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INTERFERENCE BY DESIGN

Electoral Integrity, EU Engagement, and the 2026 Parliamentary Elections in Armenia

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Contents

TABLE OF ABBREVIATIONS

Abbreviation	Full Term
AAHC	Armenian Apostolic Holy Church
CEPA	Comprehensive and Enhanced Partnership Agreement (EU-Armenia)
CEC	Central Election Commission (Armenia)
CJEU	Court of Justice of the European Union
CSI	Christian Solidarity International
CSAT	Supreme Council of National Defence (Romania)
DSA	Digital Services Act (Regulation 2022/2065)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDMO	European Digital Media Observatory
EEAS	European External Action Service
ENA	Electric Networks of Armenia
EOM	Election Observation Mission
EP	European Parliament
EPF	European Peace Facility
EPDE	European Platform for Democratic Elections
EUMA	European Union Mission in Armenia
FIMI	Foreign Information Manipulation and Interference
GMF	German Marshall Fund
GC25	General Comment No. 25 (Human Rights Committee, on ICCPR Article 25)
HRRT	Hybrid Rapid Response Team
HRC	Human Rights Council (United Nations)
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
IODA	International Observatory for Democracy in Armenia
IRI	International Republican Institute
MCC	Mathias Corvinus Collegium
NAM	Needs Assessment Mission (OSCE/ODIHR)
NDICI	Neighbourhood, Development and International Cooperation Instrument
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
P1A3	Protocol No. 1, Article 3 (ECHR)
PFCA	Political Framework for a Crisis Approach (EEAS, classified)
RRF	Recovery and Resilience Facility
RRS	Rapid Response System
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
VLOP	Very Large Online Platform (under the DSA)
VLOSE	Very Large Online Search Engine (under the DSA)

IMPORTANT NOTE

A necessary clarification must be made at the outset, because this paper will inevitably be mischaracterised. This is not an anti-European paper; it is the opposite. The people of Armenia regard the European Union as the pre-eminent institutional guarantor of democratic governance, the rule of law, and the protection of fundamental rights. This view is shared across Armenian society, and it was given formal expression when the Armenian National Assembly, including opposition votes, adopted legislation to initiate the process of joining the European Union. The individuals whom the Pashinyan government has detained, prosecuted, and silenced, Samvel Karapetyan, the members of the Strong Armenia party, the clergy of the Armenian Apostolic Holy Church, are among those who hold that aspiration most seriously. The Strong Armenia party has called for constitutional adherence, judicial independence, and compliance with international human rights standards: the substance of the Copenhagen criteria.

What this paper demonstrates is that it is the Pashinyan government, the very government that solicits European Union assistance, hosts European summits, and presents itself as Armenia's pro-Western reformer, whose conduct is fundamentally incompatible with the values the European Union exists to promote. The Pashinyan government's actions in Armenia do not meet the Copenhagen criteria for democratic governance and the rule of law. It, inter alia, breaches the rights guaranteed by the European Convention on Human Rights and the International Covenant on Civil and Political Rights. It contravenes the essential elements clause of the EU-Armenia Comprehensive and Enhanced Partnership Agreement. The government that invokes Europe is the government that repudiates everything Europe requires.

This paper is written in the service of Armenia's European aspiration, not against it. Every demand it makes, for transparency, for conditionality, for the application of the essential-elements clause, for engagement with the opposition, for compliance with the recommendations of the OSCE's Office for Democratic Institutions and Human Rights, is a demand that the European Union enforce its own legal commitments. The purpose is not to weaken Armenia's relationship with Europe, it is to insist that the relationship be worthy of the values on which it is formally premised. If the European Union remains silent while the Pashinyan government dismantles the conditions for a genuine election, it is not Armenia's European path that is protected, it is the incumbent's hold on power. This paper asks the European Union to be the institution that the Armenian people believe it to be and to hold Armenia's government to the standards its people have chosen to embrace.

EXECUTIVE SUMMARY

Armenia's parliamentary elections on 7 June 2026 are set to occur in conditions that do not meet the standards set by the EU-Armenia Comprehensive and Enhanced Partnership Agreement, the Strategic Agenda for the EU-Armenia Partnership, the International Covenant on Civil and Political Rights, or the European Convention on Human Rights. This paper, prepared by Amsterdam & Partners LLP, is the second part of the firm's Armenia series. The first part, published in October 2025, reported serious violations of Armenian law and international human rights standards by the government of Prime Minister Nikol Pashinyan. These included the arrest and prosecution of the main opposition leader, the detention of senior clerics from the Armenian Apostolic Holy Church, and the use of economic pressure against dissenters. An addendum from February 2026 found that these patterns had become more severe.

This paper examines whether the European Union's actions before the election, including over €300 million in financial support, sending a Hybrid Rapid Response Team, running counter-disinformation efforts, and holding a summit of 44 European leaders in Yerevan a month before the vote, amount to interference in Armenia's electoral process.

THE GOVERNING LEGAL FRAMEWORK: WHAT THE EUROPEAN UNION IS REQUIRED TO DO

Before summarizing the paper's findings, it is important to clearly outline the legal framework used to assess the European Union's actions. This paper only asks the EU to follow its own legal requirements.

Article 2 of the Treaty on European Union provides that the Union is founded on the values of democracy, the rule of law, and respect for human rights. Article 21 of the Treaty on European Union requires that these same values guide the Union's external action. Article 8 of the Treaty on European Union requires that neighbourhood relations be "founded on the values of the Union." Article 21(3) of the Treaty on European Union imposes a consistency obligation, requiring that the Union ensure coherence between its internal and external policies.

The bilateral relationship between the European Union and Armenia is governed by the Comprehensive and Enhanced Partnership Agreement, known by its acronym CEPA, which entered into force on 1 March 2021. Article 2 of CEPA designates respect for democratic principles, the rule of law, human rights, and fundamental freedoms as "essential elements" of the agreement, binding on both parties. The clause incorporates, by express reference, the Organisation for Security and Co-operation in Europe Helsinki Final Act, the Charter of Paris for a New Europe, the Universal Declaration of Human Rights, and the European Convention on Human Rights. A breach of these essential elements may trigger consultations and "appropriate measures" under Articles 378 and 379 of the agreement.

The Strategic Agenda for the EU-Armenia Partnership, adopted by the EU-Armenia Partnership Council on 2 December 2025,

translates these general commitments into operational obligations. It requires "political pluralism, inclusion in decision-making and cooperation and positive engagement with the opposition"; "transparent, inclusive, free and fair elections"; compliance with the recommendations of the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights; and the express condition that European Union support "will be conditional on the implementation of agreed reforms."

This paper evaluates the European Union's actions based on these agreements. The criticism is not about engagement itself, but about engagement that is one-sided when inclusivity is required, lacks transparency where openness is needed, is unconditional when conditions are expected, and remains silent on democratic abuses when the EU should speak out for democracy, the rule of law, and human rights.

THE APPARENT TENSION IN THE PAPER'S POSITION

Readers may notice that this paper argues both that the European Union should not have given certain types of support to the current government and that it should not have stayed silent about the government's actions against the opposition. While this may seem like a contradiction, the tension is not as significant as it seems.

The key difference is between neutral and non-neutral engagement. This paper does not suggest that the European Union should leave Armenia. Instead, it argues that the EU's current involvement is not neutral and actually makes the situation worse by supporting the government's actions. The paper recommends suspending measures like the Hybrid Rapid Response Team, unconditional financial support, and counter-disinformation operations, as these only benefit the government and do not protect the opposition. Instead, the EU should take neutral steps, such as publicly condemning violations, applying conditions to its support, engaging with all political groups, and sending independent election observers. The EU should do less to help the current government and more to hold it accountable. These are not conflicting demands, but both reflect the same legal requirement: the EU must act within its own laws.

THE DOMESTIC CONTEXT: DEMOCRATIC BACKSLIDING AND THE SUPPRESSION OF POLITICAL COMPETITION

Since June 2025, the Armenian authorities under Prime Minister Nikol Pashinyan have arrested and prosecuted Samvel Karapetyan, the leader of the principal opposition party, Strong Armenia, the day after he made a public statement in defence of the Armenian Apostolic Holy Church. They have detained senior clerics of the Church, including Archbishop Bagrat Galstanyan and Archbishop Mikayel Ajapahyan, the latter of whom was convicted and sentenced to two years' imprisonment in a trial described by civil society organisations as unprecedentedly swift. They have arrested a defence lawyer, Alexander Kochubaev, for a social media post criticising prosecutors involved in the clergy cases, a step condemned by the International Commission of Jurists as a serious interference with the independence of the legal profession. They have nationalised the opposition leader's principal business asset, Electric Networks of Armenia, and revoked its operating licence. They have closed Shoghakat TV, a church-founded public broadcaster. They have amended the Electoral Code, two months before the election and with exclusively governing-party votes, to prohibit the use of personal names in party-alliance titles, targeting the "Strong Armenia with Samvel Karapetyan" bloc. And they have detained

fourteen party affiliates in the final weeks of the campaign on charges that the party's lawyers describe as politically motivated.

These facts are not just claims from one side of a political argument. They are supported by three independent organizations. The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights, in its report from 19 March 2026, noted that opposition parties were concerned about their ability to campaign, that the closure of the church broadcaster was seen by many as politically motivated, and that changes to the Electoral Code were made quickly without input from the opposition. The International Observatory for Democracy in Armenia, which included Kenneth Roth, former head of Human Rights Watch, found evidence of politically motivated arrests, misuse of vague laws, and government interference in the Church's independence. CivilNet, an independent Armenian media outlet, called 2025 a year of democratic decline and reported that pretrial detention was used to control political opponents.

THE EUROPEAN UNION'S ENGAGEMENT: UNCONDITIONAL SUPPORT IN THE FACE OF DOCUMENTED VIOLATIONS

Instead of making its support conditional on meeting democratic standards set by CEPA and the Strategic Agenda, the European Union increased its cooperation. In the year before the 7 June 2026 election, the EU announced commitments totalling over €300 million. It signed a €270 million Resilience and Growth Plan 80 days before the election without any democratic conditions. The EU also announced €12 million for counter-disinformation, €15 million for resilience, and approved €20 million in non-lethal military support. It sent a Hybrid Rapid Response Team of about nine to fourteen European experts, who, according to a document seen by Radio Free Europe/Radio Liberty, advised the Armenian Prime Minister's office and Security Council on "crisis management plans in various electoral scenarios," helped the Interior Ministry and tax authorities, assisted in "tracking and prosecuting illicit election financing," and launched "public awareness campaigns related to elections on FIMI, with support in targeting key demographics." The EU also scheduled its first-ever EU-Armenia Summit, attended by the Presidents of the European Council and Commission and 44 European leaders, 33 days before the election. This was the strongest show of external political support in Armenia's electoral history.

What the European Union failed to do is just as important. It did not send its own Election Observation Mission. It did not publicly respond to the findings of the Office for Democratic Institutions and Human Rights, the International Observatory for Democracy in Armenia, or CivilNet. The EU did not use the CEPA essential-elements clause, start consultations under Articles 378-379 of CEPA, or make any financial support conditional on stopping the documented violations. It did not engage with the opposition or reply meaningfully to any of the three letters from Amsterdam & Partners LLP about the legality, neutrality, and impact of EU-funded activities.

WHY THE EUROPEAN UNION'S ENGAGEMENT CONSTITUTES INTERFERENCE

The paper shows that the European Union's involvement in Armenia is not neutral support for democracy. Instead, it is one-sided, working only through the current government. This approach is similar to methods the EU has used in Romania, Moldova, Hungary, Slovakia, Poland, and the Czech Republic. The analysis highlights five main features that together show this interference.

First: the securitisation of opposition discourse

The European Union's engagement is framed not through the vocabulary of democratic development, pluralism, neutrality or equal access, but through the vocabulary of security governance: "hybrid threats," "Foreign Information Manipulation and Interference," "cyber resilience," and "strategic communication." This distinction matters because the securitisation of a pre-election environment transforms the standards against which engagement is assessed. In the security paradigm, the question is not whether the engagement is neutral but whether the threat is real. Once the threat is accepted, the response is shielded from democratic accountability.

The Pashinyan government has exploited this framework. It has characterised opposition clergy as "criminal-oligarchic clergy," framed the arrests as the prevention of "acts of terrorism," and portrayed domestic political opponents as vectors of Russian influence, without evidence of foreign direction. The International Observatory for Democracy in Armenia identified this dynamic precisely: "the government seems to be weaponizing evidence-free claims of foreign interference to lull European officials into looking the other way as it exercises increasingly authoritarian powers." By providing the government with a European team specialising in counter-disinformation, the European Commission does not combat external threats. It endows the incumbent's repressive narrative with supranational legitimacy. No mechanism exists to prevent the Armenian government from using the European Union team to classify domestic opposition discourse as "Russian propaganda." The opposition was not consulted. No public criteria for classifying content as "disinformation" have been disclosed. No appeal procedure exists. No independent oversight has been established.

Second: the absence of structural transparency

The detailed mandate for the Hybrid Rapid Response Team has not been made public and is only known through media reports. The classified Political Framework for a Crisis Approach for Armenia, a 28-page document from the European External Action Service that reportedly describes Armenia's political situation as a crisis needing EU intervention, has also not been released. The criteria for labelling content as "Foreign Information Manipulation and Interference" in Armenia are not known. Amsterdam & Partners LLP has written to the European Commission three times with concerns about the legality, neutrality, and impact of these operations, but has not received any meaningful response. The International Observatory for Democracy in Armenia shared its findings in Yerevan on 12 March 2026, and the Office for Democratic Institutions and Human Rights issued its report on 19 March 2026, but the EU has not publicly addressed either. When the European Commission uses public funds to influence a country's information environment during an election, a lack of transparency about how it operates is not a minor issue—it is a serious legal problem.

Third: the fallacy of consent

The European Commission's anticipated defence is that Armenia requested the assistance and that the deployment responds to a sovereign invitation. The argument is untenable. Any engagement by the EU, regardless of invitation, must comply with international law, its bilateral obligations, and democratic norms. Moreover, the consent of a government that simultaneously prosecutes the opposition leader, detains defence lawyers, revokes business licences from critics, and arrests archbishops is not the consent of Armenia as a sovereign state. It is the consent of a political faction that exploits state institutions to perpetuate

itself in power. The non-intervention principle, as incorporated into CEPA through the Organisation for Security and Co-operation in Europe Helsinki Final Act, protects the sovereign choice of the people, not the prerogative of an incumbent whose democratic credentials are contested. Moreover, the European Union's own legal framework does not treat partner-state consent as sufficient. The CEPA essential-elements clause imposes bilateral obligations. The Strategic Agenda's conditionality mechanism makes support conditional on the implementation of agreed reforms. Article 21(1) of the Treaty on European Union requires the Union's external action to respect international law, including the principle of non-intervention. These provisions exist precisely because unilateral executive consent cannot discharge the legal requirements for lawful engagement. If it could, the essential-elements clause, the conditionality mechanism, and the non-intervention principle would be superfluous.

Fourth: the third-country problem and the absence of mandate

The paper identifies a constitutional deficiency at the core of the European Union's Armenia engagement. The Digital Services Act was adopted under Article 114 of the Treaty on the Functioning of the European Union as an internal-market instrument. It regulates online intermediaries and platforms operating within the EU. Its election-risk provisions formally address elections within the European Union. No treaty provision confers upon any European Union institution the competence to manage, shape, or influence parliamentary elections in a non-member state. Armenia has no seat in the European Parliament, no representative in the Council of the European Union, no recourse to the Court of Justice of the European Union, and no capacity to participate in the democratic accountability structures through which European Union policy is contested and constrained. The functional export of the Digital Services Act's conceptual apparatus, systemic risk assessment, rapid response, counter-FIMI coordination, into a sovereign third state through "resilience" programmes and hybrid-threat response teams raises a direct question of ultra vires: the exercise of powers that exceed the legal basis conferred by the Treaties. If the European Commission lacks competence to manage electoral narratives within its own Member States, as Articles 4(2) and 5 of the Treaty on European Union confirm, it lacks such competence a fortiori in a non-member state.

Fifth: double standards and the consistency obligation

The European Union's treatment of Armenia stands in stark contrast to its treatment of its own Member States. Within the Union, it triggered the Article 7(1) procedure against Hungary. The Council suspended billions of euros in cohesion policy commitments. The European Commission withheld disbursements from the Recovery and Resilience Facility to both Hungary and Poland pending compliance with rule-of-law conditions. Annual Rule of Law Reports were published. The European Parliament characterised Hungary as an "electoral autocracy." Outside the Union, in Armenia, where the democratic deficiencies documented by independent bodies are at least as serious, the European Union has frozen no funds, conditioned no financial commitment, initiated no consultations under CEPA, published no rule-of-law assessment, addressed no findings from the Office for Democratic Institutions and Human Rights, and condemned no Electoral Code amendment. Instead, it has deepened cooperation. Article 21(3) of the Treaty on European Union requires consistency between the different areas of the Union's external action and between its internal and external policies. The selective application

of conditionality, rigorous within the Union, absent toward Armenia despite comparable or worse violations, constitutes a breach of that consistency obligation.

LEGAL VIOLATIONS

The paper identifies twelve specific breaches of European Union law, international law, and the bilateral framework.

First, ultra vires action in breach of the principle of conferral under Articles 4(2) and 5(1)-(2) of the Treaty on European Union. The European Commission has functionally exported election-risk governance instruments, developed for the internal market under the Digital Services Act, into a non-member state that lies outside the Union's treaty-based constitutional settlement. The channelling of funds for a mandate that encompasses pre-election narrative management in a third state exceeds the competences conferred upon the Commission by the Treaties.

Second, breach of the right to good administration under Article 41 of the Charter of Fundamental Rights. The European Commission disbursed election-sensitive funds without assessing the foreseeable consequences, without consulting the opposition, without establishing independent oversight, and without responding to documented concerns raised by legal counsel, independent monitoring bodies, and the Organisation for Security and Co-operation in Europe's own assessment mission.

Third, breach of the principle of transparency under Article 15 of the Treaty on the Functioning of the European Union and Article 42 of the Charter of Fundamental Rights. The operational mandate has not been published. The criteria for classifying content as "Foreign Information Manipulation and Interference" have not been disclosed. The classified Political Framework for a Crisis Approach has not been released.

Fourth, violation of the principle of proportionality under Article 5(4) of the Treaty on European Union. Even accepting that countering hybrid threats is a legitimate objective, the total absence of safeguards, no opposition consultation, no independent oversight, no published criteria, no appeal procedure, and no equal access renders the deployment manifestly disproportionate. The government receives everything; the opposition receives nothing.

Fifth, violation of fundamental rights under Articles 11 and 39 of the Charter of Fundamental Rights, Article 10 of the European Convention on Human Rights, and the Bradshaw framework. In Bradshaw and Others v. the United Kingdom (2025), the European Court of Human Rights held that counter-interference measures must be "calibrated carefully to ensure that they do not interfere disproportionately with an individual's right to impart and receive information, especially in the period preceding an election," and must "take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections." The Court cited Kobaliya and Others v. Russia (2024), which found that "foreign agent" labelling "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy." In Armenia, the government's characterisation of opposition clergy as "criminal-oligarchic clergy" and of the opposition leader as an agent of destabilisation reproduces the Kobaliya dynamic. The European Union's counter-disinformation framework provides the institutional substrate upon which this labelling operates: it endows the government's characterisation with supranational credibility. No balancing exercise has been performed. No criteria for distinguishing protected political speech from actionable foreign manipulation have

been published. The Bradshaw standard has not been met. It has been inverted.

Sixth, breach of the CEPA essential-elements clause. The European Union has not invoked the essential-elements clause in response to documented democratic deterioration. It has not initiated consultations under Articles 378-379. It has not conditioned any financial commitment on the cessation of the documented violations. The clause has been rendered decorative.

Seventh, breach of the Strategic Agenda commitments. The paper documents serious non-compliance with each of the Strategic Agenda's six core commitments: political pluralism and positive engagement with the opposition; transparent, inclusive, free and fair elections; inclusive legislative consultations aligned with European standards; conditionality-based assistance; support for independent media and an enabling information space; and justice-sector commitments to judicial independence.

Eighth, breach of international law, including the sovereign equality principle and the election-rights guarantees of Article 25 of the International Covenant on Civil and Political Rights and the Bradshaw framework under Protocol No. 1, Article 3 of the European Convention on Human Rights.

Ninth, double standards and selective application in breach of Article 21(3) consistency obligation.

Taken together, these breaches lead to the tenth finding: the European Union is not acting as a neutral supporter of democracy in Armenia. Instead, it is helping to shape an election environment that favours the ruling government.

Amsterdam & Partners LLP has formally notified the European Commission of the legal consequences arising from the conduct documented in this paper.

THE EUROPEAN UNION'S SILENCE AS THE ENABLING CONDITION OF INTERFERENCE

The European Union's silence about Armenia's decline in democracy is not separate from the interference described in this paper; it makes that interference possible. If the EU had applied the conditions required by CEPA and the Strategic Agenda, its financial support would be proper cooperation, not unconditional approval. If it had engaged with the opposition as required, the Hybrid Rapid Response Team could have been neutral, not just a tool for the government. If the EU had publicly addressed the findings of the Office for Democratic Institutions and Human Rights, the International Observatory for Democracy in Armenia, and CivilNet, its actions would show principled engagement, not selective support. Instead, the EU did none of these things. It gave the government everything that strengthens its position and withheld everything that could limit it. This pattern, active when it helps the government, silent when it should protect the opposition, is the core of the interference.

RECOMMENDATIONS

The paper concludes with sixteen recommendations in three categories.

Immediate measures before 7 June 2026: suspend the Hybrid Rapid Response Team pending independent review, including the publication of its detailed operational mandate, disclosure of the criteria used to classify content as "Foreign Information Manipulation and Interference," and establishment of an appeal mechanism and independent oversight with opposition participation; publish the classified Political Framework for a Crisis Approach for Armenia; engage with the opposition, with the International Observatory for Democracy in Armenia, and with Amsterdam & Partners LLP; publicly condemn the

April 2026 Electoral Code amendments; apply CEPA conditionality by conditioning disbursement of remaining tranches of the €270 million Resilience and Growth Plan on the cessation of politically motivated prosecutions, the release of pre-trial detainees, compliance with the recommendations of the Office for Democratic Institutions and Human Rights, and the reversal of the April 2026 amendments; and deploy an independent European Union Election Observation Mission.

Structural reforms to prevent replication: mandatory cooling-off periods between major funding announcements and scheduled elections in partner states; transparent publication of all election-period counter-disinformation activities; independent audits by the European Court of Auditors; automatic conditionality triggers for political detention during pre-election periods; and mandatory opposition inclusion in all election-period assistance, including consultation, representation in oversight mechanisms, and equal access to analytical outputs.

Demands on the Armenian government under the bilateral framework: release political detainees and cease politically motivated prosecutions; reverse discriminatory Electoral Code amendments; restore media pluralism, including reversing the closure of Shoghakat TV; cease interference in ecclesiastical autonomy; and cooperate with international human rights accountability mechanisms, including the United Nations Human Rights Committee, the Council of Europe's Commissioner for Human Rights, and the Venice Commission.

These recommendations are not just suggestions; they are requirements based on the legal framework the European Union has set for itself. The Treaties, CEPA, and the Strategic Agenda do not give the EU a choice; they require compliance. If the EU follows its own standards, these recommendations are legally binding. If it does not, the EU loses its claim to be a principled supporter of democracy, not because of criticism, but because of its own actions. The Armenian people deserve a real election. This paper directly asks whether the EU's institutions will act in accordance with the principles they claim to uphold.

INTRODUCTION

In October 2025, Amsterdam & Partners LLP published a white paper detailing serious violations of Armenian domestic law, European human rights standards, and broader principles of international law by Prime Minister Nikol Pashinyan and his government[1]. That paper focused in particular on actions taken under the authority of Prime Minister Nikol Pashinyan against the AAHC and its supporters, including Samvel Karapetyan. A subsequent addendum, issued in February 2026, following further developments, concluded that these concerns had not only persisted but had intensified, documenting continued arrests, extended pre-trial detention, interference with ecclesiastical autonomy, and the use of economic pressure against dissenting actors.

This paper is the second part of that analysis. The first paper showed a wider trend of democratic decline, weakening of the rule of law, and the use of state power against political and religious groups in Armenia. This paper takes a closer look at the period leading up to Armenia's parliamentary elections on 7 June 2026. It shows that the current situation under Prime Minister Pashinyan, along with the European Union's (EU) growing involvement during the election period, could seriously distort the democratic process in Armenia and push opposition parties aside.

The question is sharpened by timing. Armenia's parliamentary elections are scheduled for 7 June 2026. In the twelve months preceding that date, the European Union has committed over €300 million in financial assistance, deployed a Hybrid Rapid Response Team to the Prime Minister's Office, launched counter-disinformation operations framed around "Foreign Information Manipulation and Interference," and convened a summit of 44 European heads of state and government in Yerevan on 5 May 2026, barely one month before polling day. It has done so against a backdrop of mass arrests of clergy, prosecution of the leading opposition figure, detention of party members during the campaign, last-minute legislative amendments targeting a specific opposition alliance, and the closure of a church-founded public broadcaster, all of which have been documented by the OSCE's Office for Democratic Institutions and Human Rights[2], the International Observatory for Democracy in Armenia[3], CivilNet[4], and others.

This paper makes one central claim. In the twelve months preceding Armenia's parliamentary elections of 7 June 2026, the EU has moved from silence about the Pashinyan government's democratic backsliding to active, non-neutral, and structurally one-sided engagement in Armenia's pre-election environment. That engagement now crosses the

line from legitimate cooperation into indirect electoral interference and violation of international and EU law.

Overall, the EU's commitments to Armenia include three interconnected components: (i) direct financial assistance explicitly tied to the electoral environment; (ii) operational involvement through the deployment of specialised rapid-response mechanisms addressing information and cyber threats; and (iii) heightened political engagement through summits and institutional cooperation frameworks. While formally justified as support for democratic resilience, the scope, timing, and structure of these measures situate the EU as an active participant in Armenia's pre-election institutional landscape despite Armenia not being a member of the EU.

The EU's engagement raises the issue of principle that extends beyond Armenia. The European Union's stated objective of promoting democracy, the rule of law, and institutional resilience is not contested in this paper. What is contested is whether that objective can credibly be pursued through mechanisms that lack transparency, that operate exclusively through an incumbent government accused of repressing its opposition, that are deployed without the safeguards of political neutrality, and that replicate a documented pattern of election-adjacent intervention previously applied in Romania, Moldova, Hungary, Poland, Slovakia, and the Czech Republic.

The "will of the people" should be articulated freely, without foreign influence, and has long-standing roots. Elections must genuinely represent the voters' free and voluntary choices, protected from both domestic repression and foreign pressure. It is a core human right, entrenched in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. When external support is heavily focused on one side during the pre-election period and is provided in a non-transparent way, it becomes inaccessible or unfair to other legitimate political contenders. This situation blurs the distinction between genuinely supporting democracy and interfering in the process.

The primary argument of this paper is not that the European Union directly oversees elections or explicitly suppresses political competition. Instead, it is posited that the Union has, in practice, cultivated a form of structured electoral calibration, a model whereby electoral contexts are molded prior to voting, political alternatives are limited before campaign activities are fully underway, and specific outcomes are rendered more institutionally acceptable than others. The Armenian case represents the most legally sensitive and politically consequential application of that model, because Armenia is not an EU Member State. It has no seat in the European Parliament, no representative in the Council, no recourse to the Court of Justice of the European Union, and no capacity to participate in the democratic accountability structures through which EU policy is contested and constrained within the Union. The projection of election-adjacent instruments into a sovereign non-member state where none of those safeguards exist is not merely a policy question. It is a legal one. If the Commission lacks a general competence to manage electoral narratives even within the Union, as Articles 4(2) and 5 of the Treaty on European Union confirm, then the exercise of such functions in a third state demands heightened justification, not diminished scrutiny.

