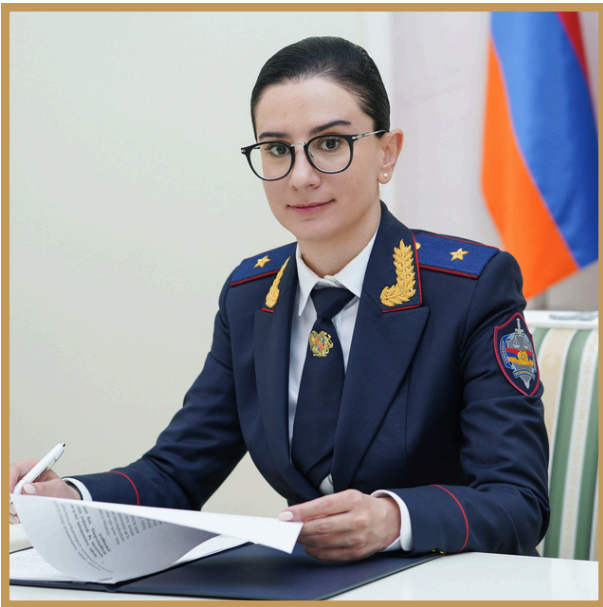




SPECIFICS OF INVESTIGATIVE TACTICS IN CASES OF DOMESTIC AND FAMILY VIOLENCE IN ARMENIA

By Mrs. Anna Vardapetyan, the Prosecutor General of the Republic of Armenia

Until December 2017, domestic violence was not specifically regulated under the legislation of the Republic of Armenia. A significant legal development occurred with the adoption of the Law of RA "On the Prevention of Domestic Violence, the Protection of Persons Subjected to Domestic Violence, and the Restoration of Family Solidarity" in 2017, which for the first time introduced a legal definition of domestic violence, its types, and victim protection mechanisms.

During the same period, amendments were introduced to article 183 of the Criminal Procedure Code, granting the prosecutor discretionary authority to initiate criminal proceedings in private prosecution cases of domestic violence, even in the absence of a victim's complaint, where the victim, due to a state of helplessness or dependence on the alleged offender, was unable to protect his/her legitimate interests. The amendment also prohibited termination of criminal prosecution based on reconciliation between the victim and the accused.

On 1 July 2022, the new Criminal Procedure Code entered into force, establishing that all domestic violence cases are subject to public prosecution. The new Criminal Code, which entered into force on the same day, prohibited release from criminal liability on the basis of reconciliation with the victim.

The legislative framework continues to develop. Notably, legislative amendments adopted also in 2024 broadened the scope of relations covered by the domestic violence law.

The Prosecutor General's Office ensures a unified investigative practice in domestic violence cases, which is based on several key specific features of such violence.

1. Cyclical Nature of Domestic and Family Violence

Given the specifics, it is essential to conduct an assessment of the risk of the repetition of violence from the earliest stage of the investigation. This assessment considers victim-related, perpetrator-related, and situational factors, including:

- gravity and nature of harm;
- interpersonal relationships before and after the incident;
- aggressiveness of the perpetrator;
- victim's dependence on the perpetrator;
- indicators of helplessness or inability to meet basic needs;
- use of weapon;
- use of or addiction to alcohol, narcotics or psychotropic substances;
- involvement of children;
- previous incidents of violence;
- unresolved underlying conflict;
- threats of further violence.

2. Ongoing Nature of Domestic and Family Violence

Due to this specificity, it is necessary to determine from the earliest stage of the investigation what the background of the given case is, whether it is a continuation of long-term control, humiliation, isolation or other violent behavior. Particularly important factors are:

- financial or psychological control;
 - restriction of free movement;
 - social isolation;
 - constant surveillance;
 - creation of an atmosphere of threats and fear;
 - prior incidents of abuse.
-

3. Sensitivity of Victims

The participation of victims of domestic violence in the proceedings should be less traumatic.

In accordance with Article 23 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 States shall ensure that victims, who benefit from special measures identified as a result of an individual assessment, during the preliminary investigation may benefit from the following measures:

- 1. interviews in premises designed or adapted for that purpose;*
- 2. interviews by or through professionals trained for that purpose;*
- 3. all interviews conducted by the same persons unless this is contrary to the good administration of justice;*
- 4. interviews conducted by a person of the same sex as the victim, if the victim so wishes, provided that this is not contrary to the good administration of justice.*

According to the EU Directive, every victim has a minimum set of rights, including the right to understand and to be understood, to be heard (Articles 3, 10), to make a complaint (Article 5), to receive information about their case (Article 6), to have access to victim support services (Article 8), to receive legal aid (Article 13), to avoid contact between the victim and the offender (Article 19), to protection of privacy (Article 21), to protection of child victims of crime (Article 24), etc.

Victim interviews must be conducted promptly and minimized in number.

Investigations must take into account that victims may provide contradictory statements due to psychological trauma or the cyclical nature of the violence. Such inconsistencies should not be interpreted as lack of credibility, but assessed in comparison with other evidence.

In other words, the investigation should be carried out in such a way that the evidentiary base is not built on the testimony of the victim.

4. Non-Public Nature of Violence

Domestic violence typically occurs in private settings without witnesses. Therefore, effective investigation depends on rapid collection of evidence, including:

- forensic medical reports;
 - ambulance, hospital records;
 - prior complaints;
 - phone records, digital communications;
 - social media data;
-

- testimonies of relatives, neighbors, colleagues, etc;
- psychologist-assisted investigative actions;
- emergency call recordings.

5. Impact on Children

Children are often witnesses and indirect victims of domestic violence. Exposure to violence within the family may cause severe psychological harm and affect their development.

Accordingly, investigations must determine:

- whether the child was present during the violence;
- behavioral or emotional changes in the child;
- whether the child was used as a means of pressure;
- whether normal developmental conditions were disrupted.

The child's best interests must be a primary consideration. Investigative actions involving children must be conducted with specialized safeguards to prevent secondary victimization. Confrontations involving children should be avoided, and cross-examination rights should be ensured through alternative procedural means.

The unified investigative practice is based on the approach that effective investigation cannot rely solely on criminal procedure tools. It requires coordinated cooperation among police, social services, guardianship and trusteeship bodies, healthcare institutions, educational organizations, and other competent authorities.

A key institutional development in this regard is the Interdepartmental Working Group for Promoting an Operative Response to Domestic and Family Violence Cases, established under Order N°247-A of the Minister of Internal Affairs. This group includes representatives of the Prosecutor's Office, Investigative Committee, and Ministry of Internal Affairs, providing 24/7 coordination for urgent cases.

The objective of this cooperation is not only to document past violence but also to prevent future harm, mitigate risks, and establish a reliable evidentiary basis for proceedings.
