, their number outside Yerevan remains insufficient, and potential conflicts of interest between defendants and victims further complicate effective representation. As a consequence, victims rarely object to accelerated proceedings, defendants are incentivized to resolve cases through simplified procedures, and the factual circumstances of incidents often remain insufficiently examined.

According to the information available in Datalex, the formal procedural requirements governing accelerated proceedings were observed in the reviewed cases. Defendants submitted motions during the preliminary hearing stage, confirmed their understanding of the legal consequences, and indicated that they had consulted with defence counsel prior to making their request.

All defendants whose cases were examined through accelerated proceedings were represented by legal counsel, including at least fifteen defendants who retained privately selected lawyers.

Although accelerated proceedings constitute a lawful and established procedural mechanism, their extensive use in cases involving violence by or against servicemembers raises particular concerns. The findings of the study indicate that accelerated proceedings have effectively become the default mechanism whenever termination of proceedings is not available.

Even in cases resulting in comparatively severe custodial sentences, imprisonment is frequently suspended and replaced with probationary supervision. In such circumstances, defendants' motivation appears to be driven less by acceptance of responsibility than by the desire to avoid actual deprivation of liberty. Moreover, the widespread reliance on accelerated proceedings limits the ability of courts to establish the full factual context of incidents, assess whether the legal qualification accurately reflects the nature and gravity of the conduct, and evaluate compliance with the State's international obligations. Nor does the available evidence suggest that this practice serves a meaningful preventive function within the military environment.

5.2.1 Victim Participation in the Examination of Motions for Accelerated Proceedings

As noted above, the Criminal Procedure Code requires courts to take measures to ascertain the victim's position regarding the application of accelerated proceedings.

However, in a number of cases reviewed under accelerated proceedings, victims neither participated in the examination of the relevant motions nor expressed any position on their application, yet the courts nevertheless granted such motions.⁸² This raises questions concerning the scope and adequacy of the efforts required of courts in fulfilling their statutory obligation to "take measures" to determine the victim's views.

In some cases, victims communicated their position regarding accelerated proceedings by telephone and subsequently submitted written statements. Nevertheless, it remains unclear whether the victims fully understood the nature, implications, and legal consequences of the procedure, or whether their position was formed on the basis of sufficient information and legal advice.⁸³

In other cases, the courts merely noted that the victim had been duly notified of the preliminary hearing but had failed to appear, and consequently considered their obligation fulfilled.

For example, in one judicial decision, the court stated that it had ensured the victim's genuine and effective opportunity to express a position regarding accelerated proceedings. However, since the duly notified victim failed to attend the hearings and did not provide reasons for the absence, the court concluded that the victim had effectively waived the right to express a position on the matter.⁸⁴

There are substantial concerns that the extensive use of accelerated proceedings in criminal cases may undermine the comprehensive examination of the nature, causes, and consequences of the offense, as well as the proper individualization of punishment. Given that sentences are predominantly suspended, this approach may weaken the preventive, educational, and deterrent

⁸² See, for example, U᠒3/0158/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065631112

⁸³ U᠒3/0029/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065630238

⁸⁴ U᠒/0101/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065630442

functions of criminal liability, diminish awareness of the inadmissibility of unlawful conduct, and potentially increase the risk of reoffending.

Views among lawyers and representatives of the justice system regarding the use of accelerated proceedings often diverge. Representatives of the judiciary generally did not identify significant concerns with the application of these procedures, emphasizing that the overarching objective of ensuring accountability is achieved even where probationary measures are imposed. By contrast, lawyers interviewed within the framework of the study, while acknowledging the procedural value of accelerated proceedings, raised a number of concerns. In particular, they emphasized that in cases involving violence and ill-treatment, the subjective element of the offense, including intent and motive, is often insufficiently examined, leaving important issues unresolved and adversely affecting the development of judicial practice.

Particular concern was expressed regarding the use of accelerated proceedings in cases involving ill-treatment. According to respondents, such procedures may obscure the underlying causes of incidents and create a risk that the actual circumstances, including patterns of humiliation and abuse experienced by servicemembers, remain insufficiently examined, while the punishment imposed may not always be proportionate to the gravity of the conduct.

Respondents also highlighted discrepancies that frequently emerge between information obtained during the pre-trial investigation and evidence presented during court proceedings. In cases involving deaths, including suicides and killings, issues relating to legal qualification become particularly acute. Obtaining reliable testimony from fellow servicemembers in cases involving both ill-treatment and death often proves challenging.

According to interviewees, servicemembers are generally more willing to provide candid information during the early stages of the investigation, when the incident is recent and perceptions of injustice remain strong. However, attitudes often change over time, particularly during lengthy court proceedings, as motivations evolve and additional factors begin to influence participants' conduct. Respondents also noted that legal representation may affect the manner in which information is disclosed and presented during proceedings.

Other servicemembers observing such cases may draw problematic conclusions from the process. In circumstances where factual issues are not comprehensively clarified and evidence appears to change substantially during court proceedings, perceptions may develop that accountability can be avoided or that the factual truth is of secondary importance. Such perceptions may, in turn, influence the behavior of other servicemembers.

Interviewed experts further emphasized that particular attention should be devoted during investigations to victims and their family members, although this is not always adequately ensured in practice. For example, in cases involving suicide, parents frequently express distrust toward the official account of events and may believe that the death was, in fact, a concealed homicide.

Parents do not always recognize the vulnerabilities of their children and often perceive them as more resilient than they actually are, while servicemembers themselves frequently conceal personal difficulties and psychological distress. As a result, family members may regard homicide as the only plausible explanation for the death and reject alternative explanations.

In summary, with the exception of three reviewed cases, two of which concerned incitement to suicide, all proceedings were resolved without a full adversarial trial. The study demonstrates that the use of accelerated proceedings is frequently associated in practice with the possibility of avoiding actual imprisonment. In most cases, defendants received probationary sentences, suggesting that their primary motivation was not the clarification of the factual circumstances of the case but rather the expeditious conclusion of proceedings and the avoidance of custodial punishment.

