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THE PRINCIPLE OF NE BIS IN IDEM IN ARMENIA'S NEW CRIMINAL PROCEDURE CODE: EUROPEAN STANDARDS, DOMESTIC IMPLEMENTATION, AND INTERPRETIVE RISKS

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Abstract. The prohibition of repeated criminal prosecution or punishment for the same act - traditionally expressed as ne bis in idem - is both a guarantee of fair trial and an institutional rule of finality of criminal prosecution. This article examines the way in which the principle is incorporated into Article 25 of the Criminal Procedure Code of the Republic of Armenia and evaluates whether that provision and its implementation are compatible with Article 4 of Protocol No. 7 to the European Convention on Human Rights and with the relevant case law of the European Court of Human Rights. The article argues that the Armenian rule generally follows the Convention model, but its practical application depends on several interpretive distinctions: the difference between a procedural refusal to initiate prosecution and a merit-based determination of criminal responsibility; the distinction between public and private prosecution; and the treatment of administrative or disciplinary sanctions that are, in Convention terms, criminal in substance. On this basis, the article proposes a structured judicial test for Armenian courts and investigative bodies. The central recommendation is that Article 25 should be interpreted through the combined lenses of finality of the prosecution, substantive identity of facts, autonomous criminal character of the act, and the existence of a sufficiently integrated response where parallel proceedings are permitted.

Keywords - *ne bis in idem; double jeopardy; Armenian Criminal Procedure Code; Article 25; European Convention on Human Rights; finality of decisions; public and private prosecution; parallel punitive proceedings.*

1. Introduction

The rule against double jeopardy has a long legal history.[1] In contemporary criminal justice, the principle is not merely a technical rule on the repetition of

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proceedings. It expresses a deeper constitutional idea: once the state has finally resolved a person's criminal responsibility for a particular set of facts, that person should not remain indefinitely exposed to renewed prosecution, punishment, or procedural pressure for the same factual conduct.

Article 4 of Protocol No. 7 to the European Convention on Human Rights (ECHR) gives this guarantee an international legal basis. Under paragraph 1, a state may not subject a person to a further criminal trial or punishment for an offence already resolved by a final acquittal or conviction under that state's law and criminal procedure.[2] Article 14(7) of the International Covenant on Civil and Political Rights also protects against double jeopardy.[3] In Armenia, Article 68 of the Constitution prohibits another trial for the same act. It also permits statutory procedures for reconsidering a case on the basis of new circumstances, facts discovered subsequently, or a fundamental procedural defect capable of changing the result.[4]

The new Criminal Procedure Code of the Republic of Armenia develops this constitutional guarantee in Article 25. The provision is important not only because it restates the rule of ne bis in idem, but also because it determines which prosecutorial and judicial acts preclude renewed criminal prosecution. It further addresses two practically sensitive questions: whether the discontinuance or non-initiation of public prosecution prevents private prosecution, and how courts should treat administrative or disciplinary sanctions that are equivalent to punishment.

This article examines those questions from the perspective of ECHR case law and Armenian constitutional and cassation practice. Its central research question is the following: how should Article 25 of the Armenian Criminal Procedure Code be interpreted so that the domestic prohibition of repeated prosecution remains consistent with the minimum Convention standard while preserving the higher level of protection guaranteed by Armenian law?

The article makes three arguments. First, Article 25 should be read as protecting not only against repeated punishment, but also against repeated prosecution and trial where the first proceedings ended in a final merit-based determination of criminal responsibility. Secondly, a procedural act that does not examine the facts attributable to a concrete person cannot automatically be treated as a final acquittal

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[1] J. Hunter, "The Development of the Rule against Double Jeopardy", The Journal of Legal History 5 (1984), pp. 1–19, at pp. 3–4. https://doi.org/10.1080/01440368408530792.
[2] Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 4(1).
[3] International Covenant on Civil and Political Rights, Article 14(7).
[4] Constitution of the Republic of Armenia, Article 68.

or conviction for the purposes of ne bis in idem. Thirdly, where the same conduct gives rise to criminal and administrative or disciplinary proceedings that are also criminal in Convention terms, Armenian courts must apply the European Court's integrated-proceedings test and must ensure that the cumulative response is foreseeable, coordinated, and proportionate.

