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Contact: Clare Ovey.
Tel: 03 88 41 36 45

Date: 02/03/2017

DH-DD(2017)247

Meeting: 1280 meeting (7-9 March 2017) (DH)

Item reference: Action plan (28/02/2017)

Communication from Armenia concerning the case of Zalyan and others against Armenia (Application No. 36894/04)

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Réunion : 1280 réunion (7-9 mars 2017) (DH)

Référence du point : Plan d'action

Communication de l'Arménie concernant l'affaire Zalyan et autres contre Arménie (Requête n° 36894/04) ***(anglais uniquement)***

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

ACTION PLAN

CASES OF ZALYAN AND OTHERS v. ARMENIA

(Application nos. 36894/04 and 3521/07, final on 17/06/2016)

(Supervised by the Committee of Ministers under the standard procedure)

Department for Relations with the European Court of Human Rights
Ministry of Justice of the Republic of Armenia
28 February2017

STATE OF EXECUTION OF THE JUDGMENT

I. VIOLATIONS OF THE CONVENTION FOUND BY THE COURT

1. During their military service, the applicants were arrested, detained and prosecuted by the military authorities for the crime of murder in 2003-2004; they were ultimately acquitted and released. However, the European Court of Human Rights (the Court) criticized a number of shortcomings in the process including the failure by the prosecution authorities to effectively investigate the applicants' allegations of ill-treatment during their detention **(procedural violation of Article 3).**

2. The Court also criticized a number of procedural shortcomings in relation to their detention including the unlawful deprivation of liberty of the first applicant without a legal basis from 21 to 24 April 2004 and from 24 August to 4 November 2004, when there was no court decision authorizing the first applicant's detention **(violation of Article 5 §1).** The authorities also failed to inform the first applicant promptly of the reasons for his deprivation of liberty **(violation of Article 5 §2)**. Moreover, he was brought before a judge only about six days after having been deprived of his liberty **(violation of Article 5 §3).**

II. INDIVIDUAL MEASURES

3. Following the Court's judgment to award the first applicant EUR 20,000 and the second and third applicants EUR 15,000 each in respect of non-pecuniary damage, the Government has paid an amount equal to EUR 50,000 to the applicants. The deadline for the payment was 17 September 2016.The payment was made on 13 September 2016.[1]

4. Pursuant to the Recommendation No. R (2000) 2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the Court, State authorities ensure the possibility of re-examination of the case in question, including reopening of proceedings in order to grant at domestic level a measure as close to *restitution in integrum* as possible. Making reference to the *Case of Zalyan and others v. Armenia* as a new circumstance, one of the applicants, namely Arayik Zalyan requested the Court of Cassation to reopen the case concerning the investigation of the alleged ill-treatment. On 10 February 2017 the Court of Cassation initiated proceedings for the reopening of the case in question (the Government will periodically update the Committee of Ministers as to the progress of the examination).

III. GENERAL MEASURES

Introduction to legislative and practical measures in respect of violations found by the Court

5. Rudimentary reforms have been undertaken in the field of criminal justice, since the events in question. A series of significant amendments to the existing RA Criminal Code

[1] The just satisfaction form in respect of the applicants payment was submitted to the Just Satisfaction Unit of the Department for the Execution of Judgments of the European Court of Human Rights on 14 September 2016.

have been effectuated and pursuant to the RA President's Decree of 30 June 2012 No. NK-96-A on Approving the 2012-2016 Strategic Program of Legal and Judicial Reforms in the Republic of Armenia and the List of Measures Deriving from the Program, the process of developing the new draft Criminal Code has been launched[2]. Furthermore, the new draft Criminal Procedure Code (Draft CCP) is finalized and is already on the RA Parliament's agenda[3]. It is worth to mention that the Draft CCP seeks **to promote many internationally recognized principles concerning the investigation mechanisms and observance of human rights in the course of criminal proceedings**. Consistent with the paramount importance of the right to liberty, new criminal procedural jurisprudence also emphasizes the importance of **guaranteeing procedural and substantive lawfulness of detention** (more detailed below).

6. In order to raise the effectiveness of **free legal aid** the funding allocated to theChamber of Advocates Public Defender's Office has been significantly increased (during2011-2012 152 million Armenian drams were transferred from the State budget; in 2016 the funding has increased up to AMD 377 million).