The analysis indicates that, although accelerated proceedings are intended to promote procedural efficiency, their widespread application in military-related cases gives rise to significant systemic concerns. In particular, such procedures limit the comprehensive examination of factual circumstances, which is especially problematic in cases involving violence, humiliation, coercion, or other forms of ill-treatment.

It is also noteworthy that victim participation within accelerated proceedings often appeared largely formalistic. Although the law requires courts to take measures to ascertain the victim's position, the study indicates that, in several cases, courts considered proper notification or a position communicated by telephone to be sufficient. This issue is particularly sensitive in the military context, where hierarchical relationships, service-related dependency, and the risk of actual or perceived pressure may significantly influence victims' conduct and decision-making. The limited effectiveness of the state-funded legal aid system further weakens the practical protection of victims' rights and procedural interests.

Particularly concerning is the fact that adversarial trial proceedings have effectively become the exception rather than the rule in this category of cases. The study suggests that all participants in the process, including defendants, defense counsel, prosecutors, and, in certain instances, the courts themselves, have a practical interest in the rapid conclusion of proceedings. Under such conditions, criminal justice risks becoming oriented primarily toward the formal resolution of cases rather than toward uncovering the underlying causes of incidents, identifying systemic deficiencies, and ensuring meaningful and comprehensive accountability.

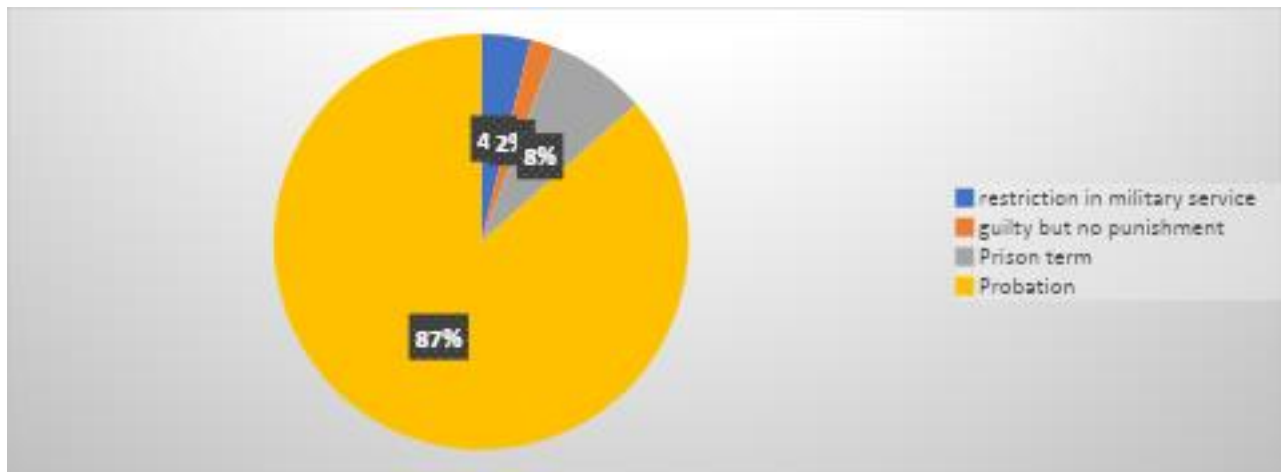
The monitoring revealed extensive reliance on accelerated and plea-based proceedings. While these procedures contribute to procedural efficiency, their frequent use may reduce opportunities for comprehensive judicial examination of the broader context of military violence, including patterns of abuse, institutional shortcomings, command oversight failures, and factors relevant to prevention.

6.SENTENCING PRACTICE

In cases resulting in convictions, courts predominantly imposed sentences of imprisonment but subsequently suspended their execution and placed defendants under probation supervision. Thus, among the 52 convictions examined:

- only 2 defendants received the punishment of restriction in military service, involving deductions of 5 or 10 percent from their monetary allowance for a specified period⁸⁵;
- in 1 case, the defendant was found guilty but no sentence was imposed due to reconciliation with the victim⁸⁶;
- 4 defendants received custodial sentences of imprisonment (all in cases involving incitement to suicide); and
- in the remaining 45 cases, the imposed terms of imprisonment were conditionally suspended and replaced with probation.

Chart 12. Sentences Imposed on Convicted Defendants



The penalties imposed ranged from 15 days of arrest to 8 years of imprisonment, while the corresponding probation periods ranged from 1 to 4 years.

The analysis revealed that the duration of probation was often insufficiently substantiated. For example, the same probation period of one year was imposed both in lieu of a 15-day arrest sentence and in lieu of a four-year term of imprisonment.

In one case, R.Kh. was convicted under Article 358.1(3)(4) of the Criminal Code and sentenced to four years' imprisonment. Pursuant to Article 70 of the Criminal Code, the

⁸⁵ SŦ/0002/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=32369622321760590; ԳԳ/0490/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=33495522228678042

⁸⁶ ՄԳ/0075/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065630469

*court suspended the execution of the sentence and imposed a probation period of one year.*⁸⁷

*In another case, M.M. was convicted under Article 359(1) of the Criminal Code and sentenced to three months' imprisonment. Applying Article 70 of the Criminal Code, the court likewise suspended the execution of the sentence and imposed a probation period of one year.*⁸⁸

*S.S. was found guilty under Art. 358 (1) of the 2003 Criminal Code and sentenced to 15-day arrest. Applying Article 70 of the Criminal Code, the court likewise suspended the execution of the sentence and imposed a probation period of one year.*⁸⁹

Probation was also applied in cases involving significantly more severe conduct and longer terms of imprisonment, including cases where the imposed sentence reached eight years.

