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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (12/10/2026)

Communication from Armenia concerning the case of Khaloyan v. Armenia (Application No. 20544/14)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (12/10/2026)

Communication de l'Arménie concernant l'affaire Khaloyan c. Arménie (Requête n° 20544/14) **[anglais uniquement]**



OFFICE OF THE PRIME MINISTER

OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA ON INTERNATIONAL LEGAL MATTERS

DGI

12 OCT. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

ACTION REPORT CONCERNING THE CASE OF

KHALOYAN v. ARMENIA

(Application no. 71367/12, final on 09/04/2026)¹

Office of the Representative on International Legal Matters

12 October 2026

¹ Supervised under the standard procedure.



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INTRODUCTORY CASE SUMMARY

The case concerns the failure to provide the applicant with a defence lawyer, in a timely manner, in criminal proceedings in 2012. The Court found that as the applicant's right to legal assistance became applicable, he was neither provided with nor offered legal assistance, nor was he immediately informed of that right as required by the Convention, in violation of Article 6 §§ 1 and 3 (c).

The Court held that there were no compelling reasons to justify the restriction on the applicant's right of access to a lawyer. Furthermore, the domestic courts did not conduct a proper assessment of the restriction on applicant's right to legal assistance and its impact on the overall fairness of the trial.

INDIVIDUAL MEASURES

The just satisfaction awarded by the Court was paid within the time limit. According to the judicial information system, no request for reopening has been made by the applicant. Therefore, no other individual measures seem necessary in this case.

GENERAL MEASURES

The authorities attach particular importance to ensuring that the right to legal assistance is effectively guaranteed throughout the criminal proceedings, in accordance with the requirements of the Convention.

Therefore, the Government considers that the issue identified in the case of *Khaloyan v. Armenia* was an isolated one, which was not connected to a common practice but resulted from isolated misconduct. However, despite the isolated nature of the case, the Government wishes to highlight a new mechanism introduced in criminal proceedings to ensure a more balanced and effective approach, taking into account the genuine protection of the accused's rights while minimising attempts to abuse those rights. Specifically, according to Article 47 of the new Criminal Procedure Code (hereinafter "CPC"), adopted in 2021, waiver of defence lawyer shall be accepted by the body conducting proceedings **only if the accused has made the statement thereon at his own initiative, voluntarily, knowingly, in the presence of the defence lawyer participating in the proceedings, and it can be reasonably assumed that the accused is capable of conducting his defence in person.** The accused shall not be obliged to disclose the reasons for the waiver of defence lawyer. When the waiver of defence lawyer is due to the indigency of the Accused, the body conducting proceedings shall, in accordance with the procedure provided for by this Code, promptly request an appointment of a defence lawyer at the expense of the state.

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Moreover, the accused who has waived defence lawyer shall have the right to demand **at any time** involvement of a new defence lawyer in the proceedings. The participation of a new defence lawyer shall not constitute a basis for restarting the proceedings, however, the defence lawyer shall be given sufficient time to conduct the defence of the accused effectively. At the same time, the expressed will of the accused to waive the new defence lawyer shall not be binding for the body conducting proceedings, if the **accused obviously abuses his right of waiver of defence lawyer**. In such case, the body conducting proceedings shall render a decision not to accept the waiver of defence lawyer.

This provision in question strikes a balance between public and private interests by minimizing the possibility of criminal proceedings taking place without a lawyer, while ensuring both the quality and expeditiousness of the proceedings. The waiver of the right to a lawyer is subject to a number of prerequisites, while safeguards are also in place to prevent the abuse of the right to waive legal representation.

In addition, Article 46 of the CPC also enshrines a number of cases where the body conducting proceedings **shall not accept the waiver of defence counsel** by the accused (connected to the vulnerability of the accused or its situation) or shall take prompt measures to secure participation of the defence counsel in the proceedings.

Against this background, although the accused is given the possibility to waive the right to a lawyer, nevertheless, the current system is primarily based on promoting the effective assistance of a lawyer, rather than on waiver, despite the fact that the person has such a right and the mechanisms for its effective exercise are also established.

Therefore, taking into account the comprehensive change of the system, the significant lapse of time, as more than 14 years have passed, as well as the adoption of new legislation and legislative amendments, the Government considers that the violation does not reflect the current situation or legislative background.

Publication and dissemination of the judgment

The judgments have been translated into Armenian and published on the official websites of the Armenian Legal Information System (www.arlis.am), as well as on the HUDOC database (www.hudoc.echr.coe.int).

Considering the importance of preventing further similar violations, as well as of effectively implementing the Court's judgments, the relevant authorities involved were duly informed about the judgment and provided with the corresponding translation.



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STATE OF EXECUTION

The Government of the Republic of Armenia considers that the measures adopted have fully remedied the consequences of the violation of the Convention found by the Court and that Armenia has complied with its obligations under Article 46 § 1 of the Convention. Consequently, the Government kindly asks the Committee of Ministers to close the supervision of *Khaloyan v. Armenia* case.