



**Neglected Violence:
Femicide in Armenia**

2018-2021 **REPORT**

Neglected Violence: Femicide in Armenia

2018-2021

Report

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The report presents the concept of femicide and analyses femicide cases tried in Armenia's courts from 2018-2021.

The aim of the document is to inform state institutions and the public about the phenomenon of femicide and the reasons for it, as well as present the correlation between femicide and domestic violence.

The report reflects the stories of women murdered from 2018 to 2021. It presents the court decisions related to their criminal cases and the legal gaps that exist in Armenia's legislative and law enforcement systems.

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No part of the report can be used and quoted without due reference to the source.

*The report is dedicated to all women and girls murdered
as a consequence of femicide.*

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About the report

This is the third report published in Armenia that addresses femicide.

In 2016, the Coalition to Stop Violence against Women published the first report on femicide in Armenia that looked at the homicide of women in Armenia by current or former partners between 2010 and 2015.

The second report in 2018 drew on cases of femicide committed between 2016 and 2017, specifically analyzing the trial proceedings and access to justice as well as the systematic and deeply-rooted causes of the phenomenon of femicide.

The third report draws on cases of femicide committed between 2018 and 2021.

The report is comprised of four main parts. The first part describes the methodology and methodological framework for developing the report. More specifically, it addresses the aim and objectives of the study and key sources of information.

The second part discusses the conceptual questions related to the phenomenon of femicide and inclusion criteria.

The third part of the report presents femicide cases in Armenia recorded in 2018-2021 that are available. Analyzing these cases brings voice to the stories of women who lost their lives due to unequal power and control, rooted in stereotypes and widespread indifference.

The fourth part of the report presents cases of femicide published by the media, which were collected by the Coalition to Stop Violence against Women.

The report concludes with recommendations to help policymakers and the larger public tackle the root causes of femicide through more targeted and concrete actions.

Main terms

Gender

The socially-constructed behavior of the different sexes, a social perception (concept) of relationships between women and men expressed in all spheres of life, including politics, economy, health, science, law, culture and education.

Gender discrimination

Any distinction, exclusion or preference that restricts rights and interests based on gender prejudice, stereotypes and sex that is aimed at, or leads to, the restriction or elimination of the recognition, enjoyment and exercise of equity between women and men in political, economic, social, cultural and other spheres of public life.

Direct gender discrimination

Discrimination directly related to sexual identity.

Indirect gender discrimination

Discrimination that does not directly relate to sexual identity.

Gender equality

Equal treatment and availability of conditions and opportunities in society that are free from sex-based discrimination.

Gender-based violence

Violence that occurs as a result of normative role expectations and unequal power relationships associated with gender.

Domestic violence

All acts of physical, psychological, sexual and economic violence within the family or between former or current spouses or partners regardless of whether the abuser cohabitates or has cohabitated with the victim or not.

Discrimination

Demonstration of differential treatment of persons in substantially similar situations, which is due to any of the (protected) grounds that prohibit discrimination (sex, gender, age, religion, health condition, disability, property status, etc.) without any objective reason and reasonable explanation.

Indirect discrimination

An apparently neutral law, policy, condition, act, standard or practice, the application of which limits the rights of some groups on any of the grounds of non-discrimination and puts them at a particular disadvantage.

Direct discrimination

Decisions, actions or inaction aimed at limiting the rights and interests of a person and/or a group of persons with certain characteristics, distinctions, exclusions or preferences, which is aimed at or leads to the restriction or elimination of the recognition, enjoyment or exercise of equality between persons in various spheres of life.

Femicide

The killing of women and girls based on their gender, resulting from gender inequality and the establishment of power over their lives and bodies by the patriarchal system.

Patriarchy

A form of social life wherein the man is the major carrier of political power and moral authority. Patriarchy is characterized by the existence of male power and male privileges, in which women are subordinated and considered a subject.

Sexism

A term that describes the supposed dominance of men over women. Sexism manifests itself in a patriarchal society at all levels.

Feminism

A political ideology or social movement with the key goal of reaching equal rights between women and men and eradicating all forms of discrimination against women in society. Feminism is a movement to end sexism, sexist abuse and oppression, which also includes perceiving systemic sexism.

Introduction

Femicide as a manifestation of discrimination against women is still not comprehensively studied due, first of all, to the lack of inclusive and trustworthy data as well as the lack of a unified approach amongst states to qualify the homicide of women as femicide.

According to the World Health Organization, 35% of homicides against women are committed by current or former partners. The same source notes, however, that this statistic is incomplete.¹

According to non-formal statistics, more women die around the world from gender-based violence than from cancer, wars or any infectious disease.² According to UN data,³ women are much more likely to be killed by their current or former partners and family members than men.

Femicide is a kind of crime that is depoliticized by the patriarchal system and described as a crime only “crazy” people commit. As a consequence, many criminals do not receive a punishment commensurate to the crime committed. The system is sustained and self-preserved by rationalizing the homicide of women.

- ¹ See Understanding and Addressing Violence Against Women, WHO, 2012, available at: http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf;jsessionid=7E6EFECBD717D4371CE9D0E3EA3B05A6?sequence=1.
- ² See Femicide A Global Issue that Demands Action, p.16, 2013, Academic Council on the United Nations System (ACUNS) Vienna Liaison Office, available at: http://www.genevadeclaration.org/fileadmin/docs/Co-publications/Femicide_A%20Gobal%20Issue%20that%20demands%20Action.pdf.
- ³ See Global Homicide Book, UNODC, 2013, pp 13-14, available at: https://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

In order to eradicate the root causes of femicide, it should be borne in mind that femicide is a political crime that demands universal recognition and a systemic response. It is very important to address its real roots and to approach the idea that femicide is an extreme manifestation of applying power over the life and body of a woman.

Methodological bases of the study

For the purposes of this report, the cases of femicide and their causal relationship with gender-based violence were reviewed using feminist and human rights approaches.⁴

A feminist approach investigates the cases of homicide of women while at the same time confronting patriarchal oppression. The main idea of the feminist approach is to analyze the domination exerted by the patriarchal system.

The fundamental principle of patriarchy is power (over), wherein the power of women and men is distributed unequally and wherein men dominate over women and violate them in order to maintain control.⁵

A human rights approach considers femicide within a broader scope, as the most extreme manifestation of violence against women.⁶

The relevance of the study is underpinned on the need to identify the features of femicide as a phenomenon. More specifically, the study placed importance on identifying:

- *whether women were killed within the home or by others;*
- *the cause-and-effect relationship between cases of domestic violence and femicide;*

4 See Theories of Femicide and their Significance in Social Research, 2016, p 5, available at:https://www.violenceresearchinitiative.org/uploads/1/5/6/9/15692298/theories_femicide.pdf.

5 Ibid.

6 Ibid.

- *the national legislative and law-enforcement regulations regulating the field as well as the problems and gaps in this area;*
- *the available cases of femicide committed in 2018-2021 so as to publicize them.*

It is noteworthy that state authorities dealing with the investigation of femicide cases do not qualify the murder of women at home or outside of the family as femicide. They do not consider the root causes of those murders. Moreover, the state does not have a unified information database, wherein cases of femicide could be summarized and which could also serve as a basis for research. From this point of view, the relevance of the research is also conditioned on pointing out the gap in keeping consistent records on comprehensive information and statistics on the cases of femicide by the state, and the need to prevent, investigate and ensure a fair trial for these cases.

The aim of the research is to study and analyze the features of the recorded cases of femicide that were committed in 2018-2021.

The outcomes of the research and the recommendations based on them will be presented to state institutions and the public at large.

Given that the state does not keep consistent records of femicide statistics, all the cases of homicide against women were investigated during the study and then filtered based on certain criteria before being classified as femicide.

Those criteria include:

- *the explicit application of patriarchal perceptions over the murdered woman, driven by the use of power within a patriarchal system;*
- *the (continuous) nature of domestic violence to which the murdered woman was subjected.*

The objectives of the research are:

1. To identify the common features amongst femicide cases and to present them quantitatively (age, place of residence, marital status, relationship with the accused, circumstances surrounding the homicide, punishment delivered, mitigating and aggravating circumstances and other related characteristics);
2. To find out what kind of mechanisms and approaches are employed in investigating and preventing cases of femicide in Armenia;
3. To develop recommendations based on the identified outcomes that will contribute to conducting fair trials for cases of femicide.

Research hypotheses:

1. *There are no mechanisms at the state level to prevent and respond to the phenomenon of femicide in Armenia.*
2. *In the Republic of Armenia, femicide mainly takes place within the family due to unequal distribution of and abuse of power.*

Scope of investigation of cases of femicide

Within the framework of the research, the femicide cases are categorized in two main categories:

- 1) Cases of femicide registered in the Republic of Armenia during 2018-2021 and available in the DataLex judicial database,

The lack of real indicators of femicide is conditioned by a number of circumstances:

- *There is no uniform, accurate statistical data on the cases of femicide in the Republic of Armenia.*

In general, gender-based violence is a type of violence that is concealed, as information and statistical data on this type of violence do not fully reflect the true picture of violence.