2. Methodology and scope

The article applies a doctrinal and comparative legal methodology. It reconstructs the content of the ne bis in idem guarantee by analyzing constitutional provisions, the Criminal Procedure Code of Armenia, decisions of the Constitutional Court and the Court of Cassation, and the case law of the European Court of Human Rights. The article does not attempt an empirical assessment of Armenian prosecutorial practice. Its focus is normative and interpretive.

Drawing on the constitutional commentary cited below, the article distinguishes four related but separate prohibitions contained in the broader principle: the prohibition of repeated punishment, repeated conviction, repeated trial, and repeated criminal prosecution for the same act.[5] These elements are closely interconnected, but they are not identical. A person may be protected by the principle even before a second conviction or punishment occurs, because Article 4 of Protocol No. 7 is also directed against the burden of renewed criminal proceedings themselves.

3. Normative foundations of the principle

The principle of ne bis in idem rests on two mutually reinforcing foundations. The first is individual security. A person who has been finally acquitted or convicted should be able to rely on the finality of that legal outcome and should not be forced to defend again against the same factual accusation. The second is institutional legitimacy. Criminal justice loses authority if the state can repeatedly reopen or reframe the same factual accusation until it achieves the desired outcome.

Armenian legal doctrine and judicial practice have linked the principle to the idea that, once a person's criminal liability for a particular act has been finally resolved, the criminal-law relationship between the person and the state comes to an end. The Court of Cassation has described the principle as a guarantee against

[5] *Commentary on the Constitution of the Republic of Armenia*, eds. G. Harutyunyan and A. Vagharshyan (Yerevan: Iravunk, 2010), p. 272.

renewed criminal prosecution, conviction, and punishment for the same act.[6] In another decision, the Court explained that after the final termination of the criminal relationship, the act forming the content of the criminal accusation can no longer be treated, in legal terms, as an existing criminal act for the purpose of renewed prosecution.[7]

The constitutional weight of the principle is reinforced by its non-derogable character under Article 4(3) of Protocol No. 7. War or a qualifying public emergency cannot justify suspension of this guarantee through Article 15 of the Convention.[8] This feature distinguishes ne bis in idem from many procedural guarantees that may be subject to limitation in exceptional circumstances. It confirms that the rule is not a mere procedural convenience but a fundamental protection against the abusive multiplication of criminal proceedings.

4. The European Court's three-stage test

The case law, as organized in the Court Registry's Guide on Article 4 of Protocol No. 7, can be examined through three questions. Does the Convention treat each procedure as criminal? Do both accusations rest on the same, or substantially the same, facts? Has the state subjected the person to a separate criminal process despite an earlier final determination? The last question also requires consideration of integrated proceedings and permissible reopening.[9]

4.1. Whether the proceedings are criminal in nature

The first issue is whether the relevant proceedings are criminal. This question is answered autonomously under the Convention. Domestic classification is relevant but not decisive. Proceedings that are described as administrative or disciplinary in national law may still be criminal in Convention terms if their substance so requires.

Under Engel, national classification is the starting point. The court then examines what kind of offence is alleged and how severe a sanction the person

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[6] Court of Cassation of the Republic of Armenia, David Babayan case, decision of 8 June 2012, KD1/0043/01/11, para. 23.

[7] Court of Cassation of the Republic of Armenia, Gevorg Khnusyan case, decision of 31 October 2014, YeED/0030/01/12, para. 23.

[8] Protocol No. 7 to the ECHR, Article 4(3).

[9] *Sergey Zolotukhin v. Russia* [GC], no. 14939/03, 10 February 2009, paras. 52–53, 82–84 and 107–108; *A and B v. Norway* [GC], nos. 24130/11 and 29758/11, 15 November 2016, paras. 130–134; *Mihalache v. Romania* [GC], no. 54012/10, 8 July 2019, paras. 49 and 88–98. See also Council of Europe/European Court of Human Rights, Guide on Article 4 of Protocol No. 7 (updated 28 February 2026), sections II–V, https://ks.echr.coe.int/documents/d/echr-ks/guide_art_4_protocol_7_eng.

risks incurring.[10] The second and third criteria can operate independently; if neither is conclusive on its own, they may be considered together. A related but distinct inquiry under Article 7 asks whether a measure constitutes a penalty. That inquiry starts with its connection to a criminal conviction and considers its purpose and practical character, its treatment in domestic law, the procedure used to impose and enforce it, and its severity.[11]