In one such case, the accused, a contract serviceman holding the rank of private, while martial law was in force and under the influence of alcohol, engaged in several altercations with servicemen, including a superior officer, and used violence against them. Dissatisfied with a joke made by Senior Warrant Officer H.A., he struck him in the face with his elbow, causing him to fall to the ground. Later the same day, during another altercation, he struck a fellow serviceman on the head, causing him to fall and hit his head on the ground. He subsequently inflicted two stab wounds on Junior Sergeant B.A., his superior by rank, who tried to stop the incident, using a sharp piercing-cutting object that was not identified during the investigation. The victims and the prosecutor did not object to the application of accelerated proceedings.⁹⁰ The judgment further indicated that the accused was no longer serving in the armed forces.

The court suspended the execution of the eight-year sentence and imposed a three-year probation period. In reaching this conclusion, the court relied on several mitigating factors, including the fact that H.H. was married, had positive character references, had participated in the 44-day Artsakh war, and had no prior convictions. The court further noted that he had expressed remorse, admitted guilt, received forgiveness from the victims, and that the victims had not advanced any pecuniary claims against him. On this basis, the court considered that social justice had been restored. The court additionally took into account that the defendant had three minor children under his care and was the sole provider for the family, and therefore considered the potential impact of imprisonment on his family members and living conditions.⁹¹

⁸⁷ ԵՂ/0055/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=45880421204010422

⁸⁸ ՄՂ3/0020/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594299

⁸⁹ ՄՂ3/0031/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065594818

⁹⁰ ՄՂ3/0018/01/25, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065631735

⁹¹ Ibid.

Courts also suspended imprisonment sentences in cases involving life-threatening bodily injuries. In one such case, the proceedings were resolved through a plea agreement.

*N.G., a contract serviceman holding the rank of junior sergeant and serving as an artillery commander on combat duty, was charged with engaging in an altercation with his subordinate, contract serviceman M.S., over matters unrelated to military service. During the altercation, N.G. physically assaulted M.S., grabbed and shook him, and subsequently took the assault rifle assigned to another serviceman. After loading the weapon and firing several shots into the air, he shot M.S. in the leg, causing life-threatening bodily injury*⁹²

Under the plea agreement, the parties agreed upon a sentence of three years' imprisonment under Article 166(1)(1) of the Criminal Code (causing bodily injury or other damage to health dangerous to life) and three years' imprisonment under Article 520(4)(1) (violence against a subordinate committed with the use of a weapon or an object adapted for causing bodily harm). Following full aggregation of the sentences, the final punishment was fixed at six years' imprisonment. The execution of the sentence was suspended and replaced with a four-year probation period, and the court approved the plea agreement.

It should be noted that the victim submitted a written statement indicating that he had no complaints against N.G., including any financial claims, and did not object to the plea agreement procedure. The victim was not represented by legal counsel.

With regard to the suspension of imprisonment sentences, courts generally relied on similar reasoning. Judicial decisions commonly referred to the defendant's personal characteristics, mitigating circumstances, and the degree of social danger posed by the offense, concluding that the purposes of punishment could be achieved without the defendant actually serving the imposed sentence.⁹³

In certain cases, however, courts provided only limited reasoning, merely stating that the mitigating circumstances present sufficiently reduced the nature and degree of the social danger of the offense and allowed the objectives of punishment set out in Article 55 of the Criminal Code to be achieved without actual imprisonment. Accordingly, courts suspended the execution of the sentence and imposed probation supervision.⁹⁴

Among the reviewed cases, the longest probation period - four years - was imposed in the above-mentioned case involving life-threatening bodily injury, where a six-year term of imprisonment was suspended.

A four-year probation period was also imposed in another case in which the defendant was sentenced to one year and two months' imprisonment. In that case, a junior sergeant insulted two conscript servicemen after accusing them of deceiving him regarding the

⁹² UГ1/0176/01/23, https://datalex.am/?app=AppCaseSearch&case_id=35465847065629083

⁹³ See, for example, QГ/0490/01/24, https://datalex.am:443/?app=AppCaseSearch&case_id=33495522228678042

⁹⁴ UГ3/0029/01/24, https://datalex.am/?app=AppCaseSearch&case_id=35465847065630238

*preparation of coffee, humiliated them and subjected to degrading treatment. He subsequently assaulted one of the servicemen, Private A.M., after accusing him of sleeping while on active duty, repeatedly striking him and causing bodily injuries.*⁹⁵

The analysis indicates that, when imposing imprisonment or short-term imprisonment and subsequently suspending the execution of the sentence, courts generally considered both offense-related and offender-related factors, including the nature and gravity of the offense, prior convictions, age, military service record, family circumstances, aggravating and mitigating factors, and other relevant considerations.

6.1. Assessment of Mitigating Circumstances

In numerous cases, courts relied extensively on mitigating circumstances when determining criminal responsibility and punishment.

The most frequently cited mitigating factors included admission of guilt, remorse, absence of prior convictions, positive character references, reconciliation with the victim, having dependent children, youth, and participation in war or combat duty.

Courts also routinely attached considerable importance to the victim's position. In particular, where victims stated that they had no complaints against the defendant, courts frequently treated this as a mitigating circumstance.

*In one appellate proceeding, the prosecutor challenged this approach, arguing that factors such as positive character references, absence of prior convictions or disciplinary sanctions, admission of guilt, remorse, and the existence of dependent minor children could not, in themselves, constitute sufficient grounds for suspending the execution of a sentence. According to the prosecutor, positive personal characteristics, admission of guilt, and remorse represent ordinary manifestations of law-abiding conduct and should not automatically justify probation.*⁹⁶

7. INVESTIGATION OF CASES OF INCITEMENT TO SUICIDE

Within the framework of the monitored criminal proceedings, three cases involving the suicide of servicemen were identified. In two cases, charges were brought for incitement to suicide, while in one case the charges concerned violence committed against the deceased serviceman. The incidents under examination occurred in 2018, 2021, and 2022 respectively.