This paper examines the European Union's involvement in Armenia within this context. Where support is extended to an incumbent administration, such as that led by Nikol Pashinyan, against a background of credible concerns regarding democratic backsliding, the safeguards of neutrality

assume heightened importance. Absent such safeguards, there is a material risk that measures designed to strengthen democratic resilience may, in practice, be perceived as politically directional, thereby undermining both the integrity of the electoral process and the legitimacy of the outcome.

The claim requires precision about what is and is not being argued. This paper does not contend that the European Union should disengage from Armenia. Nor does it argue that all EU democracy assistance is objectionable. On the contrary, EU engagement with Armenia's democratic development, where it is within the bounds of EU law and is transparent, neutral, and inclusive of all political stakeholders, is both lawful and welcome. What this paper documents is something different. It documents engagement that is none of those things. Instead, the EU's engagement is a structural reinforcement of one side of a political contest in which the other side is being simultaneously prosecuted, detained, and legislatively targeted by the state. Article 2 of the Treaty on European Union requires the Union to be founded on democracy, the rule of law, and respect for human rights. Article 21 TEU requires that these same values guide its external action. Article 2 of the Comprehensive and Enhanced Partnership Agreement (CEPA) designates respect for democratic principles, the rule of law, human rights, and fundamental freedoms as "essential elements" of the EU-Armenia relationship, binding on both parties. The Strategic Agenda for the EU-Armenia Partnership, adopted on 2 December 2025, translates those obligations into operational commitments: "political pluralism, inclusion in decision-making and cooperation and positive engagement with the opposition"; "transparent, inclusive, free and fair elections"; and the express condition that EU support "will be conditional on the implementation of agreed reforms." [5]

This paper does not ask the EU to do anything beyond what these instruments already require. It asks the EU to comply with them. The critique is not of engagement as such; it is of engagement that violates the Union's own legal framework, engagement that is one-sided where the Strategic Agenda demands inclusivity, opaque where Article 15 TFEU demands transparency, unconditional where CEPA demands conditionality, and silent about democratic abuses where Article 21 TEU demands that the Union's external action be guided by democracy, the rule of law, and human rights. The EU did not do too much and too little at the same time. The EU acts in ways its own legal framework prohibits and omits to act in ways its own legal framework requires. The Treaties, CEPA, and the Strategic Agenda do not leave the Union a choice in the matter: they require compliance, not discretion.

The paper proceeds as follows. Part I delineates the methodology, categorizing three types of electoral interference and specifying the sources of evidence. Part II provides an account of the domestic political context, highlighting the escalation of repression from June 2025 to April 2026, the rise and systematic targeting of the Strong Armenia Party, the securitization of political opposition, and the European Union's failure to respond. Part III, the core section, analyses the EU's interference architecture, its specific deployments in Armenia, the reasons these deployments qualify as interference, and the twelve legal violations they entail. Part IV discusses sixteen policy recommendations and legal demands and formally notifies the Commission of the intended legal proceedings. Appendix A establishes the legal and constitutional framework, including the EU's treaty commitments, the CEPA essential-elements clause, the Strategic Agenda, international guarantees of election rights under the ICCPR and ECHR (notably the Bradshaw framework), the principle of non-intervention, and Armenian constitutional guarantees. Appendix B analyses the EU's

wider interference architecture in EU member states and non-member states.

Amsterdam & Partners LLP has written to the European Commission on three occasions, raising the concerns documented in this paper.[6] No substantive response has been received. This paper is published in the public interest and in the interest of the Armenian people, who are entitled to a genuine election, one that reflects their will, free from both domestic repression and external calibration.

I. THE INTERNAL/EXTERNAL DISTINCTION

Before setting out the operative standards, one distinction must be established, because it underlies everything that follows. The EU's legal basis for acting within the Union is fundamentally different from its basis for acting toward a non-member state. Within the Union, EU institutions operate inside a shared legal order: they are subject to the jurisdiction of the Court of Justice; they benefit from and are bound by the Charter of Fundamental Rights; and they can challenge EU measures through direct actions and preliminary references. Outside the Union, none of those safeguards applies. Armenia has no vote in the Council, no representation in the Parliament, no access to the Court of Justice, and no capacity to participate in the legislative, budgetary, or oversight processes through which EU institutions are held to account.

That distinction has consequences for how the paper uses comparative material. At several points, the paper draws on the EU's conduct in Romania, Hungary, Poland, Slovakia, and the Czech Republic. Those examples serve three functions, and only three. First, they document an operational pattern: a toolkit of election-adjacent mechanisms, rapid-response systems, trusted-flagger networks, financial conditionality, and strategic signalling that the EU has developed and deployed across multiple jurisdictions. The toolkit's existence is not disputed. Second, the internal examples expose a double standard. The EU has frozen approximately €35 billion from Hungary and suspended €59.8 billion from Poland for rule-of-law deficiencies, while providing over €300 million to Armenia without any conditionality, despite documented violations of comparable or greater severity. That asymmetry is directly relevant to the Article 21(3) TEU consistency obligation. Third, the internal examples demonstrate institutional continuity: the same mechanisms, the same cross-border NGO networks, and the same decision-making culture carry from the internal to the external setting. Commissioner Kos has explicitly stated that Armenia's assistance follows 'the Moldovan model.' The paper does not, however, argue that the legal authorities governing internal EU action apply without modification to the external setting. On the contrary, the paper's position is that the external setting is legally harder to justify, because the safeguards that constrain EU action within the Union, judicial oversight, democratic accountability, and institutional participation, are entirely absent when the EU acts toward a non-member state. The bar is higher, not lower.

That does not mean the EU operates in a legal vacuum when it acts toward Armenia. The relationship is governed by the Comprehensive and Enhanced Partnership Agreement, whose essential-elements clause (Article 2) designates democracy, the rule of law, and human rights as constitutive foundations of the bilateral relationship, binding on both parties, and whose suspension mechanism (Articles 378-379) provides for consequences where those foundations are breached. It is further governed by the Strategic Agenda for the EU-Armenia Partnership, which translates the CEPA's general commitments into operational obligations: political pluralism and positive engagement with the opposition; transparent, inclusive, free,

and fair elections; and conditionality-based assistance. These are not internal EU standards projected outward without legal basis. They are obligations the EU has voluntarily assumed through treaties and political agreements with Armenia itself. When the paper argues that the EU's conduct toward Armenia must satisfy higher scrutiny than its conduct within the Union, it is not imposing an external standard on the Commission. It is holding the Commission to the standard that the Commission has set for itself. The CEPA and the Strategic Agenda exist precisely because the Treaty framework alone does not govern EU-Armenia relations with the same specificity as it governs intra-EU relations. They are a substitute for the absent safeguards, and if they are not applied, there is nothing left. Similarly, the legality of EU action therefore does not turn on whether an incumbent government has invited assistance, but on whether that assistance is consistent with the Union's own legal order and the international standards it purports to uphold. Where those standards are not met, the presence or absence of consent is immaterial.

Introduction

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2 OSCE/ODIHR, *Republic of Armenia Parliamentary Elections 7 June 2026: Needs Assessment Mission Report* (19 March 2026), pp 3-4, 9, 10, 11, *https://odihr.osce.org/odihr/662899*.

3 IODA, Preliminary Assessment (Yerevan, 12 March 2026) *https://armeniaobservatory.org/*.

4 CivilNet, '2025: A Year of Democratic Backsliding in Armenia' (CivilNet, 30 December 2025). *https://www.civilnet.am/en/news/2025-a-year-of-democratic-backsliding-in-armenia*.

5 Strategic Agenda for the EU-Armenia Partnership, adopted by the EU-Armenia Partnership Council, 2 December 2025, s 2.1 ('Democracy, Human Rights and Good Governance'). *https://www.consilium.europa.eu/en/press/press-releases/2025/12/03/joint-press-statement-following-the-6th-meeting-of-the-eu-armenia-partnership-council/*

6 Amsterdam & Partners LLP, Letter to President von der Leyen (April 2026), Letter to High Representative Kallas (April 2026), Letter to the President of the European Parliament (19 March 2026).

PART I

METHODOLOGY

DEFINING ELECTORAL INTERFERENCE

The interference of foreign powers in domestic elections is not a new phenomenon. It is a concern as old as representative government itself. In the United States, a letter of 6 December 1787, John Adams wrote to Thomas Jefferson that he shared Jefferson's apprehension about "foreign Interference, Intrigue, Influence," adding that "as often as Elections happen, the danger of foreign Influence recurs." [7] The following year, Alexander Hamilton warned the public in Federalist No. 68 of "the desire in foreign powers to gain an improper ascendant in our councils."[8] President George Washington enshrined this warning in his Farewell Address of 1796, advising his fellow citizens that "against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government."[9]

The concern that external actors would seek to shape the exercise of self-government loomed large in the minds of America's founding generation. Two and a half centuries later, that concern has not diminished. It has migrated, adapted, and assumed forms that the founders could not have anticipated. Today, the instruments of foreign electoral influence are no longer limited to bribery, espionage, or military coercion. They include financial leverage, legal conditionality, regulatory pressure, strategic political signalling, digital governance, and security-framed management of the information environment.

Foreign or external interference, per academic literature[10], refers to the covert or semi-covert actions of an external actor aimed at influencing the domestic politics of another state. Such interference typically violates the target state's sovereignty and aims to alter its political authority, either by undermining an existing government or reinforcing it against opposition.[11] Unlike direct military intervention, interference relies on a variety of non-military tools, including funding, regulatory alignment, digital governance, security cooperation, strategic communications, and institutional signalling. For present purposes, the paper adopts a narrower and more disciplined approach.

The first category is direct electoral interference. This includes covert funding of parties or candidates, clandestine campaign coordination, bribery, illegal financing, or direct operational control over campaign activity. Nothing in the present record establishes that the EU has engaged in such direct interference in Armenia.

The second category is indirect but material interference. This includes election-timed

financial conditionality, pre-election security support, political endorsement with foreseeable electoral effect, and information-governance measures that materially alter the conditions in which parties compete. The central argument of this paper is that Armenia raises serious concerns in this second category. The concern does not pertain to concealed ballots or fraudulent tallies. Rather, it relates to whether EU assistance, summit-level diplomacy, hybrid-response measures, and the public endorsement of the incumbent collectively have influenced the electoral context in a manner that lacks impartiality.

The third category is soft democratic support. This includes long-term reform cooperation, rule-of-law assistance, election observation, technical and administrative support, and assistance to civil society, in principle, available on equal terms. Conduct in this category is not ordinarily objectionable. The difficulty arises when it is concentrated in the immediate pre-election period, channelled through an incumbent government accused of repressing its opponents, or deployed in a form that is neither transparent nor equally accessible to all legitimate political actors.

SOURCES AND EVIDENTIARY BASIS

This paper relies on the following categories of materials.

Treaty texts, agreements, and formal legal norms, including the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), the EU Charter of Fundamental Rights, the Digital Services Act (Regulation 2022/2065), the NDICI-Global Europe Regulation (2021/947)[12], the OSCE Helsinki Final Act, the Charter of Paris for a New Europe (1990), case law of the European Court of Human Rights, the Court of Justice of the European Union, and the International Court of Justice.

Official or quasi-official reports on democracy support, election support, and EU democracy programming, including the Strategic Agenda for the EU-Armenia Partnership, EU Council press releases, European External Action Service (EEAS) statements, and the Resilience and Growth Plan documentation.

Documentary and analytical materials on election-period digital governance and speech control, including the U.S. House Judiciary Committee reports ("The Foreign Censorship Threat," Parts I and II, 2025–2026), and the OSCE/ODIHR Needs Assessment Mission Report for Armenia's 7 June 2026 Parliamentary Elections and related OSCE documentation.

Independent news sources[13] and analytical reports, including the MCC Brussels "Managed Ballot" report (March 2026), the European Platform for Democratic Elections (EPDE) policy paper on Armenian electoral changes (2025), the German Marshall Fund's risk assessment for Armenia's 2026 elections (February 2026), Transparency International Armenia's statement on electoral risks (January 2026), the findings of the International Observatory for Democracy in Armenia (IODA) fact-finding mission (March 2026), the Platform for Peace and Humanity's assessment of Armenia's civic space (December 2025), reports from the International Commission of Jurists, Christian Solidarity International, and the World Council of Churches.

Correspondence and advocacy materials produced by Amsterdam & Partners LLP, including the October 2025 white paper (Armenia's Authoritarian Turn) and the February 2026 Addendum.

7 Letter from John Adams to Thomas Jefferson (6 December 1787) *https://founders.archives.gov/documents/Jefferson/01-12-02-0405*; Alexander Hamilton, *Federalist No 68* (14 March 1788.

8 Federalist No. 68 (Mar. 14, 1788).

9 George Washington, Farewell Address (Sept. 17, 1796).

10 Mikael Wigell, 'Hybrid Interference as a Wedge Strategy: A Theory of External Interference in Liberal Democracy' (2019) 95(2) *International Affairs* 255; Patrick Cullen and others, *The Landscape of Hybrid Threats: A Conceptual Model* (Publications Office of the European Union 2021); Igor Istomin, 'How Not to Interfere in Another Country's Domestic Politics' (2022) 98(5) *International Affairs* 1677.

11 Ibid.

12 Establishes the "Neighbourhood, Development and International Cooperation Instrument - Global Europe" (NDICI-GE).

13 News reporting from Reuters, the Associated Press, RFE/RL, OC Media, CivilNet, Al Jazeera, Armenpress, and ARKA News Agency.

PART II

ARMENIA: POLITICAL CONTEXT AND ESCALATION OF DOMESTIC REPRESSION

This section establishes the domestic political context for the June 2026 parliamentary elections. It documents, from verifiable and independent sources, the pattern of conduct by the Pashinyan government that constitutes a systematic effort to eliminate effective political competition. It does not address EU engagement, which is analysed in the following section. The argument is not merely that Armenia has rule-of-law deficiencies. It is those deficiencies that are election-sensitive: they directly affect the conditions under which the vote will occur.

A. THE ELECTORAL SETTING AND THE SIGNIFICANCE OF THE 2026 VOTE

Armenia's parliamentary elections are scheduled for 7 June 2026. These are the first regular parliamentary elections since 2017. The 2018 and 2021 contests were snap elections triggered by political crises. The 2026 vote is therefore the first scheduled parliamentary test since Prime Minister Pashinyan's rise to power, and it follows the loss of Nagorno-Karabakh, the government's border concessions to Azerbaijan, and a prolonged confrontation between the executive and the AAHC.

By the time the country entered the formal pre-election period, the governing authorities under Prime Minister Nikol Pashinyan had already created an environment in which clergy, opposition politicians, lawyers, independent media, and new political challengers were exposed to sustained coercive pressure. The result is not an ordinary hard-fought democratic contest. It is an electoral field already shaped by arrests, prosecutions, regulatory pressure, media contraction, and the deliberate recasting of domestic dissent as a matter of foreign interference and national security. That broader setting was recognised even by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe.[14]

B. THE DOCUMENTED RECORD OF VIOLATIONS

Nikol Pashinyan came to power through the 2018 Velvet Revolution, a largely peaceful civic movement that displaced Armenia's entrenched post-Soviet political elite and generated widespread democratic optimism.[15] His party, Civil Contract, secured a constitutional majority in the 2021 snap parliamentary elections and has governed without coalition

partners since. For a period following 2018, Armenia was widely regarded as a promising case of post-Soviet democratic reform[16]. Since then, that assessment has changed. By 2025, Civil Contract has maintained sustained political dominance, exercising control over the legislature and executive and significant influence over judicial appointments. Critics argue that this concentration of power has enabled majoritarian lawmaking and raised concerns about pressure on opposition actors and institutions, leading some observers to characterize recent developments as signs of democratic backsliding.

The material set out in our Part 1 White Paper and its Addendum demonstrates that the conduct of the Armenian authorities since mid-2025 is not episodic, but structured. It reveals a two-phase campaign of repression, beginning with targeted measures against key critics and evolving into a broader, system-wide strategy to neutralise institutional opposition and reshape the political environment ahead of the 2026 elections. Full details of the repression are documented in the first White Paper; here we provide a summary.

Phase I: Targeted Repression of Church Leadership, Opposition Figures, and Legal Defenders

The first phase of this campaign is characterised by direct executive hostility toward the AAHC and those aligned with it, combined with the instrumental use of criminal law and state power.

At its core was a sustained pattern of action against senior clergy. Multiple high-ranking figures, including Archbishop Bagrat Galstanyan, Archbishop Mikayel Ajapahyan, Bishop Mkrtich Proshyan, and Archbishop Arshak Khachatryan, were arrested and placed in prolonged pre-trial detention. The charges brought against them were widely criticised by human rights organisations and rejected by the individuals themselves as politically motivated. By late 2025, as recorded in the Addendum, the scale of these actions had reached an unprecedented level: approximately one-third of Armenia-based archbishops had been imprisoned.[17] This was not a series of isolated prosecutions, but a coordinated effort directed at the leadership of a constitutionally recognised institution central to Armenian public life.

Parallel to this, the government targeted Samvel Karapetyan (the current leader of Strong Armenia Party), a Russian Armenian businessman, philanthropist, and prominent supporter of the Armenian Apostolic Church, through a combination of criminal prosecution and economic coercion. Born in the northern Armenian town of Tashir in 1965, Karapetyan relocated to Russia in 1992 and founded the Tashir Group, a conglomerate operating in construction, real estate, energy, retail, and hospitality, employing over 45,000 people.[18] In 2015, the Tashir Group acquired Electric Networks of Armenia (ENA), the national electricity distribution company, investing approximately $700 million in infrastructure modernisation. Karapetyan's businesses in Armenia, including ENA, employed some 15,000 people. He also served as President of the Armenian Businessmen Association, which he co-founded in 2019. On 17 June 2025, Karapetyan made a brief public statement in defence of the Church. The following day, 18 June 2025, he was arrested on charges of making public calls for the seizure of power.[19] On the same day, the government moved against his economic interests by announcing the nationalisation of ENA. The earlier white paper documents broader economic measures affecting Karapetyan-linked businesses after his arrest, including raids on Tashir Group premises and action against Tashir Pizza outlets.

Five months later, on 17 November 2025, the Public Services Regulatory Commission revoked ENA's electricity distribution licence, citing alleged violations that the Tashir

Group rejected as unsubstantiated. One Commission member publicly stated that the body was "acting under the prime minister's instructions."[20] The following day, the Anti-Corruption Court extended Karapetyan's detention by two months. His lawyer, Aram Vardevanyan, captured the coercive logic of the sequence: "The ENA license was illegally terminated just yesterday. They said they'd hold talks with the owner for three months. Are they planning to negotiate at the Yerevan penitentiary?"[21]

The coordinated character of these measures, arrest, nationalisation, raids, licence revocation, detention extension, and expropriation proceedings, each timed to compound the pressure on a single individual, is not coincidental. It is a pattern. The campaign against Karapetyan also served a broader strategic purpose: by neutralising the Church's principal financial supporter, the government undermined the institutional capacity of the one organisation with the moral authority and independent resources to sustain opposition to its rule.

The third defining element of this phase was the extension of repression to the legal profession itself. On 16 October 2025, defence lawyer Alexander Kochubaev was arrested outside a courthouse in connection with statements made in the course of his professional duties. The International Commission of Jurists condemned this as "a serious interference with the independence of the legal profession."[22] This step marked a critical escalation. It signalled that the government was prepared not only to prosecute critics but also to undermine the very mechanisms by which those critics could defend themselves. As documented in the Addendum, this had a broader chilling effect across the legal community, discouraging robust defence in politically sensitive cases.

Taken together, Phase I reflects a pattern of selective but intensifying coercion, directed at identifiable centres of dissent: the Church, an emerging opposition figure, and the legal actors supporting them. It established the foundation for a more expansive campaign.

Phase II: Systemic Escalation and Institutional Consolidation of Power

The second phase marks a transition from targeted repression to a systematic effort to neutralise institutional resistance and reshape the broader political and informational environment.

This phase is characterised first by the expansion of enforcement measures against Church structures as a whole. The Addendum documents the use of dawn raids, mass detentions, and prolonged custody of clerical figures, indicating a shift from individual prosecutions to institutional disruption. These operations culminated in large-scale police deployments, including the presence of hundreds of officers and undercover agents at the sacred grounds of Mother See of Holy Etchmiadzin.[23] By December 2025, one-third of all Armenian archbishops were imprisoned by Pashinyan's government.[24] The Prime Minister publicly justified these actions in extraordinary terms; he characterised elements within the Church as linked to "criminal-oligarchic" networks and foreign influence.[25] Such rhetoric is not merely inflammatory; it reflects a deliberate reframing of a domestic religious institution as a hostile entity requiring state intervention.

Second, the government moved to interfere directly in ecclesiastical autonomy. This included efforts to displace the Catholicos, the creation of alternative structures aligned with the executive, and legislative measures affecting Church-linked institutions. The closure of Shoghakat TV, a Church-affiliated public broadcaster, following legislative reductions in public media, further illustrates the use of regulatory tools to weaken institutional independence. The cumulative effect is a sustained encroachment into domains traditionally insulated from executive control.

Third, the campaign extended into the broader civic and informational space. The Addendum describes increasing pressure on independent media, the use of legal actions against journalists, and the normalisation of aggressive and, at times, abusive political rhetoric. This degradation of public discourse is not incidental. It contributes to an environment in which dissent is delegitimised and critical voices are marginalised.

Finally, and most significantly, Phase II is marked by a strategic shift in narrative framing. The government increasingly situates its actions within the language of foreign interference and hybrid threats. Opposition figures, clergy, and their supporters are portrayed not as domestic political actors, but as proxies of external forces, often linked implicitly or explicitly to Russian influence. Human Rights Without Frontiers' December 2025 briefing noted that the Prime Minister had implied links between Catholicos Karekin II and figures close to him, including a relative serving as a diocese primate in Russia, and foreign intelligence services, reinforcing the same externalisation narrative.[26] This line of argument has operated as a political predicate for repression: by portraying opponents, including the Church hierarchy and lay supporters such as the Russian-Armenian businessman Samvel Karapetyan, as proxies of "foreign interference", the government seeks to justify exceptional criminal-law measures as acts of national defence rather than as unlawful intrusions into constitutionally protected religious autonomy and dissent.[27]

This securitisation of political competition serves a clear function. It transforms ordinary democratic opposition into a perceived national security risk, thereby justifying extraordinary measures that would otherwise be indefensible within a constitutional framework.

The progression from Phase I to Phase II demonstrates a clear trajectory. What began as targeted actions against specific individuals evolved into a broader system of control affecting institutions, legal processes, media, and political competition. The cumulative effect is the creation of a political environment in which opposition actors do not operate on equal terms, but under sustained and multidimensional pressure from the state.

This is the context in which the 2026 parliamentary elections must be understood. The core concern is not just whether elections will happen, but whether they can be genuinely competitive in a system where essential opposition leaders are detained, institutions are undermined, and dissent is portrayed as a threat to national security.

C. INDEPENDENT OBSERVATIONS: WHAT INTERNATIONAL BODIES HAVE FOUND

The account set out above does not rest on the submissions of one party to a political dispute. It is corroborated, in its essential elements, by independent bodies with no connection to Samvel Karapetyan, the Strong Armenia Party, or Amsterdam & Partners LLP, each of which conducted its own assessment and reached substantially the same conclusions. The OSCE/ODIHR, the institutional custodian of election standards in the OSCE area, whose recommendations the Strategic Agenda expressly requires Armenia to implement[28], recorded politically motivated detentions, concerns about the ability of opposition parties to campaign freely, and the expedited adoption of electoral amendments without opposition participation. The IODA, whose delegation included Kenneth Roth and Sarah Leah Whitson, documented the same pattern and went further, identifying the government's weaponisation of "evidence-free claims of foreign interference" to deflect European scrutiny. CivilNet, Armenia's independent media platform, described 2025 as a year of democratic backsliding and

documented the systematic use of pre-trial detention as an instrument of political control. These bodies are independent of one another and yet identified the same constellation of abuses: politically motivated prosecution, judicial manipulation, suppression of media, interference with ecclesiastical autonomy, and the securitisation of domestic opposition. It establishes that the factual record on which this paper relies is not contested on the merits by any credible independent source.

a. OSCE/ODIHR Needs Assessment Mission (March 2026)

As discussed, the OSCE/ODIHR Needs Assessment Mission (NAM) visited Armenia from 9 to 12 February 2026 to assess the pre-election environment. Its report, issued on 19 March 2026, is institutionally significant. It expressly recorded "increasing political tensions between the ruling party and the opposition, and between the government and the leadership of the AAHC." The NAM confirmed that "in June 2025, Armenian security forces reportedly detained 16 people, including Archbishop Bagrat Galstanyan, a senior cleric who played a leading role in the 2024 protests, on charges of orchestrating a plot to overthrow the government. Since then, several other Church representatives were detained and prosecuted in October, December, and February 2026 on various charges."[29]

The ODIHR NAM further noted that "opposition parties met by the ODIHR NAM raised concerns over their ability to campaign freely, citing as politically motivated a number of recent criminal proceedings against senior party representatives".[30] Multiple interlocutors expressed concerns about the "potential misuse of state resources and possible pressure on voters, including public sector employees".[31] The closure of Shoghakat TV, the church-operated public broadcaster, was described by "several ODIHR NAM interlocutors" as "politically motivated, particularly against the backdrop of tensions between the authorities and the AAHC".[32] The NAM recommended the deployment of a full Election Observation Mission with 250 short-term observers, the maximum standard complement.

The NAM further noted that the January 2026 amendments to the Electoral Code were "adopted in an expedited manner" through "an extraordinary parliamentary session convened at the initiative of the Civil Contract Party" where the changes were "adopted both in the first and second readings within 24 hours" and where "representatives of the opposition were invited on short notice and did not attend the parliamentary discussions or vote."

b. International Observatory for Democracy in Armenia (IODA) March 2026

The IODA, an independent, non-partisan initiative composed of international human rights experts, including Kenneth Roth (former Executive Director of Human Rights Watch), Sarah Leah Whitson, Philippe Kalfayan, and Mark Jones, conducted a fact-finding mission in Armenia from 7 to 12 March 2026.[33] The justice and interior ministries, the Constitutional Court, and Civil Contract declined to meet with the delegation.

The IODA's preliminary assessment (12 March 2026) identified the following key concerns:

i. Politically motivated arrests and detentions of political opposition figures, including Strong Armenia party leader Samvel Karapetyan, Archbishops Galstanyan, Ajapahyan, Khachatryan, and Bishop Proshyan, "in some cases involving the excessive use of harsh and disproportionate police force and often involving prolonged and unnecessary pre-trial detention";
ii. Efforts to interfere in the independence of the judiciary, including through the Supreme Judicial Council, "resulting in

the summary dismissal of judges on apparently politically motivated grounds, and suggestions of political bias in the appointment of judges to hear cases involving political opponents";

iii. "Excessive misuse of vague penal code provisions that criminalize speech offenses including allegations of 'hooliganism' and 'calling for the overthrow of the government,' to prosecute members of parliament, media figures, lawyers, and clergy".

iv. Government interference in the independence of the AAHC.