This autonomous approach is particularly significant for Armenian law because the same conduct may trigger disciplinary liability, administrative liability, and criminal liability. A formal domestic label cannot be the sole basis for excluding the protection of Article 4 of Protocol No. 7. The Court of Cassation has also applied this logic. In the David Babayan case, the Court considered disciplinary isolation imposed on a serviceman and reasoned that, although the measure was classified domestically as disciplinary, the nature of the conduct and the punitive character and severity of the sanction brought it close to a criminal accusation in Convention terms.[12]

4.2. Whether the second case concerns the same facts

The second issue concerns the facts underlying each accusation. In Sergey Zolotukhin v. Russia, the Grand Chamber rejected an approach dependent on the legal elements or labels of the offences. The relevant overlap is expressed in the Court's formulation "identical facts or facts which are substantially the same".[13]

This approach prevents states from avoiding the guarantee by changing the legal label attached to the same conduct. The proper comparison is between the factual description examined in the first proceedings and the factual basis of the new accusation. The comparison concerns the events attributed to the individual, their temporal and geographical relationship, and the circumstances that the prosecution must establish to support each accusation.[14]

For Armenian courts, this means that the phrase "same act" in Article 68 of the Constitution and Article 25 of the Criminal Procedure Code should be applied as a factual test. The court should not ask only whether the legal qualification is the

[10] *Engel and Others v. the Netherlands*, nos. 5100/71, 5101/71, 5102/71, 5354/72 and 5370/72, 8 June 1976, paras. 82–83; Sergey Zolotukhin v. Russia [GC], no. 14939/03, 10 February 2009, para. 53.
[11] *G.I.E.M. S.r.l. and Others v. Italy* [GC], nos. 1828/06, 34163/07 and 19029/11, 28 June 2018, para. 211; see also Council of Europe/European Court of Human Rights, *Guide on Article 7 of the European Convention on Human Rights* (2024), pp. 7-13.
[12] Court of Cassation of the Republic of Armenia, David Babayan case, decision of 8 June 2012, KD1/0043/01/11.
[13] *Sergey Zolotukhin v. Russia* [GC], no. 14939/03, 10 February 2009, paras. 82-84.
[14] Sergey Zolotukhin v. Russia [GC], no. 14939/03, 10 February 2009, paras. 82–84.

same. It should ask whether the factual nucleus of the accusation is the same. If a later prosecution merely reformulates the same factual conduct under a different legal provision, the protection of ne bis in idem is engaged.

4.3. Whether there has been a prohibited duplication of proceedings

The third issue is whether there has been a prohibited repetition of proceedings. The guarantee applies where the first proceedings ended in a final acquittal or conviction and the second proceedings concern the same facts. The notion of finality corresponds to the traditional concept of res judicata: a decision is final when ordinary remedies have been exhausted, waived, or have expired.[15] Extraordinary remedies, such as reopening proceedings or restoring a missed time limit, do not usually prevent a decision from becoming final for the purposes of Article 4 of Protocol No. 7.[16]

However, finality alone is not enough. The earlier disposition must also qualify as an acquittal or conviction. Mihalache v. Romania requires attention to what the authority actually decided and the consequences for the individual. The relevant question is whether an authority empowered to decide the merits evaluated the evidence and resolved the person's criminal responsibility for the alleged events; a judicial judgment is not indispensable.[17]

Mihalache also identifies practical evidence of a decision on the merits. Investigative steps followed by an evidentially reasoned disposition can show that the authority resolved the accusation rather than merely closed a file. These are indicators to be assessed in context, not a compulsory checklist of investigative acts.[18] Conversely, closure for a procedural reason may leave criminal responsibility undecided, as the limitation ruling in Smokovic illustrates.[19]

This distinction is crucial when interpreting Article 25. The Convention inquiry asks whether a final disposition resolved the merits of the accusation. A separate domestic inquiry asks whether Armenian law gives the particular act preclusive effect even without such a determination. Failure to meet the Convention threshold cannot, by itself, remove a bar that Article 25 establishes. Courts should therefore identify the domestic protection before considering whether the Convention requires any additional safeguard.[20]

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[15] Sergey Zolotukhin v. Russia [GC], no. 14939/03, 10 February 2009, para. 107.
[16] Sergey Zolotukhin v. Russia [GC], no. 14939/03, 10 February 2009, para. 108.
[17] *Mihalache v. Romania* [GC], no. 54012/10, 8 July 2019, paras. 88–89 and 95–97.
[18] Mihalache v. Romania [GC], no. 54012/10, 8 July 2019, para. 98.
[19] *Smokovic v. Croatia* (dec.), no. 57849/12, 12 November 2019, paras. 43–45.
[20] Criminal Procedure Code of the Republic of Armenia, Law HO-306-N of 30 June 2021, Article 25(2); European Convention on Human Rights, Article 53.