It should be stressed that the UN Committee on the Elimination of All Forms of Discrimination Against Women also addressed the issue of the lack of complete and accurate statistical data in its concluding observations to Armenia.⁷

- *During the preparation of the report, it was not possible to investigate femicide cases under pre-trial investigation. Criminal cases that were cleared were also not accessible for analysis as well as those cases for which criminal proceedings were not initiated.*
- *While this report was being prepared, only criminal cases accessible and presented on the DataLex judicial information database were investigated. It should be noted that the cases of femicide during 2018-2021 that were not found on the database or for which accessibility was restricted are similarly not covered by the report.*
- *During the course of the research, criminal cases were found on the DataLex judicial database, wherein the sex of the victim could not be discerned, as the full names of victims were not shown and there were no other indications of their sex. Therefore, these criminal cases were also not included in this report.*
- *Letters on behalf of the Coalition to Stop Violence against Women addressed to the Judicial Department of the Republic*

⁷ See CEDAW Committee's concluding observations to Armenia (CEDAW/C/ARM/CO/5-6), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/29/PDF/N1640229.pdf?OpenElement>

of Armenia have remained unanswered, thus it was also not possible to present the court cases that could have been examined if information was provided.

As a result, criminal cases containing elements of crime provided for by the RA Criminal Code Articles 104, 105, 109, 110 and 111 as well as Clause 14 of Article 112, Section 2; Clause 2 of Article 131, Section 3; Clause 2 of Article 133, Section 3; Clause 4 of Article 138, Section 2; and Clause 4 of Article 139, Section 2 have been examined using the DataLex system.

Under the mentioned Articles, the “smart search” tool of the DataLex judicial database revealed 781 criminal cases in total, of which:

- 571 criminal cases were qualified under the RA Criminal Code Article 104;
- 28 criminal cases were qualified under the RA Criminal Code Article 105;
- 72 criminal cases were qualified under the RA Criminal Code Article 109;
- 24 criminal cases were qualified under the RA Criminal Code Article 110;
- 84 criminal cases were qualified under Clause 14 of the RA Criminal Code Article 112, Section 2;
- 1 criminal case was qualified under Clause 2 of the RA Criminal Code Article 131, Section 3;
- 1 criminal case was qualified under Clause 2 of the RA Criminal Code Article 133, Section 3.

No criminal cases were found using the DataLex system “smart

search” tool under the RA Criminal Code Article 111 as well as Clause 4 of Article 138, Section 2 and Clause 4 of Article 139, Section 2.

The aforementioned 781 criminal cases were first grouped according to the date the crimes were committed and the gender of the victims, after which cases were examined and cases of femicide isolated out.

In total, 12 cases of femicide were revealed from all the criminal cases committed in 2018-2021 that were investigated.

- 2) Cases of femicide collected by Coalition to Stop Violence against Women during 2018-2021, which were published by the media.

The report presents the cases of femicide collected by the Coalition to Stop Violence against Women, which were published by the media and about which no information was available in the DataLex judicial information system during the preparation of the report.

All the femicide cases collected by the Coalition to Stop Violence against Women as well as those for which data was available in the DataLex judicial system were presented using the methodology presented previously.

Regarding the cases published by the media, only the information published by news outlets were presented.

In total, 24 cases of femicide published by the media and collected by the Coalition to Stop Violence against Women were presented.

Methodology for presenting cases of femicide

Cases of femicide are grouped according to three sub-categories:

- 1) Cases of femicide in which the criminal case trial has ended and a court judgement is in full legal force.

- 2) Cases of femicide that were committed, according to the court, while in a state of temporary insanity.
- 3) Cases of femicide published by media, which were collected by the Coalition to Stop Violence against Women.

The term femicide and the scope of its use⁸

Femicide is a relatively new term that depicts the homicide of women based on misogyny. However, the phenomenon it depicts is as old as patriarchy itself.⁹

Reference to the term “femicide” at a theoretical level

The term “femicide” started to circulate at a theoretical level in the 1970s, and it was proposed as an alternative to the gender-neutral term “homicide”. The circulation of this term was predicated on the fact that the definition of homicide did not capture the discriminatory, oppressive, unequal and systemic violence perpetrated against women.

In 1990, Diana Russell and Jane Caputi defined the term as “... the killing of women by men motivated by hatred, contempt, pleasure or sense of ownership of the woman.”¹⁰

Later, Diana Russel and Jill Radford proposed another definition, namely “...*the misogynist killing of women by men*”.¹¹ By 2001, Diana Russel and Roberta Harns expanded the definition of femicide to “*the killing of females by males because they are female,*” in order to include all killings on the basis of both sexism and hatred.¹²

8 See more detailed “Silenced voices”: Femicide in Armenia 2016-2017 Report, available at: <https://coalitionagainstviolence.org/wp-content/uploads/2019/04/femicide2018.pdf>

9 See Jill Radford and Diana Russell, “Femicide: The Politics of Woman Killing”, Macmillan Publishing Company, 2012, p. 25.

10 See Caputi J, Russell DEH. “Femicide: speaking the unspeakable”, pp. 34-37, Ms. 1990;1(2)

11 See Jill Radford and Diana Russell, “Femicide: The Politics of Woman Killing”, Macmillan Publishing Company, 2012, p. 3.

12 See Russell DEH., AIDS as mass femicide: focus on South Africa, Femicide in Global

Reference to the term “femicide” at an international level

In 2012, the Vienna Declaration on Femicide¹³ was drafted during the summit on femicide in Vienna. According to the declaration, femicide is defined as the killing of women and girls because of their gender, which can take the following forms:

- 1) the murder of women as a result of intimate partner violence;
- 2) the torture and misogynist slaying of women;
- 3) the killing of women and girls in the name of “honor”;
- 4) the deliberate killing of women and girls in the context of armed conflict;
- 5) dowry-related killings of women;
- 6) the killing of women and girls because of their sexual orientation and gender identity;
- 7) the killing of aboriginal and indigenous women and girls because of their gender;
- 8) deaths caused by the genital mutilation of women;
- 9) the killing of women accused of witchcraft or sorcery;
- 10) the killing of women and girls that is connected to organized crime, drug dealing, human trafficking and the proliferation of small arms.

One year after the Vienna Declaration, in December 2013, the UN General Assembly adopted Resolution 68/191, which dealt with the homicide of women carried out by their current and former partners, among others. The resolution uses the term “gender-

Perspective, New York, Teacher’s College Press, 2001, pp 100-114.

13 See Vienna Declaration on Femicide, available at: <http://www.dianarussell.com/vienna-declaration-.html>.

related killing” of women; however, it also specifies that femicide is an acceptable term used in the legislation of several countries.¹⁴

Types of Femicide

Some theorists include any type of homicide of women in the category of femicide, including those that are non-premeditated such as cases when women die during childbirth and unsafe abortion as femicide,¹⁵ in an effort to re-establish the power exercised by the patriarchal system over the woman. This is meant to portray that the patriarchal system does not value the life of a woman as much as it values the life of a man. Thus, it doesn't create appropriate conditions or creates barriers that impact a woman's health and life.

Authors Radford and Russel argue that there are many patterns of femicide, such as *racist femicide*, when black women are killed by men because of their racial affiliation; *homophobic femicide*, when lesbian and bisexual women are killed because of their sexual orientation; *marital femicide*, when the woman is killed by her current or former partner; and *femicide committed by a stranger*.¹⁶

Besides homicide committed by a current or former partner, femicide can be committed by¹⁷

- other family members (father, son, father-in-law);
- close relatives, friends or neighbors; and
- strangers.

14 See Resolution on Taking action against gender-related killing of women and girls, UN General Assembly, 2014, available at: https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2010-2019/2013/General_Assembly/A-RES-68-191.pdf.

15 See Strengthening understanding of femicide. Using research to galvanize action and accountability, Washington, p. 29, available at: https://path.azureedge.net/media/documents/GVR_femicide_rpt.pdf.

16 See Jill Radford and Diana Russell, “Femicide: The Politics of Woman Killing”, Macmillan Publishing Company, 2012, p. 7.