7. Another step forward can be considered the improvement of the mechanism for ensuring the rights of persons to legal aid. In particular, in cooperation with the Human Rights Defender's Office and practicing lawyers the *Law on Holding Arrested and Detained Persons* has been amended. Following the amendments the person deprived of liberty is entitled to meet his defence counsel or an advocate visiting to undertake the defence of the case *irrespective of the working days or hours* in private, without hindrance, limitation to the number and length of the meetings.

8. The existence of effective remedies under the domestic legislation capable of providing adequate and sufficient redress to those whose fundamental rights have been violated has always been in the spotlight of Armenian authorities. In this context the introduction of legislative regulation and **mechanism for compensation** of non-pecuniary damages was a remarkable step forward for giving possibility to the victims of torture to receive fair and adequate compensation for damage caused.[4]

9. Moreover, giving particular emphasis to the issue of **rehabilitation** provided to victims of torture and their families, amendments have been adopted on 16December 2016. These amendments are aimed at provision of means for rehabilitation to anyone who has suffered harm as a result of torture (in principle this shall include medical and psychological care as well as legal services).

[2] The draft was put into circulation in September 2015. It further has been finalised based on the proposals received and submitted to the Republic of Armenia President Administration for opinion in July 2016.
[3] In the framework of the Council of Europe and European Union joint project *Supporting the Criminal Justice Reform and Combating Ill-treatment and Impunity in Armenia* two sets of consultation meetings were held with international experts on the draft CCP. The proposals made were incorporated in the text of the draft. It was further harmonized with the Constitution amended on 6 December 2015 and submitted to the Council of Europe expertise. On 11 October 2016 the finalized draft was sent to the Government of Armenia to further submit it to the National Assembly for consideration. On 19 October 2016 the Draft was submitted to the National Assembly and currently is pending for the first reading.
[4] The institute of compensation for non-pecuniary damage caused by public officials has been introduced in the Armenian legislative system since November 2014.

10. It has to be emphasized that adoption of legislation and the functioning of institutions to meet the requirements of a democratic society respectful of human rights is a long-term process that requires continued commitment and renewal. It is important to note in this context that the Armenian authorities expressed their interest in continuing co-operation with the relevant international organisations of the field for further effective implementation of recommendations and standards.

Procedural violation of Article 3

Effective official investigation

11. In the present case the Court criticized some shortcomings in the investigation process – lack of possibility to raise an arguable claim of ill-treatment, failure to carry out credible medical examination, collect evidence and conduct independent investigation. While some of the mentioned issues were not in dispute between parties, but were considered by the Court during application of general principles in the present case, the Government considers it necessary to address them all.

12. In order to fulfill its obligations under Article 3 a legislative framework has been introduced with both a preventive and investigative dimension. Amending the definition of torture was taken as a starting point which entailed other related comprehensive legislative reforms as well (more detailed in the Virabyan group of cases[5]). In particular, considering that the cases of torture - either committed by private actors or public officials - are subject to public criminal prosecution, authorities are obligated to investigate into such acts regardless of assertions of reconciliation between the alleged perpetrator(s) and the victim(s). Therefore, this can be considered as an additional guarantee for ensuring the initiation of criminal proceedings in each such case.

13. It should be noted that according to new regulations envisaged in the Draft CCP, whenever a report of a prima-facie crime is received the prosecutor or investigator shall immediately prepare a protocol on initiating criminal proceedings (Article 178).Thus, it can be concluded that the investigative bodies would be under the obligation to start official proceedings each time they receive "credible assertions".

14. Comprehensive steps are taken to increase the effectiveness of investigation and punishment of those who are involved in torture cases. In this context, highlighting the importance of introducing an adequate complaint mechanism against possible abuses and pressures towards persons subjected to torture, the Draft CCP provides that immediately after bringing before the inquiry body a protocol should be filed which, among the others, includes information on the injuries (if any) visible on the body or on the clothes of the arrested person, and his noticeable physical and mental state (Article 109). Furthermore, in contrast to the existing CCP, the Draft ensures that the victim of torture is eligible independently to apply to an expert for opinion and *use the expert's opinion as evidence* (Articles 86 and 92).

15. Considering the importance of taking immediate steps to verify the allegations raised, and acknowledging the fact that any delay would have potentially resulted in loss of

[5] see Action Plan of 14 October 2016, §§ 20-21: Reference document: DH-DD(2016)11 42

evidence, the Government take the necessary measures to extend the practice of conducting a systematic medical screening of newly-admitted detained persons.