5. Article 25 of the Armenian Criminal Procedure Code

Article 25(1) protects the effect of a final judgment: within Armenian jurisdiction, the state cannot try or punish the individual again for the act resolved by that judgment. Article 25(2) separately bars renewal of prosecution following a final decision declining to initiate prosecution or discontinuing it.[21]

This formulation generally reflects the Convention structure. It covers final judicial determinations and also certain prosecutorial decisions that terminate or preclude prosecution. In this respect, Armenian law may provide a level of protection that is at least as strong as the Convention minimum. The Convention requires protection after a final acquittal or conviction; domestic law may extend equivalent protection to other final prosecutorial acts.

The more difficult question concerns the scope of prosecutorial acts covered by Article 25. Under the former Criminal Procedure Code, the refusal to initiate a criminal case was, in certain circumstances, treated as falling within the protective sphere of ne bis in idem. The Constitutional Court addressed the issue in Decision DCC-1236 of 17 November 2015, and the Court of Cassation developed similar reasoning in the Ashot Malkhasyan case.[22] The logic of that practice was that a refusal to initiate proceedings could sometimes be person-specific and could involve a substantive assessment of facts, thereby producing effects comparable to a final termination of prosecution.

The new Code requires a distinction between non-initiation of criminal proceedings and non-initiation of criminal prosecution. Under Article 179, where a report fails to satisfy the statutory conditions, the investigator does not draw up the protocol initiating proceedings and instead notifies the supervising prosecutor in writing. This procedure should not be described as a protocol declining to initiate prosecution, nor automatically equated with the final prosecutorial decisions protected by Article 25(2).[23]

Accordingly, the legal effect of a non-initiation protocol should be determined by substance rather than by title. If the document merely records that there is no procedural basis for opening a case at that stage, it should not bar later prosecution. If, however, a domestic procedural act contains a reasoned, person-specific

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[21] Criminal Procedure Code of the Republic of Armenia, Law HO-306-N of 30 June 2021, Article 25(1)–(2), https://arlis.am/hy/acts/232980 (consolidation effective from 30 October 2026; accessed 1 November 2026).

[22] Constitutional Court of the Republic of Armenia, Decision DCC-1236, 17 November 2015; Court of Cassation of the Republic of Armenia, Ashot Malkhasyan case, decision of 5 June 2015, YeAKD/0051/11/14, para. 50.

[23] Criminal Procedure Code of the Republic of Armenia, Articles 173(2)–(3) and 179; compare Article 25(2). Official text: https://arlis.am/hy/acts/232980.

assessment of the alleged conduct and finally resolves the issue of criminal responsibility, courts should consider whether treating it as outside Article 25 would undermine the guarantee of finality.

A practical judicial test can be formulated as follows. The court should first ask whether Article 25 independently bars renewed prosecution. For the additional Convention inquiry, Mihalache's substantive approach can be translated into the following questions:[24]

- Did the prior act concern a concrete person and a concrete factual allegation?
- Was the competent authority empowered to assess the facts and the person's involvement?
- Were relevant evidence and factual circumstances examined?
- Did the act contain reasons addressing guilt, innocence, or the absence of criminal responsibility?
- Had the act become final under ordinary domestic remedies?
- Would renewed prosecution expose the person to the same factual accusation despite a prior final merits-based resolution?

An affirmative answer to these questions indicates that Article 25 should apply. A negative answer, especially where the prior act was purely procedural, indicates that the principle is not engaged.

6. Reopening and review: the limits of the guarantee

The prohibition of repeated prosecution does not foreclose every later reconsideration. Article 68(2) of the Constitution permits review on specified grounds involving new circumstances, subsequently discovered facts, or a fundamental procedural defect capable of changing the result.[25] Article 4(2) of Protocol No. 7 also permits reopening through domestic criminal procedure, but only on grounds capable of affecting the outcome: new or newly discovered facts, or a fundamental defect in the earlier proceedings.[26]

This exception must be construed narrowly. It protects the integrity of criminal justice where finality was achieved on an incomplete or fundamentally defective basis, but it does not allow ordinary dissatisfaction with the outcome to be disguised as reopening. The purpose of reopening is to correct exceptional injustice, not to give the prosecution a second opportunity to improve its case.