17 See Russell DEH, Harmes RA, eds. Femicide in Global Perspective, pp 8-12, New York, Teacher's College Press, 2001.

The link between domestic violence and femicide

Violence against women is one of the most widespread forms of discrimination and is considered a violation of fundamental human rights and freedoms. Violence against women mainly takes place in the home and manifests as *physical, psychological, sexual and economic* violence. All over the world, the majority of victims of domestic violence are women and girls. Every third woman in the world is subjected to a form of violence by a current or former partner.¹⁸

Domestic violence is a serious issue faced by women in Armenia. According to a national survey¹⁹ conducted in all regions of Armenia, 22.4% of ever-male-partnered women were subjected to *physical violence*, 19.5% to *economic violence* and 45.9% to *psychological violence* at some point in their lives. The same survey also uncovered a high cultural acceptability of violence against women: *one third of the surveyed population mentioned that women should tolerate violence for the sake of keeping their families together, while three quarters expressed a conviction that violence by a partner can be justified.*

In the context of what has been said above, it should be noted that in no country do statistics give a full and realistic picture of domestic violence and violence against women. There are some cases, as in Armenia, where there is no unified record-keeping of domestic violence cases and, additionally, a great number of these abuses are concealed.²⁰

The state's obligations hold great significance in protecting women from possible risks of femicide. In this regard, it is imperative

18 See Violence against women. Key facts, WHO, 2017, available at:<http://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

19 See Vladimir Osipov and Jina Sargizova, Men and Gender Equality Issues in Armenia, UNFPA, 2016.

20 Ibid, page 305.

that cases of femicide stop being viewed as only in the realm of responsibility of the abuser and instead as the responsibility of the public and state.

In the precedent set by the judgement of the European Human Rights Court over the “Opuz v. Turkey”²¹ case, the court recognized that the state is accountable in all those cases when it failed to protect women from domestic violence. “Opuz v. Turkey” and the subsequent “Kontrova v. Slovakia”²² rulings set a precedent for the European Human Rights Court to recognize violence against women as a systemic issue that reflects an unequal distribution of power.

In these cases, the court placed the responsibility of protecting women from domestic violence on the state.

- 21** See Opuz v. Turkey Ruling of ECHR, available at: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-92945&filename=001-92945.pdf>.
- 22** See Kontrova v. Slovakia ECHR Ruling, available at: https://www.coe.int/t/dg2/equality/domesticviolencecampaign/resources/Kontrova%20v.%20Slovakia_en.asp.

**FEMICIDE CASES
IN WHICH CRIMINAL TRIAL
COMPLETE AND JUDGEMENT
IN FULL FORCE**

Lusik Mnatsakanyan (unknown - 2018)

Lusik Mnatsakanyan was forced to commit suicide by her husband.²³

Case Overview

On May 13, 2018, at around 17:00, Tigran Nikolyan delivered numerous and non-uniform blows to various parts of Lusik Mnatsakanyan's body with his hands and caused her light bodily injuries and adverse health effects. As a result of the described actions, Lusik Mnatsakanyan became desperate and helpless and, on 19 May 2018, Lusik Mnatsakanyan drank pesticides in their private house, resulting in her death. This was recorded at Yeghegnadzor Medical Center on the same day at 21:55.

Evidence Examined During the Investigation

Lusik Mnatsakanyan and Tigran Nikolyan were married in 1994. Tigran Nikolyan regularly abused Lusik Mnatsakanyan. After an episode of violence, while talking to one of their sons, Lusik Mnatsakanyan said: *“Either your father will kill me, or I will put an end to my life because of your father.”*

On May 13, 2018, Lusik Mnatsakanyan worked all day in the village garden, stayed out in the rain, and returned home soaked at around 17:00. She asked her son to make coffee for her. The son made coffee for his parents and, while drinking the coffee, Tigran Nikolyan asked his wife whether she had brought home money or not. The latter answered him that she did not receive a daily wage that day, but Tigran Nikolyan did not believe her, became aggressive, and hit various parts of Lusik Mnatsakanyan's body 10-15 times with his hands.

In connection with the abovementioned, Lusik Mnatsakanyan

23 See Criminal Case No AVD4/0014/01/18.

wanted to file a report with the police. Having learned about his mother's intention to report to the police for the beatings, one of the sons asked her not to go through with it and promised to take his father to treatment. Lusik Mnatsakanyan promised that she would not file a report.

The day after the incident, the son took Tigran Nikolyan to the Nubarashen psychiatric clinic, but the latter was not admitted to inpatient treatment. Based on the abovementioned, on May 15, 2018, Lusik Mnatsakanyan appeared at the police station and reported to the police about how her husband beat her, gave an explanation about the report, stated that she hadn't reconciled with her husband, and asked to subject him to criminal liability as prescribed by law.

On May 16, 2018, Lusik Mnatsakanyan appeared for a forensic examination, after which she left for Yerevan to visit her eldest son. The latter, learning about the parents' so-called *dispute*, urged his mother to return to the village and continue living with his father.

On May 18, 2018, Tigran Nikolyan left for Yerevan to take Lusik Mnatsakanyan home. Lusik Mnatsakanyan and Tigran Nikolyan talked to each other. Tigran Nikolyan told Lusik Mnatsakanyan to go to the police department on Monday and take the case back, but Lusik refused.

According to data from the criminal case, on May 19, 2018, Lusik Mnatsakanyan drank pesticides in the garage of their private house, then went up to the house and was in the living room. On the same day, at around 18:30, the youngest son returned home and found his mother sitting on an armchair in the living room of the second floor of the house. The latter asked her son to come to her. She said she wanted to say goodbye because she was dying, that she had taken drugs. There was a strong smell of pesticides in the living room. The son asked his mother if the father had done something, but the mother said that she had taken the drugs on her own. Seeing that his mother was not well, the son called an

ambulance. The ambulance staff that arrived provided first aid to Lusik Mnatsakanyan and took her to the hospital, where Lusik Mnatsakanyan died at 21:55 on the same day.

Court Verdict

Evidence was examined at trial, assessing each on the relevance, admissibility, and the whole body of combined evidence sufficient for the disposition of the case. The court declared Tigran Nikolyan guilty of committing the prescribed crimes under the RA Criminal Code Article 110, Section 1 (*recklessly or negligently causing a person to commit suicide or attempted suicide by threat, cruel treatment or periodically degrading the dignity of the person, punishable by imprisonment for a maximum term of three years*) and under the RA Criminal Code Article 119, Section 1 (*intentionally causing severe physical pain or severe mental suffering to a person, not resulting in consequences provided for in Articles 112 and 113 of the Criminal Code, and where the features of the crime provided for in Article 309.1 of the Code are absent, punishable by imprisonment for a maximum term of three years*). The Court sentenced T. Nikolyan to imprisonment for a 3-year term under the RA Criminal Code Article 110, Section 1 and to imprisonment for a 2-year term under the RA Criminal Code Article 119, Section 1.

Using the RA Criminal Code Article 66, Section 3 as a basis, the court added 1 year to the 3-year prison sentence imposed under the RA Criminal Code Article 110, Section 1 from the 2-year sentence imposed under the RA Criminal Code Article 119, Section 1, making the final sentence imprisonment for a 4-year term. At the same time, the court decided to apply Clause 1 of Article 2, Section 1 of the Law of the Republic of Armenia of 1 November 2018 “On declaring amnesty for criminal cases in connection with the 2800th anniversary of foundation of Erebuni-Yerevan and the 100th anniversary of the declaration of independence of the first Republic of Armenia” to Tigran Nikolyan and to release him from the 4-year prison term.

Marine Begyan (unknown - 2018)

Marine Begyan was killed by her husband.²⁴

Case Overview

On 11 May 2018, at around 12:00, suspecting his wife of having extramarital affairs, Manvel Asryan cut Marine Begyan's neck with a pocket knife. As a result, Marine Begyan died of bodily injuries that were incompatible with life.

Evidence Examined During the Investigation

Manvel Asryan pleaded partially guilty of the crime committed and refused to give a testimony, taking advantage of his procedural rights.

Manvel Asryan's and Marine Begyan's son, who was involved in the case as a witness, testified that his father and mother were always irreconcilable. Some days they got on well, some days poorly. It was almost always that way and that was because the father accused the mother of marital infidelity. A few days before the murder, Manvel Asryan had an argument with Marine Begyan. He took out a knife from his pocket and wanted to stab Marine, but the aunts who were home intervened and did not allow him to do so.

There were frequent disputes in Manvel Asryan's and Marine Begyan's family, according to the testimony of another witness involved in the case who stated, "*There can be disputes in any family. It is that family's business.*"

According to the forensic psychiatric examination, Manvel Asryan did not have a mental illness. Both while committing the crime and during the forensic examination, he could realize the nature and

24 See Criminal Case No TD2/0057/01/18.

danger of his actions, account for his actions and manage them.

While committing the crime, “*the person undergoing an expert examination was not in any temporary mental impairment*”, which could have deprived him of realizing the danger of his actions and managing them. Instead, he had consumed alcohol. Thus, Manvel Asryan should be recognized as sane for the act for which he is accused.