Sarah Leah Whitson stated: "*The government seems to be weaponizing evidence-free claims of foreign interference to lull European officials into looking the other way as it exercises increasingly authoritarian powers.*" Kenneth Roth emphasised that "Armenia's most precious asset is its democracy" and that it was "particularly troubling to see the government chipping away at democratic freedoms." Mark Jones stated: "*If European Union officials truly want to support Armenia, the best thing they can do is insist that the government respect the rights of Armenian citizens and ensure a truly free and fair election*."

On 7 April 2026, the IODA issued a further statement condemning the Electoral Code amendments prohibiting personal names in party-alliance titles. Whitson described the amendments as "a naked ploy to disadvantage Armenia's leading opposition political party."[34]

c. CivilNet and Democracy Watch

CivilNet's year-end assessment (December 2025)[35] described the year as "deeply troubling for Armenia's democratic development," identifying the "disproportionate strengthening of executive power," the "consolidation of a personalist style of governance" culminating in Pashinyan's declaration "I am the government," and the increasing targeting of vulnerable groups including Nagorno-Karabakh refugees. CivilNet noted that "pretrial detention has become a blunt instrument in the government's hands" and that "more than half of Armenia's nearly 2,700 inmates were pretrial detainees."

CivilNet's Democracy Watch initiative further documented: the instrumentalisation of hate speech against Karabakh refugees; the labelling of independent actors as "pro-Russian" as a censorship tool; and the use of legal process against the Church as "rule by law" rather than "rule of law."

d. German Marshall Fund

The GMF (October 2025) noted that "the 2018 Velvet Revolution was a breakthrough for Armenia's democracy, but progress has since stalled" and that "Civil Contract's political dominance has led to unilateral lawmaking and controversial actions against opposition figures, media, civil society, and the judiciary."

The February 2026 risk assessment, which was produced with the financial support of the European Union, identified "persistent concerns about election integrity", including "misuse of administrative resources", and recommended that "international partners should calibrate electoral assistance to strengthen institutions rather than political actors."[36]

e. Other Independent Observations

The Platform for Peace and Humanity documented report concludes that Armenia's civic space stands at a decisive turning point ahead of the 2026 elections. While the country retains elements of openness following the 2018 Velvet Revolution, that space has narrowed in practice. Journalists face harassment, protests encounter disproportionate responses, and political discourse increasingly delegitimises civil society and independent media by branding them "unpatriotic" or threats to national identity. At the same time, populist and nationalist rhetoric,

combined with weak institutional safeguards and a fragmented opposition, has created a more fragile and contested environment for democratic participation. The report emphasises that the upcoming elections will determine whether Armenia consolidates its democratic gains or drifts toward a more managed, illiberal system, with current trends pointing to growing pressure on pluralism rather than its strengthening.[37]

Christian Solidarity International and the World Council of Churches have raised alarm over deteriorating religious freedom and human rights in Armenia.[38] Justice for Journalists recorded 230 attacks on journalists in Armenia in 2025, a 30 per cent increase over 2024, with 128 incidents originating from state authorities.[39]

D. THE EMERGENCE AND SYSTEMATIC TARGETING OF THE STRONG ARMENIA PARTY

The formation and suppression of the Strong Armenia party provides the most precise evidence of the connection between political emergence and state repression.

Samvel Karapetyan sits at the centre of this pattern because his case links rule-of-law decline directly to electoral competition. As documented in Section Five of the first White Paper,[40] Samvel Karapetyan remained in pre-trial detention until 30 December 2025 following his public support for the AAHC. He was held at the Yerevan-Kentron detention facility, located in the former KGB headquarters. On 30 December 2025, he was transferred from pre-trial detention to house arrest.[41] Since the publication of the White Paper, the State has not only maintained Mr. Karapetyan's deprivation of liberty but has escalated pressure through parallel economic and regulatory measures, demonstrating a coordinated strategy that extends beyond criminal prosecution into economic coercion.

In the 2026 election, Samvel Karapetyan has become something more consequential: the focal point of a new opposition movement. The chronology now appears clear. After his arrest in June 2025, the "Our Way" movement emerged around him; that movement developed into a party; the party was later renamed Strong Armenia; and, in February 2026, it formally nominated Karapetyan as its candidate for prime minister. However, the state repression moved along the party line to members of the Strong Armenia Party.

Recent events have intensified the concern that the new opposition force is itself becoming a specific target of law-enforcement action during the formal campaign period. On 30 March 2026, the Anti-Corruption Committee published an official statement saying that it had uncovered alleged electoral bribery and violations of the ban on charitable activities[42]. The statement did not merely refer to unnamed actors. It expressly stated that individuals had established an office of the "Mer Dzevov" ("Our Way") non-governmental organization in Metsamor, registered residents, instructed them to recruit people willing to vote for the Strong Armenia party, and disguised promised electoral bribes as salaries. It further alleged that another group, after the presidential decree calling the election entered into force on 7 February 2026, distributed funds "purportedly on behalf of the 'Strong Armenia' party" under the guise of charity in February and March 2026. The Committee said it had conducted several dozen searches and detained five persons. That is an official allegation and must be treated as such. It is not proof of guilt. But it is also a matter that cannot be omitted from any accurate account of the election field.

The pressure then intensified. OC Media reported on 15 April 2026 that two Strong Armenia affiliates had been placed under investigation for alleged pre-election bribery, and on 16 April 2026 that authorities arrested 14 affiliates of the party on similar allegations.[43]

The same report noted that the Human Rights Defender's office had to intervene to ensure lawyers were allowed access to detainees.

The party led by Karapetyan, already formed around a figure under house arrest, entered the formal election period under immediate criminal scrutiny and mass searches. As a matter of electoral conditions, the significance lies in timing, concentration, and institutional effect. A party cannot compete on equal terms if its leader is restricted and its activists are being arrested during the campaign.

The chronology that follows answers that question. It sets out, in documented sequence, the principal acts of state coercion against Karapetyan, the Church, the Strong Armenia Party, and associated individuals from June 2025 to April 2026. The value of presenting these events chronologically, rather than thematically, is that it makes visible what no single incident reveals on its own: the cumulative, escalating, and temporally concentrated character of the government's conduct. What emerges is not a series of unrelated law-enforcement actions. It is a pattern in which each measure, arrest, detention extension, licence revocation, legislative amendment, mass prosecution, follows the last at intervals calibrated to maintain continuous pressure on the opposition while foreclosing each successive avenue of resistance.

The reader is invited to consider whether any government acting in good faith would, within twelve months, arrest the leader of the principal opposition party, prosecute archbishops, detain a defence lawyer, nationalise the opposition leader's business, close a public broadcaster, amend the Electoral Code to prohibit the opposition's chosen name, and arrest fourteen party affiliates, and whether the timing of these measures, concentrated in the months immediately preceding a parliamentary election, can credibly be attributed to coincidence.

a. Chronology: repression and political development from June 2025 to April 2026

18 June 2025: Samvel Karapetyan was arrested after publicly defending the AAHC. Within days, pressure widened from Karapetyan to the clergy.[44]

25 June 2025: Archbishop Bagrat Galstanyan, leader of the "Tavush for the Homeland" movement, was arrested along with 14 associates on allegations of a "coup" planned for 21 September (Independence Day)[45]. Security forces conducted more than 90 searches.[46] Pashinyan wrote on Facebook that "law enforcement officers prevented a large and sinister plan by the 'criminal-oligarchic clergy' to destabilize the Republic of Armenia and seize power."[47] The Investigative Committee alleged that the group had "acquired the necessary means and tools to commit terrorist attacks and seize power.

27 June 2025: Archbishop Mikayel Ajapahyan, head of the Shirak Diocese, was arrested. He was subsequently convicted on 3 October 2025 and sentenced to two years' imprisonment for remarks made in media interviews.[48] CivilNet noted that the case "stands out for the unprecedented speed with which a court ruling has been enforced, contrasting sharply with the country's frequent failure to execute judicial decisions for years."

29 August 2025: The "Our Way" movement was launched by Karapetyan.[49]

15 October 2025: Bishop Proshyan was arrested with 12 priests. The Mother See of Holy Etchmiadzin complex was raided by special forces. On at least two occasions, Pashinyan dispatched hundreds of police officers and undercover agents in civilian clothing onto the sacred grounds of Holy Etchmiadzin.[50]

16 October 2025: Defence lawyer Alexander Kochubaev was detained outside the courthouse after a Facebook post criticising law-enforcement and judicial officials involved in the clergy cases. The International Commission of Jurists condemned the arrest. The arrest of a lawyer for criticising the prosecution is, by itself, a measure that engages judicial independence under international standards.[51]

17 November 2025: The licence of ENA (Electric Networks of Armenia) was revoked, completing the economic neutralisation of Karapetyan's business empire. The nationalisation and licence revocation were announced on the same day as his arrest and completed within five months.[52]

18 November 2025: A court extended Karapetyan's pre-trial detention by a further two months.[53]

4 December 2025: Archbishop Khachatryan was arrested. He was released on 5 March 2026.[54]

5 December 2025: The Armenian National Assembly adopted amendments to the Electoral Code, quadrupling the permissible donation limits for individual contributors. The amendments were adopted exclusively by Civil Contract votes, without inclusive consultation.[55]

8 December 2025: The party was initially founded and registered as "Pro-Armenian."[56]

30 December 2025: A court changed Karapetyan's preventive measure from pre-trial detention to house arrest with bail. A travel ban was imposed.[57]

1 January 2026: Shoghakat TV, the church-founded public broadcaster, ceased transmission following legislation reducing the number of public broadcasters from three to two.[58]

12 January 2026: Prosecutor General's Office demanded return to pre-trial detention.[59]

16 January 2026: The party was renamed "Strong Armenia."

11-12 February 2026: Karapetyan elected party president; formally nominated as candidate for prime minister at founding congress.[60]

14 March 2026: A Yerevan court extended Karapetyan's house arrest by one month. His lawyer stated that this was hindering the party's preparations for the June election.[61]

19 March 2026: Commissioner Marta Kos signed the €270 million Resilience and Growth Plan financing agreement in Yerevan.[62]

30 March 2026: Anti-Corruption Committee publicly accused individuals linked to Strong Armenia of electoral bribery and charity violations. Five persons detained.[63]

7 April 2026: The National Assembly adopted amendments to the Electoral Code prohibiting the use of personal names in party-alliance titles.[64] CivilNet reported that critics said the move "directly targeted the bloc called 'Strong Armenia with Samvel Karapetyan.'" The amendment was adopted exclusively with Civil Contract votes, two months before the election, in contravention of the Venice Commission's Code of Good Practice in Electoral Matters, which provides that fundamental elements of electoral law should not be amended less than one year before elections.

14 April 2026: Two Strong Armenia members (Gohar Ghumashyan and Verzhine Stepanyan) detained for alleged charity violations.

Lawyers described charges as labour-relations matters, not criminal law.[65]

15 April 2026: Prosecutors sought three-month extension of Karapetyan's house arrest. Trial commenced. Karapetyan removed from courthouse in a paddy wagon[66].

16 April 2026: 14 further individuals connected to Strong Armenia detained in morning raids at Artashat. Lawyers' access obstructed until Human Rights Defender intervened. One parliamentary candidate among those detained.[67]

17 April: Karapetyan's house arrest extended for another three months, preventing his in-person participation in the campaigning for Armeni's upcoming parliamentary election.[68]

A party cannot compete on equal terms if its leader is under judicial restraint and its activists are being arrested during the campaign. As the ODIHR NAM noted, "opposition parties raised concerns over their ability to campaign freely." The chronology explains why in the space of ten months, the Armenian government arrested the leader of the principal opposition party, prosecuted senior archbishops, detained his defence lawyer, nationalised his business, revoked its operating licence, closed a church-founded broadcaster, amended the Electoral Code to prohibit his party's chosen name, and arrested fourteen of his party's members and supporters during the campaign itself. No single measure, taken in isolation, is conclusive. Taken together, in sequence, and against the backdrop of the government's low approval rating, they are not the actions of a government enforcing the law. They are the actions of a government engineering an election.

E. THE WIDER POLITICAL LANDSCAPE AND LOCAL ELECTORAL SIGNALS

Armenia enters the 2026 parliamentary election cycle with Civil Contract still controlling the formal machinery of government but no longer commanding the political confidence that underpinned its post-2018 reform mandate.

The outgoing National Assembly remains dominated by the governing Civil Contract party, led by Prime Minister Nikol Pashinyan, which holds 71 of 107 seats following the 2021 elections. The formal parliamentary opposition is composed of the Armenia Alliance, led by former President Robert Kocharyan (28-29 seats), and the I Have Honor Alliance, associated with former President Serzh Sargsyan (6-7 seats), although the Republican Party has indicated it will not participate in the 2026 contest.[69] Beyond these blocs, the electoral field includes several extra-parliamentary actors. At the same time, the emergence of the Strong Armenia party represents a significant reconfiguration of the opposition space. Positioned outside both the traditional "former regime" networks and Civil Contract's post-revolutionary identity, Strong Armenia has consolidated a portion of the anti-incumbent electorate and, in several polls, has overtaken legacy opposition forces. This has contributed to a more fluid and asymmetrical political environment in which Civil Contract retains institutional dominance but faces a fragmented and evolving opposition landscape.

Polling data across 2025-2026 indicates both the persistence of incumbent advantage and a structurally weak level of political trust.[70] An MPG/Gallup International survey conducted between April and May 2025 suggested that only approximately 11-11.5 per cent of respondents would support the incumbent government in a hypothetical election at that time, with combined opposition support exceeding that figure.[71]Subsequent

polling reflects partial recovery but continued volatility. An International Republican Institute (IRI) survey conducted in early 2026 placed Civil Contract at 24 per cent, with Strong Armenia in second place at 9 per cent, and approximately 30 per cent of respondents undecided; among likely voters, support rose to 29 per cent and 11 per cent respectively.[72] The same survey identified geographic variation in support, with Civil Contract polling at around 15 per cent in Yerevan and higher (approximately 31 per cent) in rural areas.[7] Data from the second wave of the Armenian Election Study (ArmES), conducted between February and March 2026, indicated stronger headline figures for Civil Contract (33.6 per cent) and measured Pashinyan's approval at 47.2 per cent; however, the study concluded that the ruling party remained below the level typically required to form a single-party majority government, particularly given the persistence of a large non-committed electorate (approximately 37 per cent).[73] Across all datasets, a consistent feature is the size of the undecided electorate, generally between 30 and 40 per cent, which introduces significant uncertainty into electoral projections.

The OSCE/ODIHR Needs Assessment Mission describes the 2026 election as taking place in a context of heightened political polarization, including tensions between the ruling party and the opposition, as well as between the government and the leadership of the Armenian Apostolic Church. It also highlights the importance of foreign policy and national security issues, particularly in relation to Armenia's evolving geopolitical orientation and the peace process with Azerbaijan.[74] Within this environment, Strong Armenia has positioned itself as a distinct actor outside both traditional opposition structures and the governing party's reformist narrative, contributing to the fragmentation of the opposition field. The overall system may therefore be characterised as a dominant-party framework operating under conditions of low consolidated trust, where electoral outcomes are likely to depend heavily on turnout patterns and the eventual alignment of a large undecided electorate rather than on stable partisan loyalties.

F. THE SECURITISATION OF POLITICAL OPPOSITION: PASHINYAN'S LOSING GRIP AND THE REFRAMING OF THE NARRATIVE

Prime Minister Pashinyan's strategy is not to defeat the opposition in democratic competition. It is to reclassify the opposition as a security threat, removing political contestation from the democratic arena and placing it within the jurisdiction of intelligence services, anti-corruption agencies, and counter-FIMI frameworks. This is the securitisation argument.

The strategy has a context. Pashinyan presided over the loss of Nagorno-Karabakh in September 2023 and the ethnic cleansing of its 115,000 Armenian inhabitants. Since then, Pashinyan's government has pursued a peace process with Azerbaijan that includes border delimitation and discussions over transport links and constitutional changes. Critics within Armenia have characterised these steps as significant concessions, while the government maintains they are necessary to secure long-term stability and avoid renewed conflict. His approval ratings have plummeted.

He lacks the popular mandate to win a genuinely competitive election. CivilNet's reporting described an increasingly personalist system of rule, while outside analysis noted rising tension and declining faith in the original reformist promise of 2018. In that setting, the recourse to criminal proceedings, administrative resources, rhetorical securitisation, and hostility to independent voices is not incidental. It is the method by which political vulnerability is managed.

The securitisation strategy is designed to ensure that he does not have to face one. The strategy operates through the following multilayered mechanisms.

The conflation of opposition with foreign interference. Pashinyan has characterised opposition clergy and political figures as instruments of Russian influence. He described the arrests as preventing "acts of terrorism" and called the arrested clergy "criminal-oligarchic clergy." IODA noted that "the government seems to be weaponizing evidence-free claims of foreign interference to lull European officials into looking the other way." CivilNet's Democracy Watch documented the systematic labelling of independent actors as "pro-Russian" as a "new instrument for censoring critics."[75] This narrative is directed not only at the Armenian public but at European officials, and it is the predicate on which the EU's own engagement rests.

v. The instrumentalisation of anti-corruption and criminal-justice institutions against political opponents. The Anti-Corruption Committee has been deployed against Strong Armenia members in the final weeks of the campaign. Pre-trial detention is used as a political weapon, CivilNet described it as "a blunt instrument." The ODIHR NAM recorded that opponents characterised criminal proceedings as politically motivated.
vi. The manipulation of electoral law to disadvantage specific competitors. The January 2026 observer-accreditation amendments and the April 2026 party-name prohibition were adopted through expedited procedures, without opposition participation, with exclusively governing-party votes. IODA described the cumulative effect as "undermin[ing] public trust in the fairness of the political process."
vii. The personalisation and concentration of executive power. CivilNet documented Pashinyan's declaration "I am the government" as the culmination of a "personalist style of governance." The ODIHR NAM recorded that an "informal working group under the auspices of the Prime Minister's Office" coordinates the response to hybrid threats, placing election-security coordination directly under the prime minister rather than under independent institutions.
viii. The invitation of external counter-interference infrastructure that functionally serves as counter-opposition infrastructure. This mechanism is analysed in detail in the following section on EU engagement.

For present purposes, the consequence for opposition parties is severe. The problem isn't just that opposition figures could face criminal charges; it's also that the whole environment of opposition politics has been compromised. Clergy who mobilised public protests have been detained. Lawyers defending them have been arrested. Church-linked media have been closed. Citizen-observer space has narrowed. A leading new challenger has had its founder kept under judicial restraint, its bloc name effectively targeted by legislation, and its organisers subjected to criminal investigation during the campaign period. In such circumstances, the risk is not limited to unfair treatment of one party. The deeper risk is the hollowing out of meaningful political competition itself. The electorate may still vote, but the range of actors able to organise, communicate, and compete on equal terms has already been narrowed before ballots are cast.

G. THE EU'S SILENCE: FAILURE TO RESPOND TO ARMENIAN VIOLATIONS

The preceding sections document what the Armenian government has done. This section documents what the European Union has

not done. As Part III will demonstrate, the EU has not been passive during this period, it has been exceptionally active in deepening financial, operational, and political cooperation with the Pashinyan government. What it has not done is condition any element of that cooperation on compliance with the democratic standards that its own legal framework requires. The EU's conduct is therefore characterised by a simultaneous double failure: silence where its obligations demand speech, and engagement where its obligations demand conditionality. It is that combination, unconditional support on one side, unanswered violations on the other, that transforms cooperation into complicity. The EU has acted vigorously on everything that benefits the incumbent, financial support, security infrastructure, political endorsement, and has said nothing about everything that harms the opposition. That is not neutrality. It is a pattern of conduct in which the EU fulfils every commitment that reinforces the government's position and disregards every obligation that would constrain it. The following facts are on the record.

The European Union's relationship with Armenia is formally premised on democracy, the rule of law, and political pluralism. Yet recent public reporting on high-level European Union engagement with Armenian authorities has focused on strategic partnership, summit preparation, hybrid-threat resilience, and closer cooperation, without any visible corresponding public insistence on the Church arrests, the shrinking media space, or the prosecution-heavy climate confronting opposition actors. Recent meetings between Armenia's foreign minister and the European Union's foreign policy leadership were publicly framed around summit preparations and strategic partnership. Whatever may have been raised privately, the public record available to does not show comparable emphasis on these domestic rights concerns. That discrepancy is not merely rhetorical. It risks signalling that, even where the domestic electoral field is visibly deteriorating, Armenia's governing authorities can continue to receive political and operational support without a commensurate insistence on democratic safeguards

The Strategic Agenda for the EU-Armenia Partnership, which is set out in Appendix A, commits both parties to "cooperation and positive engagement with the opposition," "transparent, inclusive, free and fair elections," and conditionality-based assistance "conditional on the implementation of agreed reforms." The EU adopted this document after the arrests of Galstanyan, Ajapahyan, Karapetyan, and Proshyan were already public knowledge.

The EU's own legal framework, Article 2 TEU, Article 21 TEU, Article 8 TEU, the CEPA essential-elements clause, and the Strategic Agenda, require that the Union's engagement be consistent with democratic principles and conditioned on the implementation of agreed reforms. The evidence assembled in this section demonstrates that those conditions are not being met. The EU's failure to respond is not merely a policy choice. It is a failure to apply its own legal framework.

This is why the EU's silence is not a separate issue from the interference documented in Part III. It is its enabling condition. Without the silence, the interference would not function. If the EU had publicly insisted on the democratic standards its own framework requires, if it had conditioned financial support on the release of political detainees, demanded the reversal of the Electoral Code amendments, deployed an Election Observation Mission alongside, and engaged with the opposition as the Strategic Agenda obliges, then its operational engagement could not serve as a one-sided instrument of incumbent reinforcement. The silence removes the constraint that would make the engagement lawful. It is the mechanism through which legitimate cooperation becomes structural complicity.

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PART III

FROM SILENCE TO STRATEGIC INTERFERENCE: THE EU'S ROLE IN ARMENIA'S ELECTORAL ENVIRONMENT

This section constitutes the central argument of this paper. It demonstrates that the European Union is not merely a passive observer of Armenia's democratic deterioration. Through a combination of financial commitments, security-framed deployments, counter-disinformation operations, and political signalling, all designed and delivered exclusively through the incumbent government, the EU has become an active participant in shaping an electoral environment favourable to the ruling party. The section is organised into two parts: first, what the EU has specifically committed and deployed in Armenia; second, why those measures constitute interference in the Armenian context; and third, how they violate EU law, international law, and the bilateral legal framework.

A. THE EU'S COMMITMENTS AND DEPLOYMENTS IN ARMENIA

While the Pashinyan government arrested opposition leaders, prosecuted clergy, detained lawyers, closed a broadcaster, and amended the Electoral Code to target its principal challenger, the European Union responded not with conditionality but with intensification. In the twelve months preceding the 7 June 2026 election, the EU committed over €300 million in financial support with no democratic conditions attached, deployed a Hybrid Rapid Response Team mandated to advise the Prime Minister's Office on electoral crisis management, and scheduled a summit of 44 European heads of state in Yerevan 33 days before polling day. It did not publicly address any of the documented violations. It did not engage with the opposition. The following is a factual record of EU commitments, deployments, and political events in the twelve months preceding the 7 June 2026 election.

a. Financial Commitments

2 December 2025: The European Union and Armenia adopted the Strategic Agenda for the EU-Armenia Partnership.[76] In parallel, the European Union announced a €15 million package aimed at strengthening Armenia's resilience, including measures addressing hybrid threats and foreign interference.[77] At the same time, European officials indicated that an additional €12 million would be allocated to support Armenia's capacity to counter disinformation and foreign information manipulation in the run-up to the 2026 parliamentary elections.[78]

29 January 2026: A second European Peace Facility assistance measure of approximately €20 million in non-lethal military support was approved for Armenia.[79] The assistance measure will build on and complement the ongoing assistance measure launched in 2024, consisting of a deployable tent camp, and scale it up to brigade-size. Following today's decision, the total support for Armenia within this framework raises to €30 million.

19 March 2026 : The European Union advanced the €270 million Resilience and Growth Plan for Armenia, covering the period 2024-2027. This programme forms the core financial pillar of EU support, aimed at governance reforms, economic development, and institutional resilience.[80] 80 days before the election. No democratic conditionality publicly attached.

Taken together, publicly announced and reported commitments in the twelve-month period preceding the elections exceed approximately €300 million, representing a significant scale of external financial engagement relative to Armenia's population of approximately 2.8 million.

b. The Hybrid Rapid Response Team

November 2025: Armenia formally requested European Union assistance to address hybrid threats and disinformation risks ahead of the parliamentary elections.[81]

December 2025: The European Union confirmed its readiness to provide support. Enlargement Commissioner Marta Kos publicly indicated that €12 million would be allocated to strengthen Armenia's capacity to counter disinformation and foreign interference. [82]

January 2026: A European Union assessment mission visited Armenia to evaluate the scope and modalities of support required.

13 February 2026: Armenia's Foreign Minister formally requested the deployment of a Hybrid Rapid Response Team.

16 March 2026: The European Union confirmed the deployment at the level of the Foreign Affairs Council.[83]

Late March / early April 2026: The Hybrid Rapid Response Team was deployed. Public reporting indicates that the team consisted of approximately 9-14 experts, operating for a short-term mission of roughly 10-15 working days, tasked with supporting Armenian authorities in addressing hybrid threats, disinformation, and election-related risks.[84]

Hybrid Rapid Response Team Mandate

According to a document seen by RFE/RL's Armenian Service, the Hybrid Rapid Response Team is mandated to:[85]

i. Advise the offices of the Armenian Prime Minister and the Security Council on "crisis management plans" and support "in shaping future crisis management protocols, including on cyber and FIMI";
ii. Provide assistance to the Central Election Commission, the Interior Ministry, and tax authorities;
iii. Help "track and prosecute illicit election financing";
iv. Launch "public awareness campaigns related to elections on FIMI, with support in targeting key demographics."

Each element of this mandate is election-adjacent. The team advises the Prime Minister's Office, not an independent body. It assists the Interior Ministry and tax authorities, the same agencies deploying raids against Strong Armenia. It launches campaigns "targeting key demographics", language indistinguishable from electoral communication strategy.

c. Political Signaling

26 March 2026 : First-ever EU-Armenia Summit announced for 4-5 May 2026 (33 days before election day), to be attended by von der Leyen and Costa. Kallas described this as demonstrating "full commitment to Armenia's sovereignty, independence, and territorial integrity."[86]

4-5 May 2026: European Political Community Summit and EU-Armenia Summit will be held in Yerevan. The scheduling of 44 European leaders in Armenia's capital one month before the election constitutes the most concentrated display of external political endorsement in Armenian electoral history.[87]

B. WHY THE EU'S ENGAGEMENT CONSTITUTES INTERFERENCE

If the European Union were genuinely committed to transparent, rule-of-law-compliant democratic assistance in Armenia, it would meaningfully engage with and respond to the concerns raised by independent monitoring bodies. It has done none of these things. That failure is not incidental; it is structural. It reflects a mode of engagement in which the EU's own instruments serve the incumbent while the opposition's concerns are systematically excluded from the design, oversight, and accountability of EU-funded operations.

A reader might reasonably ask: does this paper want the EU to do more in Armenia, or less? At certain points the argument calls for restraint, the suspension of the Hybrid Rapid Response Team, the imposition of cooling-off periods, the withholding of unconditional financial support. At other points it calls for action, public condemnation of the Electoral Code amendments, invocation of CEPA conditionality, engagement with the opposition, deployment of an Election Observation Mission. The apparent contradiction is worth addressing directly.