16. Following the person's admission to the detention facility - if bodily injuries, evident signs of illness are discovered or the person complains of his health condition - the Police officer on duty shall invite a medical professional from the institutions operating under the authority of the Ministry of Healthcare. The invited medical professional shall immediately conduct medical examination. A doctor of the detained person's choice can also take part in it. The medical examination shall be conducted out of the hearing and - if not otherwise requested by the examining doctor - out of the sight of the detention facility's administration. The Police officer who apprehended the person does not take part in the medical examination. After carrying out medical examination, the latter shall make respective medical records in the dedicated journal and person's personal file. Hence, the medical examination of newly arrived detained persons is performed by health-care staff independent from the Police.[6]

17. It is to be noted that taking into consideration the CPT recommendations, on 21 October 2015 the Chief of Staff of the Police instructed[7] the Police territorial divisions to conduct medical examination of persons deprived of liberty, as well as to record the results thereof in strict compliance with the CPT standards and recommendations. Another Instruction was given on 10 February 2016[8], based on which the Police territorial divisions have been instructed to strictly comply with the requirement that medical examination shall be conducted out of the hearing and - if not otherwise requested by the examining doctor - out of the sight of the detention facility's administration.

18. As to the quality of medical assistance in Penitentiary Institutions, it is worth to mention that in order to provide sufficient safeguards for the effective access to requisite medical assistance, the Government, by its Decree No. 825-N (N 825-Ն) of 26 May 2006, adopted a new regulation on the procedure of providing medical care to detainees and convicts.

19. The Decree in question specifically ensures that the records drawn up following the medical examination of detainees and convicts contain: (i) an account of statements made by the persons concerned which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's observations in the light of (i) and (ii).In that respect it should be mentioned that, despite some shortcomings observed, on the positive side, based on the CPT/Inf (2016) 31[9], the initial medical screening is generally performed systematically and quickly (§ 81).

[6] The Government Decree No. 574-N (N 574-Ն)of 5 June 2008 on *Approving Internal Regulations of Detention Facilities Operating in the Police System of the Republic of Armenia*, point 13
[7] Instruction No. 2/2-1-3589 given by the Chief of Staff of the Police on 21 October 2015
[8] Instruction No. 2/2-1-441 given by the Chief of Staff of the Police on 10 February 2016
[9] Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 5 to 15 October 2015.

20. For further improvement of the system the penitentiary reforms envisage the introduction of e-penitentiary system[10], which is unprecedented in terms of scale and technical capabilities, aimed, *inter alia*[11], at introducing electronic system of medical histories of persons held in confinement, where the information inputted and the sequence of required actions is adapted to the templates of the Istanbul Protocol which is an internationally recognised guideline in the field of prison medicine.

21. Acknowledging the importance of securing the adequate protection and effective investigation of allegations of ill-treatment, the Government would like to note that the field at issue is under constant and continuing improvement both from legislative and practical perspectives.

Violation of Article 5§1, 5§§ 2 and 3

Detention without a court decision

22. Based on the factual circumstances of the case, the applicant was kept in detention without a court decision between 24 August and 4 November 2004 by virtue of Article 138 §3 of the CCP. The Court concluded that the mentioned Article is in contradiction with the requirements of Article 5§1 of the Convention.

23. The Government would like to note that Article 138 § 3 of the CCP, which allowed a person to remain in detention without a court decision after the prosecutor transmitted the case to the court, was found to fail to satisfy the principle of legal certainty by the Court of Cassation. In particular, in its decision no. 3/0106/01/08 dated 10 April 2009, the Court of Cassation, taking into account the Court's case-law, found that "the suspension of the detention period on the ground that the case has been transmitted by the prosecutor to a court constitutes an unlawful limitation of a person's right to liberty." It further found that: "[I]n cases in which there are less than fifteen days left before the expiry of the two-month detention period, that is less than the time-limit within which a judge who has taken over the case is to adopt one of the decisions envisaged by Article 292 of [the CCP], the investigating authority, when transmitting the case to the court, must also resolve the question of a person's detention, namely release him, if the grounds justifying his detention have ceased to exist or file a motion with the court seeking a prolongation of the detention period if there are [relevant grounds]."