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[24] Proposed analytical questions derived from Mihalache v. Romania [GC], no. 54012/10, 8 July 2019, paras. 95–98, read alongside Article 25(2) of the Armenian Criminal Procedure Code.
[25] Constitution of the Republic of Armenia, Article 68(2).
[26] Protocol No. 7 to the ECHR, Article 4(2).

Article 25(3)–(4) distinguishes between review in favor of the person and review to the detriment of the person. Review aimed at improving the person's position does not constitute repeated trial in the relevant sense. This follows from the protective function of ne bis in idem: a guarantee designed to protect the individual should not be interpreted as preventing the correction of a conviction or punishment in the individual's favor. By contrast, review that worsens the person's position after finality must be justified strictly by the recognized grounds of fundamental defect, new circumstance, or newly discovered circumstance, within the time limits laid down by the Code.

7. Public and private prosecution under Article 25(5)

Article 25(5) provides that the refusal to initiate or the discontinuance of public criminal prosecution is not an obstacle to the initiation of private criminal prosecution. This creates an interpretive tension because Article 4 of Protocol No. 7 does not distinguish between public and private prosecution. From the Convention perspective, the decisive issue is not who initiates the prosecution but whether the person is exposed to repeated criminal proceedings concerning the same facts after a final acquittal or conviction.

The compatibility of Article 25(5) therefore depends on the reason why public prosecution was refused or discontinued. If public prosecution ended because the case was procedurally classified as one that should be pursued only by private prosecution, that termination does not necessarily involve any merit-based assessment of the accused person's guilt or innocence. In that situation, private prosecution may be understood not as a repetition of a finally resolved criminal accusation, but as the procedurally proper channel for the initial determination of the accusation.

Smokovic v. Croatia provides a useful analogy concerning procedural termination. There, the limitation period expired without a ruling on the factual accusation or the applicant's responsibility. The Court therefore did not treat the termination as an acquittal or conviction.[27] Its relevance here lies in that distinction; it did not decide the compatibility of Armenia's public-to-private prosecution mechanism.

Applying that logic, Article 25(5) should be interpreted narrowly. It is compatible with the Convention where the refusal or discontinuance of public prosecution is purely procedural and is based on the conclusion that the matter belongs to private prosecution. It would be more difficult to justify renewed private

[27] *Smokovic v. Croatia* (dec.), no. 57849/12, 12 November 2019, paras. 43–45.

prosecution where the public authority had already conducted a substantive examination, assessed the evidence, and finally determined that the person did not commit the act or that the act did not constitute a criminal offence. In such a case, the formal distinction between public and private prosecution should not nullify the protection of finality.

This interpretation also respects the idea that the Convention establishes minimum guarantees, while domestic law may provide stronger protection. If Armenian law treats certain prosecutorial decisions as barring renewed prosecution even where the Convention would not require that result, domestic authorities remain bound by the higher domestic standard. The only exception expressly identified in Article 25(5) should therefore be confined to cases where public prosecution ended for the specific procedural reason that the matter is subject to private prosecution.

8. Administrative and disciplinary sanctions under Article 25(6)

Article 25(6) addresses another sensitive issue: where a person is convicted and it becomes clear that an administrative or disciplinary measure equivalent to punishment has already been applied for the same conduct, the measure must be revoked and considered when imposing the criminal sentence.

This provision reflects an attempt to reconcile Armenian criminal procedure with the European Court's case law on parallel proceedings. The Convention does not impose an absolute ban on all combinations of criminal, administrative, or disciplinary responses to the same conduct. The decisive issue is whether the combination produces a prohibited duplication of proceedings or punishment.