The resolution lies in the distinction between neutral and non-neutral engagement. This paper does not argue that the EU should withdraw from Armenia. It argues that the EU's current engagement is not neutral and that its non-neutrality compounds the damage already being done by the Pashinyan government's own conduct. The measures that the paper calls upon the EU to suspend, the Hybrid Rapid Response Team, the unconditional financial commitments, and the counter-FIMI operations, are the non-neutral measures: those designed exclusively with the government, delivered exclusively to the government, and operating without any mechanism to ensure that they do not disadvantage the opposition. The measures that the paper calls upon the EU to undertake, public condemnation of violations, invocation of conditionality, engagement with all political stakeholders, deployment of independent observers, are the neutral measures: those that would bring the EU's conduct into conformity with its own stated commitments to political pluralism, free and fair elections, and positive engagement with the opposition.

The principle can be stated simply that EU engagement with a partner state's electoral process be conducted in a manner that is transparent, balanced, and consistent with the bilateral framework that both parties have adopted. The Strategic Agenda commits both parties to 'cooperation and positive engagement with the opposition.' When the EU deepens cooperation with the government while ignoring the opposition, it violates its own commitment. When the EU remains silent about documented violations while providing the government with election-adjacent instruments, it becomes complicit in the conditions that make a genuine election impossible. The call for restraint and the call for action are not in tension. They are complementary aspects of a single demand for neutral engagement.

The following analysis demonstrates why this engagement, taken as a whole, constitutes interference in Armenia's electoral process.

a. Securitisation as the Dominant Paradigm

The EU's engagement in Armenia is not framed as neutral democratic assistance. It is framed through a security lens. The vocabulary of "hybrid threats," "Foreign Information Manipulation and Interference," "cyber resilience," and "strategic communication" is not the vocabulary of democratic development. It is the vocabulary of security governance. The distinction matters because the securitisation of a pre-election environment transforms the standards against which engagement is assessed: from democratic norms (pluralism, neutrality, equal access) to security norms (threat identification, rapid response, counter-narrative operations). In the security paradigm, the concern is not whether the engagement is neutral but whether the threat is real. And once the threat is accepted as real, the response is shielded from democratic accountability by the operational demands of security.

(i) Pashinyan's demand and the EU's grant

The securitisation of Armenia's pre-election environment was not imposed by the EU on an unwilling government. It was requested by the Pashinyan government and granted by the EU. The sequence is precise. In November 2025, Armenia formally requested EU assistance. In December 2025, High Representative Kallas announced €12 million to "counter Russian disinformation ahead of elections" and a separate €15 million resilience grant. On 13 February 2026, Foreign Minister Mirzoyan formally requested the deployment of the Hybrid Rapid Response Team. On 16 March 2026, Kallas confirmed the deployment.

As discussed, the Armenian government enters the 2026 parliamentary elections from a position of political vulnerability. Following the loss of Nagorno-Karabakh, Prime Minister Nikol Pashinyan's approval ratings declined sharply. At the same time, the electoral field has become increasingly fragmented. Polling data indicates that a newly emerged opposition challenger, the Strong Armenia party, has already secured approximately 9 percent support, while nearly 30 percent of the electorate remains undecided. [88]

If the election is fought on democratic terms, on the government's record, its competence, its handling of the Karabakh disaster, the government's prospects are poor. However, if the election is reframed as a security contest, as a choice between "European resilience" and "Russian interference", the government's position improves, because it becomes the sole interlocutor for EU security cooperation, the sole recipient of counter-FIMI infrastructure, and the sole partner in the "defence of democracy." The securitisation framework provides precisely this reframing.

The EU's grant of this request is the critical act. By deploying a team mandated to advise the Prime Minister's Office on "crisis management plans in various electoral scenarios," to help "track and prosecute illicit election financing," and to launch "public awareness campaigns related to elections on FIMI, with support in targeting key demographics," the EU has imported the security paradigm into Armenia's electoral process.[89] When the Commission deploys a team tasked with monitoring 'public narratives' during the pre-election period, it imports a conceptual framework, that of 'hybrid threats', into Armenia, which allows the political opposition to be treated as if it were an extension of Russian interference. This framework does not require proof that the opposition is an instrument of Moscow; it suffices for security-oriented language to reclassify legitimate political persuasion as a risk to national security."

(ii) The precedent: from Romania to Moldova to Armenia

The securitisation pattern is not novel. It has been documented in Romania (examined in appendix B) , where the Rapid Response System, intelligence briefings, and NGO-driven content moderation were activated during the 2024 presidential election, culminating in the annulment of the first round on the basis of declassified intelligence that attributed the result to "Russian hybrid actions", an attribution subsequently undermined by TikTok's own investigation and by the National Agency for Fiscal Administration's finding that the paid campaign originated from a domestic political party. The Romanian case demonstrates the operational consequence of securitisation: when the security frame is accepted, domestic political outcomes can be annulled on the basis of classified intelligence, without judicial proof of foreign direction, and with the active participation of EU institutions through DSA proceedings.

Similarly, the Moldovan (examined in Appendix B) case advanced the model from a Member State to a non-member state. Counter-disinformation funding was channelled through aligned organisations. Certain parties were excluded from participation. The Expert Forum extended its operations from Romania into Moldova. Commissioner Kos explicitly stated that the Armenian assistance follows the Moldovan model.[90] The trajectory is clear: Romania established the architecture; Moldova demonstrated its exportability; Armenia is the current deployment.

The critical difference in Armenia is that the government requesting the assistance is itself the principal threat to electoral integrity. In Romania, the securitisation was directed against a candidate who had won an election. In Moldova, it was directed against parties deemed pro-Russian. In Armenia, the securitisation operates against clergy who defended the Church, a businessman who criticised the government, and an opposition party that emerged as the principal challenger, all of whom are characterised by the government as vectors of Russian influence without evidence of foreign direction. The EU's grant of the security framework does not defend Armenian democracy. It provides the institutional vocabulary through which the Pashinyan government can suppress it.

(iii) The distortion of democratic processes

The European Court of Human Rights, in Bradshaw and Others v. the United Kingdom (2025), acknowledged the legitimacy of counter-interference measures but imposed a critical limitation at §161: any such measures must "take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections." The Court cited Kobaliya and Others v. Russia (2024), in which it found that "foreign agent" labelling "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy."

The Armenian government's deployment of the counter-FIMI framework reproduces the Kobaliya dynamic. The labelling of opposition clergy as "criminal-oligarchic clergy," the characterisation of Samvel Karapetyan as an agent of destabilisation, and the framing of Strong Armenia as a vehicle for Russian interests all function to create the "environment of suspicion and mistrust" that the Strasbourg Court identified as destructive of democratic foundations. The EU's contribution to this dynamic is to endow the labelling with supranational legitimacy. When a European Hybrid Rapid Response Team operates alongside a government that is simultaneously prosecuting its opposition, the message to the electorate is unambiguous: the opposition is a security problem, and Europe agrees.

b. Lack of Structural Transparency and the Impossibility of Verification

If the EU's engagement in Armenia were genuinely committed to democratic values, it would be transparent. The mandate of the Hybrid Rapid Response Team would be published. The criteria for classifying content as "disinformation" would be disclosed. The operational protocols would be available for independent review. The opposition would be consulted. The oversight mechanisms would include non-governmental participation. The correspondence of concerned legal counsel would receive substantive responses. The EU had failed to ensure any safeguards of transparency and inclusivity.

(i) What is not known

The Hybrid Rapid Response Team's detailed operational mandate has not been published. Its contents are known only through journalistic reporting by RFE/RL's Rikard Jozwiak, who reviewed a document describing a team of 9-14 experts deployed for 10-15 working days.[91] The classified Political Framework for a Crisis Approach for Armenia has not been published.[92] The criteria for classifying content as "Foreign Information Manipulation and Interference" in the Armenian context have not been disclosed. No appeal procedure exists for individuals or organisations whose speech is classified as FIMI. No independent oversight mechanism has been established. No provision has been made for opposition participation in the design, implementation, or review of the operation.

(ii) The failure to respond to documented concerns

Amsterdam & Partners LLP has written to the European Commission on three occasions. The letter to High Representative Kallas posed a direct and answerable question: "Will this mission operate in a manner that is strictly neutral and independent of the Armenian executive, or will it function in cooperation with institutions that are themselves subject to serious allegations of political misuse?" No answer has been received. The letter to President von der Leyen formally notified six specific legal breaches and demanded the publication of the operational mandate, an independent impact assessment, and suspension of operations. No answer has been received. The letter to the President of the European Parliament documented the deteriorating democratic conditions. No answer has been received.

The IODA delegation, including Kenneth Roth, former Executive Director of Human Rights Watch, presented its findings in Yerevan on 12 March 2026.[93] The EU has not publicly responded to those findings. The ODIHR NAM issued its report on 19 March 2026,[94] documenting opposition concerns about the ability to campaign freely, the politically motivated closure of Shoghakat TV, and the expedited adoption of Electoral Code amendments without opposition participation. The EU has not publicly addressed those findings. CivilNet's Democracy Watch has published a series of documented reports on democratic backsliding. The EU has not referenced them. The Commission's silence is not a matter of diplomatic discretion. It is a refusal to engage with the democratic conditions of the partnership it professes to value.

(iii) The Bradshaw standard applied

In Bradshaw and Others v. the United Kingdom (2025), the European Court of Human Rights held that while there is no freestanding procedural obligation to investigate under Article 3 of Protocol No. 1, "a flagrant failure by a State to investigate credible allegations of interference in its elections could raise an issue under that Article if it impeded its ability to take positive measures to protect the electorate".[95] The purpose of any investigation is "to determine the nature and extent of the threat so as to enable the State to take the measures necessary to protect the integrity of its electoral processes from external interference".[96]

The reasoning applies with equal force to the EU's position. The EU cannot take positive measures to protect Armenia's electoral integrity if it has not investigated, or has deliberately refused to investigate, the credible allegations that the Armenian government itself is the principal threat to that integrity. The EU's refusal to engage with the documented concerns of independent bodies is not merely a failure of transparency; it is an abdication of the investigative function that the Bradshaw framework identifies as "antecedent to" the adoption of effective protective measures. An EU that deploys counter-interference infrastructure without first determining whether the inviting government is itself the source of the interference has not discharged the Bradshaw standard. It has inverted it.

c. Political Signalling and Incumbent Endorsement

(i) The EU-Armenia Summit as a campaign event

On 4-5 May 2026, the 8th European Political Community Summit and the first-ever EU-Armenia Summit will be held in Yerevan. European Council President António Costa, Commission President Ursula von der Leyen, and the heads of state or government of 44 European countries will be convened in the Armenian capital. The event takes place 33 days before the 7 June 2026 parliamentary election. This is the strongest political signalling to the incumbent.

The scheduling of this event requires rigorous assessment. No domestic campaign event organised by any Armenian political party could replicate the scale, visibility, and implicit endorsement communicated by the assembly of 44 European leaders in Yerevan one month before a national election. The Council's press release described the summit as demonstrating "strong EU political support" and a "close partnership." The summit is hosted by Prime Minister Pashinyan. He is the face of the partnership with no opposition present or consulted.

Consider the reverse scenario. If Russia or China had convened a gathering of 44 allied heads of state in Yerevan one month before a parliamentary election, hosted by the ruling party, with no opposition participation, the EU would immediately characterise this as foreign electoral interference, as political signalling designed to endorse the incumbent and to communicate to the electorate which political direction enjoys external support. The analytical framework does not change because the external actor is the European Union rather than the Russian Federation. The effect on the electorate is identical: the message is that voting for the incumbent means voting for the relationship with the assembled powers, and voting for the opposition means voting against it. That message is not neutral. It is the most potent form of political signalling available in international relations.

(ii) Financial commitments as electoral communication

The €270 million Resilience and Growth Plan was signed in Yerevan on 19 March 2026, 80 days before the election. The European Peace Facility's second package (€20 million) was approved on 29 January 2026. The Strategic Agenda (€12 million counter-disinformation, €15 million resilience) was adopted on 2 December 2025. Total pre-election commitments exceed €300 million in a twelve-month period for a country of 2.8 million people.

Each announcement is a communication event that communicated to the Armenian electorate that the EU endorses the government's trajectory and is investing in its continuation. The absence of any conditionality amplifies the message: the EU considers the government a suitable partner regardless of the arrests, detentions, and electoral-code manipulations documented by every independent body that has examined the situation. The Strategic Agenda itself

states that EU support "will be conditional on the implementation of agreed reforms." The fact that no conditionality has been applied demonstrates that the conditionality clause is decorative. Its presence in the text legitimises unconditional support by creating the appearance of safeguards that do not function.

(iii) The constitutional standard: neutrality and pluralism

Article 21(1) TEU requires the Union's external action to be guided by democracy. The Venice Commission standard, cited by the European Court of Human Rights in Bradshaw at §121 and in Communist Party of Russia and Others v. Russia at §108, requires "equality of opportunity" and "a neutral attitude by State authorities, in particular with regard to the election campaign and coverage by the media." The Strategic Agenda's own commitment to "positive engagement with the opposition" establishes the standard. The EU's conduct falls below every one of these benchmarks. The engagement is not neutral. It is structurally aligned with the incumbent. The pluralism commitment is not honoured. The opposition is excluded from design, oversight, and access. The equality-of-opportunity standard is not met. The government receives €300 million, the Hybrid Response team, the summit, and the counter-FIMI infrastructure. The opposition receives nothing except the implicit classification of its discourse as a security risk.

d. The Third-Country Problem and the Absence of Mandate

The EU's engagement in Armenia operates in a constitutional vacuum. Armenia is not a Member State. It has no seat in the European Parliament, no representative in the Council, no recourse to the Court of Justice. The principle of conferral (Article 5(2) TEU) provides that the Union shall act only within the competences conferred upon it. No treaty provision confers upon any EU institution the competence to manage, shape, or influence parliamentary elections in a non-member state. Article 4(2) TEU requires respect for national identities and constitutional structures, including electoral systems. These provisions apply within the Union. Outside the Union, the absence of competence is even more complete.

As established in Appendix A of this paper, the EU does not possess a general competence to manage parliamentary elections even within Member States. The Managed Ballot report documents the EU's indirect influence over national elections through instruments that circumvent the principle of conferral. If those instruments are constitutionally problematic within the Union, their projection into a non-member state, where the target country has no institutional voice, no judicial recourse, and no democratic representation in the decision-making process, is constitutionally indefensible.

The subsidiarity principle (Article 5(3) TEU) provides that the Union shall act only if the objectives cannot be sufficiently achieved by the Member States. In the external context, subsidiarity requires that the Union respect the capacity of partner states to manage their own governance. The proportionality principle (Article 5(4) TEU) requires that the content and form of Union action shall not exceed what is necessary. An operation that advises the Prime Minister's Office on "crisis management plans in various electoral scenarios," launches "public awareness campaigns targeting key demographics," and helps "track and prosecute illicit election financing" is not a minimal or proportionate response to a generic hybrid threat. It is a comprehensive engagement with the electoral process of a sovereign state that has not conferred upon the EU any authority to perform these functions.

e. The Fallacy of Consent

The Commission's anticipated defence is that Armenia requested the assistance and that

the deployment responds to a sovereign invitation. This argument fails for the following reasons.

First, the consent of a government that simultaneously prosecutes the opposition leader, detains defence lawyers, revokes business licences from critics, and arrests archbishops is not the consent of Armenia as a sovereign state: it is the consent of a political faction that exploits state institutions to perpetuate itself in power. The non-intervention principle, as analysed in Appendix A of this paper, protects the sovereign choice of the people. It does not protect an incumbent's right to invite external support for its own entrenchment.

Second, as a matter of fact, the consent is not informed. The opposition has not been consulted on the design of the Hybrid Response team operation. Amsterdam & Partners' correspondence requesting disclosure of the legal basis, mandate, and safeguards has received no response. The IODA delegation sought meetings with the Justice Ministry, Interior Ministry, Constitutional Court, and Civil Contract;[97] all four declined. A consent process that excludes the political actors whose rights are affected by the consented operation is not democratic consent. It is executive self-dealing.

Third, as a matter of law, the EU's own legal framework does not treat partner-state consent as sufficient. The CEPA essential-elements clause (Article 2) imposes bilateral obligations. The Strategic Agenda's conditionality mechanism makes EU support conditional on the implementation of agreed reforms. Article 21(1) TEU requires the Union's external action to respect international law, including the principle of non-intervention. These provisions exist precisely because unilateral executive consent cannot discharge the legal requirements for lawful engagement. If it could, the essential-elements clause, the conditionality mechanism, and the non-intervention principle would be superfluous.

Finally, even if valid consent were established, it would not resolve the legal or normative deficiencies of the EU's engagement. Consent is not a substitute for compliance with international law, nor does it absolve the Union of its own treaty-based obligations. Under Article 21(1) TEU and the essential elements framework of CEPA, the EU is required to ensure that its external action promotes and does not undermine the rule of law, human rights, and democratic principles. Those obligations are autonomous and binding. The legality of EU action, therefore, does not turn on whether an incumbent government has invited assistance, but on whether that assistance is consistent with the Union's own legal order and the international standards it purports to uphold. Where those standards are not met, the presence or absence of consent is immaterial.

f. The Tension Between Internal Standards and External Practice

The analysis set out above reveals a fundamental incoherence in the EU's institutional practice. The EU applies one set of standards within the Union and another outside it.

Within the Union, the EU has frozen €32 billion from Hungary for rule-of-law deficiencies. It has triggered Article 7(1) TEU. It has conditioned Recovery and Resilience Facility payments on 27 super milestones. It has published annual Rule of Law Reports on all 27 Member States. It has classified Hungary as an "elected autocracy." It has launched DSA proceedings against TikTok for alleged failure to protect electoral integrity in Romania. It has maintained sustained institutional pressure on Member States whose democratic standards fall below the Article 2 TEU threshold.

Outside the Union, in Armenia, the EU has done the opposite. Where the leading opposition figure is detained, clergy are prosecuted, a defence lawyer is arrested, a public broadcaster is closed, the Electoral Code is

amended to target a specific opposition alliance, and party members are subjected to mass arrests during the campaign period, the EU has not frozen funds. It has increased them. It has not conditioned its support. It has deepened it. It has not issued a rule-of-law assessment. It has deployed a Hybrid Rapid Response Team to the Prime Minister's Office. It has not addressed the findings of ODIHR, IODA, or CivilNet. It has scheduled a summit of 44 European leaders in the incumbent's capital one month before the election.

The divergence cannot be justified by drawing a line between Member States and partner countries; it reflects a substantive inconsistency in the Union's application of its own legal standards. The CEPA essential-elements clause binds the EU and Armenia to respect democratic principles, human rights, and the rule of law in terms that are functionally equivalent to Article 2 TEU within the Union. Likewise, the Strategic Agenda's conditionality framework mirrors, in structure and purpose, the milestone-based discipline of the Recovery and Resilience Facility. Article 21(1) TEU requires that the Union's external action be guided by the same values that underpin its internal legal order, and Article 21(3) TEU imposes a positive obligation of consistency across internal and external policies. Against that legal baseline, the selective relaxation of conditionality externally, while maintaining strict enforcement internally, cannot be characterised as mere differentiation. It amounts to a failure to apply the Union's own standards coherently. Where the EU conditions funding and support on compliance with rule-of-law benchmarks within the Union but dispenses comparable scrutiny when acting abroad under materially equivalent legal frameworks, it undermines the integrity of its legal order and exposes a clear inconsistency between its stated commitments and operational practice.

The explanation is political, not legal. Armenia's westward orientation serves the EU's geopolitical interests. However, the irony is that the EU is wrong to think that Pashinyan is westward-looking. The reality is that Pashinyan is autocratic, believes in the backsliding of democracy, and does not comply with the Copenhagen criteria. In reality, it is the opposition parties that have called for upholding the constitution, rule of law, and the respect and compliance with human rights standards.

The explanation appears to be political rather than legal. The EU has an identifiable geopolitical interest in supporting Armenia's westward orientation, particularly in the context of regional security and its neighbourhood strategy. However, that strategic preference risks being operationalised through support for the incumbent government of Nikol Pashinyan, rather than through a neutral, criteria-based assessment of democratic performance. Concerns documented by monitoring bodies point to issues such as political polarisation, alleged misuse of administrative resources, and pressures affecting opposition actors. These are not incidental concerns; they go directly to whether Armenia under Pashinyan is meeting the substantive requirements associated with the Copenhagen criteria on rule of law, democratic governance, and fundamental rights. This creates a tension in the EU's approach. While Pashinyan is often characterised externally as a pro-Western reformer, the domestic record presents a more contested picture, including credible allegations of democratic backsliding and the instrumental use of state institutions in a highly polarised political environment. By contrast, segments of the opposition have framed their position in terms of constitutional adherence, rule-of-law restoration, and compliance with human rights standards, although this landscape remains fragmented and politically complex. The critical point is that EU engagement cannot rely on assumptions about the geopolitical orientation of Pashinyan's government

as a proxy for democratic legitimacy. It must instead be grounded in demonstrable compliance with legal and institutional benchmarks. Absent that, there is a real risk that political alignment is being privileged over the Union's own stated commitments to rule of law and democratic conditionality.

The EEAS's classified Political Framework for a Crisis Approach for Armenia reportedly frames Armenia's domestic stabilisation as being "in the EU's vital interest." In this framework, democratic conditions are subordinated to geopolitical alignment. The Union's values are invoked when they serve the Union's strategic interests and set aside when they do not. That is not principled external action. It is instrumentalism dressed in the language of values.

The legal consequence is direct. Article 263 TFEU permits the annulment of EU acts that are vitiated by misuse of powers, that exceed the institution's competence, or that infringe the Treaties. The financial implementation acts channelling NDICI-Global Europe funds to the Hybrid Rapid Response Team and counter-FIMI operations in Armenia are susceptible to challenge on all three grounds: misuse of powers (the stated purpose is hybrid-threat response, but the foreseeable effect is incumbent reinforcement); ultra vires (the Commission lacks competence to manage electoral narratives in a third state); and infringement of the Treaties (Articles 2, 4, 5, 8, 21 TEU; Articles 11, 39, 41 Charter; the CEPA essential-elements clause).

C. VIOLATIONS OF EU LAW, INTERNATIONAL LAW, AND THE BILATERAL LEGAL FRAMEWORK

This Part draws together the legal framework established in Appendix A (the Union's constitutional commitments, institutional competences, CEPA, and the Strategic Agenda), the international election-rights guarantees identified (ICCPR Article 25, ECHR Protocol No. 1 Article 3, and the Bradshaw framework), the domestic political context documented in Part II (the escalation of repression from June 2025 to April 2026), and the architecture and pattern of EU engagement analysed in Part III section A and B. It identifies each legal norm that the EU's conduct breaches.

a. Acting Ultra Vires: Breach of the Principle of Conferral (Articles 4(2) and 5(1)-(2) TEU)

Article 5(1) TEU provides: "The limits of Union competences are governed by the principle of conferral." Article 5(2) TEU provides: "the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States." Article 4(2) TEU provides: "The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government."

These provisions establish a foundational rule of EU constitutional law: the Union does not possess a general competence in the field of national electoral processes. Parliamentary and presidential elections remain within the domain of the national constitutional order.

It is correct that the Union's express electoral competence is limited. Article 223 TFEU concerns elections to the European Parliament and does not extend to national elections. The Commission cannot supervise ballots, determine electoral outcomes, or exercise functions equivalent to a domestic electoral authority.

However, the absence of formal electoral competence does not preclude the Union from exercising indirect influence through competences conferred elsewhere in the Treaties. As established by Article 5 TEU, the

critical issue is whether a given measure can be traced to a valid legal basis and remains within the limits of that competence.

The Digital Services Act (Regulation 2022/2065) was adopted under Article 114 TFEU as an internal-market instrument. Its provisions on systemic risks to electoral processes (Articles 34-35) formally refer to elections within the EU. The DSA's conceptual apparatus, systemic risk assessment, rapid response, trusted flagging, and counter-FIMI coordination has no treaty basis for projection into a non-member state.

The EU has committed €270 million through the NDICI-Global Europe for a resilience growth plan and €12 million and €13 million to fund a team whose mandate encompasses pre-election narrative management in Armenia. The Hybrid Rapid Response Team advises on "crisis management plans in various electoral scenarios," launches "public awareness campaigns related to elections on FIMI, with support in targeting key demographics," and assists in "track[ing] and prosecut[ing] illicit election financing." These functions constitute direct engagement with the electoral process of a sovereign non-member state. The Commission has functionally exported the DSA's election-risk governance model, developed for the internal market, into a third country that lies outside the Union's treaty-based constitutional settlement. Armenia has no seat in the European Parliament, no representative in the Council, no recourse to the Court of Justice, and no capacity to participate in the democratic accountability structures through which EU policy is contested and constrained within the Union.

The channelling of funds for a mandate that encompasses pre-election narrative management in a third state exceeds the competences conferred upon the Commission by the Treaties. The Commission lacks competence to manage electoral narratives within its own Member States, as Articles 4(2) and 5 TEU confirm. A fortiori, it lacks such competence in a third country. The financial implementation acts giving effect to this allocation are null and void as they exceed the limits of the Commission's competence.

b. Breach of the Right To Good Administration (Article 41 of the Charter)

Article 41(1) of the Charter provides: "Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union." Article 41(2) includes the right to be heard before any individual measure which would affect him or her adversely is taken, and the obligation of the administration to give reasons for its decisions. The Court of Justice has held that the principle of good administration requires the Commission, when exercising its powers, to examine carefully and impartially all the relevant elements of the individual case (Case T-167/94, Nölle v. Council and Commission, §73).

The duty of care under Article 41 obliges the Commission to verify that its funds are not used to distort electoral processes. This obligation is not discretionary. It arises from the Charter and is reinforced by the CEPA essential-elements clause, which designates democracy as a constitutive element of the EU-Armenia relationship. Where the Commission deploys election-sensitive operations in a partner state, it must assess the foreseeable consequences, including the risk that counter-disinformation operations conducted exclusively with a government accused of persecuting the opposition will structurally advantage the incumbent. Good administration does not permit the Commission to ignore the domestic political context in which its engagement operates.

The EU support of €12 and €15 million to the Armenian government for counter-disinformation and hybrid-threat response without: (a) incorporating guarantees of neutrality or political balance; (b) consulting the opposition

in the design of the operation; (c) establishing independent oversight mechanisms; (d) publishing objective criteria for classifying content as "disinformation"; (e) creating an appeal procedure for those affected; (f) responding to the documented concerns[98]. The Commission has not examined "carefully and impartially all the relevant elements" of the case. It has ignored the relevant elements.

The failure to assess the foreseeable impact of funding election-sensitive operations in a country where the leading opposition figure is detained, the leading opposition party's members are being arrested, and the Electoral Code has been amended to target a specific alliance constitutes a breach of the duty of care under Article 41 of the Charter. The failure to respond to the documented concerns of legal counsel, independent monitoring bodies, and the OSCE's own assessment mission constitutes a failure to examine the relevant elements of the case. The measure is vitiated by a defect of reasoning that is cognisable under Article 263 TFEU.

c. Breach of the Principle of Transparency (Article 15 TFEU; Article 42 of the Charter)

Article 15(1) TFEU provides: "In order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible." Article 42 of the Charter provides a right of access to European Parliament, Council, and Commission documents. The principle of transparency is a general principle of EU law.