24. The Government would like to note that, as it was strictly indicated in the consolidated Action Plan of the Poghosyan group of cases[12], the issue of unlawful detention is also resolved by the relevant Articles of the Draft CCP.

25. In that context, as general information, for prevention of unreasonable restrictions of the right to liberty Draft CCP provides a flexible system of new alternative preventive measures and the norms ensuring their application. It also sets higher threshold for

[10] Information Register of Remand Prisoners and Convicts of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia; the system will be introduced with the support of the Council of Europe and the European Union, and is planned to be put into operation in early 2017.
[11] E-penitentiary system includes information about all the functions performed under the legislation with respect to remand prisoners and convicts, the necessary documents, information on conditional early release from punishment, changing the regimes for serving the punishment, visits, education, work, as well as other important data.
[12] see Action Plan of 25 February 2014; Reference document: DH-DD(2014)326

prolonging the term of detention. In each and every case the investigating body should justify before the Court that due diligence has been conducted and there is necessity to continue the criminal prosecution.

26. Thus, it can be stated that Armenian legislation and practice emphasises the procedural and substantive lawfulness of detention, as well as considers the arrest and detention as in sense of Article 5 as an extreme form of restriction.

The right to be informed promptly of the reasons for arrest

27. In connection with the violation of Article 5§2 found by the Court, in particular the failure to inform the first applicant promptly of the reasons for his deprivation of liberty, the Government would like to stress that, among other fundamental human rights and freedoms, the right to liberty fully enjoys constitutional protection (Article 27 of the Constitution amended as of 6 December 2015).[13]A corpus of substantive rights are envisaged in the Draft CCP as well, which are intended to minimize the risks of arbitrariness by, *inter alia*, requiring that reasons be given to a detainee for his arrest, by allowing the acts of deprivation of liberty to be amenable to independent judicial scrutiny and by securing the accountability of the authorities for that act.

28. For the increase of the procedural safeguards, the Draft CCP, in particular article 110 secure basis for comprehensive and effective investigation into acts of torture. The Government considers that Article 110, which, *inter alia*, stipulates the minimum rights[14]of the arrested person, can be considered as a fundamental safeguard against any form of ill-treatment. It is worth to mention that the minimum rights prescribed in this article are totally in conformity with international standards. The Government would like to note that these rights are applied from the very outset of factual deprivation of liberty and can be considered as an effective mechanism for securing the evidence concerning the incident.

29. Moreover, even at present, in practice these rights are effectively guaranteed by the existing case-law of the Court of Cassation[15], made on 18/12/2009. According to it, a person, from the moment of entry into the administrative building of the Inquiry Body or of a body that has the power to conduct the proceedings and before acquiring a legal status of an arrested or detained person, acquires a preliminary status of a "brought" person and shall be granted the minimum rights which are as follows: **to know the reason for depriving him of liberty**; **to inform a third person about his whereabouts; to invite an attorney; to remain silent.** As an additional guarantee, the case-law establishes that, after 4 hours of factual deprivation of liberty, in case if the person is not informed that an arrest record in his

[13]It is to be noted that according to the Venice Commission opinion on the draft amendments to the Constitution of Armenia,the provisions of the chapter on Fundamental rights and freedoms of the human being and the citizen, *inter alia*, establishes an elaborate and modern catalogue of fundamental rights taking up many guarantees from the Convention and/or the Charta of Fundamental Rights of the European Union. The Commission highlighted that the amendments show particular openness towards international/European standards of human rights protection. Reference Document: CDL-AD(2015)037

[14] To be informed about minimum rights and obligations stipulated by this Article orally from the moment of becoming *de facto* deprived of liberty and in writing at the time of entry into the administrative building of the Inquiry Body or of a body that has the power to conduct the proceedings; **To know the reason for depriving him of liberty**; To remain silent; To inform a person of his choosing about his whereabouts; To invite an attorney; and To undergo a medical examination if he so demands.

[15] See, RA Court of Cassation, decision on criminal case no. EADD/0085/06/09 (որոշում թիվ ԵԱԴԴ/0085/06/09) dated on 18/12/2009.

respect has been drawn, from that very moment, he automatically acquires the legal status of an arrested person, and thus, shall be granted all the rights and guaranties of the arrested person provided by law.