It should be noted that, for the purposes of the present study, only these three criminal cases concerning suicide were accessible through the Datalex judicial information system for the relevant period. Statistical information obtained from the Military Prosecutor's Office of the Republic of Armenia, however, indicates the existence of a significantly larger number of such

⁹⁵ QՂ3/0062/01/23, https://datalex.am/?app=AppCaseSearch&case_id=33495522228674558

⁹⁶ ՄՂ1/0099/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065627513

cases. According to official data, 38 cases of incitement to suicide were registered during the relevant period, of which 18 were referred to court.⁹⁷

Table. Recorded Cases of Incitement to Suicide in the Armed Forces (2020–2025)

Year	Number of Cases	Referred to Court	Terminated	Pre-Trial Investigation Ongoing
2020	13	3	3	7
2021	5	2	1	2
2022	5	3	0	2
2023	6	5	1	0
2024	7	4	0	3
2025	2	1	0	1

The discrepancy between the cases available through Datalex and the official statistics suggests that access to judicial information concerning such proceedings remains incomplete, thereby impeding comprehensive analysis and effective public oversight.

Under the current practice, whenever any part of a court hearing is conducted in camera, all information relating to the case becomes inaccessible through the Datalex system, including the substance of the charges and the operative part of the judicial decision. Such an approach raises concerns from the perspective of judicial transparency and public accountability.

Description of the Cases

The observations set out below should be interpreted in light of the limited number of accessible suicide-related judgments. Nevertheless, the consistency of certain issues across all reviewed cases, together with concerns raised during expert interviews, permits the identification of a number of recurring risks and institutional challenges.

➤ *The case of the use of violence that led to suicide*

In the first criminal case, three conscript servicemen were charged with repeatedly assaulting and humiliating a fellow serviceman in the absence of any superior–subordinate relationship. According to the case materials, the victim subsequently died by suicide.⁹⁸

The factual circumstances established in the case indicate that the first incident of violence occurred in mid-August 2018, although the exact date could not be determined. The violence recurred on 2 September 2018. According to the case materials, the victim, unable to withstand

⁹⁷ ՀՀ Ձինվորական կենտրոնական Դատախազության 25.02.2026 թ գրությանը ստացված վիճակագրական տվյալներ

⁹⁸ ՍԴ-1/0001/01/20, https://datalex.am:443/?app=AppCaseSearch&case_id=35465847065593922

the treatment inflicted upon him and suffering from a mental disorder diagnosed as a “depressive situational reaction,” died by suicide through hanging on the same day.

The conflict initially arose over shoe polish, during which one of the accused slapped the victim, Private V.G., in the face. Several days later, on 2 September, another dispute arose among the same servicemen within the same military unit, this time concerning a military shirt. During this incident, the accused struck the victim three times in the face, punched him, kicked him twice after he had fallen to the ground, struck him again with his hand, and then hit him on the back with a folded military belt. Shortly thereafter, in the officers’ room and in the presence of other servicemen, the accused, while using offensive language, again assaulted the victim by striking him in the face and head. After the victim fell, he was struck twice more in the head.

Initially, one of the accused was subjected to military supervision as a preventive measure, which was subsequently replaced by house arrest. The court justified this modification by reference to the accused’s improper conduct and repeated failure to appear at court hearings. House arrest was later replaced by a prohibition on absence. The remaining accused were also subjected to a prohibition on absence.

Judicial examination of the case lasted approximately five years and eight months. Ultimately, the criminal prosecution was terminated on the grounds that the statutory limitation period for criminal liability had expired. During the proceedings, amendments were introduced to both the Criminal Code and the Criminal Procedure Code, and under the applicable legislation the limitation period for offenders under the age of 21 was reduced by one-third (Article 106(2) of the Criminal Code). The prosecution appealed the decision; however, the Court of Appeal dismissed the appeal.

The examination of this case demonstrates that the preventive measures imposed on the accused were comparatively lenient and may be regarded as disproportionate given the gravity of the consequences. Equally concerning is the fact that termination of the proceedings on limitation grounds called into questions the compliance with combating impunity and ensuring the victim’s effective legal protection. Furthermore, the absence of any legal assessment as to whether the conduct amounted to torture, together with deficiencies in ensuring the inevitability of punishment, indicates that the authorities suggest deficiencies in providing an adequate response to a particularly serious incident. Taken together, these circumstances raise serious concerns regarding compliance with the State’s obligations under the right to life and the prohibition of torture and inhuman or degrading treatment, including the procedural obligations to conduct an effective, thorough, and independent investigation.

➤ *The case of conscript*

In the second case involving the incitement of a serviceman to suicide, two accused were likewise implicated, and the ill-treatment inflicted upon the victim was alleged to have been continuous in nature. According to the indictment, from August 2021 until May 2022, during periods of combat duty assigned by the military unit commander, V.H., acting as the senior serviceman and superior

at combat positions, together with V.M. and acting in concert, negligently incited subordinate Private A.E. to suicide through cruel treatment and systematic humiliation of his honour and dignity. One of the accused occupied a superior position in relation to the victim, while the other was a fellow serviceman.⁹⁹

According to the case materials, the conflict originated from disputes concerning sleeping while on duty. During the pre-trial investigation, both accused were placed in detention as a preventive measure. The serviceman occupying the superior position remained detained for six months, while the second accused was detained for two months. Detention was subsequently replaced by a prohibition on absence. However, the available materials contain no information regarding the reasons underlying the selection of these preventive measures or the court's assessment thereof. The accused were ultimately sentenced to terms of imprisonment of five years and four years and nine months respectively.

The judgment was appealed both by the victim's legal successor and by the accused. The defence argued that substantial contradictions existed between witness statements given during the pre-trial investigation and those provided before the court, as well as among the witness statements themselves. It was further argued that the court had failed to clarify these inconsistencies and had unjustifiably refused requests to summon additional witnesses.

The appeal also raised issues concerning a letter allegedly left by the deceased serviceman. It was argued that the serviceman had been conscripted on 28 February 2021 and had written the letter approximately seven months later, no later than September 2021, whereas the suicide occurred on 11 May 2022, approximately eight months after the letter had been written. According to the defence, the contents of the letter suggested that the deceased had already formed an intention to commit suicide by September 2021. Nevertheless, neither the pre-trial investigation nor the trial court examined the reasons underlying that intention or conducted any meaningful inquiry in that regard.