The Hybrid Rapid Response Team's detailed operational mandate has not been published. Its contents are known only through journalistic reporting. This pattern mirrors the opacity documented in Section I of this Section regarding the Rapid Response System in Romania (no public announcement of activation, no participant list, no oversight). The classified Political Framework for a Crisis Approach for Armenia (PFCA), a 28-page EEAS document that reportedly frames Armenia's domestic political landscape as a "crisis" requiring EU intervention, has not been disclosed. The criteria for classifying content as "Foreign Information Manipulation and Interference" in the Armenian context are unknown. No public oversight mechanism exists. No appeal procedure has been established.

When the Commission uses public funds to finance a mechanism capable of influencing a country's information ecosystem during an election period, the absence of transparency regarding its operating rules constitutes a substantial defect. The failure to publish the mandate, criteria, and oversight mechanisms compromises the legality of the financial implementation act. The opacity replicates the pattern documented in Romania, where the Rapid Response System operated without public disclosure of its activation, participants, or decisions, a pattern that the Managed Ballot report identified as incompatible with democratic accountability

d. Violation of the Principle of Proportionality (Article 5(4) TEU)

Article 5(4) TEU provides: "Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties." The Court of Justice has consistently held that a measure is disproportionate if it imposes burdens that are manifestly excessive in relation to the objective pursued, particularly where less restrictive alternatives are available (Case C-331/88, Fedesa, §13; Case C-210/03, Swedish Match, §47).

Even accepting that countering hybrid threats is a legitimate objective, the total absence of safeguards renders the deployment manifestly disproportionate. A proportionate measure would have required, at minimum:

i. Consultation with the opposition in the design of the operation, as required by the Strategic Agenda's commitment to

"cooperation and positive engagement with the opposition";

ii. Independent oversight mechanisms with opposition and civil-society participation;
iii. Objective, publicly disclosed criteria for classifying content as "disinformation" or "FIMI," with a clear distinction between foreign manipulation and domestic political contestation;
iv. An appeal procedure for individuals and organisations whose speech is classified as FIMI;
v. Guarantees that the operation would not be used to censor legitimate political speech, including speech critical of the government;
vi. Equal access for opposition parties to the team's analytical outputs;
vii. A public, time-limited mandate with post-operation reporting requirements.

None of these safeguards exists. The deployment is an all-or-nothing measure: the government receives everything; the opposition receives nothing. That is not proportionate. It is structurally asymmetric.

The Strategic Agenda's own commitment to "cooperation and positive engagement with the opposition" (Appendix A) establishes the standard against which proportionality must be assessed. A measure that excludes the opposition from design, oversight, and access while the Strategic Agenda expressly requires their inclusion is manifestly disproportionate by the EU's own stated standard.

e. Violation of Fundamental Rights: Freedom of Expression and the Right to Free Elections (Articles 11 and 39 of the Charter; Article 10 ECHR; Bradshaw §§122, 131, 158-162)

(i) Article 11 of the Charter and the right to a level playing field

Article 11(1) of the Charter of Fundamental Rights provides: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." Article 11(2) provides: "The freedom and pluralism of the media shall be respected."

Freedom of expression in an electoral context does not consist solely of the absence of direct censorship: it includes the right to compete on a level playing field in the media landscape. When the Commission funds an operation that provides the government with a privileged tool to shape public debate, it is undermining that level playing field.

Appendix A of this paper establishes, through the Bradshaw framework (§§12-121), that "there can be no democracy without pluralism" and that the state must maintain "a neutral attitude" toward competing political forces, "in particular with regard to the election campaign and coverage by the media." The closure of Shoghakat TV described by multiple ODIHR Needs Assessment Mission interlocutors as "politically motivated, particularly against the backdrop of tensions between the authorities and the AAHC" constitutes a specific interference with media pluralism under Article 11(2). The EU has not addressed this closure.

(ii) The Bradshaw balancing requirement: counter-interference measures must not suppress Article 10 rights

The most significant holding in Bradshaw and Others v. the United Kingdom (2025) for the fundamental-rights analysis is not the positive obligation to protect electoral integrity. It is the Court's insistence that any counter-interference measures must be balanced against the right to freedom of expression under Article 10 of the Convention. The Court stated, at §161:

> *"[A]ny actions taken by States to counter the risk of foreign election interference through the dissemination*

of disinformation and the running of influence campaigns would have to be balanced against the right to freedom of expression under Article 10 of the Convention. In the context of Article 10, the Court has acknowledged that "it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely". While the circulation of disinformation or misinformation could potentially interfere with the right to receive information inherent in Article 10, so could any measures taken to counter its circulation. Therefore, any such measures would need to be calibrated carefully to ensure that they do not interfere disproportionately with individuals' right to impart and receive information, especially in the period preceding an election, and take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections. Indeed, the Court has previously held that a requirement to label organisations, media outlets and individuals as "foreign agents" violated Articles 10 and 11 of the Convention because the legislative framework and its application were arbitrary and not necessary in a democratic society; and it "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy" (emphasis added).[99]

The passage contains four key considerations, each of which is violated by the EU's engagement in Armenia.

First, the balancing requirement. Counter-interference measures must be "balanced against the right to freedom of expression." The Court does not treat counter-interference as a trump that overrides Article 10. It requires that the two rights be weighed against each other. In Armenia, no balancing has been performed. The Hybrid Rapid Response Team's mandate encompasses "public awareness campaigns related to elections on FIMI, with support in targeting key demographics." No assessment has been conducted of the impact of these campaigns on the right of opposition parties, clergy, and civil society to impart and receive information. No criteria have been published for distinguishing protected political speech from actionable "foreign information manipulation." The absence of any balancing exercise is, by itself, a failure to meet the Bradshaw standard.

Second, the heightened protection in the pre-election period. The Court reaffirmed the principle, established in Bowman v. the United Kingdom (1998, §42) and repeated in Communist Party of Russia and Others v. Russia (2012, §127), that "*it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely.*" This principle applies not only to government censorship in the traditional sense. It applies to any measure, whether taken by the state or facilitated by an external actor, whose effect is to restrict the circulation of political opinions during the campaign. In Armenia, the counter-FIMI framework operates precisely during the pre-election period, targeting precisely the category of speech that the Court identifies as requiring the strongest protection: political opinions about the government's conduct, the Church's role, and the country's geopolitical direction.

Third, the recognition that countermeasures can themselves constitute interference. The Court expressly acknowledged that "while the circulation of disinformation or misinformation could potentially interfere with the right to receive information inherent in Article 10, so could any measures taken to counter its circulation." This is a critical doctrinal point. The Court recognises that

the cure can be as harmful as the disease. Counter-disinformation operations are not presumptively lawful merely because they are labelled as protective. Their legality depends on their calibration, proportionality, and the safeguards that accompany them. In Armenia, no safeguards exist: no public criteria, no appeal procedure, no independent oversight, no opposition consultation, no time limitation.

Fourth, the abuse warning. The Court required that counter-interference measures "take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections." This is not a hypothetical concern in Armenia. The Pashinyan government has demonstrably used the narrative of foreign interference to justify the criminal prosecution of opposition clergy, the detention of Samvel Karapetyan, and the characterisation of domestic political opponents as agents of Russian destabilisation. The IODA's Sarah Leah Whitson stated: "The government seems to be weaponizing evidence-free claims of foreign interference to lull European officials into looking the other way as it exercises increasingly authoritarian powers."[100] The Court's abuse warning is not being heeded. It is being realised.

(iii) International authorities on the risks of counter-disinformation to free expression

The Bradshaw judgment itself drew on a body of international authority that reinforces the balancing requirement. Three sources cited by the Court are directly applicable.

First, the Office of the United Nations High Commissioner for Human Rights' 2021 Handbook on International Human Rights Standards on Elections, cited at Bradshaw §64, advised that

> "*States should refrain from general and ambiguous prohibition of the dissemination of information, such as 'falsehoods' or 'non-objective information'. Such terms do not adequately describe the content that is prohibited. As a result, they provide the authorities with a broad remit to censor the expression of unpopular, controversial or minority opinions, as well as criticism of the Government and politicians in the media and during electoral campaigns.*" [101]

The counter-FIMI framework deployed in Armenia operates with precisely this level of ambiguity. The term "Foreign Information Manipulation and Interference" has not been defined in the Armenian context. No criteria have been published for distinguishing protected political criticism from actionable foreign manipulation. The OHCHR's warning against "general and ambiguous prohibition" applies directly.

Second, the United Nations Special Rapporteur on Freedom of Opinion and Expression, cited at Bradshaw §66, criticised states that had "resorted to disproportionate measures such as Internet shutdowns and vague and overly broad laws to criminalize, block, censor and chill online speech and shrink civic space." The Special Rapporteur warned that such measures "were not only incompatible with international human rights law but also contributed to amplifying misperceptions, fostering fear and entrenching public mistrust of institutions."[102] In Armenia, the securitisation of opposition discourse through the counter-FIMI framework performs an analogous function: it creates an institutional apparatus through which political speech can be classified as a security threat, with the consequence that the democratic space available for legitimate opposition is contracted.

Third, the United Nations Human Rights Council Resolution 49/21 of 1 April 2021, cited at Bradshaw §65, stressed that:

> "*Countering disinformation should not be used as a pretext to restrict the enjoyment and realization of human rights or*

to justify censorship, including through vague and overly broad laws criminalizing disinformation." [103]

The Resolution called upon "all States to refrain from conducting or sponsoring disinformation campaigns domestically or transnationally for political or other purposes." The EU's counter-FIMI operations in Armenia, designed exclusively with the incumbent government and operating without transparency, without defined criteria, and without opposition access, raise the question of whether the EU is facilitating precisely the pretext that the Human Rights Council warned against: the use of counter-disinformation as institutional cover for the restriction of political speech critical of the government.

(iv) The Venice Commission on disinformation and electoral speech

The Venice Commission's report on the impact of information disorder on elections, cited at *Bradshaw* §71, acknowledged that "a new era of information disorder" has "distorted the communication ecosystem to the point where voters may be seriously encumbered in their decisions by misleading, manipulative and false information designed to influence their votes." However, in its Urgent Report on the Cancellation of Election Results (January 2025), cited at *Bradshaw* §§80-83, the Commission emphasised both the difficulty of objectively assessing the impact of alleged interference on electoral outcomes and the need for caution in relying on such claims in decisions affecting elections. It further observed that "electoral campaigns are in essence information campaigns by the candidates designed to convince the voters" and that "political statements in the context of campaigning are typically value judgments or statements that fall under the candidate's freedom of expression."

These principles underscore the importance of transparency, verifiability, and procedural safeguards in any framework addressing alleged information manipulation. If the Hybrid Rapid Response Team's assessments of "FIMI" in Armenia rely on intelligence shared through the EEAS's Political Framework for a Crisis Approach or the Armenian Foreign Intelligence Service, and if those assessments are not subject to independent verification or meaningful scrutiny, serious concerns arise in light of the Venice Commission's emphasis on evidentiary caution and the protection of political expression. Where affected actors have no access to the underlying assessments, no mechanism to challenge their classification, and no visibility into the criteria applied, the framework risks operating as an effectively unreviewable executive determination. Such a lack of transparency and contestability sits uneasily with the standards of electoral integrity and freedom of expression reflected both in the Venice Commission's analysis and in the Strasbourg Court's case-law.

(v) Article 39 of the Charter: the right to free elections

Article 39(2) of the Charter of Fundamental Rights of the European Union provides that "[m]embers of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot." While the provision is formally confined to elections to the European Parliament, it reflects the Union's broader constitutional commitment to democratic governance, as enshrined in Article 2 TEU and expressed externally through Article 21(1) TEU, which requires that the Union's action on the international stage be guided by principles including democracy and the rule of law. That commitment is further operationalised in the Union's external agreements, including the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), whose "essential elements" clause anchors cooperation in respect for democratic principles and fundamental rights, as reflected inter alia in Article 3 of Protocol No. 1 to the ECHR and Article 25 ICCPR.

In *Bradshaw* the Court confirmed that the right to free elections entails a positive obligation on States to safeguard the integrity of the electoral process in the face of credible external interference risks. At the same time, it made clear that such protective measures must remain compatible with freedom of expression and the broader conditions of democratic contestation, particularly in the pre-election period. The judgment thus rejects any notion that counter-interference measures may operate as a justification for unchecked executive discretion in the regulation of political discourse.

Against this background, the deployment of counter-interference mechanisms in a third country raises acute questions where such mechanisms operate exclusively through the incumbent government in the run-up to elections. If counter-disinformation or foreign interference assessments are formulated, implemented, and communicated without transparency, without clearly articulated criteria, and without avenues for independent scrutiny or contestation, they risk altering the structural conditions under which electoral competition takes place. In such circumstances, the concern is not the formal exclusion of candidates or parties from the ballot, but the degradation of the informational and institutional environment in which voters form their preferences. From this perspective, the issue is best understood not as a direct violation of Article 39 as such, but as a potential inconsistency with the Union's own commitment, reflected across Article 2 TEU, Article 21 TEU, and its external agreements, to support electoral processes that are genuinely free, pluralistic, and not subject to undue or opaque interference.

(vi) The chilling effect: Kobaliya and Others v. Russia (2024)

In *Kobaliya and Others v. Russia (2024)* the Court found that legislative requirements labelling organisations, media outlets, and individuals as "foreign agents" violated Articles 10 and 11 of the Convention because the legislative framework and its application "were arbitrary and not necessary in a democratic society" and "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy."[104]

The Pashinyan government's discourse performs an analogous function without legislative formality. The characterisation of opposition clergy as "criminal-oligarchic clergy," of Samvel Karapetyan as an agent of destabilisation, and of Strong Armenia as a vehicle for Russian interests creates the "environment of suspicion and mistrust" that the Strasbourg Court identified as destructive of democratic foundations. The EU's counter-FIMI framework provides the institutional substrate upon which this labelling operates. Without the framework, the government's characterisation would be domestic political rhetoric, contestable in the public arena. With the framework, the characterisation acquires supranational credibility: it is no longer merely the government's opinion that the opposition serves foreign interests; it is a position endorsed, implicitly, by the European Union's own hybrid-threat assessment apparatus. The chilling effect is direct and measurable. Political actors, media outlets, and civil society organisations that might otherwise criticise the government face the risk that their speech will be classified as "FIMI" by a mechanism they cannot see, whose criteria they do not know, and against whose determinations they have no appeal.

f. Breach of the CEPA Essential Elements Clause (Article 2 CEPA)

Appendix A of this paper established that Article 2 CEPA creates a value-conditional bilateral framework governing relations between the European Union and Armenia.

Article 2 of the Comprehensive and Enhanced Partnership Agreement provides that:

> "*Respect for the democratic principles, the rule of law, human rights and fundamental freedoms, as enshrined in particular in the UN Charter, the OSCE Helsinki Final Act and the Charter of Paris for a New Europe of 1990, as well as other relevant human rights instruments such as the UN Universal Declaration on Human Rights and the European Convention on Human Rights, shall form the basis of the domestic and external policies of the Parties and constitute an essential element of this Agreement.*."

As established in Appendix A of this paper, the following features of this provision are legally dispositive. First, the obligation is bilateral: it binds both the EU and Armenia. Second, the values are designated "essential elements," creating a value-conditional relationship whose breach triggers Articles 378-379 CEPA (suspension and appropriate measures). Third, the clause incorporates the Helsinki Final Act, embedding the non-intervention commitment within the bilateral framework. Fourth, the clause incorporates relevant human rights instruments, and the ECHR, including Protocol No. 1, Article 3 on free elections.

Part II of this paper identified a series of developments in Armenia that raise concerns regarding compatibility with these essential elements, each of which may be assessed in light of the relevant international standards. These include:

i. The arrest and prolonged pre-trial detention of Samvel Karapetyan and other political actors, engaging ICCPR Articles 25 and 9, and Article 3 of Protocol No. 1 ECHR, insofar as deprivation of liberty may impair the effective exercise of electoral rights and participation in public affairs;
ii. The mass arrest of senior clergy, including Archbishop Galstanyan, Archbishop Ajapahyan, Bishop Proshyan, and Archbishop Khachatryan, raising serious concerns under ICCPR Article 18, Article 9 ECHR, and Article 18 of the Armenian Constitution, particularly where restrictions on religious actors intersect with political expression or participation;
iii. The arrest of defence lawyer Alexander Kochubaev, engaging Article 6 ECHR and internationally recognised principles on the independence of the legal profession, including those reflected in international legal commentary and institutional responses;
iv. The closure of Shoghakat TV, engaging ICCPR Article 19 and Article 10 ECHR, and appearing inconsistent with the EU-Armenia Strategic Agenda commitment to supporting independent media and pluralism;
v. The April 2026 amendment to the Electoral Code prohibiting the use of personal names in electoral alliance titles, applied in a manner affecting "Strong Armenia with Samvel Karapetyan," engaging ICCPR Article 25 (as interpreted in General Comment No. 25, para. 15), as well as Venice Commission Code of Good Practice standards on equal electoral competition, and raising concerns under Strategic Agenda Short-term Priority 2 (electoral integrity);
vi. The January 2026 amendments to observer-accreditation procedures, adopted within 24 hours and without opposition participation, raising concerns regarding transparency and inclusiveness in electoral administration, in light of ODIHR Needs Assessment Mission findings and Strategic Agenda Short-term Priority 3 (inclusive electoral processes);
vii. The detention of 14 Strong Armenia affiliates on 16 April 2026, coupled with obstruction of lawyers' access, engaging

ICCPR Article 25 (GC25 para. 19) and Article 6 ECHR, particularly as regards the ability of political actors to organise and defend themselves in the pre-election period;

viii. The personalisation of executive power, including the Prime Minister's public statement "I am the government" and the centralisation of hybrid-threat coordination within the Prime Minister's Office, raising concerns in light of Article 4 of the Armenian Constitution (separation of powers) and ODIHR observations (p. 10) regarding institutional balance;

ix. The systematic use of pre-trial detention on a large scale, including reports that over half of approximately 2,700 inmates are pre-trial detainees (CivilNet), engaging ICCPR Article 9 and Article 5 ECHR, particularly where such patterns may have a disproportionate or selective impact on political actors or participants in public life.

Taken together, these measures are capable of triggering the value-conditionality mechanism embedded in Article 2 CEPA, insofar as they raise serious questions regarding compliance with the democratic principles, rule of law, and fundamental rights that constitute the Agreement's "essential elements.

The EU has not initiated consultations under Article 378 CEPA. It has not taken appropriate measures under Article 379. It has not publicly stated that any of the above conduct constitutes a breach of the essential elements. The EU's failure constitutes selective non-application that undermines the clause's legal integrity and transforms it from a safeguard into a legitimising veneer. The EU's failure to invoke the essential-elements clause in response to documented democratic deterioration, while simultaneously deepening financial and security cooperation, constitutes a selective application that undermines the clause's legal integrity. This selectivity is not neutral: it signals to the Armenian electorate which political option has Brussels' backing, and which is considered problematic. It has not conditioned any financial commitment on the cessation of the documented violations. Instead, it has deepened cooperation, increased funding, deployed the Hybrid Rapid Response Team, and scheduled a summit of 44 European leaders in the incumbent's capital one month before the election.

g. Breach of the Strategic Agenda Commitments

Appendix A of this paper analysed the EU -Armenia Strategic Agenda in six subsections. The Strategic Agenda's democracy section also identifies three short-term priorities. The first is:

> *"Continue to ensure transparent, inclusive, free and fair elections, and act on the recommendations of the Organisation for Security and Co-operation in Europe (OSCE)/the Office for Democratic Institutions and Human Rights (ODIHR) in line with the Armenian constitution."*

Appendix A establishes the commitment in detail and identifies the following commitments against which the EU's conduct must be assessed:

i. "Political pluralism, inclusion in decision-making, cooperation, and positive engagement with the opposition."
Serious non-compliance: the EU's engagement appears, in practice, to have been conducted primarily or exclusively through the government. Correspondence from Amsterdam & Partners remains unanswered. The IODA's requests for meetings with Civil Contract, the Ministry of Justice, the Ministry of Interior, and the Constitutional Court were declined. The absence

of public acknowledgement or follow-up by the EU raises concerns regarding consistency with the commitment to pluralistic and inclusive engagement.

ii. "Continue to ensure transparent, inclusive, free and fair elections, and act on the recommendations of the OSCE/ODIHR"
Serious non-compliance: the ODIHR Needs Assessment Mission documented opposition concerns relating to campaign freedom, the alleged politically motivated closure of Shoghakat TV, and the use of expedited legislative procedures. The absence of a visible EU response to these findings raises questions as to whether ODIHR recommendations are being effectively taken into account.

iii. "Ensure that legislative amendments are subject to comprehensive and inclusive consultations and brought into line with European standards."
Serious non-compliance: the January 2026 amendments were adopted within 24 hours in an extraordinary session, while the April 2026 amendment was adopted with exclusively governing-party votes, two months before the election, and applied in a manner affecting a specific opposition alliance. Neither process appears to have involved comprehensive or inclusive consultation. These circumstances raise concerns regarding compatibility with the Venice Commission's Code of Good Practice in Electoral Matters, particularly as regards stability of electoral law and inclusiveness of the legislative process.

iv. EU support "will be conditional on the implementation of agreed reforms"
Serious non-compliance: the €270 million Resilience and Growth Plan was signed on 19 March 2026, subsequent to the developments documented in Part III. The absence of any visible linkage between disbursement and compliance with agreed reforms raises questions as to the effective operation of conditionality. As noted where conditionality is not operationalised in practice, its function as a safeguard may be significantly weakened.

v. Counter-FIMI cooperation should "increase public trust in institutions and decision-makers" and "work for an enabling information space, including by supporting independent media"
Serious non-compliance: the closure of Shoghakat TV raises concerns regarding media pluralism in the relevant period. At the same time, the FIMI framework does not appear to operate on the basis of publicly available criteria clearly distinguishing foreign interference from domestic political expression. The absence of such safeguards creates a risk that the framework could be perceived as facilitating the characterisation of opposition discourse as foreign manipulation, thereby undermining trust and openness in the information space.

vi. Justice-sector commitments to judicial independence and the depoliticisation of prosecutorial processes.
Serious non-compliance: the prosecutions documented in Part II have been characterised as politically motivated by multiple international actors, including the IODA, the International Commission of Jurists, Christian Solidarity International, and the World Council of Churches. While such characterisations are contested, the absence of a clear EU response, combined with continued deepening of financial and security cooperation, raises concerns regarding consistency with the justice-sector commitments set out in the Strategic Agenda.

The Strategic Agenda was adopted after the arrests of Galstanyan, Ajapahyan, Karapetyan, and Proshyan were publicly documented. The EU was therefore fully aware

of the political context. Its adoption of the Strategic Agenda without addressing the documented violations, and its subsequent failure to apply the conditionality mechanism, constitutes a knowing and deliberate failure to enforce its own commitments.

h. Breach of International Law: Sovereign Equality, and Election Rights Guarantees

(i) ICCPR Article 25 and the EU's corresponding duty

ICCPR Article 25 protects the right to genuine elections. General Comment No. 25 requires that voters be able to form opinions "free of manipulative interference of any kind"[105], that pre-trial detainees not be excluded from voting,[106] and that candidates not be excluded by reason of political affiliation.[107] The CEPA essential-elements clause incorporates the ICCPR. The EU, therefore, has a treaty obligation to ensure that its engagement does not facilitate Armenia's non-compliance with Article 25. The deployment of counter-FIMI operations designed exclusively with the incumbent, in a pre-election context where the opposition leader is detained, and his party's name has been legislatively prohibited, facilitates rather than prevents non-compliance.

(ii) ECHR Protocol No. 1, Article 3 and the Bradshaw framework

The CEPA essential-elements clause incorporates the ECHR. The Bradshaw judgment (2025) establishes a positive obligation on states to protect electoral integrity from foreign interference, but with the express warning at §161 that counter-interference measures must "take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections." The Court cited Kobaliya and Others v. Russia (2024), which found that "foreign agent" labelling "contributed to shrinking democratic space." The EU's provision of counter-interference infrastructure to a government that is simultaneously labelling its domestic opposition as agents of foreign interference places the EU in the position of enabling the very "abuse" that the Strasbourg Court identified as destructive of democratic foundations.

i. Double Standards, Selective Application, and the Consistency Obligation (Article 21(3) TEU)

Appendix A of this paper established that Article 21(3) TEU imposes a consistency obligation: the Union must "ensure consistency between the different areas of its external action and between these and its other policies." As Hillion observes, this creates a "normative continuum" between the Union's internal foundations and its external conduct.

However, the double standards are striking. The European Union maintains a Global Sanctions Regime on human rights. It has invoked Article 7 TEU against Poland and Hungary. It has frozen funds for Member States due to deficiencies in the rule of law. It has made the disbursement of NextGenerationEU funds conditional on the fulfilment of judicial milestones. However, in the face of a government that carries out mass arrests of clergy and opposition figures, prosecutes defence lawyers, and keeps the opposition leader in prolonged pre-trial detention throughout an electoral cycle, the EU not only fails to apply any conditionality mechanism but deepens cooperation and increases funding. This selectivity is not neutral: it signals to the Armenian electorate which political option has Brussels' backing, and which is considered problematic. The quantitative comparison is precise.

Hungary, the EU: the European Parliament triggered the Article 7(1) TEU procedure (2018); the Council suspended €6.3 billion in cohesion policy commitments under the Rule of Law Conditionality Regulation (2022); approval of €10.4 billion in Recovery and Resilience Facility funding was made conditional on the fulfilment of 27 "super milestones,"

delaying disbursement; the Commission has issued annual Rule of Law Reports; the European Parliament characterised Hungary as an "electoral autocracy" (2022); and the Commission has initiated multiple infringement proceedings across a range of rule-of-law concerns.

For Poland, the EU: initiated Article 7(1) TEU proceedings (2017); approved up to €59.8 billion in Recovery and Resilience Facility funding but withheld disbursement pending compliance with rule-of-law conditions; attached key judicial independence milestones to the release of funds; and maintained sustained institutional pressure through annual Rule of Law Reports and European Parliament resolution

For Armenia, the EU has frozen no funds; conditioned no financial commitment; initiated no consultations under CEPA Articles 378-379; published no rule-of-law assessment; addressed no ODIHR finding; responded to no Amsterdam & Partners correspondence; condemned no Electoral Code amendment; noted no refusal by the government to meet independent monitoring bodies. Instead, the EU has deepened cooperation (€300 million), deployed election-adjacent instruments (HYBRID RAPID RESPONSE TEAM, counter-FIMI), elevated political signalling (Summit of 44 leaders one month before the election), and expanded security cooperation (European Peace Facility, EUMA).

The democratic deficiencies documented in Armenia, mass detention of clergy, prosecution of the leading opposition figure, arrest of a defence lawyer, closure of a public broadcaster, last-minute electoral-law manipulation targeting a specific opposition alliance, mass arrests of party members during the campaign, are, by any reasonable standard, at least as serious as the deficiencies that triggered conditionality in Hungary and Poland. The EU's application of its most rigorous instruments to Member States while providing unconditional support to a non-member state with equivalent or greater violations is not a defensible exercise of discretion. It is selective application that delegitimises the Union's claim to act as a principled promoter of democratic values and that constitutes a breach of the consistency obligation under Article 21(3) TEU.

j. Conclusion: The Cumulative Effect

The following three conclusions emerge from the analysis in this Part:

First, the EU is interfering. The interference is not overt, and it is not of the kind that involves ballot-stuffing or the funding of candidates. It is structural. Over €300 million in unconditional financial support, a Hybrid Rapid Response Team advising the Prime Minister's Office on electoral crisis management, counter-disinformation operations from which the opposition is excluded, and a summit of 44 European leaders in the incumbent's capital one month before the election, taken together, these measures do not leave the electoral environment as they find it, they alter it. They alter it in one direction: in favour of the government that receives them and against the opposition that does not. The securitisation of opposition discourse, the opacity of the mechanism, the fallacy of government consent, the replication of a documented operational pattern from Romania and Moldova, and the extraterritorial projection of election-adjacent instruments without treaty basis, each of these elements has been examined independently in this Part. Their force lies in their convergence. No single measure, considered in isolation, would necessarily cross the threshold from cooperation to interference. Taken cumulatively, in sequence, and in the context of a domestic environment in which the leading opposition figure is detained, clergy are prosecuted, a defence lawyer has been arrested, a broadcaster has been closed, and the Electoral Code has been amended to target

a specific opposition alliance, the cumulative effect is that the EU is not acting as a neutral guarantor of democracy. It is acting as a participant in the shaping of an electoral outcome.