30. It should also be mentioned that in contrast to previous regulations, which provided for the possibility to contest the legality of detention only, further to Constitutional amendments of 6 December2015, *the right to challenge the legality of arrest has been guaranteed as well*. Based on that regulation, the court shall render a decision within a short time period and shall order his or her release if the deprivation of liberty is illegitimate (part 5 of Article 27).

The right to be brought promptly before a judge

31. Based on the facts of the case the applicant was brought before a judge only about six days after having been deprived of his liberty, in violation of the domestic regulations based on which a person arrested in the context of criminal proceedings be brought before a judge at the latest within 72 hours following his taking into custody.

32. It is worth to mention that existing criminal legislation provides clear guarantees to ensure that maximum period for keeping a person under arrest is respected. Among the others Article 137 of the Criminal Procedure Code stipulates that the initial arrest cannot last longer than 72 hours. Moreover, the Constitution guarantees that in case if the maximum period has expired and the court has not adopted a decision to detain a person an arrestee should be immediately released.

33. As to the mechanisms of ensuring that the arrested person is promptly brought before a judge the Draft CCP divides the three-day time limit into two parts. Article 109 (7) clearly states that arrest period may not last longer than 72 hours. However, the accusation must be filed against the arrested person, and the accused shall be taken to court for solving the issue of applying a preventive measure in respect of him, not later than within 60 hours of his arrest. Thus, this provision ensures that the court will have at least 12 hours in its disposal to solve the issue in question. In case the person is brought to the court in violation of the time limit and the court has no opportunity to properly examine the motion to apply detention as a preventive measure, the court (based on Article 288 §3(3)) will reach the conclusion that grave violations of law were committed when arresting the person, which is a ground for rejection of the motion.

34. In the light of the above mentioned, the Government would like to stress that all the guarantees presented hereinabove and foreseen in the draft CCP are equally applied to the investigations of military crimes as well as the other crimes committed during military service. These guarantees in conjunction with other legislative safeguards, aim at creating real mechanisms capable to ensure that no one should be dispossessed of his liberty in an arbitrary manner.

Disciplinary detention

35. The Court has established in the judgment that the disciplinary penalty applied to the one of the applicants was only a formal pretext and the true reason for the applicant's deprivation of liberty was the criminal investigation. The Court concluded that the

applicant's deprivation of liberty during the period from 21 to 24 April (when the applicant was kept in disciplinary detention) was arbitrary and lacked proper legal basis.

36. To this regard, the Government would like to mention that the disciplinary detention as a form of disciplinary penalty was abolished in Armenian armed forces since 2012, according to the law of the Republic of Armenia "On Disciplinary Regulations". The aim of this amendment was the creation of stronger safeguards for the right of liberty and security in the armed forces and to exclude the abuse of power.

37. At present no disciplinary detention may be applied in the armed forces.

Further practical and structural steps

Measures taken to ensure the effectiveness of the investigation

38. *Structural changes:* It should be stressed the following: (i) due to legislative reforms, neither the Police, nor the Ministry of Defense (as well as Military Police) does conduct preliminary investigation anymore; (ii) criminal procedure legislation strictly defines and separates the functions of the bodies authorized to conduct investigation of, *inter alia*, torture cases; (iii) according to Article 190 of the Criminal Procedure Code, the cases of torture committed by public officials are investigated by the investigators of the **Special Investigation Service of the Republic of Armenia (the SIS)**. As to the investigation of ill-treatment cases within the military, these crimes are investigated by the **Investigative Committee of the Republic of Armenia (the Committee)**. The Government finds it essential to point out that the Committee, amongst other crimes, deals with the investigation of torture cases allegedly committed during military service; all other torture cases are investigated by SIS. Both SIS and the Committee institutionally and structurally are independent bodies. Thus, current legislation and practice fully solves jurisdictional issue in question.

39. As to the ***Investigative Committee***, it should be mentioned, that it is an independent body created in June 2014 on the base of the Law "On Investigative Committee", which authorized to conduct preliminary investigation of cases. After the initiation of proceeding, the investigator is authorized to lead the course of investigation independently in order to provide comprehensive, complete and objective examination of the case, to make necessary decisions, to conduct investigatory and other procedural actions in accordance with the provision of Criminal Procedure Code.

