1. In many instances, information about torture and ill-treatment is not immediately reported to the competent authorities by the person subjected to torture or by other persons; thus later on obstacles arise during the investigation in terms of ensuring expeditiousness and effectiveness, since it becomes impracticable to check the information reported by the person subjected to torture due to elapsed time after the incident, in particular, as regards bodily injuries sustained, etc. It should be noted that in these cases abuse of rights by persons are not few, when the person having committed the crime or other persons — in order to protect the person having committed the crime from the charges brought against him or her, to declare the testimonies given thereby during the preliminary investigation as inadmissible, and often also to take revenge on this or that employee of the law enforcement body — convey untruthful information as regards exercise of physical or psychological violence against them, which in turn leads to encumbering the criminal proceedings and the workload of the investigators conducting the proceedings.

From the perspective of qualification of torture, the lack of criteria and certainty for the assessment of inflicting severe physical pain or severe mental suffering is also challenging.

2. Given the availability of purpose, considered a mandatory element of the corpus delicti in case of torture, in the case of cruel, inhuman or degrading treatment or punishment by an official or at his or her instigation, upon the order or with knowledge thereof, criminal proceedings shall be initiated under Article 450 of the Criminal Code of the Republic of Armenia where the body conducting the proceedings finds that the necessary threshold of severity has been attained as provided by the European Court’s case law. The new Criminal Code of the Republic of Armenia (in force since 1 July 2022) prescribes liability for torture — intentionally inflicting severe physical pain or severe mental suffering on any person by an official or at the instigation, upon the order or with knowledge thereof for the purpose of obtaining from that person or a third person information or confession, or for punishing for an act which that person or a third person has committed or is suspected or accused of having committed, as well as for intimidating or applying coercion on that person or a third person to impel the latter to act or abstain from acting, or for any other reason based on discrimination of any kind.

Given the absence of the above-mentioned specific purposes of torture, as well as in case no severe physical pain or severe mental suffering has been inflicted, the act shall be assessed as abuse or excess of official powers in the criminal law context, within the scope of the preliminary investigation conducted for the purpose of establishment of elements of the corpus delicti as prescribed by part 2 of Article 441 of the Criminal Code of the Republic of Armenia. For both of these corpus delicti the legislature has strict regimes of punitive policy in place; no right of release from criminal liability is envisaged by amnesty, pardon or expiration of the statute of limitations. The new Criminal Code not only clearly prohibits applying statutes of limitations to persons having committed torture, but also bans pardon and amnesty for persons having committed torture.

The corpus delicti of torture is also included in the limited list of crimes included in the corpus delicti of not reporting of a crime provided for by Article 473 of the Criminal Code of the Republic of Armenia.

Conditioned by the principle of individualisation of justice and punishment among criminal law principles, the newly-adopted Code prohibits subjecting a person more than once to criminal liability for one and the same crime, except when, *inter alia,* being subjected to criminal liability by another state for torture where the person has been unjustifiably exempted from criminal liability, or has been unfairly convicted to a milder punishment, or has been fully or partially relieved of serving punishment groundlessly.

It should be noted that while under the Code no criminal liability is envisaged for the person having caused harm to the interests protected under the criminal law, who has acted upon the order or executive order issued in due procedure and mandatory for him or her, but the person having issued a criminal order or executive order is the one to be subjected to criminal liability for causing such harm, however, it is clearly defined that where a person has realised the criminal nature of the order or executive order or could have realised it and still has committed the act, then he or she shall be subjected to criminal liability, whereas failure to execute an obviously criminal order or executive order shall relieve from criminal liability.

Liability is also prescribed for the failure to report the competent body on the crime of torture definitely known in the stage of its preparation or attempt when it would be possible to prevent the commission of such crime or its consequences.

What also deserves attention is the fact that the Code prescribes liability for regularly disgracing a person's honour and dignity as a way of mental coercion. Liability is also prescribed for the illegal disclosure of a medical secret by a medical worker, which has negligently entailed disgrace of a person's dignity.