Second, the EU is violating its own legal framework. This Part has identified twelve specific breaches: ultra vires action in breach of the principle of conferral; breach of the right to good administration; breach of transparency; violation of proportionality; violation of fundamental rights under the Charter, the ECHR, and the Bradshaw framework; breach of the CEPA essential-elements clause; breach of the Strategic Agenda commitments; breach of international law including the Helsinki Final Act and ICCPR Article 25; double standards in breach of the Article 21(3) TEU consistency obligation; and the aggregate cumulative breach. These are not abstract doctrinal propositions. Each breach has been tied to specific conduct, specific legal provisions, and specific factual findings documented in Parts II and III. The financial implementation acts channelling NDICI-Global Europe funds to the counter-disinformation and hybrid-threat operations in Armenia are susceptible to annulment under Article 263 TFEU on three independent grounds: misuse of powers, ultra vires, and infringement of the Treaties. Amsterdam & Partners LLP has formally notified the Commission of its intention to pursue those proceedings.

Third, the EU's silence is not separate from the interference; it is the condition that makes the interference possible. If the EU had applied the conditionality that CEPA and the Strategic Agenda require, the financial support would be lawful cooperation rather than unconditional endorsement. If it had engaged with the opposition as the Strategic Agenda obliges, the Hybrid Rapid Response Team would be a neutral instrument rather than an arm of the incumbent. If it had publicly addressed the findings of ODIHR, the IODA, and CivilNet, its political signalling would carry the weight of principled engagement rather than selective alignment. The EU did none of these things. It provided everything that reinforces the government's position and withheld everything that would constrain it. That pattern, active where it benefits the incumbent, silent where its obligations would protect the opposition, is not an oversight. It is the operative structure of the interference itself. The silence and the engagement are two faces of a single failure: the failure to act within the bounds of the legal framework that the Union has itself established, voluntarily assumed and formally committed to enforce.

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PART IV

POLICY RECOMMENDATIONS AND LEGAL DEMANDS

The European Union's stated commitment to democracy, the rule of law, and human rights is not challenged by this paper. It is taken at face value and measured against the Union's own conduct. If the EU intends to comply with its own legal framework, with Article 2 TEU, Article 21 TEU, Article 41 of the Charter, the CEPA essential-elements clause, and the Strategic Agenda, and if it intends to be seen as a credible promoter of democratic governance rather than as a geopolitical actor that subordinates democratic standards to strategic alignment, it must begin with fundamentals: apply its own rules, comply with the bilateral agreements it has signed, engage with all political actors in its partner states, and ensure that its election-period instruments are transparent, neutral, and accountable.

The recommendations that follow are addressed to the European Commission, the European External Action Service, the Council of the European Union, and the European Parliament. They are organised into three categories: immediate measures required before the 7 June 2026 Armenian parliamentary election; structural reforms to prevent the replication of the documented pattern in future electoral cycles; and demands addressed to the Armenian government under the bilateral framework.

A. IMMEDIATE MEASURES REQUIRED BEFORE 7 JUNE 2026

(i) Suspension of the Hybrid Rapid Response Team pending independent review

The deployment and operations of the Hybrid Rapid Response Team in Armenia should be immediately suspended until the following conditions are met: (a) the team's detailed operational mandate is published in full; (b) the criteria used to classify content as "Foreign Information Manipulation and Interference" are disclosed; (c) an appeal mechanism is established for individuals and organisations whose speech is affected by the team's determinations; (d) independent oversight mechanisms are established, including participation by opposition parties, independent civil society, and international observers; and (e) an independent assessment of the impact of the deployment on the balance of political competition is conducted and published.

This recommendation implements the requirements of Article 41 of the Charter (good administration), Article 15 TFEU (transparency), and the principle of proportionality (Article 5(4) TEU). It also implements the Bradshaw balancing requirement (§161): counter-interference measures must be

"calibrated carefully to ensure that they do not interfere disproportionately with individuals' right to impart and receive information, especially in the period preceding an election."

(ii) Publication of the classified Political Framework for a Crisis Approach

The EEAS should publish the Political Framework for a Crisis Approach for Armenia in its entirety, with redactions limited to matters of genuine operational security. A classified policy document that frames Armenia's domestic political landscape as a "crisis" requiring EU intervention cannot serve as the basis for election-period operations without public scrutiny. The Venice Commission's standard, cited in Bradshaw (§§80–83), is that decisions affecting electoral outcomes "must not be based solely on classified intelligence." The PFCA should be subject to the same standard.

(iii) Engagement with the opposition and with independent monitoring bodies

The European Commission should immediately engage with: (a) Amsterdam & Partners LLP, which has written three letters to the Commission raising documented concerns about the legality, neutrality, and impact of EU-funded operations, to none of which a substantive response has been received; (b) the International Observatory for Democracy in Armenia, whose delegation included Kenneth Roth and whose preliminary assessment identified politically motivated arrests, judicial interference, and misuse of penal code provisions; (c) the Strong Armenia party, as the principal opposition challenger in the current electoral cycle; and (d) other opposition parties and civil society organisations that have raised concerns about the pre-election environment.

This recommendation implements the Strategic Agenda's commitment to "cooperation and positive engagement with the opposition" (Section 2.1). It is not discretionary. It is a stated priority of the bilateral partnership that the EU formally adopted on 2 December 2025.

(iv) Public condemnation of the Electoral Code amendments

The European Commission should publicly condemn the amendments to the Armenian Electoral Code adopted on 7 April 2026 prohibiting the use of personal names in party-alliance titles. As established in Part II of this paper, these amendments were adopted exclusively by Civil Contract votes, two months before the election, without inclusive consultation, and in contravention of the Venice Commission's Code of Good Practice in Electoral Matters. They target a single alliance: "Strong Armenia with Samvel Karapetyan." The Commission should also publicly address the January 2026 amendments on observer accreditation, adopted within 24 hours in an extraordinary session without opposition participation.

(v) Application of CEPA conditionality

The European Commission should initiate consultations under Article 378 CEPA to address the documented breaches of the essential elements of the agreement. As a minimum, the EU should publicly state that the arrests of clergy, the prosecution of the leading opposition figure, the detention of a defence lawyer, the closure of a public broadcaster, and the amendment of electoral law to target a specific opposition alliance raise concerns under Article 2 CEPA. The disbursement of remaining tranches of the €270 million Resilience and Growth Plan should be expressly conditioned on: (a) the cessation of politically motivated prosecutions; (b) the release of pre-trial detainees whose detention is disproportionate; (c) compliance with ODIHR recommendations; and (d) the reversal of the April 2026 Electoral Code amendments.

(vi) Independent EU election observation

The EU should deploy its own Election Observation Mission in addition to the OSCE/ODIHR

EOM. The absence of an EU EOM, while the EU simultaneously deploys a Hybrid Rapid Response Team, creates an asymmetry between scrutiny and support that favours the incumbent. If the EU is sufficiently engaged in Armenia's election to deploy counter-FIMI teams, it is sufficiently engaged to deploy independent election observers.

B. STRUCTURAL REFORMS TO PREVENT REPLICATION

(i) Mandatory cooling-off periods for major funding announcements

The European Commission should adopt internal guidelines requiring a minimum six-month cooling-off period between major EU funding announcements (€50 million or above) and the date of a scheduled parliamentary or presidential election in any partner state. This period should apply to all financial instruments, including NDICI-Global Europe, the European Peace Facility, and the Resilience and Growth Plan. The purpose is to prevent the scheduling of major financial commitments in a manner that creates foreseeable electoral effects. The €270 million signed 80 days before the Armenian election, the European Peace Facility package approved four months before the election, and the €12 million counter-disinformation allocation announced six months before the election all fall within a period where their foreseeable electoral impact should have been assessed.

(ii) Transparent publication of all election-period counter-disinformation activities

All election-period counter-disinformation activities funded by the EU in partner states should be subject to mandatory public disclosure, including: (a) the legal basis for the operation; (b) the operational mandate in full; (c) the criteria for classifying content as "disinformation" or "FIMI," with a clear distinction between foreign manipulation and domestic political contestation; (d) the participants in the operation, including any cross-border NGO network involvement; (e) the oversight mechanisms, including the composition of any supervisory body; (f) the appeal procedures available to individuals and organisations whose speech is affected; and (g) post-operation reporting on actions taken, content flagged, and outcomes.

This recommendation implements Article 15(1) TFEU ("institutions shall conduct their work as openly as possible") and the Bradshaw requirement (§161) for calibration and transparency. It also responds to the documented pattern of opacity in the Rapid Response System, which the Managed Ballot report found operated without public disclosure of activation, participants, or decisions.

(iii) Independent audits of EU-funded information governance programmes

The European Court of Auditors should be mandated to conduct independent audits of all EU-funded information governance, counter-disinformation, and hybrid-threat response programmes in partner states, with a specific focus on: (a) whether the programmes operated in a politically neutral manner; (b) whether the opposition was consulted and granted equal access; (c) whether the criteria for classifying content as "disinformation" were applied objectively; (d) whether the cross-border NGO network (Expert Forum, Funky Citizens, GLOBSEC, and their affiliates) performed their functions in a manner consistent with their stated mandates; and (e) whether the self-reinforcing evidentiary loop documented in Romania was replicated in other jurisdictions.

(iv) Clear conditionality triggers for political detention

The European Commission should adopt formal guidelines establishing automatic conditionality triggers when political detention

escalates in a partner state during a pre-election period. The triggers should include: (a) the detention of a candidate or party leader during the electoral cycle; (b) the arrest of defence lawyers representing political detainees; (c) the mass arrest of party members or supporters during the campaign period; (d) the adoption of legislative amendments targeting specific competitors without inclusive consultation; and (e) the closure or suppression of media outlets during the pre-election period. When any trigger is activated, the Commission should be required to initiate consultations under the relevant bilateral agreement's essential-elements clause and to suspend the disbursement of election-sensitive funds pending review.

(v) Opposition inclusion as a mandatory element of election-period assistance

All EU election-period assistance to partner states, including hybrid-threat response, counter-FIMI operations, strategic communication cooperation, and electoral-integrity support, should be designed with mandatory opposition and civil-society participation. This should include: (a) consultation with opposition parties and independent civil society in the design of the operation; (b) representation of opposition parties and civil society in the oversight mechanism; (c) equal access for opposition parties to the analytical outputs of the operation; and (d) a requirement that the operation's mandate expressly prohibit the classification of domestic political speech as "foreign information manipulation" in the absence of evidence of actual foreign direction.

This recommendation implements the Strategic Agenda's commitment to "cooperation and positive engagement with the opposition" and the Bradshaw §121 standard of "equality of opportunity" and "a neutral attitude by State authorities."

C. DEMANDS ADDRESSED TO THE ARMENIAN GOVERNMENT UNDER THE BILATERAL FRAMEWORK

The following demands arise from Armenia's obligations under CEPA Article 2, the Strategic Agenda, the ICCPR, the ECHR, and the Armenian Constitution. They are addressed to the Armenian government through the EU's bilateral framework and should be made conditions of continued EU support.

(i) Release of political detainees and cessation of politically motivated prosecutions

The Armenian government should immediately release or lift all restrictive measures against individuals whose detention or house arrest is connected to political opposition activities, including Samvel Karapetyan and all individuals whose pre-trial detention fails the proportionality test required by General Comment No. 25, and the Hirst framework under ECHR Protocol No. 1, Article 3. The ongoing prosecutions of senior clergy, Archbishop Galstanyan, Archbishop Ajapahyan, Bishop Proshyan, should be reviewed by an independent body to determine whether the charges are proportionate and whether the proceedings satisfy the standards of judicial independence to which Armenia is committed under the Strategic Agenda and CEPA.

(ii) Reversal of discriminatory Electoral Code amendments

The April 2026 amendment prohibiting personal names in party-alliance titles should be repealed or its application suspended for the June 2026 election. The January 2026 amendments on observer accreditation should be reviewed to ensure compliance with the Venice Commission's standards and with the Strategic Agenda's commitment to "comprehensive and inclusive consultations" and alignment with "European standards and recommendations made by international bodies."

(iii) Restoration of media pluralism

The closure of Shoghakat TV should be reversed or compensatory measures adopted to ensure that the AAHC retains access to public broadcasting. The Strategic Agenda commits both parties to "work for an enabling information space, including by supporting independent media." The elimination of a church-founded public broadcaster during the pre-election period is directly contrary to this commitment and to Article 11(2) of the Charter.

(iv) Cessation of interference in ecclesiastical autonomy

The Armenian government should cease all criminal proceedings against clergy that are connected to the exercise of religious or political expression, consistent with ECHR Article 9 (freedom of religion), Article 10 (freedom of expression), and the Armenian Constitution's recognition of the exclusive mission of the Armenian Apostolic Holy Church (Article 18). The Strategic Agenda commits Armenia to "cooperate and meaningfully consult with civil society organisations" and to respect religious freedom as part of the CEPA's essential elements.

(v) Accountability for human rights violations

The European Union should require the Armenian government to cooperate with international human rights mechanisms, including the United Nations Human Rights Committee, the Council of Europe's Commissioner for Human Rights, and the Venice Commission, in relation to the documented pattern of arrests, detentions, and electoral-law manipulation. The EU's Global Human Rights Sanctions Regime (Council Regulation 2020/1998) should be considered if the Armenian government fails to address the documented violations. The same standards of accountability that the EU applies to its own Member States and to third countries under its sanctions regimes must apply to Armenia.

D. CONCLUDING OBSERVATION

This paper began with a clarification, and it must end with the same one. Nothing in these pages argues against Armenia's European future. Everything in these pages argues that the European Union must decide whether that future will be built on the values it professes or on the political convenience of an incumbent that does not profess those values. The Pashinyan government does not meet the Copenhagen criteria; it does not comply with the European Convention on Human Rights; it does not honour the essential-elements clause of the agreement it signed; it does not fulfil the commitments of the Strategic Agenda it adopted. The Armenian people aspire to join an institution founded on democracy, the rule of law, and fundamental rights. Their government arrests opposition leaders, prosecutes clergy, detains lawyers, closes broadcasters, and rewrites electoral law to eliminate its challengers. The European Union cannot credibly champion those values abroad while subsidising their negation in Armenia. If the Union applies the standards it has set for itself, in CEPA, in the Strategic Agenda, in its own Treaties, the demands of this paper are met, and Armenia's European path is preserved. If it does not, the institution that the Armenian people seek to join will have demonstrated that its values are contingent, its conditionality is decorative, and its partnerships are available to any government willing to face west while governing as an autocrat. That is not an outcome this paper accepts, nor should the European Union.

Thus, the recommendations set out above are not aspirational. They are operational requirements that flow directly from the legal framework the EU has itself established. Article 2 TEU requires that the Union be founded on democracy. Article 21 TEU requires that its external action be guided by democracy. Article 21(3) TEU requires consistency between internal and external policies. The CEPA essential-elements clause

requires that the bilateral relationship be founded on democratic principles. The Strategic Agenda requires positive engagement with the opposition, free and fair elections, and conditionality-based assistance. The Bradshaw framework requires that counter-interference measures be balanced against freedom of expression, calibrated to avoid disproportionate interference, and subject to safeguards against abuse.

If the EU applies these standards, the recommendations in this section follow as a matter of legal obligation, not political choice. If it does not apply them, the EU's claim to act as a principled promoter of democratic values is forfeited, not by the accusations of its critics, but by the evidence of its own conduct.

Amsterdam & Partners LLP remains ready to engage constructively with the European Commission, the EEAS, and all relevant EU institutions. It also remains prepared to pursue the legal proceedings formally notified in its correspondence should the Commission fail to take appropriate and timely measures. The Armenian people deserve a genuine election. The European Union's own legal framework demands one. The question is whether the institutions of the Union are prepared to act on the principles they profess.

APPENDIX A

LEGAL AND CONSTITUTIONAL FRAMEWORK

A. THE UNION'S OWN CONSTITUTIONAL COMMITMENTS

Any analysis of EU involvement in a third state's pre-election environment must begin with the Union's own constitutional texts. The Treaties do two different things. They lay down values that must guide EU action, and they allocate competences that limit what the Union may lawfully do. Those two questions must be kept distinct throughout. The existence of a democracy-promotion objective does not, by itself, create an operational competence to shape electoral processes in a third state.

a. Article 2 TEU: The Foundational Values

Article 2 TEU provides that "[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities." These values are stated to be "common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

Article 2 is not just aspirational; it is the operative provision from which Article 7 TEU procedures derive their justification and against which accession is assessed under the Copenhagen Criteria. When the Union deepens cooperation with a third state in the run-up to an election, Article 2 requires that the Union's own conduct be consistent with the values it proclaims. That consistency obligation is not discharged merely by stating that the cooperation serves democratic purposes. It requires demonstrable attention to the democratic conditions in which the cooperation operates.

b. Article 3(5) External Mandate

Article 3(5) TEU provides that the EU "shall uphold and promote its values and interests" and "as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter."

c. Article 21 TEU: The External Action Discipline

Article 21(1) TEU provides that the Union's action on the international scene

> *"shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world:*

democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

It further states that

"[T]he Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations."

There are three features of this provision are legally significant for the Armenian case.

First, the obligation is dual faced. Article 21(1) requires the Union both to advance democracy externally and to respect international law, including the principle of sovereign equality and non-intervention. These two requirements can be in tension. When the Union deploys election-adjacent instruments in a third state, it must satisfy both limbs: it must demonstrably promote democracy, and it must not trespass upon the sovereign prerogatives of the target state in the conduct of its own elections. The promotion of democracy, properly understood, is the promotion of a process, free and fair elections, political pluralism, equal access, independent institutions, an informed electorate. not the engineering of a particular outcome.

Second, Article 21(2), among other things, specifies the objectives the Union shall pursue, including: "(a) safeguard its values, fundamental interests, security, independence and integrity; (b) consolidate and support democracy, the rule of law, human rights and the principles of international law."[108]

Third, Article 21(3) TEU imposes a consistency obligation: "[t]he Union shall ensure consistency between the different areas of its external action and between these and its other policies." As Hillion explains, this provision establishes "an umbilical connection" and a required "normative continuum" between the Union's internal constitutional foundations and its conduct externally. The rule of law is thereby not only an objective of EU external action but also a structural principle governing how that action is carried out.[109] The Union cannot invoke democracy as a justification for external engagement while tolerating, or worse, deepening cooperation with a partner government that is simultaneously suppressing democratic competition.

Thus, the provisions of Articles 3(5) and 21 TEU do not create a general operational mandate to intervene in electoral processes abroad. Rather, they function as normative constraints on how the Union may act through the competences it does possess. In this sense, they impose a legal discipline: EU external action must remain consistent with the democratic and rule-of-law standards it seeks to promote.

This consistency requirement is made explicit in Article 21(3) TEU, which requires the Union to ensure coherence across all areas of external action and between external and internal policies. The legal implication is not that the Union is barred from engaging with governments whose democratic credentials are contested. It is that such engagement must be structured in a manner that remains coherent with the Union's own values and does not undermine them in practice. The Union is required not only to promote the rule of law externally, but also to observe it in the way it conducts its own actions.[110]

d. Article 8 TEU: The Neighbourhood Obligation

Article 8(1) TEU provides that "[t]he Union shall develop a special relationship with

neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation." Envisaged as an EU 'neighbourhood competence' with a value-promotion objective and a mandatory nature, it epitomises the EU as a normative power.[111] Armenia falls within this neighbourhood framework. The provision establishes that neighbourhood relations must be "founded on the values of the Union", meaning that cooperation with a neighbouring state cannot be value-neutral. Where credible evidence indicates that the partner state's government is acting contrary to those values, Article 8 does not authorise the Union to deepen cooperation regardless. It requires the Union to condition cooperation on adherence to the values it professes. Equally, however, Article 8 does not confer a mandate to replace a government that fails to meet those standards. The obligation is to insist on democratic conditions, not to determine who governs. A Union that uses its neighbourhood competence to entrench a favoured incumbent exceeds that mandate just as surely as one that seeks to unseat him.

e. Article 41 of the EU Charter: Good Administration

Article 41 of the Charter of Fundamental Rights provides that every person has the right to have his or her affairs handled impartially, fairly, and within a reasonable time by the institutions of the Union. The principle of good administration requires that the Commission, when funding election-sensitive operations in a third state, weigh the foreseeable consequences of its actions, including the risk that counter-disinformation operations conducted exclusively with a government accused of persecuting the opposition will structurally advantage the incumbent. Good administration does not permit the Commission to ignore the domestic political context in which its engagement operates.

B. EU INSTITUTIONAL COMPETENCES AND THE QUESTION OF ELECTIONS

The Union's treaties do not confer a general competence over elections, neither within Member States nor, a fortiori, in third states.

a. The Principle of Conferral: Articles 4 and 5 TEU

Article 5(1) TEU provides that "[t]he limits of Union competences are governed by the principle of conferral." Article 5(2) specifies that "the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties." Article 4(2) TEU further provides that "[t]he Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government."

Electoral law for parliamentary and presidential contests remains a matter of national competence. The Union's authority extends primarily to European Parliament elections under Article 223 TFEU. No treaty provision confers upon any EU institution the competence to administer, regulate, supervise, or directly influence parliamentary or presidential elections in a Member State, let alone in a third state.

However, the absence of formal competence has not precluded the EU from influencing. As discussed in Part III, EU institutions operate through indirect instruments capable of shaping electoral environments, including financial conditionality, regulatory frameworks, reputational signalling, and digital governance mechanisms. This distinction between formal competence and functional influence is fundamental. It elucidates how European Union actions may impact electoral processes without exercising legal control over them.

b. The European Commission

Electoral administration remains national under Articles 5 and 4(2) of the TEU. However, the Commission wields a range of indirect instruments whose cumulative effect can shape electoral environments:

i. Infringement proceedings under Article 258 TFEU;
ii. Proposals to initiate Article 7(1) TEU procedures in cases of a clear risk of a serious breach of Article 2 values;
iii. Rule-of-law conditionality linked to the protection of the EU budget under Regulation 2020/2092 (Article 322 TFEU);
iv. The conditioning, suspension, or delayed disbursement of EU funds under the Multiannual Financial Framework (Article 312 TFEU) and instruments such as NextGenerationEU, pursuant to applicable sectoral and financial regulations;
v. Annual Rule of Law Reports, assessing systemic developments in Member States;
vi. Supervision of very large online platforms (VLOPs) and very large online search engines (VLOSEs) under the Digital Services Act (Regulation 2022/2065), including the assessment of "systemic risks" to electoral processes under Articles 34-35 DSA;
vii. Coordination of the Code of Practice on Disinformation, including participation in its Permanent Task Force, alongside parallel mechanisms such as the EU Rapid Alert System on disinformation established under the EU Action Plan against Disinformation;
viii. Issuance of guidance under the DSA framework, including election-related recommendations for platform risk mitigation;
ix. Oversight of the trusted flagger system, with designation carried out by national Digital Services Coordinators under the DSA.[112]

c. The European Parliament

The European Parliament holds no authority over national elections beyond its own procedures under Article 223 TFEU. It, however, exercises substantial soft-power influence. Through resolutions, LIBE Committee hearings, and repeated declarations of "democratic backsliding," it generates normative pressure that feeds Commission enforcement and Article 7 TEU proceedings. The Parliament also co-decides the EU budget under Article 314 TFEU, including funding for civil society and democracy programmes such as CERV (Citizens, Equality, Rights and Values). Although such funds cannot legally support political parties, their allocation may indirectly amplify specific narratives within national political contexts.

d. The Council of the European Union

The Council acts formally in Article 7 TEU procedures and co-decides the financial architecture under Articles 312 and 322 TFEU. Final Article 7 sanctions are rare, requiring unanimity minus one, but the initiation and continuation of proceedings already signal political isolation. Financial conditionality directly affects political balance: the withholding or release of EU funds can weaken incumbents or empower challengers in the run-up to elections. Even in the absence of sanctions, institutional signalling shapes markets, media narratives, and voter perceptions.

e. The European External Action Service (EEAS)

The EEAS, established under Article 27(3) of the TEU, supports the High Representative in conducting the Union's CFSP and is responsible for the Union's diplomatic network, including EU Delegations and civilian CSDP missions, such as the EU Mission in Armenia (EUMA). The EEAS also produces reports on Foreign Information Manipulation and Interference (FIMI), including the annual

FIMI Threat Reports that frame the information environment in partner countries. In the Armenian context, the EEAS authored the "Political Framework for a Crisis Approach (PFCA) for Armenia", the classified 28-page document that argued it was "in the EU's vital interest" to support Armenia's domestic stabilisation, "notably by disentangling Armenia from polarising foreign interferences." The EEAS also coordinated the deployment of the Hybrid Rapid Response Team.

f. The DG Neighbourhood and Enlargement (DG NEAR)

DG NEAR manages the Union's neighbourhood and enlargement policy, including the programming of financial assistance under the NDICI (Neighbourhood, Development and International Cooperation Instrument). DG NEAR is responsible for the €270 million Resilience and Growth Plan for Armenia and the broader financial architecture governing EU-Armenia cooperation.[113] Commissioner Marta Kos, responsible for enlargement and the eastern neighbourhood, signed the Resilience and Growth Plan financing agreement in Yerevan on 19 March 2026, 80 days before Armenia's parliamentary elections. DG NEAR's mandate does not extend to electoral administration or electoral content moderation in partner states. Its role is programmatic and financial, not electoral.

g. The Digital Services Act (Regulation 2022/2065)

The Digital Services Act (DSA) is an internal market regulation adopted pursuant to Article 114 TFEU. Its scope is the regulation of intermediary services within the internal market through a system of due diligence obligations applicable to different categories of providers (Articles 1-3 DSA). In particular, Articles 34 and 35 require very large online platforms (VLOPs) and very large online search engines (VLOSEs) to identify, assess, and mitigate "systemic risks," including risks related to civic discourse and electoral processes, as well as impacts on fundamental rights.[114]

The Regulation empowers the European Commission to supervise compliance by VLOPs and VLOSEs, including conducting investigations and imposing fines of up to 6% of their global annual turnover for infringements.[115]It also establishes mechanisms such as the trusted flagger framework (Article 22 DSA), under which designated entities can signal illegal content to platforms with priority treatment. In parallel, election-related risk mitigation is supported through Commission guidance and coordinated practices under the DSA framework.