Court Verdict

The court analyzed the evidence examined at trial, assessing each on the relevance, admissibility, and the combined body of evidence sufficient for the disposition of the case. The court concluded that circumstances mitigating the liability and punishment should be taken into account when imposing punishment on Manvel Asryan, given that he partially confessed his guilt and repented for what he had done, had not been previously convicted for any crime and was characterized positively. The court did not discover any circumstances aggravating liability and punishment and declared Manvel Asryan guilty under the RA Criminal Code Article 104, Section 1 (*murder, that is unlawfully and intentionally depriving another person of life, punishable by imprisonment for a term of eight to fifteen years*) and sentenced him to imprisonment for a term of 10 years upon the sanction of that Article. He was also declared guilty under the RA Criminal Code Article 235, Section 4 (*illegally possessing gas, cold-steel, or projectile weapons, punishable by a fine in the amount of two-hundred-fold to six-hundred-fold of the minimum salary, by detention for a term of one to three months, or by imprisonment for a maximum term of two years*) and sentenced him to imprisonment for a term of 6 months upon the sanction of that Article. After aggregating the punishments imposed through the procedure prescribed by the RA Criminal Code, a final punishment of imprisonment for a term of 10 years and 6 months was determined.

Kristine Iskandaryan (1998-2018)

Kristine Iskandaryan was killed by the person who was de facto married to her.²⁵

Case Overview

On November 11, 2018, at around 6:30, Illarion Nunushyan, under the influence of alcohol and on the grounds of jealousy, got into a dispute with Christine Iskandaryan, who was de facto married to him. During the dispute, which lasted for about 5-10 minutes, he hit Christine Iskandaryan's head, face, abdomen and back as well as other body parts with his hands and feet, a metal reinforcing bar and a metal tea kettle, causing grave, life-threatening harm to Christine Iskandaryan's health. As a result, Christine Iskandaryan died on the next day at Erebuni Medical Center.

Evidence Examined During the Investigation

Prior to the commencement of the trial, Illarion Nunushyan filed a motion to hold an expedited trial and declared that he had filed the motion voluntarily and had consulted with the defense counsel. He was aware of the consequences of holding an expedited trial, was clear about the charge brought against him and agreed with the charge.

Court Verdict

When imposing punishment on Illarion Nunushyan, the court considered the fact that he pleaded himself fully guilty, sincerely repented for what he had done and has two minor children under his care (one of whom is under the age of 14) as circumstances mitigating liability and punishment. The court considered the recidivism of committing the crime as the only circumstance aggravating liability and punishment and declared Illarion Nunushyan guilty under Clause 14 of RA Criminal Code Article 112, Section 2 (*intentionally*

25 See Criminal Case No YeD/0081/01/19.

causing grave harm to health and causing the death of the victim, punishable by imprisonment for a term of five to ten years) and sentenced him to imprisonment for a term of 7 years. At the same time, the court added a 1-year prison sentence to the 2 years and 6 months term imposed by the judgment of the Court of First Instance of General Jurisdiction of the city of Yerevan of December 11, 2018 for the punishment imposed by the application of Article 66 of the RA Criminal Code, thereby imposing an 8-year prison term as the final punishment.

Lusine Khachatryan (1979-2018)

Lusine Khachatryan was killed by her father.²⁶

Case Overview

On April 20, 2018, at around 4:00, Hamlet Khachatryan had a dispute with his daughter Lusine Khachatryan, because she was making sounds while sleeping. Hamlet demanded that she not make sounds, after which he approached Lusine Khachatryan and hit her vital organs with his two fists multiple times while she was sleeping, including her head, face, chest area and other body parts. He then grabbed Lusine Khachatryan by the front of her neck with his hand, closed her mouth and strangled her with the other hand.

Evidence Examined During the Investigation

During the trial, Hamlet Khachatryan pleaded fully guilty and refused to give a testimony, asserting that testimonies given during the preliminary investigation show that he had often quarrelled with his daughter due to consumption of alcohol.

According to the data of the criminal case, on the day of committing the crime, at around 4:00, Hamlet Khachatryan decided to sleep, but his daughter, who was sleeping in the same room, made a sound

²⁶ See Criminal Case NoAVD2/0024/01/18.

and cried while asleep, which “*got on his nerves*”. He got angry with his daughter, demanded that she not make a sound, but Lusine was sleeping, could not hear him, and went on making sounds for 20 minutes, which “*made him more nervous*”. He approached his daughter’s bed and punched Lusine on the head and various parts of her body. He hit her with all his strength. As a result, Lusine woke up and started screaming, asked him not to hit her, and promised not to drink any more. Then Hamlet Khachatryan grabbed Lusine Khachatryan by the neck and strangled her to death.

According to him, he then lay down on the sofa and continued to drink. In the morning, at around 9:00 when he approached his daughter, he found that she was not moving. He realized that she had died, informed the neighbors about it and asked them to call an ambulance.

The neighbours involved in the case testified that they avoided contact with Hamlet Khachatryan and Lusine Khachatryan. They also noted the constant quarrels heard from their house, at the same time reporting the fact that both Hamlet and Lusine Khachatryan frequently used alcohol.

Court Verdict

While imposing a punishment on Hamlet Khachatryan, the court considered his positive post-offense conduct, consisting of confessions, admission of guilt and remorse, as circumstances mitigating liability and punishment. According to the Court, the fact that Hamlet Khachatryan showed positive post-offense conduct by admitting his guilt, giving confessional testimonies and showing sincere regret for the crime committed proved that he fully realized the public danger of the act he had committed and regretted it. At the same time, the court considered the fact that the crime was committed under the influence of alcohol as the only circumstance aggravating liability and punishment and declared Hamlet Khachatryan guilty of the crime prescribed under the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful*

killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years) and imposed an 8-year prison term on him.

Hayastan Ohanyan (1936-2020)

Hayastan Ohanyan was killed by her son.²⁷

Case Overview

On December 11, 2020, at around 22:00, Mamikon Ohanyan, having learned from Hayastan Ohanyan about the fact that years ago Hayastan Ohanyan had sexual relations with a foreign man, hit her in the face with his open palm and fists. Hayastan Ohanyan, who had a disability, was lying in bed. He then closed her mouth with his hands and squeezed her throat. As a result, Hayastan Ohanyan died of brain hemorrhages and manual strangulation.

Evidence Examined During the Investigation

The forensic examination confirmed the direct causal relationship between the injuries Hayastan Ohanyan had incurred and her death.

In the course of investigation, case detention was imposed on Mamikon Ohanyan as a measure of restraint.

On August 25, 2021, the Court of the First Instance of General Jurisdiction of Aragatsotn Marz of the Republic of Armenia received information from the Hospital for Convicts Penitentiary Institution of the RA Ministry of Justice that Mamikon Ohanyan died on August 11 at the Hospital for Convicts Penitentiary Institution of the RA Ministry of Justice.

²⁷ See Criminal Case No ARAD/0035/01/21.

Court Verdict

The court decided to terminate criminal prosecution against Mamikon Ohanyan upon the charge brought under the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) after analyzing the evidence examined during the trial and dismissed the proceedings in the criminal case upon the grounds of the death of the accused.

Nairuhi Ayvazyan (1990-2020)

Nairuhi Ayvazyan was killed by her husband.²⁸

Case Overview

On January 22, 2020, at around 15:00, Gevorg Petrosyan made a remark to his wife, Nairuhi Ayvazyan, in the living room of his private house about marital infidelity. After disputing over the remark, Gevorg Petrosyan took baler twine lying under the household oven and squeezed Nairuhi Ayvazyan's neck. The latter died as a result.

Evidence Examined During the Investigation

During the trial, Gevorg Petrosyan, the accused, partially pleaded guilty to the charge brought against him and stated that problems began to arise with his wife regarding domestic issues after 2-3 months of marriage, in connection with the fact that he "*always tried to put his wife in order*" but his wife would leave the house and go to her paternal home.

Gevorg Petrosyan also noted that they had 3 minor children under their care: the eldest was 9 years old, the middle child was 5 and the youngest was 3 years old.

28 See Criminal Case No TD/0147/01/20.

In addition, Gevorg Petrosyan stated that since December 2019, Nairuhi said that she wanted to get divorced, that she did not love him, that she loved another man, and that she wanted to take the children and leave. Although there were many similar conversations and disputes, according to the accused, he tried his best “to convince” his wife “to forget everything and continue living together.”

Referring to the murder, Gevorg Petrosyan noted that he went home that day and saw Nairuhi talking on the phone. He asked who she was talking to. Nairuhi got nervous and replied that she was talking to a man, after which he “again asked in a calm tone why they were talking again.” The woman said that she loved him and “*in hysterics again*” started hitting him with her hands. One of the blows touched the right side of his neck. He grabbed her hands so that she wouldn’t hit him, and they fell to the floor together. He then looked under the oven, where he noticed the piece of baler twine. According to Gevorg Petrosyan, he did not know what came over him. He grabbed the baler twine and wrapped it around Nairuhi’s neck, and after that he reported not remembering anything.

Despite what was mentioned, one of the case witnesses thought from Gevorg’s testimony that Nairuhi had committed suicide. She questioned Gevorg about whether his wife had had any kind of illness or troubles, but Gevorg denied everything and said that he did not know what the reason was. Then, the next day, the same witness learned from the internet that Gevorg had killed Nairuhi.