3. Pursuant to the new criminal law and criminal procedural legislation in force since 1 July 2022, the powers of conducting preliminary investigation for the proceedings involving torture have been entrusted to the Investigative Committee of the Republic of Armenia, under the structure of which a separate specialised department has been formed under the Department for Investigation of Particularly Important Cases — the Department for Investigation of Crimes of Torture and Abuse or Excess of Powers by Officials with Use of Violence; its task is to conduct an effective, comprehensive and impartial investigation, with regard whereto — except for the confidential information protected by law — the Investigative Committee conducts necessary awareness raising, by ensuring transparent and open public control to the necessary extent.

4. The main sources of complaints about crimes of torture or abuse or excess of powers with the use of violence by officials are the victims of the crime or their relatives, the institutions engaged in the protection of human rights, especially the Office of the Human Rights Defender. There are also many cases when such proceedings are initiated based on the reports on the cases of crimes revealed at penitentiary institutions, by the employees of the body carrying out operational-intelligence activity, by investigators while performing their official functions. The criminal proceedings initiated on those crimes are examined in the Department for Investigation of Crimes of Torture and Abuse or Excess of Powers by Officials with Use of Violence of the Department for Investigation of Particularly Important Cases of the Investigative Committee of the Republic of Armenia for the purpose of conducting an effective, comprehensive and impartial preliminary investigation.

The Code stipulates that at the court session the court shall immediately examine the appeal filed in the proceedings for challenging the lawfulness of the arrest, where it has been prima facie substantiated that there is a threat to life of the person, or he or she has been subjected to torture.

The new Penitentiary Code of the Republic of Armenia (entered into force since 1 July 2022) stipulates that the medical examination of the convicts shall be carried out immediately after being transferred to quarantine ward, but no later than within 24 hours. Medical examination in the quarantine ward is done for the assessment of the health condition of the convict as a source of information thereon, which is used, *inter alia*, for the purpose of detecting a possible bodily injury of the convict, including those received as a result of torture or other forms of ill-treatment, as well as for the purpose of recording a complaint about his or her health condition.

According to the Code, a template of the record on medical examination related to torture or other forms of ill-treatment shall be drawn up, where:

(1) there is a written or oral statement by the convict to the effect that the bodily injury or complaint about health condition is the consequence of torture or other act of ill-treatment;

(2) the healthcare worker discovers, including during the medical examination, that the bodily injury of the convict or complaint about his or her health condition may be the consequence of torture or other act of ill-treatment.

In each case of an alleged torture or other act of ill-treatment, the healthcare worker shall be obliged:

(1) to carry out proper medical examination and fill in the record template;

(2) to send the record template to the competent investigative body;

(3) to inform the convict of his or her right to receive a professional second opinion or any number of opinions preferred thereby at his or her own expense.

Besides, based on the record, for the purpose of excluding the contact of the convict subjected to torture or other forms of ill-treatment with the employee of the penitentiary institution or with other convicts, who have allegedly used torture or other forms of ill-treatment, the head of the penitentiary institution shall organise protection of the convict subjected to torture or other forms of ill-treatment.

By establishing the procedure for deciding by the court on the appeals filed against action, inaction of officials of institutions and bodies executing punishment or against decisions adopted thereby, it is specified in the Code that where it has been prima facie substantiated in the appeal filed that there exists threat to his or her life, or he or she has been subjected to torture, other act of ill-treatment, then the court shall examine the appeal and render a decision within 24 hours upon its receipt.

It should also be noted that with the support of the Council of Europe, the legal framework covering the issue has already been improved, including the template of the record on medical examination related to torture or other forms of ill-treatment has been revised, the guidelines for completing it have been developed and the medical staff has undergone relevant training.

5. The following shall be among the primary investigative actions in regard to cases of torture: based on a decision, granting the status of victim to persons who have suffered from alleged crime; clarifying their rights and responsibilities under the Criminal Procedure Code of the Republic of Armenia, as well as detailed interrogation about the circumstances of the incident; assigning relevant expert examinations where necessary, obtaining video recordings of the case where available. Full participation of the victim in criminal proceedings shall be ensured by exercising procedural rights by a victim enshrined in a number of criminal and procedural norms, including by familiarisation with the decisions on assigning expert examinations, making available the findings, opportunities to submit motions, the right to familiarise with the materials of a case, etc.