40. Moreover, within the structure of the Committee, General Military Investigative Department, as part of the system, organizes and conducts preliminary investigation on crimes attributed to evasion from military service or alternative service, military trainings or drafting, crimes against the procedure of military service, as well as crimes committed at the area of the military unit or crimes against servicemen or persons serving in authorized state body in the sphere of defense and organizations. It is worth to highlight, that Committee and namely this department are both hierarchically and structurally independent from Ministry of Defense, the investigators are not servicemen, the Head of Investigative Committee and deputies are appointed by the President of the Republic of Armenia, the other investigators are appointed by the Head of Investigative Committee. These reforms exclude possibility of

any investigation by the military officers who have had direct or indirect involvement in the alleged crime.

41. As to the ***Special Investigative Service***, it should be reiterated that as it was acknowledged in the Report on the visit to Armenia from 4 to 10 April 2013 (CPT/Inf(2015) 8), in the recent years the Armenian authorities have made commendable efforts to render the processing of cases of possible Police ill-treatment more effective. In particular, as of 28 November 2007 according to the RA Law on Special Investigation Service, the SIS has been established in line with Council of Europe recommendations. It is an independent state body and exercises its powers independently. Among the others, it conducts preliminary investigation of the cases related to the crimes committed by the officials of legislative, executive and judicial bodies, employees implementing state special services. Moreover, the Department for Investigation of Torture cases is a specialised unit of the SIS, which conducts preliminary investigation of the cases of ill-treatment.

42. In the CPT/Inf (2016)31 the delegation noted that some effective steps had been taken recently to bolster the independence of the SIS and to strengthen its capacity to investigate cases involving allegations of ill-treatment. As a result of detailed examination of a number of cases involving allegations of ill-treatment the delegation underlined the professionalism with which SIS investigators carried out their tasks (§23).

43. On the positive side, as general information, it should be also mentioned that Armenian authorities are closely cooperating with the European and international organisations to promote democracy, strengthen the rule of law and human rights protection in Armenia. In particular, in October 2016 the ***Council of Europe*** launched the project ***"Strengthening the Application of European Human Rights Standards in the Armed Forces in Armenia"*** which amongst others is aimed to raise the effectiveness of investigation and other procedures concerning ill-treatment, non-combat deaths and other serious human rights violations in the armed forces.

44. The Council of Europe Action Plan for Armenia 2015-2018 - a document that takes into account Armenia's continuing and newly emerged priorities in its democratic reforms and focuses on key areas of importance for cooperation - gives particular value to the reform of the criminal justice system and the fight against ill-treatment and impunity. In this context emphasis is given to the consolidation of the independence and capacities of the investigation services, as well as the training of investigators on human rights issues. In particular, in the context of the multi-year joint project *Supporting the Criminal Justice Reform and Combating Ill-treatment and Impunity in Armenia* training materials have been elaborated by national and international experts on 4 courses[16]. It should be specifically highlighted that the course on *Investigation of Cases of Torture and Other Forms of Ill-treatment and of Right to Life* is specifically designed to the strengthen both the academic knowledge and practical skills of the investigators, thus, contributing to better investigation into cases of alleged ill-treatment.

45. Other positive step in this regard (which was observed also in the CPT/Inf (2016) 31) is the new guidance material[17] for the investigators produced by the SIS in 2014 and 2015

[16]A detailed information regarding the project and the courses is provided in §§ 47-49 of the present document.
[17]Guidebook for Organisation and Fulfilment of Investigation into Cases over Torture (2014) and Methodology of Investigation of Crimes (2015)

which includes detailed reference to the standards of the CPT and the procedural obligation requirements of the Court in relation to the investigation of cases including allegations of ill-treatment.

46. In the light of the said, it is to be noted that Armenian authorities make continues efforts to raise the effectiveness of investigation of the allegations of ill-treatment and currently both the SIS and the Committee are in a position to conduct prompt and effective investigation of those cases.

Measures taken to increase awareness of the Convention standards

47. *Publication/dissemination:* The *Case of Zalyan and others v. Armenia* was translated into Armenian and published on the official website of the Ministry of Justice (http://moj.am/) and on that of the Armenian Government Representation before the European Court of Human Rights (agent.echr.am) on 17 June 2016. Considering the importance of the prevention of the further possible violations, as well effective implementation of the judgment, the Government ensured the dissemination thereof. Relevant authorities involved have been provided with respective information about the obligations assumed by the Republic of Armenia under the Convention (in particular, judges, prosecutors, civil servants, police officers).