Critically, the DSA was not designed to regulate electoral processes in third countries. It is an internal market instrument aimed at harmonising conditions within the Union. To the extent that its conceptual and operational tools, such as systemic risk assessment, platform monitoring, and coordinated responses to information threats, are functionally extended to non-member states through external cooperation frameworks (e.g., resilience programmes or hybrid-threat initiatives), this raises questions about the legal basis and limits of such externalisation. In particular, it addresses whether internal market regulatory models are being projected externally in a manner that should instead be grounded in the Union's external action competences under Article 21 TEU.

h. The European Peace Facility

The European Peace Facility (EPF) constitutes an off-budget instrument established by Council Decision (CFSP) 2021/509, financed through contributions from Member States outside the European Union budget. It facilitates the Union's ability to extend military and defence-related support to third countries.[116] To date, the EPF has allocated €30 million in non-lethal military assistance to Armenia across two initiatives (July 2024 and January 2026), with a third proposal currently

under review.[117] The EPF operates under CFSP procedures, meaning it falls outside the ordinary legislative procedure and outside the jurisdiction of the Court of Justice under Article 275 TFEU (except for Article 263 legality review of restrictive measures). Its deployment in a pre-election context raises distinct accountability questions, as judicial review is structurally limited.

i. EU Election Neutrality Standards and the Non-Member State Problem

The European Union claims strict neutrality in its election-related engagement. EU Election Observation Missions (EOMs), deployed under the 2000 Commission Communication on Election Assistance and Observation, operate in accordance with explicit principles of non-interference.[118] The 2000 Commission Communication on Election Assistance and Observation established the modern policy framework for European Union election observation, and the current European External Action Service handbook states expressly that election observation must involve impartial and independent assessment and non-interference in the electoral process.[119] The Code of Conduct for European Union election observers is equally clear: observers must maintain strict impartiality, must not express bias in favour of national authorities, parties, or candidates, must not interfere with polling or counting procedures, and may not instruct election officials.

The issue this paper raises is not about EOMs. It is about whether other EU instruments, security cooperation, hybrid-response deployment, resilience funding, counter-FIMI operations, and pre-election information support are performing work that observation missions are expressly forbidden to do. An election observation mission may not advise a government on "crisis management plans in various electoral scenarios."[120] But the Hybrid Rapid Response Team deployed to Armenia is mandated to do precisely that.

The main issue, therefore, is not that the EU has forsaken neutrality in its official election observation; it is that neutrality safeguards are clearest in the observation framework. At the same time, parallel security, resilience, and information-management instruments may operate in the same pre-election space without the same methodological restraints, transparency obligations, or expressly stated neutrality guarantees.

C. THE EU-ARMENIA CEPA AND THE ESSENTIAL ELEMENTS CLAUSE

The EU-Armenia Comprehensive and Enhanced Partnership Agreement, signed on 24 November 2017 and in force since 1 March 2021, is the principal treaty governing bilateral relations. This Agreement provides a framework for the EU and Armenia to work together in a wide range of areas: strengthening democracy, the rule of law, and human rights; creating more jobs and business opportunities; improving legislation, public safety, and the environment; and advancing education and research.[121]

Article 2(1) CEPA provides:

> " *Respect for the democratic principles, the rule of law, human rights and fundamental freedoms, as enshrined in particular in the UN Charter, the OSCE Helsinki Final Act and the Charter of Paris for a New Europe of 1990, as well as other relevant human rights instruments such as the UN Universal Declaration on Human Rights and the European Convention on Human Rights, shall form the basis of the domestic and external policies of the Parties and constitute an essential element of this Agreement*."

The following four features of this provision are decisive.

First, the obligation is bilateral: it binds "the Parties," meaning both the EU and

Armenia. The EU is not merely entitled to expect Armenia to respect democratic principles. It is itself obligated to ensure that its own engagement is consistent with those principles. The Strategic Agenda for the EU-Armenia Partnership reinforces this obligation in operational terms:[122] "The EU and Armenia are committed to strengthen cooperation to promote the rule of law, human rights, and fundamental freedoms, as laid down in the CEPA. … Political dialogue and reform cooperation under this Strategic Agenda for the EU Armenia Partnership seek to strengthen respect for democratic principles such as the separation of powers, political pluralism, inclusion in decision-making and cooperation and positive engagement with the opposition."

Second, the values are designated "essential elements." Under general international law and EU external-agreement practice, an essential-elements clause creates a value-conditional relationship: the partnership is founded on the listed values, and their breach strikes at the foundation of the agreement itself.[123] Articles 378 and 379 CEPA provide the mechanism: where a party considers that the other has failed to fulfil an obligation under the agreement, it may take "appropriate measures" following consultations, with the provision that measures must be proportionate and give priority to those which least disturb the functioning of the agreement. The EU's failure to invoke the essential-elements clause in response to documented democratic deterioration, while simultaneously deepening financial and security cooperation, constitutes a selective non-application that undermines the clause's legal integrity and transforms it from a safeguard into a legitimising veneer for unconditional support.

Third, the essential-elements clause incorporates the OSCE Helsinki Final Act, which, as discussed in the non-intervention analysis, pledges signatories to "refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State." The incorporation of the Helsinki Final Act into CEPA means that the non-intervention commitment is not extraneous to EU-Armenia relations. It is contractually embedded within them. Any EU engagement that amounts to indirect intervention in Armenia's domestic political affairs, therefore, breaches not merely a principle of general international law but a specific obligation undertaken within the bilateral treaty framework.

Fourth, while the ICCPR is not expressly named in Article 2, it falls squarely within the clause's reference to "other relevant human rights instruments." Both Armenia and all EU Member States are parties to the ICCPR. Article 25 of the ICCPR, as interpreted by the Human Rights Committee in General Comment No. 25, sets out the right to participate in genuine elections, including the right to vote and to stand for election free from unreasonable restrictions.[4] The essential-elements clause therefore creates a treaty obligation for both parties to ensure that their conduct is compatible with the international election-rights guarantees to which both are independently bound. The EU cannot claim to be acting consistently with Article 2 CEPA if its engagement facilitates or tolerates Armenia's non-compliance with those guarantees.

These four features, taken together, establish that CEPA is not a framework for unconditional cooperation. It is a framework for value-conditional cooperation, in which democratic principles, the rule of law, and human rights are not aspirational objectives but constitutive elements on which the entire relationship depends. The essential-elements clause binds both parties, incorporates the Helsinki non-intervention commitment, encompasses the ICCPR's election rights guarantees, and provides a suspension mechanism for breaches. The EU adopted this framework voluntarily. It signed the

Strategic Agenda, which translates CEPA's general commitments into specific obligations, including positive engagement with the opposition and conditionality-based assistance. If the EU does not apply this framework when the partner government arrests opposition leaders, prosecutes clergy, detains defence lawyers, closes public broadcasters, and amends electoral law to target a specific opposition alliance, then the framework has no operative content. The clause becomes words on a page, invoked when convenient, disregarded when inconvenient, and incapable of performing the function for which it was designed.

D. STRATEGIC AGENDA FOR THE EU-ARMENIA PARTNERSHIP

The Strategic Agenda for the EU-Armenia Partnership, adopted in December 2025, provides the most direct and current articulation of the Union's policy framework in Armenia. It builds upon the CEPA and expressly confirms that CEPA remains "the core document on EU-Armenia relations and a blueprint for democratic institution-building in Armenia." Although the Strategic Agenda is not a treaty and does not create new competences, it is of considerable legal and political significance. It defines the objectives, priorities, and conditions governing EU engagement with Armenia.

The Strategic Agenda distinguishes between short-term (to be implemented within 3-4 years) and medium-term (to be implemented within 7 years) priorities.[124] Its adoption coincided with the announcement of €12 million for counter-disinformation measures and the confirmation of the deployment of the Hybrid Rapid Response Team, making it the foundational policy framework against which EU pre-election engagement in Armenia must be assessed.

The Strategic Agenda is legally significant to this paper for three reasons. First, it contains express commitments regarding free and fair elections, political pluralism, and engagement with the opposition that the EU's own conduct must now be measured against. Second, it establishes a conditionality framework that the EU has not visibly applied. Third, it incorporates hybrid-threat and counter-FIMI cooperation provisions whose scope and safeguards are inadequately defined.

a. The Democracy and Political Pluralism Commitment

Section 2.1 of the Strategic Agenda, titled "Democracy, Human Rights and Good Governance," opens with the following statement:

> *"The EU and Armenia are committed to strengthening cooperation to promote the rule of law, human rights, and fundamental freedoms, as laid down in the CEPA. They will work together to continuously improve Armenian public administration, ensure good governance and reform the justice sector. Political dialogue and reform cooperation under this Strategic Agenda for the EU-Armenia Partnership seek to strengthen respect for democratic principles such as the separation of powers, political pluralism, inclusion in decision-making and cooperation and positive engagement with the opposition."*

The following elements of this provision are directly material to the present analysis.

First, the Agenda commits both parties to "political pluralism." Political pluralism is not an aspiration. In the lexicon of EU democratic governance, it denotes the existence of multiple competing political forces with equal access to the political process. Where the leading opposition figure is detained, his business nationalised, his party's electoral name prohibited by last-minute legislation, and his defence lawyer arrested, the commitment to political pluralism is not being honoured. It is being violated.

Second, the Agenda commits both parties to "inclusion in decision-making." In the context of election-sensitive EU programmes, counter-disinformation operations, hybrid-threat response teams, and strategic communication cooperation, inclusion requires, at a minimum, that opposition parties and civil society critical of the government are consulted in the design and oversight of those programmes. The evidence assembled in this paper demonstrates that no such consultation has occurred, and Amsterdam & Partners LLP has written directly to the European Commission on multiple occasions. No substantive response has been received. The ruling Civil Contract party declined to meet with the International Observatory for Democracy in Armenia (IODA) fact-finding delegation.[125] The Hybrid Rapid Response Team was designed exclusively with the government.

Third, and most significantly, the Agenda commits both parties to "cooperation and positive engagement with the opposition." This is not a discretionary aspiration. It is a stated priority of the EU-Armenia partnership. When the EU deploys election-adjacent instruments, financial packages, hybrid-response teams, counter-FIMI operations, exclusively through the incumbent government, without any engagement with the opposition, it acts contrary to a commitment it formally adopted less than six months earlier. The Strategic Agenda does not merely permit engagement with the opposition. It requires it.

b. The Free and Fair Elections Commitment

The Strategic Agenda's democracy section identifies three short-term priorities. The first is:

> *"Continue to ensure transparent, inclusive, free and fair elections, and act on the recommendations of the Organisation for Security and Co-operation in Europe (OSCE)/the Office for Democratic Institutions and Human Rights (ODIHR) in line with the Armenian constitution."*

This provision establishes that free and fair elections are a short-term priority of the EU-Armenia partnership, meaning, by the Agenda's own terms, one on which "significant progress should be made within 3-4 years." The June 2026 parliamentary elections are the first electoral test of this commitment.

The provision also expressly requires Armenia to "act on the recommendations of the OSCE/ODIHR." The Venice Commission's Code of Good Practice in Electoral Matters provides that fundamental elements of electoral law should not be amended less than one year before elections. According to the interpretative declarations of the Code, "The one-year principle aims at ensuring legal certainty, which is a key element of the Rule of Law. In the electoral field, legal certainty means that the confidence in democratic elections in line with international standards should not be undermined by late amendments to primary or secondary legislation, including from electoral bodies".[126]

Although this principle is not legally binding and primarily pertains to fundamental elements of the electoral system, the Commission has emphasized that modifications made at a late stage are especially problematic when they impact the fairness of political competition or lack widespread political consensus.

Against this standard, the Armenian parliament's adoption on 7 April 2026, with exclusively Civil Contract votes, of a prohibition on personal names in party bloc titles, directly targeting the "Strong Armenia with Samvel Karapetyan" alliance, undermines the principles of legal certainty, equality of opportunity, and genuine electoral competition reflected in the Venice Commission's guidance.[127]. It also contravenes the Strategic Agenda's second short-term priority:

"Ensure that legislative amendments affecting key aspects of the rule of law are subject to comprehensive and inclusive consultations and are brought into line with European standards and recommendations made by international bodies, such as the Council of Europe's Venice Commission, the Group of States against Corruption (GRECO) and the OSCE/ODIHR."

And the third short-term priority:

"Ensure that legislative and constitutional reforms are transparent and inclusive, based on democratic principles and the rule of law, and involve main stakeholders, including civil society."

The electoral code amendments of December 2025 (quadrupling donation limits) and April 2026 (prohibiting personal names in party bloc titles) were not subject to comprehensive and inclusive consultations. They were not brought into line with Venice Commission standards. They did not involve the main stakeholders, including civil society. They were adopted by the governing party alone. The EU has not publicly noted these breaches of the commitments it jointly adopted.

c. The Conditionality Framework

The Strategic Agenda's implementation section states:

"The EU's support, reflecting its conditionality- and incentive-based approach, will be conditional on the implementation of agreed reforms."

This provision reflects a policy of conditionality underpinning the European Union's engagement with Armenia. It indicates that financial and technical assistance, delivered through instruments such as the Neighbourhood, Development and International Cooperation Instrument and the €270 million Resilience and Growth Plan for 2024-2027, is intended to be linked to progress on agreed reforms, including those relating to democracy, the rule of law, and governance.

It articulates a framework within which the European Union retains discretion to determine how and to what extent support is conditioned on reform progress.

The pertinent issue, consequently, extends beyond mere formal compliance with established commitments. It concerns whether the European Union has effectively translated its stated conditionalities into practical actions prior to the elections. In this context, the available information prompts legitimate inquiries. The financing arrangements for the €270 million Resilience and Growth Plan were initiated amidst substantial domestic political developments, including legislative modifications and actions directed at opposition figures. However, there has been no clear, publicly communicated indication that the allocation or disbursement of this support has been explicitly contingent upon adherence to specific electoral or rule-of-law benchmarks outlined in the Strategic Agenda.

In these circumstances, a distinction arises between conditionality as a stated principle and conditionality as an operational safeguard. Where conditionality is expressed in general terms but is not accompanied by transparent criteria, monitoring mechanisms, or visible enforcement, its capacity to function as an effective constraint is necessarily limited. While this does not, in itself, establish inconsistency or a legal breach, it raises substantive concerns about whether the conditionality framework, in practice, provides a meaningful guarantee of neutrality and adherence to democratic standards in the lead-up to elections.

d. The Hybrid Threat and Counter-FIMI Provisions

Section 2.3.2 of the Strategic Agenda, on international and regional cooperation, provides:

"Deepen cooperation in countering hybrid threats, including tackling foreign information manipulation and interference (FIMI), consider capacity building and support to Armenia in the development of a comprehensive framework to effectively address hybrid threats, including examining the possibility of supporting the establishment and strengthening of institutions dedicated to national security and resilience against hybrid threats."

Section 2.4.12, on strategic communication, provides:

"Strengthen cooperation on strategic communication and to tackle foreign information manipulation and interference (FIMI), to increase public trust in institutions and decision-makers and strengthen social cohesion."
"Work for an enabling information space, including by supporting independent media, implementing media literacy programmes, as well as enhancing the professional development of journalists."

The following observations follow.

The Strategic Agenda does not define the term "foreign information manipulation and interference" in the Armenian context. The term originates in European Union policy and practice, where it is developed through institutional tools such as reports produced by the European External Action Service and cooperative frameworks involving research and monitoring networks. When this framework is applied in Armenia without a clear, publicly available definition of what constitutes FIMI, the risk of instrumentalisation is acute. As this paper documents, the Pashinyan government has systematically characterised domestic opposition, including clergy and a philanthropist who spoke in defence of the Church, as agents of Russian influence. If the counter-FIMI framework operates without a definition that clearly distinguishes foreign manipulation from domestic political contestation, it provides institutional cover for the securitisation of the opposition.

Similarly, the Agenda commits to "supporting independent media" and "work[ing] for an enabling information space." The closure of Shoghakat TV, the church-founded public broadcaster, in December 2025[128], through legislation reducing public broadcasters from three to two, is directly contrary to this commitment. The EU has not publicly addressed this closure. Where significant changes occur within the media landscape, including structural or legislative reforms affecting broadcasters, the consistency of such developments with the stated objectives of pluralism and openness becomes a relevant consideration.

Furthermore, the Agenda states that counter-FIMI cooperation should "increase public trust in institutions and decision-makers." This framing conflates democratic legitimacy with incumbent support. In a pre-election context, "increasing public trust in decision-makers" is not a neutral objective. It is a political objective that advantages those currently in power. The Strategic Agenda does not qualify this commitment with a requirement for neutrality, balance, or equal access for opposition parties. Read in context, it suggests that counter-FIMI cooperation is designed to reinforce the incumbent government's institutional position.

(v) The Justice Sector Commitments

The Strategic Agenda's justice section commits both parties to:

"Continue reforming the justice sector, ensuring its independence, integrity, accountability, quality, and efficiency, in line with the Armenian Constitution and international standards."
"Continue to ensure transparency and objectiveness, adequate reasoning,

proportionality and the use of merit-based criteria where applicable, in decisions regarding the selection, appointment, appraisal, promotion, and transfer of all judges and prosecutors."

"Continue to enhance transparency, meritocracy, and objectiveness in the selection and appointment methods for the members of the judicial and prosecutorial governance bodies and in the decision-making processes of these bodies and introduce or strengthen safeguards to depoliticise those processes."

These commitments are directly relevant to the political prosecutions documented in our Part I White Paper and this Paper. The charges against Samvel Karapetyan, high Archbishops, detained clergy and opposition figures have been characterised by the International Commission of Jurists, the IODA delegation (including Kenneth Roth), Christian Solidarity International, the World Council of Churches, and Armenian civil society organisations as politically motivated.[129] The Strategic Agenda's commitment to judicial independence and depoliticisation of prosecutorial processes creates a standard against which these prosecutions must be assessed. The EU's silence on these prosecutions, while simultaneously deepening financial and security cooperation, is inconsistent with the justice-sector commitments it formally adopted.

e. The Strategic Agenda as a Self-Imposed Standard

The Strategic Agenda is of particular importance not due to its creation of new obligations beyond CEPA. Its significance lies in providing the most comprehensive and current articulation of what both parties have agreed the EU-Armenia relationship necessitates.

The Strategic Agenda commits both parties to political pluralism, positive engagement with the opposition, free and fair elections, inclusive legislative consultations, judicial independence, media freedom, and conditionality-based assistance. Every one of these commitments is being breached, not by external actors, but by the same government that co-signed the document, with the apparent acquiescence of the EU.

The Strategic Agenda therefore functions in this paper as a self-imposed standard. The EU cannot argue that it lacks a framework for assessing Armenian democratic governance. It has already adopted one; the question is whether it is prepared to apply it.

E. THE COPENHAGEN CRITERIA AND THEIR RELEVANCE TO ARMENIA

The Copenhagen Criteria, established by the European Council in June 1993, set the conditions for EU membership. The political criterion requires "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." Although Armenia is not formally an EU candidate country, the Copenhagen Criteria are relevant for the following reasons.

First, Armenia's parliament adopted a law launching the EU accession process on 26 March 2025, signalling a formal aspiration to candidacy[130]. The Strategic Agenda for the EU-Armenia Partnership explicitly references Armenia's "European aspirations."

Second, the CEPA essential elements clause functionally imports the Copenhagen political standards. The values specified in Article 2 CEPA, democracy, rule of law, and human rights, mirror the Copenhagen political criterion. EU engagement with Armenia is therefore not value-free even absent formal candidacy.

Third, and critically, the application of these standards must be assessed in practice. The conduct of the current government under Nikol Pashinyan raises serious questions as to alignment with the Copenhagen

political criteria. As this paper demonstrates, concerns relating to the rule of law, political pluralism, and the treatment of opposition actors have persisted over time. Against this background, the absence of clear and consistent engagement by the European Union on these issues gives rise to a further question: whether the standards that formally underpin the relationship are being applied in a principled and even-handed manner.

F. INTERNATIONAL ELECTION-RIGHTS GUARANTEES

This subsection sets out the international and domestic legal instruments that govern the right to free and genuine elections. Its purpose is not merely to recite provisions. It is to identify the specific, enforceable obligations that these instruments create for Armenia as a state party, and to demonstrate the corresponding duty of the EU, as a treaty partner, as a signatory to the Helsinki Final Act, and as a party to CEPA, to ensure that its own engagement does not compromise Armenia's compliance with those obligations.

a. ICCPR Article 25 and General Comment No. 25

Armenia acceded to the International Covenant on Civil and Political Rights on 23 June 1993 and to its First Optional Protocol (individual communications) on the same date. Article 25 provides:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

The Human Rights Committee's General Comment No. 25 (1996),[131] the authoritative interpretation of Article 25, elaborates the provision in ways that are directly material to the Armenian case. Seven paragraphs warrant specific attention.

Paragraph 1 states that "Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant." It requires states to "adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects." The emphasis on "effective opportunity" establishes that the right is not merely formal. It demands substantive conditions that permit real political participation.

Paragraph 9 specifies that "[g]enuine periodic elections in accordance with paragraph (b) are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them." Elections must "ensure that the authority of government continues to be based on the free expression of the will of electors." Where an incumbent government faces elections while simultaneously detaining its principal political rival, the "genuineness" of the election is directly in question.

Paragraph 14 provides: "Persons who are deprived of liberty, but who have not been convicted should not be excluded from exercising the right to vote." This is directly relevant to Samvel Karapetyan, who is held in pre-trial detention and has not been convicted of any offence. General Comment No. 25 establishes, as a matter of authoritative interpretive guidance, that pre-trial detainees retain their full electoral rights. The corollary is that pre-trial detention cannot lawfully be used, directly or indirectly, to impede a person's participation in the electoral process, whether as a voter, a candidate, or the leader of a political party.

Paragraph 19 provides: "Persons entitled to vote must be free to vote for any candidate

for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will." It then states:

"Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

Three features of this provision are significant. First, it prohibits "manipulative interference of any kind," a formulation without subject restriction. It is not limited to interference by the state conducting the election. Where an external actor shapes the pre-election information environment through operations designed exclusively with the incumbent government, the question is squarely engaged. Second, it protects the right to "support or to oppose government", a right that is directly violated where the government arrests, prosecutes, and detains persons who publicly oppose it. Third, it requires that voters be able to "form opinions independently", a condition that can be compromised where the information environment is managed through counter-FIMI operations whose scope, participants, and oversight mechanisms are not publicly disclosed.

Paragraph 12 provides: "Freedom of expression, assembly, and association are essential conditions for the effective exercise of the right to vote and must be fully protected." Paragraph 25 specifies that "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential" and that this "implies a free press and other media able to comment on public issues without censorship or restraint." Paragraph 26 provides that "[t]he right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25."

The closure of Shoghakat TV, the arrest of media figures and podcast hosts,[132] and the prosecution of clergy for public statements critical of the government directly engage paragraphs 12, 25, and 26. These are not peripheral to the electoral right. They are "essential conditions" for it.

Paragraph 20 provides: "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant." Where the Hybrid Rapid Response Team assumes functions adjacent to electoral supervision, advising on "crisis management plans in various electoral scenarios" and helping to "track and prosecute illicit election financing", the question is whether it substitutes for, supplements, or undermines the independence of Armenia's own electoral supervisory authority.

ECHR Protocol No. 1, Article 3: The Obligations Under the Convention

Armenia acceded to the European Convention on Human Rights and its Protocol No. 1 on 26 April 2002. Article 3 of Protocol No. 1 provides:

> *"The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."*

The European Court of Human Rights has described this provision as "enshrining a characteristic principle of democracy" and as being "of prime importance in the Convention system."[133] It has consistently interpreted this provision as a cornerstone of "effective political democracy" within the Convention system.[134] The Court's Guide on Article 3 of Protocol No. 1, identifies a number of enforceable obligations arising from this provision.[135]

The positive obligation to protect against foreign interference: Bradshaw and Others v. UK (2025)

In the landmark judgment *Bradshaw and Others v. the United Kingdom (22 July 2025*), the Court for the first time addressed the issue of states' positive obligations under Article 3 of Protocol No. 1 to protect their electorates from hostile foreign interference in democratic elections. The Court held that Article 3 of Protocol No. 1 may require the State to adopt positive measures to protect the integrity of its electoral processes in the event of a real risk that interference by a hostile State would undermine the very essence of the rights of voters and deprive them of their effectiveness.[136]

The Court found that there was "sufficient credible evidence of a significant and continuing threat from Russia to the democratic processes of the United Kingdom" and emphasised that "States should not remain passive when faced with sufficiently serious and imminent threats to democracy." Although the Court found no violation in the particular case (the UK having adopted legislative measures including the Elections Act 2022, the National Security Act 2023, and the Online Safety Act 2023), the judgment establishes two principles of direct relevance to Armenia.

First, the positive obligation to protect electoral integrity from foreign interference is now part of the ECHR framework. Armenia is bound by this obligation as a Council of Europe member state. The matter extends beyond merely Russia's intervention in Armenia's elections; it concerns whether the Armenian government is exploiting allegations of Russian interference as a pretext to suppress internal opposition, while concurrently inviting European Union involvement that structurally benefits the incumbent administration. If the government's "countering foreign interference" activities are themselves a vehicle for domestic political repression, the positive obligation under Bradshaw is not being discharged; it is being instrumentalised. Moreover, where Armenia has a legitimate basis for taking protective measures against Russian interference, those measures should actually protect electoral integrity. However, if the measures are designed and implemented exclusively by the incumbent government, without opposition consultation or independent oversight, they do not protect "the free expression of the opinion of the people." They protect the incumbent.

Second, the Court's explicit warning at §161 about "the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections" must be read together with the Court's finding in Kobaliya and Others v. Russia (2024), cited at §161, that "foreign agent" labelling requirements violated Articles 10 and 11 ECHR because they "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy." The Court in Bradshaw held that :

> In the context of Article 10, the Court has acknowledged that "it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely" … While the circulation of disinformation or misinformation could potentially interfere with the right to receive information inherent in Article 10, so could any measures taken to counter its circulation. Therefore, any such measures would need to be calibrated carefully to ensure that they do not interfere disproportionately with individuals' right to impart and receive information, especially in the period preceding an election, and take due account of the risk of abuse by

> Contracting States seeking to interfere in the outcome of their own elections. Indeed*, the Court has previously held that a requirement to label organisations, media outlets and individuals as "foreign agents" violated Articles 10 and 11 of the Convention because the legislative framework and its application were arbitrary and not necessary in a democratic society; and it "contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy"*[137]

In Armenia, the government's characterisation of opposition clergy as "agents of foreign influence" and "criminal-oligarchic clergy" functions identically: it creates an environment of suspicion that shrinks democratic space.

Third, the EU's role is directly implicated. The EU is providing the counter-interference infrastructure: the Hybrid Rapid Response Team, the €12 million counter-disinformation package, and the strategic communication cooperation. Under Bradshaw, the purpose of positive measures is to protect the integrity of electoral processes. If the EU provides those measures to a government that is simultaneously using state power to suppress political competition, the EU is enabling non-compliance with the Bradshaw obligation. The CEPA essential-elements clause, which incorporates the ECHR, means the EU must ensure its conduct does not undermine those standards Armenia has accepted. The EU cannot discharge this responsibility by deferring to the incumbent's "consent." The EU bears a corresponding responsibility to ensure that this infrastructure serves its stated purpose (protecting electoral integrity) rather than its functional effect (reinforcing the incumbent). Under CEPA's essential-elements clause, the EU is a treaty partner obligated to ensure that its cooperation is consistent with democratic principles. The Bradshaw positive-obligation framework reinforces the argument that the EU cannot discharge its own responsibilities by outsourcing counter-interference operations to a government that is itself the principal threat to electoral integrity.

Obligation of Pluralism and equality of opportunity

The Court has held that "there can be no democracy without pluralism".[138] The positive obligation includes a duty to "secure pluralism of views" and to ensure that the state maintains "a neutral attitude" toward competing political forces "in particular with regard to the election campaign and coverage by the media" (Bradshaw, §121, citing the Venice Commission's standard of "equality of opportunity"). In Communist Party of Russia and Others v. Russia, the Court held that the state had a positive obligation "to intervene in order to open up the media to different viewpoints" (§§126-128).