In A and B v. Norway, the Grand Chamber developed the requirement of a "sufficiently close connection in substance and in time". Different procedures can constitute a coherent response where each addresses a distinct aspect of the wrongdoing, their combination is predictable, and the authorities coordinate their evidential work. The later sanction must account for the earlier one so that the combined burden remains proportionate. A substantive connection does not dispense with the need for a temporal connection.[28] The Court applied and further developed this approach in later cases, including Galovic v. Croatia.[29]

For Armenian courts, Article 25(6) should therefore not be treated as a simple sentencing-credit rule. It should be applied as part of a broader Convention-based assessment. The court must determine whether the administrative or disciplinary

[28] *A and B v. Norway* [GC], nos. 24130/11 and 29758/11, 15 November 2016, paras. 130–134.
[29] *Galovic v. Croatia*, no. 45512/11, 31 August 2021, para. 113.

measure is criminal in substance under the Engel criteria. If it is not criminal in Convention terms, Article 4 of Protocol No. 7 may not be engaged. If it is criminal in substance, the court must then examine whether the two proceedings were sufficiently integrated.

The following questions translate the A and B factors into a proposed checklist for applying Article 25(6):

- Did the administrative or disciplinary and criminal proceedings pursue genuinely complementary purposes?
- Was the possibility of dual proceedings foreseeable to the person?
- Were the proceedings coordinated to avoid unnecessary duplication of fact-finding and evidence assessment?
- Were the procedures linked closely enough in time, with any delay adequately explained?
- Was the earlier sanction expressly considered in the later criminal sentence?
- Did the total burden imposed on the person remain proportionate?

If these conditions are met, Article 25(6) can operate consistently with the Convention. If they are not met, merely revoking or crediting the earlier administrative or disciplinary measure may be insufficient. The court may need to conclude that the criminal proceedings themselves violate the prohibition of repeated prosecution or punishment.

9. Proposed interpretive model for Armenian practice

The analysis above suggests that Armenian courts should apply Article 25 through a structured sequence. The proposed sequence combines the cited Convention tests with the independent domestic safeguards discussed above. It is intended to guide reasoning; its effect on consistency in practice has not been empirically tested.

First, the court should identify the factual nucleus of the first and second proceedings. This requires comparison of the facts, not merely the legal provisions invoked. The identity of the act should be assessed by reference to the same person, the same conduct, and facts linked in time and space.

Secondly, the court should determine whether both proceedings are criminal in nature. Domestic labels are relevant but not conclusive. The court should apply the Engel criteria and should examine the purpose, severity, and legal effects of any administrative or disciplinary measure.

Thirdly, the court should determine whether the first act was final. Finality requires that ordinary remedies have been exhausted, waived, or have expired. The possible availability of extraordinary review does not normally prevent finality.

Fourthly, the court should identify any bar under Article 25 and then determine whether the first act was equivalent to an acquittal or conviction under the Convention. This requires attention to substance. A decision or act should be treated as protective where it contains a merit-based, person-specific assessment of the alleged conduct. A purely procedural act may fall outside the Convention threshold while still barring renewal under domestic law.

Fifthly, if parallel proceedings are involved, the court should examine whether they formed a sufficiently integrated whole. The test should include complementary purpose, foreseeability, coordination, temporal connection, and proportionality of the cumulative response.

Finally, where reopening is invoked, the court should verify that the case falls within the narrow grounds recognized by the Constitution and Article 4(2) of Protocol No. 7. Reopening must not become a disguised form of repeated prosecution.

This model is designed for practical use. It respects the Convention's autonomous concepts, preserves Armenia's constitutional wording on the "same act", and avoids an overly formal approach to prosecutorial acts. It also gives investigative bodies and courts a checklist capable of guiding decisions at the early stages of proceedings, where violations of ne bis in idem often begin.

CONCLUSION

Effective implementation of ne bis in idem under Article 25 requires Armenian courts to apply the Convention's substantive standards while preserving any broader domestic protection. The decisive considerations are the identity of the underlying facts, the nature of the proceedings, and the substance and finality of the earlier decision. Formal changes in legal classification or the mode of prosecution should not circumvent an applicable prohibition on renewed proceedings.

Accordingly, this article proposes a restrictive interpretation of the transition from public to private prosecution and a substantive assessment of parallel punitive proceedings. Crediting an earlier sanction cannot, by itself, remedy prohibited duplication, while reopening must remain within legally defined grounds and limits. The proposed interpretive model provides a structured basis for protecting finality and legal certainty in Armenian criminal procedure.

Conflict of Interests

The author declares no ethical issues or conflicts of interest in this research.

Ethical Standards

The author affirms this research did not involve human subjects.

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