48. *Education/trainings:* The Government stress the importance of appropriate university education and professional training programmes as an effective and preventive mechanism for ensuring the Convention standards awareness-raising.[18] Both at the Police Academy and Academy of Justice a particular importance is given to the trainings on more advanced crime investigation methods and interview techniques.

49. The Faculty of Trainings and Qualification of the Police Academy[19], *inter alia*, provides trainings on crime investigation methods and interview techniques.[20] In particular, training in advanced, recognised and acceptable interviewing techniques is in the spotlight taking into consideration the peculiarities of the interviewee (such as age, views, etc.) as well as his procedural status (victim, witness, suspect, accused).

50. Furthermore, based on the proposals made by the Office of the Government Agent before the European Court of Human Rights, as well as by the Ministry of Justice, separate mandatory subjects (*The CPT and the UNCAT Standards, The European Court of Human Rights Judgments Finding Violation of Article 3 of the Convention delivered in respect of Armenia*) have been included in the academic curriculum of the Police Academy. Specific topics such as safeguards against ill-treatment of persons detained by the Police, specificities on holding detained persons at the Police, the standards of record keeping, standards of investigation of alleged ill-treatment cases at the Police, the standards on material conditions of places of holding arrestees and/or detainees, etc., will be taught in the framework of these

[18] Professional European Convention on Human Rights education and trainings are a component of the curricula of law degree programs in Armenian universities, as well as qualification-based training programs organised for public officials; in addition, they are offered as optional discipline to those who wish to specialise.
[19] In the Police Academy, the courses are provided for police officers and students who study at the Academy.
[20] Beneficiaries: the operational officers of crime intelligence, the officers responsible for the cases regarding minors, the officers of inquiry of the Police.

subjects with the purpose of increasing both the academic knowledge and the professionalism of the Police staff in the respective field.

51. It is to be noted that the training curriculum of the Academy of Justice[21] includes a number of courses in the framework of which more advanced crime investigation methods and interview techniques are touched upon.

52. Furthermore, in the context of the multi-year joint project *Supporting the Criminal Justice Reform and Combating Ill-treatment and Impunity in Armenia*[22]training materials have been elaborated by national and international experts on 4 courses: 1) *Investigation of Cases of Torture and Other Forms of Ill-treatment and of Right to Life*, 2) *General Methodology for Investigation of a Criminal Case*, 3) *Investigation of Cases Involving Vulnerable Victims/Witnesses and Suspects* and 4) *Pre-trial Detention and Related Matters of Investigation of a Criminal Case*.

53. In this framework 4 sets of training-of-trainers were organised in June 2016. During the trainings both the national and international experts introduced to the participants the study materials regarding these 4 courses, as well as the specific teaching methodology thereof. It is to be noted the study materials regarding 4 courses have already been published and the courses started in October 2016 at the Justice Academy.[23]

IV. STATE OF EXECUTION

54. In line with foregoing, it has to be emphasized that Armenian authorities give serious consideration to the shortcomings addressed by the Court acknowledging and considering them as a matter of high priority. Distinguishing between rights that demand immediate implementation and those that must be realised progressively, the Government assert, that the addressed issues are major dimensions of human rights development policy. In that respect, the Government will periodically update the Committee of Ministers as to the progress of the execution of the Court's judgment under consideration.

[21] The Academy of Justice provides trainings for acting judges and candidates for judges, prosecutors and candidates for prosecutors, investigators, as well as other public officials.
[22] This 24-month-long project is aimed at strengthening the implementation of European human rights standards in Armenia. In particular, it is expected to improve the legislation on criminal matters and institutional mechanisms for combating ill-treatment in line with European human rights standards, to strengthen the capacity of the Academy of Justice to train prosecutors and investigators on criminal justice and human rights and to improve the knowledge and skills of investigators on criminal justice and human rights, including effective investigations of ill-treatment cases. http://pjp-eu.coe.int/en/web/eap-pcf/press
[23] Beneficiaries: investigators of the Investigative Committee of the Republic of Armenia and investigators of the SIS in relation to the course on *Investigation of Cases of Torture and Other Forms of Ill-treatment and of Right to Life.* In respect of other 3 courses the beneficiaries are investigators of Investigative Committee of the Republic of Armenia.