The appeal further challenged the integrity of the crime scene examination. According to the defence, the body had been removed from the combat position before the inspection commenced. Consequently, forensic experts were unable to conduct examinations at the original scene, footprints and fingerprints were not collected, the weapon had been moved, and even the cartridge casing had been removed by another individual. Moreover, no reliable information remained regarding the original position of the body.

The Court of Appeal dismissed the appeal, concluding that the judgment of the first-instance court was lawful and sufficiently reasoned.

The examination of the case further reveals that, on the basis of testimony provided by one of the witnesses, separate criminal proceedings were initiated within the Investigative Committee's Department for the Investigation of Torture and Abuse or Excess of Official Powers through

⁹⁹ Q-13/0070/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=3349552228675050

Violence concerning alleged abuse of authority involving violence by officials. Subsequently, however, the witness stated that he had been emotionally distressed during the court hearing, that he had provided inaccurate information, that no violence had been used against him, and that his pre-trial statements accurately reflected the truth. On 24 June 2025, the proceedings were terminated on the grounds that no criminal offence had been established.

The factual circumstances of the case and the legal assessments adopted by the courts raise a number of significant concerns regarding both the alleged suicide and the effectiveness of the investigation conducted. In particular, the timing, duration, and severity of the alleged ill-treatment were not sufficiently established. Moreover, the available materials provide grounds to suspect that additional incidents of violence may have occurred but were either not documented or not adequately investigated.

Of particular concern is the fact that the alleged central figure in the incidents was the victim's immediate superior, whose conduct was alleged to have been continuous in nature and to have occurred openly in the presence of other servicemen. At the same time, there is no indication that the military command responded adequately to these circumstances, implemented preventive measures, or ensured effective supervision.

Furthermore, the case materials contain significant contradictions and unresolved issues that hinder a comprehensive, objective, and thorough clarification of the circumstances surrounding the death. Considered cumulatively, these deficiencies support the conclusion that the investigation raise serious concerns regarding compliance with the standards of effectiveness and thoroughness required under both domestic law and international human rights obligations.

➤ *The case of contracted serviceman*

The third monitored case involving suicide likewise concerned multiple perpetrators. Specifically, contract servicemen A.S. and A.A. repeatedly humiliated and assaulted fellow contract serviceman G.A., who subsequently died by suicide following another incident.¹⁰⁰ The materials indicate that the misconduct was recurrent and involved both physical violence and sexually degrading insults intended to humiliate the victim's honour and dignity. The conflicts arose over various matters, including internet access through a phone card, food-sharing arrangements, and other everyday disputes.

According to the judgment, the incident immediately preceding the suicide occurred at a combat position. On the day of the incident, another dispute arose concerning internet access because the victim refused to share access from his phone card. The accused insulted and assaulted him, and A.S. threatened him by stating: "If you don't bring the card within one minute, I'll f*** your mouth." The victim subsequently went to the sleeping quarters, and approximately one minute later a gunshot was heard. Personnel entered the sleeping quarters and found G.A. lying on the

¹⁰⁰ Q.95/0005/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=33495522228669823

ground with gunshot wounds to the chest and abdominal area, while an AK-74 rifle was located between his legs.

During the pre-trial investigation, the accused were detained for six and four months respectively, after which detention was replaced by a prohibition on absence. Ultimately, the defendants were sentenced to terms of imprisonment of six and five years respectively.

The available materials reveal a number of significant issues concerning both the incident and the ensuing criminal proceedings. In particular, witnesses provided contradictory statements during the pre-trial and trial stages. One witness testified that immediately after the incident the accused instructed others to state, if questioned, that G.A. had been gambling on “Adjarabet,” that they had all been present at the combat position, and that G.A. had shot himself for unknown reasons.

Another important issue concerned B.A., the officer responsible for the combat position. According to witness testimony, A.S. instructed everyone to state that both he and B.A. had been in the trench at the time of the incident. The witness explained that he knew B.A. was approaching retirement and that disclosure of his absence from the position could adversely affect his retirement prospects. In reality, however, B.A. had allegedly been at home when the incident occurred. Criminal proceedings against B.A. were separated from the main case, and he was charged with leaving the combat position without authorization and without permission from superior command. Nevertheless, criminal prosecution against him was ultimately discontinued due to the expiry of the statutory limitation period.¹⁰¹

The examination of this case reveals serious concerns relating both to the protection of fundamental human rights and to the effectiveness of the investigation. The repeated violence, humiliation, and threats directed against the victim created an environment in which suicide was a foreseeable outcome. The State, acting through military command structures, failed to protect the serviceman’s life by preventing the continuing ill-treatment. At the same time, the physical abuse, psychological pressure, and humiliation inflicted upon the victim may amount to inhuman and degrading treatment, the prevention of which formed part of the State’s positive obligations.

Furthermore, the circumstances described in the judgment indicate a possible causal connection between the violence and threats preceding the suicide and the victim’s death itself. This required a comprehensive legal assessment of the events leading up to the suicide, including the conduct and omissions of commanding officers. However, the investigation was characterized by significant deficiencies, including contradictory and evolving witness testimony, possible witness influence and coordination of statements, and an incomplete and insufficiently objective examination of the relevant facts. These shortcomings raise serious concerns regarding the independence, thoroughness, and effectiveness of the investigation.

¹⁰¹ Q.95/0008/01/23, https://datalex.am:443/?app=AppCaseSearch&case_id=33495522228669945

In this context, the hierarchical and closed nature of military service constitutes a particularly significant factor, as it creates opportunities for influence over witnesses and may impede the establishment of the truth and the administration of justice.

An additional concern relates to the accountability of military officials. The absence of the officer responsible for the combat position and the apparent efforts to conceal that absence point to possible official misconduct. Nevertheless, criminal prosecution against the officer was discontinued on limitation grounds, resulting in de facto impunity.