A special chapter is prescribed by the criminal procedure legislation of the Republic of Armenia for organising special protection of persons involved in the proceedings, according to which a special protection measure shall be applied to the person involved in criminal proceedings, as well as his or her family member or other kinsman, where real threat may be reasonably posed to their life, health or lawful interests in regard to the proceedings. The special protection measures to be imposed during the proceedings are:

(1) restriction to approach the protected person or to communicate with him or her;

(2) making the identification data of the protected person confidential;

(3) supervision over the protected person, his or her apartment or property;

(4) provision of individual protection measure to the protected person;

(5) taking the protected person to another place of residence;

(6) substitution of identification documents of protected person or alteration of his or her appearance;

(7) changing the place of work, service or education of the protected person;

(8) removing him or her from the courtroom or holding an in-camera court sitting;

(9) interrogation of the protected person in court through a special procedure.

Within the context of implementation of the provisions of the Law of the Republic of Armenia "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in family" adopted in 2018, for the purpose of ensuring prevention of domestic violence, security and protection of persons subjected to domestic violence, their rights and lawful interests, a number of functions have been reserved to the officers of competent sub-divisions of the Police of the Republic of Armenia. In particular, in cases of physical, sexual, psychological, economic violence, as well as neglect in the family, for the purpose of ensuring the safety of the persons subjected to violence, as well as preventing the recurrence of violence, the officers of the specialised sub-divisions of the Police take 2 protective measures:

1. "warning" order, which shall be applied when the police has discovered the case of violence within the family for the first time, the committed act does not contain prima facie elements of corpus delicti, and there are no grounds for an emergency intervention. A decision on applying warning shall include informing about the measures of liability provided for by law in case of continued or repeated violence. Warning shall be applied within the shortest period possible after being informed about the incident.

2. "emergency intervention" order — where one member of the family has used violence against the other, and there is a reasonable assumption of an immediate threat of repeated or continued violence, the competent police officer shall immediately render an emergency intervention order with a view to ensuring the life and health of the other member of the family. An emergency intervention order may also be rendered in the case where a person has committed — within one year after receiving warning — such violent act which does not contain elements of corpus delicti.

The following restrictions may be applied upon an emergency intervention order:

(1) force the person having used violence within the family to leave the territory of residence and prohibit his or her return until the expiry of the time limit prescribed upon the order;

(2) prohibit the person having used violence within the family to visit the person having been subjected to violence within the family, not residing in the common residential area therewith, and, where necessary, also to visit persons under his or her care at places of work, study, leisure, residence or other places;

(3) prohibit the person having used violence within the family to approach the person having been subjected to violence within the family (where necessary, persons under his or her care) from such distance which would reasonably cause a reasonable fear in the person subjected to violence within the family of a threat to his or her safety. When applying this restriction, the specific distance shall be defined upon the order;

(4) take weapons under the possession of the person having used violence in the family under custody until the expiry of the time limit prescribed upon the order. When applying this restriction, provided that there are weapons under the possession of the person having used violence in the family at the time when he or she is informed about the order, the person having used violence in the family shall immediately hand them to the police officer having rendered the order;

(5) prohibit the person having used violence in the family to communicate by telephone, mail or other means of communication with the person having been subjected to violence within the family and, where necessary, with the persons under his or her care.

An emergency intervention order may not exceed twenty days.

6. No response

7. From the point of view of innovation of increasing the effectiveness of investigation of cases of torture, the circumstance of attaching portable cameras to the uniforms of the officers of Patrol Service of the Police, who generally act as the subjects of the mentioned crime and have direct contact with the general public can be evaluated positively. In pertinent cases the video recordings captured on those cameras are saved and provided to the body conducting the proceedings based on the results of relevant actions undertaken within the proceedings, which are further subjected to inspection. Those video recordings are crucial and constitute strong evidence for revealing the objective reality and determining the further course of investigation correctly, defining its direction and verifying the credibility of the testimonies influenced by subjective human factors. They serve as effective tools during the performance of relevant investigative actions, in particular, for the effective performance of investigative actions with facts revealing the act of crime; in such cases the pointless disputes of the parties regarding various circumstances are mostly eliminated, and it contributes to the completion of the preliminary investigation stage more concisely and expeditiously, etc.