According to the testimony of another case witness, when asked why he killed Nairuhi, Gevorg Petrosyan said that he “*was fed up*”.

During his testimony, Gevorg Petrosyan told the court that when he saw Nairuhi dead, he realized that he had strangled her. He regretted what he had done, but it was too late; he did not want to kill his wife intentionally but did it during the dispute while “*scuffling*” and had only wanted to “*frighten the woman so that she would not divorce him and leave her family*”.

According to the conclusion of the forensic psychiatric examination appointed in the case, Gevorg Petrosyan is sane and aware of his actions.

Court Verdict

Having analysed the evidence examined during the trial, the court took into account not only the nature and the degree of public danger of the committed crime, but also the data characterizing Gevorg Petrosyan's personality — *that he was young, not previously convicted or otherwise disgraced, characterised positively, and regrets what he has done*. The court considered the fact that he gave confessional testimonies, sincerely regretted having committed the crime, had a child under the age of 14 under his custody, and committed the crime due to the victim's immoral act as circumstances mitigating the liability and punishment of the accused.

The court did not find any circumstance aggravating the liability and punishment of the accused in the case.

As a result, Gevorg Petrosyan was found guilty under the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) and was sentenced to imprisonment for a term of 8 years.

The prosecuting attorney in the case filed a complaint to the Court of Appeals of the Republic of Armenia, and the complaint was partially granted. The sentence was changed, and Gevorg Petrosyan was given a 9-year prison term.

Silva Davtyan (1954-2021)

Silva Davtyan was killed by her son.²⁹

Case Overview

On December 13, 2021, between 12:00 and 13:00, Silva Davtyan's son, Gevorg Gevorgyan, delivered multiple blows to Silva Davtyan's head and face with his open palm and fists in their apartment and then also in the storage room of the auxiliary building adjacent to the apartment, causing a severe brain contusion and bodily injuries. As a result, Silva Davtyan died.

Evidence Examined During the Investigation

According to the testimony given during the preliminary investigation, Gevorg Gevorgyan pleaded guilty and stated that on December 13, 2021, at around 10:00, he left the house and went to the probation service to appear again for early release, after which he returned home. Sitting on the sofa in the living room, he put the unopened bottle of vodka he had taken with him on the table and started drinking. Witnessing that, his mother made a remark, telling him to drink less alcohol. As a result, a dispute arose between them, during which he "*got angry*" and delivered several blows to his mother's head and face with his fists. Silva Davtyan left the living room and went in the direction of the storage room on the same floor, while Gevorg Gevorgyan took water from the kitchen and went to the storage room. There he "*got angry*" during the "*dispute which had arisen again*" and started punching his mother on the head until she fell down and stopped talking and moving. He locked his mother in the storage room, went home and started thinking about how to hide the reality as much as possible from his father upon his return home. He put his mother's clothes, the bottles of vodka he used, the towels he used to clean the blood and other items into bags and threw them into the garbage bin. He took

29 See Criminal Case No SD/0046/01/22.

off the clothes he was wearing and put them in the bathroom to wash away possible traces.

A little later, the father came and started asking questions about the whereabouts of the mother, to which he gave various evasive answers. The father tried to open the door of the storage room but couldn't, so he went downstairs to get an ax to break the door. At that time, Gevorg opened the door of the storage room and dragged his mother to the bedroom and laid her on the floor. A little later, when the father came and saw his wife lying on the floor of the bedroom, he called the police and reported what had happened.

Although Gevorg Gevorgyan pleaded guilty during the preliminary investigation and described in detail all the actions that took place in the apartment on the day the crime was committed, he did not plead guilty in court and stated that he did not hit or beat his mother. He said that he only argued with her and threw his mother's clothes and his clothes into the garbage bin in the bathroom, because his mother told him to do so, as he had spilled coffee on them.

Forensic examination

According to the conclusions drawn from the forensic post-mortem examination, Silva Davtyan died as a result of receiving a closed, blunt craniocerebral injury, which was directly causally linked with the immediate cause of death. Many of the injuries were inflicted ante-mortem, a very short time before death, resulting from the impact of more than two blunt objects that were considered as causing grave injury to health, threat to life and, in this case, death. Silva Davtyan died about 1-3 hours after receiving the injuries.

According to the conclusion of the forensic psychiatric examination, Gevorg Gevorgyan did not and does not have any mental illness. He is diagnosed with a "*mental (psychotic) and behavioral disorder*" caused by use of alcohol, which is not expressed and is not accompanied by pathological symptoms. Both while committing the crime and during the forensic examination, he could realize

the nature and danger of his actions, account for his actions and manage them.

While committing the offense, “*the person undergoing an expert examination was not in any temporary mental impairment*”, which could have deprived him of realizing the danger of his actions and managing them. Instead, he had consumed alcohol. Thus, Gevorg Gevorgyan should be recognized as sane for the act for which he is accused.

Court Verdict

The court came to the conclusion that Gevorg Gevorgyan (son of Shahen) was guilty of committing the crime provided for by the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) after analyzing the evidence examined at trial and assessing each according to the relevance, admissibility, and the whole body of combined evidence sufficient for the disposition of the case. The court imposed a punishment on him in the form of a 13 year and 6 month prison term.

Valentina Gevorgyan (unknown-2021)

Valentina Gevorgyan was killed by her husband.³⁰

Case Overview

On June 26, 2021, at around 4:00, while at home, Feodor Gevorgyan intentionally delivered multiple blows to various parts of his wife Valentina Gevorgyan’s body with his hands, feet and a chair, during a dispute that had arisen over how she prepared food. Those blows caused serious bodily injuries to her health and were life-

30 See Criminal Case No ShD/0197/01/21.

threatening. After receiving bodily injuries, Valentina Gevorgyan was taken to Gyumri Medical Center, where she did not regain consciousness and died on July 3, 2021 at 1:00.

Evidence Examined During the Investigation

Valentina Gevorgyan died as a result of the bodily injuries incurred, according to the conclusions drawn from the forensic post-mortem examination.

During the investigation of the case, the court received information that Feodor Gevorgyan had died, and a statement of information on his death was submitted to the court by the regional department of the territorial department of the Civil Status Acts Registration Agency.

Court Verdict

The court decided to terminate the criminal prosecution against Feodor Gevorgyan under Clause 14 of the RA Criminal Code Article 112, Section 2 (*intentionally causing grave harm to health and causing the death of the victim, punishable by imprisonment for a term of five to ten years*) after analyzing the evidence examined during the trial and dismiss the proceedings in the criminal case upon the grounds provided for by Clause 1 of Article 35, Section 1 of the RA Criminal Procedure Code, owing to the death of Feodor Gevorgyan (son of Artashes).

FEMICIDE CASES PREDICATED ON TEMPORARY INSANITY

Osan Simonyan (unknown-2019)

Osan Simonyan was killed by her son.³¹

Case Overview

On March 15, 2019, at around 11:40, Sargis Simonyan hit Osan Simonyan twice on the head with an ax, and as a result Osan Simonyan died of the bodily injuries incurred.

Evidence Examined During the Investigation

During the investigation of the case, it was found that Sargis Simonyan had been registered in a psychiatric hospital with a diagnosis of “*asthenodepressive syndrome*” and received treatment periodically since 2007.

According to the conclusions drawn by the forensic psychiatric examination, he was diagnosed with the chronic mental illness of “*hallucinatory-paranoid schizophrenia*”. At the moment he committed the offense, he was in the aforementioned state and committed the act “*under delusional experience*”, which deprived him of realizing the danger of his actions and managing them. Thus, Sargis Simonyan should be recognized as insane for the act for which he is accused.

The court rendered a decision on instituting proceedings to apply forced medical measures, taking into consideration that Sargis Simonyan was in a state of insanity at the time of committing the prescribed criminal act.

During the next court session held, the prosecutor reported that Sargis Simonyan had died, and a statement of information on his death was submitted to the court by the regional department of the territorial department of the Civil Status Acts Registration Agency.

31 See Criminal Case No TD/0096/01/19.

Court Verdict

Having analyzed the evidence examined during the trial, the court decided to terminate criminal prosecution against Sargis Simonyan upon the charge brought under the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) and dismiss the proceedings in the criminal case given that the accused had died.

Yeghisabet Zaqaryan (unknown-2019)

Yeghisabet Zaqaryan was killed by her son.³²

Case Overview

On June 19, 2019, at around 16:30, Vanik Zakaryan hit his mother on the face more than ten times and killed her for addressing his father in an insulting way. Then he took the belt off the pants he was wearing and threw it around his mother's neck and dragged the body from the living room to the bedroom to hide it. He then changed the bloodied pants, hid the knife in the kitchen-cupboard, locked the front door of the house and went to the store to buy cigarettes. He left for Yerevan thinking that the police would arrive. After that, at around 24:00, he returned to Gyumri from Yerevan by taxi, where he was found by the police officers.