Taken together, these circumstances point to broader systemic problems within the armed forces, including the persistence of non-statutory relations, inadequate command oversight, tolerance of ill-treatment, and deficiencies in ensuring effective investigation and accountability within the criminal justice system.

The conduct attributed to the accused was not limited to isolated acts of violence. Rather, it involved repeated assaults, humiliation, intimidation, degrading treatment, and the exploitation of power imbalances over a prolonged period. Such circumstances warranted a careful assessment of whether the conduct could amount to torture or other forms of prohibited ill-treatment under domestic law and Armenia's international human rights obligations. The judgments reviewed do not indicate that such an assessment formed part of the legal analysis undertaken by the investigative authorities or the courts.

The analysis of judicial practice, including approaches taken by the prosecution, defense and the judges, suggests that military violence cases are generally treated by the criminal justice system as interpersonal disciplinary conflicts rather than as potential human rights violations involving abuse, humiliation, coercion, or structural problems within military service.

As demonstrated above, investigative authorities appear to have focused on proving individual incidents rather than identifying patterns of abuse; and courts rarely examined whether the legal qualification adequately reflected the gravity of the conduct.

The application of limitation periods in these cases further highlights the practical significance of legal qualification. Had the conduct been assessed under legal provisions relating to torture or other serious forms of ill-treatment, different legal consequences may have arisen.

On top of that, cases of incitement to suicide clearly reveal repeated failures by commanders and military leadership in ensuring discipline and human rights of servicemembers, especially those with vulnerabilities. Certain practices and stereotypes are tolerated and disseminated among the conscripts from year to year.

The fact that the abuse continued over prolonged periods, involved multiple participants and witnesses, and frequently occurred openly raises serious questions regarding the extent to which command structures were aware, or should reasonably have been aware, of the situation. While the present monitoring did not examine disciplinary or command-responsibility proceedings

beyond the reviewed judgments, the available materials suggest that questions concerning the actions and omissions of commanders often remained peripheral to the criminal proceedings. As a result, the focus of accountability was placed primarily on direct perpetrators, while broader institutional failures that may have enabled the abuse received comparatively limited attention.

The examined cases further raise questions regarding the effectiveness of existing mechanisms for identifying, monitoring, and responding to servicemen's vulnerabilities. In several cases, the materials reviewed referred to indicators of psychological distress, social isolation, ongoing interpersonal conflict, or prolonged exposure to humiliation and abuse. Nevertheless, the judgments provide limited information regarding whether these factors triggered any preventive intervention by commanders, medical personnel, psychologists, or other responsible actors.

Another recurring feature of the monitored cases was the existence of substantial discrepancies between statements provided during the pre-trial investigation and those given before the court. In certain instances, allegations emerged that witnesses had coordinated their accounts or sought to protect fellow servicemen and commanders. While the monitoring does not permit definitive conclusions regarding the causes of these discrepancies, the cases demonstrate the particular challenges associated with obtaining reliable testimony in the closed and hierarchical environment of military service.

The suicide-related cases examined within the framework of this study illustrate in concentrated form many of the broader concerns identified throughout the report. Across all three cases, the reviewed materials reveal allegations of prolonged violence, humiliation, coercion, or abuse occurring within a closed military environment and frequently in the presence of other servicemen. The cases raise questions regarding the effectiveness of preventive mechanisms, the adequacy of command oversight, the identification of vulnerabilities, the thoroughness of investigations, and the appropriateness of legal qualification. They further demonstrate the difficulties associated with establishing the full factual circumstances of incidents occurring within hierarchical military structures, particularly where witness testimony evolves over time or where allegations arise concerning influence over participants in proceedings.

Although the small number of accessible cases does not permit broad statistical conclusions, the findings suggest that cases involving suicide may expose systemic risks that are also visible across the wider body of military violence cases examined in this study. The gravity of the consequences involved underscores the importance of ensuring that investigations move beyond the examination of isolated incidents and address broader patterns of abuse, institutional shortcomings, and failures of prevention. From this perspective, the cases highlight the need for a more comprehensive, preventive, and human rights-based approach to addressing violence and ill-treatment within the armed forces.

OVERALL FINDINGS AND CONCLUSIONS

This study examined judicial practice in criminal cases involving violence, humiliation, and other forms of ill-treatment within the armed forces of the Republic of Armenia through the analysis of 51 court judgments and a number of expert interviews. While the findings are limited to the cases accessible through the Datalex official judicial information system and therefore do not represent the entirety of military violence cases, the reviewed materials reveal a number of recurring patterns that warrant attention from a human rights, criminal justice, and military governance perspective.

The analysis demonstrates that the majority of the reviewed cases were examined by regional courts, particularly the Court of General Jurisdiction of Syunik Province. The duration of pre-trial investigations varied significantly. In certain cases, investigations were completed within exceptionally short periods, lasting as little as nine days, whereas in others they were subject to substantial delays. In at least one case, the delay resulted from the intentional failure of the investigator to undertake the necessary procedural actions, ultimately allowing the defendant to avoid criminal liability due to the expiration of the applicable limitation period.

Court proceedings generally lasted up to five months. A substantial proportion of cases were resolved through accelerated procedures or reconciliation mechanisms, which limited the scope for a comprehensive examination of the factual circumstances. At the same time, the monitoring identified cases in which proceedings were not completed within a reasonable time, primarily due to the repeated replacement of presiding judges. The longest-running case remained pending for approximately five years and eight months.

In 59% of the reviewed cases, the proceedings involved one defendant and one victim. Nevertheless, cases involving up to six defendants were also identified. Importantly, the number of defendants ultimately brought before the court did not always reflect the actual number of individuals involved in the incident, as criminal prosecution against some participants had been terminated during the pre-trial stage. While in some minor cases such measures are warranted, in general the practice of failing to prosecute all participants in incidents of group violence raises serious concerns regarding accountability and may contribute to a broader climate of impunity. This is particularly relevant in cases of systematic violence and humiliation committed in a group.

The typical defendant profile emerging from the monitored cases was that of an unmarried conscript serviceman aged between 18 and 20 years, possessing secondary education and no prior conviction. Specifically, 62% of defendants were aged 18–20, 68% were conscript servicemen, 69% had secondary education, 81% were unmarried, and 94% had no prior convictions.

At the same time, the absence of a formal criminal record did not necessarily indicate a lack of previous conflict with the law. In several cases, defendants had previously been involved in incidents, including violent conduct during military service, but criminal proceedings had been terminated at the pre-trial stage on non-exonerating grounds, their convictions had been expunged, or judgments in other criminal proceedings had not yet entered into force at the time the offense under examination was committed. In all such cases, under Armenian law, they are considered

first-time offenders. This factor plays a major role in eligibility for seeking reconciliation and accelerated procedures.

Although the majority of defendants held the ranks of private or sergeant, the monitored cases also involved officers, including individuals holding the rank of colonel.

The examined cases demonstrate that violence within the armed forces continues to manifest in diverse forms, ranging from isolated physical assaults to prolonged patterns of humiliation, intimidation, degrading treatment, and abuse of authority. In several cases, violence was not limited to a single incident but occurred repeatedly over time, often in the context of informal power relations, hierarchical dependence, or collective participation by several servicemen. The reviewed judgments suggest that such conduct frequently develops within a broader environment in which abusive practices become normalized and are not effectively identified or prevented at an early stage. In such a case, this also indicates failures of command structures to prevent such conduct, which in some cases led to a suicide.

The reviewed cases reveal a tendency to address military violence primarily as a disciplinary or interpersonal conflict rather than through a broader human rights framework. Although many incidents involved repeated humiliation, coercion, abuse of authority, or prolonged degrading treatment, the judgments do not engage with questions concerning the prohibition of torture or other forms of cruel, inhuman, or degrading treatment.

The reviewed judgments raise questions regarding the effectiveness of mechanisms intended to identify and respond to risks faced by servicemen. In several cases, warning signs such as ongoing interpersonal conflicts, repeated incidents of violence, social isolation, psychological distress, or persistent humiliation appeared to have been present before the commission of the offense or the occurrence of particularly serious consequences. Nevertheless, the materials reviewed often contained no information regarding preventive interventions undertaken by commanders, psychologists, medical personnel, or other responsible actors.

The cases involving suicide provide a particularly important illustration of the cumulative impact of these challenges. Although only three such cases were accessible for detailed analysis, all involved allegations of prolonged abuse, humiliation, violence, or coercion occurring over a period of time. The reviewed materials raise questions concerning the adequacy of prevention measures, command oversight, the identification of vulnerabilities, and the effectiveness of investigations into the circumstances preceding the deaths. The gravity of the consequences involved highlights the importance of addressing violence not only through reactive criminal prosecution but also through preventive and institutional measures.

The analysis indicates that criminal proceedings generally focused on establishing and proving individual acts of violence committed by specific perpetrators. While this approach is consistent with the requirements of criminal liability, it has often resulted in limited examination of the broader context in which the abuse occurred, such as the circumstances prior to the incident, the

relationship between the victim and offender. Questions relating to command oversight, institutional responsibility, patterns of non-statutory relations, repeated victimization, and the existence of systemic risk factors frequently remained outside the primary focus of the proceedings. Consequently, the underlying conditions that enabled the violence often received less attention than the individual incidents themselves. This, coupled with a lack of data gathering and analysis of the grounds and patterns of terminating criminal prosecution, undermines the effectiveness and comprehensiveness of the state response to such practices in the armed forces.

The monitoring identified a number of concerns relating to the effectiveness of investigations and judicial proceedings. Among the recurring issues were lengthy proceedings in some sensitive cases resulting in avoiding accountability, on the one hand, and a practice of the use of reconciliation procedure or accelerated proceedings, where other grounds to terminate proceedings were not applicable by law, inconsistencies in witness testimony between investigative and judicial stages, and allegations regarding possible influence over witnesses or existing stereotypes about possible repercussions for those who report abuse or testify. While the available materials do not permit definitive conclusions regarding the causes of such difficulties, they illustrate the particular challenges associated with investigating offenses committed within the closed and hierarchical environment of military service.

The monitoring suggests that the rights of victims are not effectively ensured. While the law ensures the right to free legal aid provided by the State to the servicemembers who are victims of crime, in practice, such assistance is not always effective. On the one hand, the number of public defenders, especially in the regions, is quite low; on the other hand, there is a need to ensure representation of both victims and defendants, some of whom might have conflicting interests. As a result, the parties are encouraged to reconcile or the defendants to plead guilty to close the case.

The monitoring indicates that, where permissible by law, the parties tend to reconcile in court. While this procedure, in essence, is supposed to ensure social justice and resolution of the case, in cases where military subordination and hierarchy are involved, this might raise legitimate concerns about whether the parties, especially a victim who is subordinate to the defendant, actually express free will and reconcile.

Although accelerated proceedings constitute a lawful and established procedural mechanism, their extensive use in cases involving violence by or against servicemembers raises particular concerns. The findings of the study indicate that accelerated proceedings have effectively become the default mechanism whenever termination of proceedings is not available due to legal constraints. The widespread reliance on accelerated proceedings limits the ability of courts to establish the full factual context of incidents, assess whether the legal qualification accurately reflects the nature and gravity of the conduct, and evaluate compliance with the State's international obligations. Nor does the available evidence suggest that this practice serves a meaningful preventive function within the military environment.

Moreover, as monitoring demonstrated, the victims frequently do not attend hearings and express their consent for the accelerated proceedings by phone or in writing, or do not engage at all. This is more relevant in case the victim completed military service. The engagement and the interest in seeking justice is likely to decrease over time, especially if proceedings drag for years.