Evidence Examined During the Investigation

During the investigation of the case, it was found that Vanik Zakaryan had been in an inpatient treatment at a psychiatric hospital on and off for about 10 years. He was diagnosed with “*schizophrenia and Parkinson's disease*”, and he received and used psychotropic medication.

32 See Criminal Case No ShD/0110/01/19.

Vanik Zakaryan committed the crime while in a state of insanity, according to the conclusions drawn by inpatient forensic psychiatric and forensic psychological complex examinations.

Court Verdict

Analyzing the evidence examined at trial, the court came to the conclusion to release Vanik Zakaryan from criminal liability and punishment due to committing publicly dangerous acts provided for by the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) while in a state of insanity. The court imposed a forced medical measure on him, namely compulsory treatment in a special psychiatric department.

Angin Kochinyan (unknown-2020)

Angin Kochinyan was killed by her son.³³

Case Overview

On July 17, 2020, Kamo Papyan hit his mother, Angin Kochinyan, who was co-habiting with him, on the head with a hammer, then hit her on the chest 11 times with a sharp piercing-cutting tool, killing Angin. Later, in the same apartment, he dismembered the body with an ax, handsaw and knives. He packed it in plastic bags and took it to garbage bins located nearby, threw the body parts into them and partially burned them.

Evidence Examined During the Investigation

The forensic examination revealed contusions in the forehead-apical temporal region of the head and multi-fragment fractures of the cranial bones, which were caused ante-mortem as a result of forceful

33 See Criminal Case No LD/0139/01/21.

and intense impact of a blunt, solid object in a limited surface in the right forehead-apical temporal region of the head. The severe damage to health was a direct cause of death. The examination of the body parts of Angin Kochinyan's corpse also revealed 11 stab and slash wounds in the region of the chest, which were inflicted as a result of at least 11 forceful and intense impacts ante-mortem, which — both separately and in combination with each other — caused serious damage to health, were life-threatening, and in this case could have contributed to her death.

The conclusions drawn from the inpatient forensic psychiatric examination revealed that Kamo Papyan has a disease diagnosed as “*residual schizophrenia*”. He was “*in a state of mental impairment*” both while committing the act and during the forensic psychiatric examination and committed the act “*under delusional experience*”, which deprived him of understanding the danger of his actions and managing them. It was found, therefore, that Kamo Papyan should be recognized as insane for the act for which he is accused.

Court Verdict

Analyzing the evidence examined at trial, the court came to the conclusion to release Kamo Papyan, who had committed the publicly dangerous act provided for by the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) from criminal liability and punishment, due to his state of insanity, and impose a forced medical measure on him, namely compulsory treatment in a special psychiatric department at the RA Ministry of Health National Center for Mental Health Care CJSC.

Lusntag Mnatsakanyan (unknown - 2020)

Lusntag Mnatsakanyan was killed by her son.³⁴

Case Overview

On October 18, 2020, at around 22:00, Tigran Karamyan took a knife from the kitchen of his paternal home, approached Lusntag Mnatsakanyan who was sitting in the living room, and stabbed Lusntag Mnatsakanyan 6 times in the neck and clavicle region with the knife in his hand, killing her.

Evidence Examined During the Investigation

Tigran Karamyan did not plead guilty to the charge brought against him. He testified that on that day, when he and his mother, Lusntag Mnatsakanyan, were alone, he went down from the second floor of the house to the first floor, took a knife from the kitchen, approached his mother sitting on the sofa in the living room, and used his right hand to stab his mother's neck several times and kill her. While killing his mother, he also injured his hand with the same knife. He stated that he committed the act because he is "Jesus" and his mother was the "devil".

Tigran Karamyan has had and still has a disease diagnosed as "*residual schizophrenia*", according to the conclusions drawn from the forensic psychiatric examination. He was "*in a state of mental impairment*" while committing the act as well as during the forensic psychiatric examination and committed the act "*under delusional experience*", which deprived him of understanding the danger of his actions and managing them. Therefore, Tigran Karamyan should be recognized as insane for the act for which he is accused.

34 See Criminal Case NoAVD2/0018/01/21.

Court Verdict

Analyzing the evidence examined at trial, the court came to the conclusion to release Tigran Karamyan, who had committed the publicly dangerous act provided for under the RA Criminal Code Article 104, Section 1 (*murder, that is the unlawful killing of another human being with malice aforethought, punishable by imprisonment for a term of eight to fifteen years*) from criminal liability and punishment, due to his state of insanity, and impose a forced medical measure on him, namely compulsory treatment in a special psychiatric department at the RA Ministry of Health National Centre for Mental Health Care CJSC.

CASES OF FEMICIDE PUBLISHED BY THE MEDIA

2018

Anonymous (1990 - 2018)

On August 30, at 17:35, a report was received from the 6th ambulance substation of the Shengavit Division of the Police that a 28-year-old woman's corpse was found in an apartment on Araratyan Street.

The forensic examination revealed that there were stab and slash wounds on different parts of the woman's body. On the same day, as a result of the operational-intelligence measures and investigative actions undertaken, the police officers discovered and apprehended a suspected 38-year-old man living in Abovyan city, who was arrested upon the decision of the preliminary investigation body.

2019

Anonymous (1970 - 2019)

On April 1, the corpse of a woman born in 1970 was found on the sofa in the kitchen of an apartment in one of the buildings on Gai Avenue in Yerevan, with stab and slash wounds on the lateral surface of the right half of the chest and anterior-outer surface of the upper third of the right thigh. As a result of the investigation and operational-intelligence measures undertaken immediately, it was found out that the life-threatening injuries were inflicted on the woman born in 1970 by her son, born in 1994. The latter was arrested upon suspicion of committing a prima facie crime.

Anonymous (1989 - 2019)

In the evening of May 8, a 26-year-old man beat up an old acquaintance of his, a 30-year-old woman, in the middle of a field in Ararat Marz with a rubber tube, a wooden club and other objects. The woman died as a result of the bodily injuries received. Previously, the same man repeatedly beat and inflicted bodily injuries on the woman, but he remained unpunished.

Anonymous (1957 - 2019)

On May 24, at around 6:00 in the morning, in one of the villages of Shirak Marz, a brother killed his sister, also inflicted injuries on his sister's son, and then committed suicide.

Anonymous (1982 - 2019)

On May 17, a 42-year-old man stabbed his ex-wife in Ararat Marz. She was taken to the intensive care unit of the medical center, where she was found to have a “stab and slash wound on the left half of the chest and internal bleeding.” The woman did not regain consciousness and died after several days.

Elen S. (unknown - 2019)

Early in the morning of June 25, at around 5:30, in a half-built house located in Nork-Marash district of Yerevan, Arsen N. had an argument with Elen S., who was staying in the same house with an infant. During the argument, Arsen N. hit Elen S. many times on different parts of her body with a knife and then with an adze, inflicting bodily injuries incompatible with life.

Shoghakat Martirosova (1925 - 2019)

On July 18, at around 12:30, the Armavir Division of the Police received an alert from the Armavir Medical Center that the emergency team of the hospital left for a dormitory located in one of the villages, where a woman's corpse was found in one of the rooms. The police and investigators found the corpse of the landlady, 94-year-old Shoghakat Martirosova, in the house. According to the preliminary information provided by the forensic medical doctor, there were many contusions and fractures on the body of the murdered woman. She had died as a result of violence. The Armavir Marz police found traces of 74-year-old Petros Poghosyan, thereby suspecting him of committing the murder.

Anjela Q. (1958 - 2019)

On July 19, at around 03:45, the Erebuni Division of the Police received an alert from a house on Nor Areshi Street. The ambulance

took the citizen to Erebuni Hospital, and she died on the way without ever regaining consciousness. The deceased was Angela K., a 61-year-old resident of the same street, who was stabbed several times by her son.

2020

Sara Karapetyan (2004 - 2020)

On January 5, at around 23:00, in a Yerevan apartment, the 1-03 emergency team alerted the police and reported that they went to one of the apartments on Sayat-Nova Avenue, where they found the corpse of a 16-year-old girl in bed. The child died as a result of strangulation, according to the preliminary conclusion of the forensic medical doctor.

A young man born in 1993 was arrested on suspicion of committing the murder. The latter has given a self-confessed testimony.

Marine Kh. (1977 - 2020)

Marine was killed by her partner. Her body was found in her house in Gyumri. On March 5, at 15:40, the police received a report from the hospital that a 13-year-old girl was taken into medical care with “traumatic shock and closed cerebral injury”. The officers of the operational group arrived at the scene of the incident to find the corpse of the girl’s mother, 43-year-old Marine Kh., with traces of violence in the apartment.

Measures were undertaken, and a 28-year-old man was found and apprehended on suspicion of committing the crime.