The accelerated proceedings require admitting guilt by the defendant. As a result, even in cases resulting in comparatively severe custodial sentences, imprisonment is always suspended and replaced with probationary supervision. In such circumstances, defendants' motivation appears to be driven less by acceptance of responsibility than by the desire to avoid actual deprivation of liberty.

The analysis of sentencing practice indicates that courts frequently relied on suspended sentences and probation supervision, including in cases involving serious violence. While courts generally referred to mitigating circumstances, personal characteristics of defendants, and the purposes of punishment when imposing such measures, the reasoning provided was not always sufficiently detailed to explain differences in sentencing outcomes. The reviewed judgments reveal significant variations in both custodial sentences and probation periods, raising questions regarding the consistency and predictability of sentencing practice.

Finally, the monitoring identified broader concerns regarding transparency and public accountability. The limited availability of judicial information in certain categories of cases, particularly where proceedings were conducted partially in camera, restricts opportunities for public scrutiny and independent assessment. This creates obstacles not only for research and monitoring but also for broader public confidence in the effectiveness of responses to serious incidents within the armed forces.

Taken together, the findings suggest that military violence should not be viewed solely as a matter of individual misconduct. Overall, the cases reviewed in this study demonstrate that addressing violence within the armed forces requires more than the prosecution of individual offenders after harm has occurred. Effective prevention depends upon a comprehensive approach that combines accountability with early intervention, effective command oversight, protection of vulnerable servicemen, independent and thorough investigations, and the consistent application of human rights standards throughout military service and criminal proceedings. Strengthening these mechanisms is essential not only for reducing violence within the armed forces but also for safeguarding the dignity, security, and fundamental rights of all servicemen.

RECOMMENDATIONS

Strengthening Legal Safeguards

1. Amend the Criminal Code by introducing a new article 521.1 to criminalize torture and inhuman treatment in the armed forces.

2. Amend the following articles of the Criminal Code to equate legal safeguards of torture and torture in the armed forces: Article 7, part 2 - exceptions to the interpretation of the double jeopardy; Article 81, part 1.2 - prohibition of the release from liability on the ground of active repentance; Article 83, part 9 - prohibition of the application of the statute of limitations to release from liability; Article 90, part 7 - prohibition of the application of the statute of limitations in the case of a guilty verdict; Article 91, part 2 - prohibition of the application of amnesty; Article 92, part 2 - prohibition of the application of pardon; Article 473, part 1- criminalisation of non-reporting of a particular crime.
3. Amend Art. 464.1 para. 2 with subpara 5 to stipulate prohibition of the accelerated proceedings in the case of abuse of authority coupled with violence (Art. 441(2)), torture (Art. 450), and torture in the armed forces (Art. 521.1).
4. Amend Art. 458 para 2 with subpara 6 to stipulate prohibition of the plea bargaining proceedings in the case of abuse of authority coupled with violence (Art. 441(2)), torture (Art. 450), and torture in the armed forces (Art. 521.1).
5. Revise Article 82 of the Criminal Code to stipulate that the application of the reconciliation procedure shall be a discretion of the judge, not a mandatory outcome if requested, if the interests of justice require so.

Prevention of Violence and Ill-Treatment

6. Strengthen mechanisms for the early identification and monitoring of servicemen exposed to heightened risks, including those experiencing repeated interpersonal conflicts, social isolation, psychological distress, previous victimization, or other indicators of vulnerability.
7. Introduce systematic risk-assessment procedures and mechanisms within military units aimed at identifying patterns of violence, needs, non-statutory relations, group intimidation, and other forms of abusive conduct before they escalate into serious incidents.
8. Enhance the role and capacity of military psychologists and other support services in identifying, documenting, and responding to situations involving violence, humiliation, bullying, and suicide risk.
9. Ensure regular and mandatory human rights training for servicemen, commanders, military police personnel, military investigators, and prosecutors, with particular emphasis on the prohibition of torture and other forms of cruel, inhuman, or degrading treatment, prevention of violence, and protection of vulnerable servicemen.
10. Conduct a study to comprehensively assess in a multidisciplinary format causes and factors contributing to torture-like conduct and suicide, including examination of prior incidents of violence, command responses, psychological vulnerabilities, and other contributing factors.

Command Oversight and Accountability

11. Establish clear requirements for documenting and reviewing incidents involving repeated violence, humiliation, or other forms of abusive conduct, including assessment of whether commanders were aware, or should reasonably have been aware, of the situation and whether adequate preventive measures were taken.

12. Review the existing disciplinary and accountability mechanisms applicable to commanders and other responsible officials whose actions or omissions may have contributed to the continuation of violence, abuse, or serious human rights violations.

Investigation of Military Violence

13. Develop and adopt investigation guidelines for cases involving violence, prolonged abuse, suicide, and suspected ill-treatment within the armed forces, ensuring that investigators examine not only individual incidents but also broader patterns of conduct, command failures, and institutional factors.

14. Ensure that allegations involving repeated violence, humiliation, abuse of authority, coercion, or other severe forms of ill-treatment are systematically assessed from the perspective of the prohibition of torture and other forms of cruel, inhuman, or degrading treatment, in accordance with domestic law and international human rights standards.

15. Strengthen safeguards aimed at protecting the integrity of evidence and witness testimony in military cases, including measures to reduce risks of witness influence, intimidation, retaliation, or coordination of statements.

16. Ensure that command responsibility is also examined within the investigations of incitement to suicide.

Criminal Justice response

17. Consider limiting the use of accelerated and plea-based proceedings in cases involving life-threatening injuries, alleged torture, or prolonged patterns of violence and degrading treatment within the armed forces, where a comprehensive examination of the facts serves an interests of justice.

18. Ensure mandatory regular data collection on the cases related to violence and suicide in the armed forces to inform policy analysis.

Transparency and Public Accountability

19. Improve transparency and public access to information concerning military violence cases by reviewing existing restrictions on the publication of judicial decisions and ensuring that, wherever possible, judgments and key procedural information remain publicly accessible, including in cases where parts of proceedings are conducted in camera but ensuring the protection of data stipulated by law.