Anonymous (1994 - 2020)

On August 17, at around 15:00, the RA police found the corpse of a 26-year-old resident in Yerevan with bodily injuries on her neck and face and traces of violence.

The RA police are looking for her 32-year-old partner on suspicion of murder.

Anonymous (1953 - 2020)

On August 1, while on duty on Movses Khorenatsi Street, the police noticed a citizen with a plastic bag in his hand. When they approached the mentioned citizen for clarifications, they found that there was a woman's head in the plastic bag. The undertaken measures revealed the identity of the citizen, who was a resident of Tavush Marz. The 58-year-old man beheaded his sister, a 67-year-old resident of Yerevan, in her house.

Anonymous (1987 - 2020)

On December 25, at 21:00, the Vagharshapat Division of the Police received a report from the hospital that the corpse of a 33-year-old resident of Etchmiadzin city was brought to them with injuries "resembling a gunshot injury in the left lateral region" and "a scrape in the frontal region."

On December 26, at 01:00, the 34-year-old man who had taken the woman's corpse to the hospital was found and brought to the Vagharshapat Division of the Police on suspicion of committing the murder.

Anonymous (1936 - 2020)

On December 12, the corpse of an 84-year-old woman was found in Karin village of Aragatsotn Marz. The operational-investigation groups, expert criminologist and forensic medical doctor arrived at the scene of the incident and recorded that the elderly woman was killed. Once the criminal case was initiated, factual data was obtained that the retired woman was beaten and then strangled by her son. The 50-year-old man was found and apprehended by the Ashtarak Division of the Police on suspicion. He confessed in his testimony and was arrested.

Anonymous (1959 - 2020)

On October 18, the corpse of a 61-year-old woman was found in her house with stab and slash wounds in the region of her chest. Based on the factual data obtained by the police, the woman's 41-year-old son was apprehended on suspicion.

2021

Lusya Mkrtchyan (1939 - 2021)

On February 8, at 18:55, the Shengavit Division of the Police received a report from the operational management center of the Yerevan Police Department that there was a dead woman in one of the houses on 1 Noragavit Street. The undertaken measures revealed that an unknown person hit Lusya Mkrtchyan, born in 1939, on the neck with a sharp cutting-piercing object and killed her.

A criminal case was initiated with regard to the incident, and a 44-year-old man was apprehended on suspicion of committing the murder.

Anonymous (1956 - 2021)

On April 20, at 20:10, the Mush Division of the Gyumri Police received a report from the ambulance that a 65-year-old woman, a resident of Gyumri's Shirakatsi Street, was taken to a medical center with a stab and slash wound on her chest. The doctors attested the woman's death and found that the injury was incompatible with life.

Investigative measures revealed that the incident took place on Shirakatsi street. The woman was injured in her neighbor's cottage. According to preliminary information, her husband had returned home and upon not finding his wife went to the neighbor's cottage, argued with his wife and stabbed her.

Half an hour after the alert, the 69-year-old husband was apprehended by the Mush Division, confessed to the act and was arrested.

Anonymous (1970 - 2021)

On June 12, an emergency team left from the Artashat Medical Center for Ghukasyan Street in Artashat to find the corpse of a 51-year-old woman with stab and slash wounds.

As a result of the undertaken operational-intelligence measures and investigative actions, a 21-year-old young man was apprehended.

Anonymous (1987 - 2021)

On August 11, at 09:20, a 33-year-old man from Yerevan appeared at the Shengavit Division of the Police and reported that he had stabbed his ex-wife in the entrance of the building. The policemen found the corpse of a 34-year-old woman with stab and slash wounds.

Anonymous (1962 - 2021)

On August 13, the Armavir Division of the Police received a report from the Armavir Medical Center that a 59-year-old woman who had been admitted to medical care two days prior with a preliminary diagnosis of “stroke and pneumonia” died on August 12. A bruise was found on her neck in the mortuary 24 hours later.

The law enforcement officers arrived at the mortuary to find a brown scratch on the neck. A forensic examination was appointed. It turned out that the cause of death of the 59-year-old woman was manual strangulation.

A 23-year-old man was apprehended after operational-intelligence measures and investigative actions were undertaken.

Evgenia Yasoyan (1932 - 2021)

On September 5, at 11:40, the Nor Nork Division of the Police

received a report from the ambulance sub-station that the ambulance team on call left for an apartment in one of the buildings on Nelson Stepanyan Street, where they found the corpse of a woman born in 1932.

The operational group that left for the mentioned address revealed that, at 09:30, the woman was given an electrical shock by her 83-year-old husband who had tied her fingers with cables. He was taken to the Nor Nork Division of the Police on suspicion of committing the murder.

Anonymous (1975 - 2021)

On October 31, at 13:50, the Erebuni Division received a report from the Police Operational Management Center that a man had killed a woman in one of the houses on Suvorov Street.

According to preliminary data, the 52-year-old man strangled his 46-year-old wife out of jealousy.

Anonymous (1944 - 2021)

On December 13, at 18:50, the Kapan Division of the Police received an alert that there was a murdered person in one of the buildings on Stepanyan Street.

Officers of the operational-investigation group arrived at the scene of the incident with an alert to find the corpse of the 77-year-old landlady with obvious traces of violence.

The undertaken measures revealed that the murder was committed by the woman's 42-year-old son.

Anahit Iskandaryan (1958 - 2021)

On December 28, at 13:50, the Kumayri Division of the Police received a report from the ambulance station that there was a dead person near a store on Bagratunyats Square in Gyumri. The operational-investigation groups found the corpse of 63-year-old

Anahit Iskandaryan in the clothing store with stab wounds in the region of her neck.

It was revealed that the 63-year-old woman was killed by a 50-year-old man from Yerevan.

CONCLUSION

Femicide, killings of women because they are female, is linked to the patriarchal belief system that the life of women and girls is disposable. This, in turn, leads to the ease of killing women and girls, which has deep roots in misogyny.

When talking about femicide, it is of key importance to consider not only the individual cases, but also the ongoing system that encourages such murders and perpetuates violence. The lack of clear mechanisms regarding the cases of femicide and the lenient attitude towards the person having committed the violence contribute to the continuation of this violence and the formation of an atmosphere of impunity.

In this sense, it is important to discuss the problems of judicial practice raised within the framework of the research, from the point of view of the lack of clear mechanisms and the lenient attitude towards the person having committed violence.

Investigation of cases of femicide within the framework of the research shows that courts, in their examination of cases of femicide, very often do not consider:

- *the situation preceding the crime,*
- *the motive of the crime committed by the defendant, and*
- *the level of danger for society.*

Research on court cases shows that courts *do not find aggravating circumstances for an abuser's liability and punishment* in cases of femicide, as shown by Marine Begyan's, Lusik Mnatsakanyan's and

Nairuhi Ayvazyan's cases. An investigation of judicial acts indicates that even when there is a clear description of violence, it *is not viewed as violence against a woman*. Instead, the judicial decisions describe the relevant abuse with more mild words, such as "dispute" and "scuffle", as illustrated in the description of the violent scenes in Nairuhi Ayvazyan's and Marine Begyan's cases.

In other cases, we see milder and sometimes even "justifications" for the violence. For instance, it was noted that the violence used against Lusine Khachatryan was "motivated", as she "got on" the abuser's "nerves".

The judicial decisions researched for the report also indicate that, during trials of femicide cases, the courts do not pay attention to the fact that violence against victims was perpetual, even though witnesses engaged in the investigation (see, for example, the cases of Marine Begyan, Lusik Mnatsakanyan and Nairuhi Ayvazyan) testified about the repeated cycle of violence committed by the defendants.

In examining femicide, it is also important to address cases of suicide that are related to the woman's emotional state and are a result of their suffering and torture prior to the suicide.³⁵ In this regard, it is important to investigate how gender-related issues, deeply-rooted stereotypes and discrimination affected the woman's decision to commit suicide.

In Lusik Mnatsakanyan's judicial case, the continuous violence against her and the fact that she was subjected to mockery and torture was repeatedly mentioned, which could have been considered as an aggravating circumstance when determining the issue of liability and punishment. Meanwhile, in the mentioned case, the court not only *did not find any circumstances aggravating*

35 See Psytel. 2010. Estimation de la mortalité liée aux violences conjugales en Europe: 'IPV EU Mortality.' DAPHNE Projet No. JLS/2007/DAP-1/140. Rapport scientifique. p. 9-10, available at: <http://www.psytel.eu/violences.php>.

the liability and punishment, but also released Tigran Nikolyan through amnesty.

A stark example of the state's perpetual neglect of domestic violence and failure to protect women from domestic violence and abuse is the case of Christine Iskandaryan, where the inaction of the system created an environment of impunity for Illarion Nunushyan and thus contributed to the deadly crime being committed.

The flaws in giving adequate descriptions of the committed crimes speaks to the flaws in giving proper qualification to these crimes. While examining cases of evident abuse, *the courts did not address the fact that the crime was committed with particular cruelty or that the victim was subjected to torture and did not qualify the suffering as an aggravating factor* for liability and punishment. Instead, while describing the cases of violence and femicide, the courts were limited to mild characterizations and, in certain cases, *mitigating circumstances for liability and punishment were "found"*.

In cases involving elements of explicit domestic violence, the court considered *mitigating circumstances for their criminal liability and punishment*, such as the *partial confession of guilt, not having been previously convicted and the positive characteristic of the abuser* (see the court decision with regard to the case of Marine Begyan) as well as the *positive post-offense conduct of the abuser, manifested by a combination of confessions, admission of guilt, and remorse* (see the court decision with regard to the case of Lusine Khachatryan).

At the same time, it is important to highlight that the circumstance laid out in Clause 7 of the RA Criminal Code Article 62, Section 1 is problematic in effectively responding to gender-based violence cases, as it allows for a victim's "immoral behavior" to be a mitigating factor for criminal liability and punishment.

It should be noted that in the case of the murder of Nairuhi Ayvazyan, the court, among other circumstances, considered that *the crime was committed due to the victim's immoral act as a*

mitigating circumstance of liability and punishment.

Laying out such a circumstance as a factor mitigating criminal liability and punishment in cases of gender-based violence directly contradicts the international legal acts regulating the field, such as the Council of Europe Convention on preventing and combating violence against women and domestic violence (Convention),³⁶ which was signed by the Republic of Armenia on 18 January 2018.³⁷

Article 42 of the Convention clearly sets a ban on historical justifications of violence against women, including domestic violence. The Convention stipulates that *states must take measures to ensure that culture, custom, religion, tradition or so-called “honor” shall not be regarded as justification for any crime.*

It notes thereafter that states are obliged to ensure that any justification by the accused – that the crime was committed to prevent or punish the victim, that is was related to perceived or factual transgressions dealing with cultural, religious, social or traditional norms or customs that dictate appropriate behavior or customs – is in no way seen as a justification for the criminal act.

It should be noted that the existence of such a norm in the legislation is much more problematic, since a woman is viewed as property in Armenia’s patriarchal system, where male dominance and exercise of power manifests. The belief that women are inferior makes committing such acts permissible and gives justifications that they were driven by the woman’s immoral behavior.

It should also be noted that, in certain cases, the court considers the fact that the defendant holds custody of minors under the age of 14 as a mitigating factor for criminal liability and punishment (see the court decision on Nairuhi Ayvazyan’s case), even when the

36 See <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680462533>

37 See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

trial reveals that the victim was subjected to domestic violence in the presence of the same under-age children.

The rationale behind this judicial practice runs blatantly contrary to the position expressed by the RA Court of Cassation, that is “...*factors under consideration to mitigate criminal liability should reasonably reduce the public danger of a person or his actions,*”³⁸ while cases of femicide in no way can be considered in the realm of reducing public danger, and therefore investigation of such cases in courts cannot possibly consider the above-described factors as circumstances mitigating criminal liability and punishment.

The above-mentioned regulations and practices directly contradict Article 46 of the Convention, which calls on member states to ensure that the following circumstances be taken into consideration as aggravating circumstances in the determination of rulings of crimes established in accordance with the Convention:

- a) *“the offense was committed against a former or current spouse or partner as recognized by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;*
- b) *the offense, or related offenses, were committed repeatedly;*
- c) *the offense was committed against a person made vulnerable by particular circumstances;*
- d) *the offense was committed against or in the presence of a child;*
- e) *the offense was committed by two or more people acting together;*

38 See in detail the Verdict of the RA Court of Cassation of 1 June 2007 in Criminal Case No VB-84/07 regarding Paruyr Baghramyan: <http://www.arlis.am/DocumentView.aspx?DocID=37131>

- f) the offense was preceded or accompanied by extreme levels of violence;*
- g) the offense was committed with the use or threat of a weapon;*
- h) the offense resulted in severe physical or psychological harm for the victim;*
- i) the perpetrator had previously been convicted of offenses of a similar nature.”*

Placing the RA Criminal Code’s regulations on aggravating and mitigating criminal liability and punishment in the context of the Convention regulations, we see that Article 63 of the RA Criminal Code, which sets out the circumstances aggravating criminal liability and punishment, does not cover the following:

- an offense, or related offenses, that were committed repeatedly;*
- crimes committed against a wife or husband, partners, other family members or cohabitants;*
- crimes committed in the presence of a child (Article 46 (d) of the Convention);*
- an offense that resulted in severe physical or psychological harm for the victim;*
- crimes committed with the use or threat of a weapon.*

The other aggravating circumstances set out by the RA Criminal Code meet the requirements of the Convention.

In legal literature, it is often noted that the need to establish aggravating circumstances in domestic violence cases is justified by the fact that “committing the same crime by a person other than

the victim's partner inflicts less suffering on the victim.”³⁹

The RA Criminal Code does not lay out special provisions for violence against women. Moreover, there are no mechanisms set for considering gender-based norms or the unique dynamics of this human rights violation.

Violence against women and femicide are not defined in the Code in any way, and no provisions are set that would take into consideration the sex of the victim and the relationship between the victim and the perpetrator.

Comprehensive regulations must be adopted in the criminal justice legislation by calling for special attention for all forms of gender-based violence and, specifically, for cases of gender-based violence in order to ensure effective legislative mechanisms that prevent violence against women, protect victims of such violence and lay out criminal prosecution for abusers.

39 See Hagemann-White C., “Analytical Study of the Results of the 4th Round of Monitoring the Implementation of Recommendation Rec(2002)5 on the Protection of Women against Violence in Council of Europe Member States”, Council of Europe, 2014.

POLICY RECOMMENDATIONS

The Republic of Armenia needs to adopt necessary and effective legislative mechanisms and ensure their adequate enforcement in order to prevent violence against women, gender-based violence and femicide as well as eradicate impunity for such violence.

The Republic of Armenia needs to ratify the Convention on Preventing and Combating Violence Against Women and Domestic Violence and bring existing legislation in line with the requirements of the Convention.

Before ratifying the Convention, amendments need to be made to the RA Criminal Code, namely:

1) Incorporating the following in the list of circumstances aggravating criminal liability and punishment as set out in RA Criminal Code Article 63, Section 1:

- 1.1. domestic violence;*
- 1.2. all forms of violence based on the sex of the person;*
- 1.3. crimes against a spouse, partner, other family member or cohabitating person;*
- 1.4. repeated offenses or related offenses;*
- 1.5. violence resulting in severe physical or psychological harm for the victim of the offense;*
- 1.6. crimes carried out in the presence of a child;*

1.7. crimes involving weapons or the threat of using weapons.

- 2) Excluding regulation provided for by Clause 7 of the RA Criminal Code Article 62, Section 1 regarding the victim's "immoral behavior" in cases of gender-based violence as a condition for the crime and thus as a mitigating factor for criminal liability and punishment.
- 3) Supplementing the RA Criminal Code to restrict the possibility to apply amnesty in cases of gender-based violence.

In addition to amendments in the legislation, the following measures are also necessary:

- 1) Organizing regular and mandatory trainings for relevant specialists (judges, prosecutors, investigators, etc.) on international norms and criteria regarding femicide and gender-based violence, with a special focus on eradicating stereotypes around violence against women and excluding any professionals with stereotypes about violence against women in the law enforcement system.
- 2) Developing and carrying out regular programs aimed at preventing gender-based violence and raising public awareness.

QUANTITATIVE RESEARCH FINDINGS

CAUSES OF DEATH IN FEMICIDE CASES	
USE OF CUTTING-PIERCING TOOLS (including knives)	13
BEATING (including with use of blunt objects)	10
STRANGULATION	7
MURDER ACCOMPANIED BY BEHEADING	2
AXING	1
GUN SHOOTING	1
FORCED SUICIDE	1
ELECTRIC SHOCK	1

RELATIONSHIP WITH THE ABUSER	
Son	11
Relative	10
Husband	9
Partner/Person with whom in an unregistered marriage	3
Brother	2
Father	1

FEMICIDE ACROSS ARMENIA



YEREVAN	11
ARAGATSOTN	2
SHIRAK	6
SYUNIK	2
ARARAT	5
LORI	1
TAVUSH	4
VAYOTS DZOR	1
ARMAVIR	3
UNKNOWN	1

WHERE THE WOMEN WERE KILLED

AT HOME	30
IN ANOTHER PLACE	6

CRIMINAL LIABILITY

Unknown	24
Criminal cases dismissed upon the ground of the death of the accused	3
Compulsory treatment	3
Imprisonment for a term of 8 years	3
Imprisonment for a term of more than 8 years	2
Amnesty	1

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7. Criminal Code of the Republic of Armenia
8. Criminal Procedure Code of the Republic of Armenia
9. Verdict of the RA Court of Cassation in Criminal Case No VB-84/07 regarding Paruyr Baghramyan