Obligation of Freedom of expression in the pre-election period

The Court has "repeatedly warned against prior restraints on free speech" and has emphasised that "in the sphere of political debate, wide limits of criticism are acceptable".[139]In Bowman v. the United Kingdom (1998), the Court held that "it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely" (§42). This principle was reaffirmed in Bradshaw, §131. The Court in Bradshaw further warned, at §161, that "any measures taken to counter the risk of foreign election interference" must "take due account of the risk of abuse by Contracting States seeking to interfere in the outcome of their own elections."

This warning is directly pertinent to Armenia. The counter-FIMI framework deployed by the EU at the Armenian government's invitation is, formally, a mechanism to counter Russian interference. But the Court's explicit

caution in Bradshaw about the "risk of abuse by Contracting States seeking to interfere in the outcome of their own elections" applies precisely to the situation documented in this paper: a government that invokes foreign interference to justify domestic repression while simultaneously receiving EU counter-interference infrastructure.

The election campaign environment: substantive, not merely procedural obligations

The Guide confirms that Article 3 of Protocol No. 1 extends beyond election day itself. The Court has held that the provision covers the election campaign (including equal access to media), the post-election period (counting and transmission of results), and the broader conditions in which political competition unfolds. In *Riza and Others v. Bulgaria* (2015), the Court held that "the vote of each elector must have the possibility of affecting the composition of the legislature, otherwise the right to vote, the electoral process and, ultimately, the democratic order itself, would be devoid of substance."[140] In *Georgian Labour Party v. Georgia* (2008), the Court accepted that a political party could itself claim victim status in relation to an interference with the right to stand for election[141]. In *Navalnyy v. Russia* [Grand Chamber] (2018), the Court found that repeated arrests of a leading opposition figure pursued an ulterior purpose contrary to Article 18, namely the curtailment of his political activity and the suppression of political pluralism.[142]

These authorities establish that obligations under Article 3 of Protocol No. 1 are substantive, requiring more than just holding a vote. Pre-vote conditions must enable genuine political competition. When criminal prosecutions, economic coercion, legislative manipulation, and external information control are used against the opposition, the obligation is triggered. The state must show each measure is lawful, aims for a legitimate goal, and is proportionate.

G. THE PRINCIPLE OF NON-INTERVENTION: RELEVANCE AND LIMITS

The principle of non-intervention is central to any international-law analysis of foreign electoral influence. It must, however, be handled with precision. It does not prohibit all forms of influence. It does not make diplomacy unlawful merely because diplomacy affects political incentives. The stronger argument, advanced in this paper, is narrower: the non-intervention principle reinforces the demand for restraint, neutrality, transparency, and equal access when a powerful external actor engages with a non-member state during an election period.

a. The Normative Framework

The principle of non-intervention finds expression in four principal instruments.

First, Article 2(7) of the UN Charter states that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter;" Similarly, the UN General Assembly Resolution 2131 (XX) of 21 December 1965 ("Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States") provides that "[n]o State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State." It further provides that "[e]very State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State." The preamble identifies both armed intervention and 'all forms of indirect intervention' as violations of the Charter; the operative paragraph condemns 'armed intervention and all other forms of interference or attempted threats against the personality of the State[143]

Second, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States

(G.A. Res. 2625 (XXV)), which has become a touchstone for the non-intervention principle, provides that "no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State". It further provides that "[e]very State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State" and that "peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development".[144]

Third, the Helsinki Final Act (1975), concluded by the Conference on Security and Co-operation in Europe, provides that each participating State will "respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations." The signatories pledge to "refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State" and to "in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty." The Helsinki Final Act simultaneously commits states to respect human rights and to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms." The Helsinki Act is expressly incorporated into Article 2 of CEPA.

Fourth, the International Court of Justice, in its judgment in Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) (1986), established the non-intervention principle as part of customary international law. The Court identified two cumulative elements: (a) interference with matters in which each state is permitted to decide freely, the Court specifying that this "includes the choice of a political, economic, social and cultural system, and the formulation of foreign policy"; and (b) an element of coercion, which the Court described as the "very essence" of prohibited intervention. Mere influence, including diplomatic persuasion, public statements, or the expression of political preferences, does not satisfy the coercion element. The line is crossed where the external actor's conduct is "designed to subordinate" the target state's sovereign choices.[145]

b. The Limits of the Principle

The non-intervention principle, despite its normative appeal, cannot do all the work in differentiating between permitted and prohibited attempts to influence another state's electoral process.

The content of the principle remains underspecified. As Damrosch observed in 1989, "states often endeavour to shape the decisions and conduct of other states."[146] The line between lawful diplomatic engagement and prohibited interference has never been authoritatively drawn in the electoral context. Resolution 2131 does not define "interference" or "pressure." The 1970 Declaration reproduces the same lacuna. The ICJ's Nicaragua judgment identifies coercion as the essential element, but coercion itself exists on a spectrum.

Similarly the principle sits in tension with the emerging norm of democratic governance. As Tom Franck argued in 1992, democracy "is on the way to becoming a global entitlement, one that increasingly will be promoted and protected by collective international processes."[147] The Helsinki Final Act itself reflects this paradox: it simultaneously protects sovereignty and promotes human rights. The non-intervention principle protects the right of a state to choose its political system, but that right presupposes

robust internal political processes that give effect to the people's will.[148]

The principle also does not resolve the problem of "consent." Where a government invites external support, the formal element of sovereignty is satisfied. But as this paper argues, consent by an incumbent government that is simultaneously prosecuting the opposition cannot be treated as dispositive. The invitation of a government accused of suppressing democratic competition does not sanitise external engagement that structurally advantages the incumbent.

c. The Narrower Argument Advanced in This Paper

This paper does not argue that the EU's conduct in Armenia is unlawful per se under a broad and categorical non-intervention rule. That claim would go too far. The principle's content is too indeterminate, and the coercion threshold too contested, to sustain a categorical finding of illegality on non-intervention grounds alone.

The stronger argument is contextual. Where a non-Member State is approaching a parliamentary election, where the incumbent government is credibly accused of repressing political opposition, and where external support is concentrated on pre-election resilience, information management, hybrid-threat response, and strategic signalling, all designed and delivered exclusively through the incumbent, the non-intervention principle becomes relevant as part of a broader legal picture. It reinforces the following demands:

i. restraint: the closer a major financial or institutional commitment falls to election day, the greater the burden on the external actor to demonstrate that the commitment is not election sensitive.
ii. neutrality: election-adjacent operations must demonstrably avoid giving the incumbent a structural advantage, including by engaging equally with opposition parties and independent civil society.
iii. transparency: the mandate, participants, operational protocols, and oversight mechanisms of election-period operations must be publicly disclosed.
iv. the non-dispositive character of consent: state "consent" cannot cure the defect of partiality where the inviting government itself is accused of using public institutions to entrench its own power. This is the "fallacy of consent" argument that runs throughout this paper.

In short, non-intervention does not do all the work. But it does part of it. It establishes that electoral processes fall within the sovereign domain of states, that external actors bear a heightened burden of justification when their engagement touches electoral outcomes, and that the burden is not discharged merely by pointing to the invitation of an incumbent whose democratic credentials are themselves in question.

H. ARMENIAN CONSTITUTIONAL GUARANTEES

The Constitution of the Republic of Armenia (as amended in 2015) reinforces and domesticates international election rights guarantees and gives constitutional expression to the principles of democracy, legality, political pluralism, and electoral participation. Several provisions are directly relevant.

Article 1 defines Armenia as "a sovereign, democratic, social state governed by the rule of law." Article 2 complements this by providing that power belongs to the people, that the people exercise that power through free elections, referenda, and the constitutional institutions of state and local self-government, and that usurpation of power by any organisation or individual is a crime. Read together, these provisions establish that democratic legitimacy in Armenia rests not in the

government as such, but in the people acting through constitutionally protected electoral processes.

Article 4 requires state power to be exercised in conformity with the Constitution and the laws, based on the separation and balance of legislative, executive, and judicial powers. Article 5 further provides that the Constitution has supreme legal force, that laws must comply with the Constitution, and that, where ratified international treaties conflict with laws, the treaty norms prevail. Consequently, the guarantees contained in instruments such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights are not merely external obligations; in the event of conflict with ordinary legislation, they form part of the applicable domestic legal order.

Article 7 provides that elections to the National Assembly and to community councils of elders, as well as referenda, must be held based on universal, equal, free, and direct suffrage by secret ballot. Article 8 adds that ideological pluralism and a multiparty system are guaranteed, that political parties are to be formed and operate freely. That equal legal opportunities for their activities must be guaranteed by law. These provisions are central to any constitutional assessment of measures that affect the fairness of political competition, the ability of opposition parties to organise and campaign, or the equality of conditions under which parties participate in elections.

Article 18 recognises the exclusive mission of the Armenian Apostolic Holy Church, as a national church, in the spiritual life of the Armenian people, in the development of national culture, and in the preservation of national identity. That provision does not exempt clergy or church institutions from the ordinary law. It does, however, mean that state action affecting the Church must be assessed with particular care, given the Church's expressly recognised constitutional role in Armenian public life.

Article 48 protects the right of suffrage and the right to participate in a referendum. Citizens who have reached the age of eighteen may vote in National Assembly elections and referenda, and those who meet the further constitutional criteria may stand for election to the National Assembly. The Constitution limits disenfranchisement to persons declared by final civil judgment to have no active legal capacity and to specified categories of convicted persons serving sentences after a criminal judgment has entered into legal force. It follows that pre-trial detention, without a final conviction, does not in itself remove the constitutional electoral rights protected by Article 48. Article 49, which guarantees every citizen the right to join public service on general grounds, reinforces this framework of political participation.

108 *Tomana and Others v Council and Commission* (T-190/12) EU:T:2015:37. The General Court's judgment in Tomana and Others v Council and Commission (T-190/12) confirms that the European Union may, in the exercise of its external action competences, adopt measures pursuing the objectives set out in Article 21 TEU, including the promotion of democracy, the rule of law, and respect for human rights in third countries. However, the case equally underscores that such measures remain subject to core principles of EU law, in particular proportionality and fundamental rights protection. The existence of a legitimate external objective does not, in itself, dispense with the requirement that the means employed be appropriate, necessary, and applied in a manner consistent with legal safeguards.

109 Christophe Hillion, 'The EU External Action as Mandate to Uphold the Rule of Law Outside and Inside the Union' (2023) 29 *Columbia Journal of European Law* 228.

110 Laurent Pech, 'Rule of Law as a Guiding Principle of the EU's External Action' (CLEER Working Paper 2012/3).

111 Christophe Hillion, 'The EU Neighbourhood Competence under Article 8 TEU' (2013).*the-eu-neighbourhood-competence-under-article-8-teu-2013_3epa.pdf*

112 MCC Brussels, "The Managed Ballot: How the EU Shapes National Elections," March 2026, pp. 10-13.

113 European Commission, 'Armenia - Enlargement and Eastern Neighbourhood' *https://ec.europa.eu*

114 Regulation (EU) 2022/2065 (Digital Services Act), art 34(1)(c).

115 Regulation (EU) 2022/2065 (Digital Services Act), arts 51–52, 67-72.

116 Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528, OJ L 102, 24.3.2021, pp 14–62. See also 'The European Peace Facility' (Council of the EU). *https://www.consilium.europa.eu/en/policies/european-peace-facility/*

117 Council of the European Union, 'European Peace Facility: Council Adopts the Second Bilateral Assistance Measure in Support of Armenia' *https://www.consilium.europa.eu*.

118 European External Action Service, 'EU Election Observation Missions' *https://www.eeas.europa.eu*.

119 European External Action Service, *Handbook for European Union Election Observation* (3rd edn, EEAS 2016)

120 European External Action Service, *Handbook for European Union Election Observation* (4th edn, 2025).

121 European External Action Service, 'The EU and Armenia Comprehensive and Enhanced Partnership Agreement Enters into Force' *https://www.eeas.europa.eu*

122 EU-Armenia Partnership Council, *Strategic Agenda for the EU-Armenia Partnership* (2 December 2025) s 2.1

123 Anne-Carlijn Prickartz and Isabel Staudinger, 'Policy vs Practice: The Use, Implementation and Enforcement of Human Rights Clauses in the European Union's International Trade Agreements' (Europe and the World: A Law Review).

124 EU-Armenia Partnership Council, *Strategic Agenda for the EU–Armenia Partnership* (2 December 2025).

125 Amsterdam & Partners LLP, 'Targeting of Opponents, Misuse of Judiciary Raise Election Concerns' (Press Release, 2026).

126 Venice Commission, *Code of Good Practice in Electoral Matters* (2025) 46.*Code de conduite_GBR 2025_WEB_A5.pdf*

127 PanARMENIAN.Net, 'Ruling Party Seeks Ban on Names in Party Titles'. *Ruling party seeks ban on names in party titles - PanARMENIAN.Net*

128 (Report) Closure of Shoghakat TV (2025). *Yerkir Media television company offered airtime to the church-based Shoghakat TV, which was shut down by the authorities*.

129 Amsterdam & Partners LLP, *Addendum to the White Paper* (2026).

130 Armenian Parliament Adopts Law to Launch EU Membership Process' *POLITICO*. *Armenian parliament adopts law to launch EU membership process – POLITICO*

131 Human Rights Committee, General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 12 July 1996,

132 OC Media, 'Armenian opposition podcast hosts detained after criminal complaint by parliamentary speaker' (13 November 2025) *https://oc-media.org/armenian-opposition-podcast-hosts-detained-after-criminal-complaint-by-parliamentary-speaker/*

133 Mathieu-Mohin and Clerfayt v. Belgium, App. No. 9267/81, ECtHR, 2 March 1987, §47

134 ECtHR, Guide on Article 3 of Protocol No. 1, updated 31 August 2025, para. 1.

135 Although framed as an obligation of the State, the Court has clarified that Article 3 of Protocol No. 1 gives rise to individual rights, including:
the right to vote (active aspect), and
the right to stand for election (passive aspect).
These rights are not absolute. States enjoy a margin of appreciation in organising electoral systems. However, that margin is subject to two controlling principles:
there must be no arbitrariness or lack of proportionality, and
the measure must not interfere with the free expression of the will of the people.
In particular, the Court has stressed that:
the right to vote and to stand for election must not be deprived of their substance;
any restriction must pursue a legitimate aim and be proportionate; and
the electoral process must ensure that voters can genuinely influence the composition of the legislature.
The Court has also emphasised that electoral rights must be assessed in their political context, recognising that unacceptable features in one system may be justified in another, but only where they remain compatible with democratic principles.

136 Bradshaw and Others v. the United Kingdom, Apps. Nos. 68713/21 and 69367/21, ECtHR, Judgment of 22 July 2025. Guide, Section VI (Foreign Interference in Democratic Processes).

137 §161 Bradshaw; see Kobaliya and Others v. Russia, nos. 39446/16 and 106 others, § 98, 22 October 2024; see also Ecodefence and Others v. Russia, nos. 9988/13 and 60 others, 14 June 2022).

138 Bradshaw, §120, citing Gorzelik and Others v. Poland [GC] (2004)).

139 Bradshaw, §122.

140 Riza and Others v. Bulgaria, App. No. 48555/10, 13 October 2015, §148

141 Georgian Labour Party v. Georgia, App. No. 9103/04, 8 July 2008, §§72-74

142 Navalnyy v. Russia [GC], Apps. Nos. 29580/12 et al., 15 November 2018, §§170-175.

143 UN General Assembly Resolution 2131 (XX) (21 December 1965).

144 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, G.A. Res. 2625 (XXV), 24 October 1970.

145 Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, ICJ Reports 1986, p. 14, §§ 202–205.

146 Lori Fisler Damrosch, "Politics Across Borders: Non-intervention and Nonforcible Influence over Domestic Affairs," 83 Am. J. Int'l L. 1, 1 (1989).

147 Thomas M. Franck, "The Emerging Right to Democratic Governance," 86 Am. J. Int'l L. 46, 70 (1992).

148 Thomas M. Franck, "The Emerging Right to Democratic Governance," 86 Am. J. Int'l L. 46, 70 (1992).

APPENDIX B

THE EU'S INSTRUMENTS AND ARCHITECTURE OF INTERFERENCE

EU electoral interference, as documented across multiple jurisdictions by the Managed Ballot report (MCC Brussels, March 2026)[149] and the U.S. House Judiciary Committee's "Foreign Censorship Threat, Part II" (February 2026), does not take the form of ballot manipulation or direct prohibition of candidates. It operates through a layered architecture of individually defensible instruments and activities whose cumulative effect is capable of shaping electoral outcomes and constitutes election interference. Before identifying the instruments, it is necessary to examine the documented record in each jurisdiction where this architecture has been deployed. That record demonstrates that the Armenian case is not the first instance of EU election-adjacent intervention. It is the latest in a documented sequence.

A. THE DOCUMENTED RECORD: COUNTRY-BY-COUNTRY EVIDENCE

a. Romania: The Self-Reinforcing Evidentiary Loop and the Annulment of an Election

Romania represents the most fully documented case of EU election-adjacent intervention and the most consequential in its outcome. The sequence is as follows. In the autumn of 2024, Călin Georgescu, a right-wing populist candidate, won the first round of Romania's presidential election with 23 percent of the vote after a TikTok-driven campaign that took the political establishment by surprise. Within days, President Iohannis convened the Supreme Council of National Defence (CSAT), which declassified intelligence assessments attributing the result to "Russian hybrid actions." On 6 December 2024, the Constitutional Court reversed its initial validation of the first-round results and annulled the entire election, the first such annulment in EU history. The European Commission immediately launched DSA proceedings against TikTok, and President von der Leyen declared that "whenever we suspect such interference, especially during elections, we have to act swiftly and firmly."

The Managed Ballot report documents the architecture behind this outcome. The Rapid Response System was activated three times in Romania in a single year (spring 2024, autumn 2024, spring 2025). Expert Forum and Funky Citizens, EU-funded NGOs, simultaneously served as RRS participants, Disinformation Code signatories, EDMO hub members, and public advocacy actors, while publishing no required activity reports. Funky Citizens flagged over 1,000 pieces of content

in the November-December 2024 period alone; its leadership described its work as "narrative targeting." The result was a self-reinforcing evidentiary loop: NGO reports fed intelligence briefings, which fed CSAT declassification, which fed the Constitutional Court annulment, which fed EC DSA proceedings citing the same NGO reports as evidence of the threat they purported to document.[150]

Critically, TikTok's own investigation found no evidence of the alleged 25,000-account Russian network that Romanian intelligence had claimed. A subsequent investigation by Romania's National Agency for Fiscal Administration determined that it was in fact the National Liberal Party, not Russia, that had paid for a TikTok campaign that ended up favouring Georgescu.[151] The Economist Intelligence Unit's Democracy Index subsequently classified Romania as a "hybrid regime", the first EU Member State to receive that designation.[152]

b. Hungary: Financial Conditionality as an Electoral Weapon

Hungary represents a good example of the European Union's use of financial conditionality in response to rule-of-law concerns. Beginning in 2022, the European Commission, with the support of the Council, adopted measures under multiple legal instruments that resulted in the suspension or withholding of substantial European Union funds allocated to Hungary. These included approximately €6.3 billion under the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092), as well as significant portions of cohesion and recovery funding under the 2021- 2027 Multiannual Financial Framework and the Recovery and Resilience Facility. [153]

The suspension of funds was explicitly linked to concerns regarding judicial independence, corruption risks, public procurement, and compliance with European Union values. Access to recovery funding was made conditional on the fulfilment of a set of reform requirements, including so-called "super milestones" relating primarily to anti-corruption safeguards and judicial reforms.

In parallel, the European Parliament triggered the procedure under Article 7(1) of the Treaty on European Union in 2018, citing risks to the rule of law. While the procedure has not advanced to sanctions due to the unanimity requirement in the Council, it has remained a persistent element of the institutional pressure applied to Hungary.[154]

By 2025-2026, the cumulative financial measures remained substantial. Estimates suggest that between €18 billion and €32 billion in European Union funding remained suspended or conditional at various stages, depending on compliance and partial releases. [155]

The political effects of this framework became increasingly visible in the domestic context. The linkage between compliance with European Union requirements and access to significant financial resources became a central issue in Hungarian political debate. In the run-up to the 2026 parliamentary elections, opposition actors emphasised the economic consequences of continued suspension of funds, while presenting alignment with European Union standards as a pathway to restoring funding flows.

At the same time, the European Union maintained public messaging linking funding decisions to adherence to rule-of-law standards and democratic principles. The European Parliament and Commission repeatedly raised concerns regarding judicial independence, media freedom, and governance standards in Hungary.[156]

Additional concerns regarding the interaction between European Union regulatory frameworks and electoral processes were raised externally. On 10 April 2026, the Chairman of the United States House Judiciary Committee and the Co-Chairman of the Tom

Lantos Human Rights Commission addressed a letter to the European Commission expressing concerns about the application of digital governance mechanisms in the period preceding elections. The letter alleged that systems such as rapid-response coordination and platform engagement could affect political discourse during election periods.[157]

Hungary is covered by its national EDMO hub, LAKMUSZ, which forms part of the wider European Digital Media Observatory network alongside other regional hubs such as BROD (Bulgaria–Romania) and FACT (Moldova–Ukraine).[158] The European Commission confirmed in July 2025 that LAKMUSZ was among the hubs receiving renewed funding under the Digital Europe Programme.

Like other EDMO hubs, LAKMUSZ operates as a multidisciplinary platform bringing together fact-checkers, researchers, and media literacy practitioners, with activities including monitoring disinformation, conducting analytical research, and delivering training programmes for journalists and educators.[159] The structural concern is identical: organisations that receive EU funding, participate in EU-coordinated rapid response mechanisms, and are formally designated as independent monitors also operate in an advocacy capacity during election periods.

c. Slovakia: The Censorship of Political Opinions as "Hate Speech"

The U.S. House Judiciary Committee's report, *The Foreign Censorship Threat, Part II* (2026), raises broader concerns regarding the impact of European Union digital governance frameworks on political speech during election periods. The report states that, following the adoption of the Digital Services Act and related instruments, the European Commission exerted sustained pressure on major platforms to modify their content moderation practices globally.

In this context, the report references electoral periods in several European states, including Slovakia, as part of a wider pattern in which platforms were encouraged to adopt stricter moderation measures ahead of elections. It further cites internal TikTok moderation guidelines prepared in connection with the 2023 Slovak election. These guidelines identified certain statements, including "there are only two genders," "children cannot be trans," and similar expressions, as falling within categories of "hate speech" or harmful content subject to moderation.

Importantly, the report itself acknowledges that such statements were "common in Slovak political discussions," and presents these examples as evidence of how platform policies, shaped under European regulatory pressure, may extend into areas of legitimate political debate. However, the report does not establish, as a matter of verified fact, that specific instances of censorship in Slovakia were directly ordered or mandated by European Union institutions. Rather, it advances a broader claim that regulatory pressure contributed to the adoption of moderation standards with potential political effects.

The MCC Brussels report *The Managed Ballot* (2026) supports this structural concern at a more general level. It argues that the European Union has developed an ecosystem of regulatory, financial, and informational instruments, including digital governance frameworks, that can influence the broader electoral environment without directly administering elections. This influence operates through indirect mechanisms, including platform governance, civil-society coordination, and narrative framing, rather than through formal legal control over electoral processes.

d. Poland: EU-Funded Civil Society as a Political Force

In Poland, policy analysis, including the MCC Brussels report, examines the role of civil-society organisations within the broader electoral environment. The report identifies

the Stefan Batory Foundation as a key actor within the funding architecture associated with the European Economic Area and Norway Grants programmes, particularly through its role as an operator of the Active Citizens Fund, National, implemented in consortium with other organisations.[160]

The Active Citizens Fund, National programme had an allocation of approximately €30 million, complemented by additional funding under regional programmes, bringing the broader civil-society funding framework in Poland to over €50 million across funding streams.[161] It is important to note that these funds are not financed by the European Union, but by Norway, Iceland, and Liechtenstein under the EEA and Norway Grants mechanisms.

Within this framework, civil-society organisations, including those linked to the Batory Foundation, have engaged in activities related to democratic governance, election monitoring, and public debate. The *Managed Ballot* report highlights that such organisations may participate in initiatives directed toward election observation, including engagement with the Organization for Security and Co-operation in Europe and its Office for Democratic Institutions and Human Rights.

At the same time, these organisations operate within a broader normative framework that promotes democratic values, rule of law, and institutional accountability. The Stefan Batory Foundation, for example, has a long-standing mandate to support the development of an open and democratic society in Poland and Central and Eastern Europe.

The analytical concern identified in policy literature is therefore structural rather than evidential. As described in, European governance frameworks increasingly involve interconnected networks of institutions, funding mechanisms, and civil-society actors that contribute to monitoring, analysis, and public discourse during electoral periods. While these roles are formally distinct from political advocacy, their interaction within the electoral environment has been identified as raising questions about the relationship between independent oversight, normative engagement, and political competition.

e. Moldova: The Template for Non-Member State Intervention

Moldova provides the most relevant precedent for the Armenian case because it demonstrates the convergence of European Union financial, operational, and informational instruments in a non-member state during a highly contested electoral period. The October 2024 presidential election and constitutional referendum on European Union accession transformed the country's political landscape into a direct contest over geopolitical alignment.

Academic analysis confirms that this process was not merely electoral, but structural. As Burmester and Morar demonstrate, the referendum marked a "re-politicisation" of European integration, in which EU accession became "a central axis of political conflict," characterised by polarisation, intensified debate, and high public engagement. The study further concludes that external interference, particularly Russian, acted as an amplifying factor, deepening existing divisions and increasing the intensity of political contestation.[162]

At the same time, the European Union played an increasingly active role in Moldova's electoral environment in the lead-up to the elections. It represents the first complete deployment of the EU's electoral interference architecture in a non-member state. During the October 2024 presidential election and EU integration referendum, and the September 2025 parliamentary elections, the EU deployed the following instruments simultaneously:

i. A €1.8 billion Growth Plan announced by Commission President von der Leyen ten days before the October 2024 vote, during a personal visit to Chișinău praising

President Sandu's "commitment to the European path."[163]

ii. A Hybrid Rapid Response Team of approximately 20 experts deployed ahead of the September 2025 parliamentary elections.[164]
iii. The FACT EDMO hub, announced in July 2025, involving Expert Forum (the Romanian RRS participant) and mandated to "monitor the upcoming electoral period in Moldova."[165]
iv. Expert Forum's executive director, Laura Ştefan appointed to Moldova's Prosecutorial Vetting Commission by the Moldovan Parliament in July 2025.[166]
v. EU-funded civilian mission support and a Centre for Strategic Communications established with EU backing.[167]

The referendum passed by a margin of just 0.78 percentage points (50.39% to 49.61%), carried entirely by diaspora votes. Crucially, the referendum itself was not perceived as a neutral democratic exercise. Interview-based evidence cited in the study indicates that it was widely viewed as "an instrument used by the government for its own political interests," lacking broad support from other pro-European parties and segments of civil society.[168] This finding is central: it establishes that electoral processes framed around European integration can become politically instrumentalised within domestic power struggles. The Carnegie Endowment assessed that "Brussels would prefer not to see a change of government. PAS is a good fit for European officials."[169]

Commissioner Kos publicly announced Brussels' willingness to allocate funds to Armenia "following the Moldovan model."[170]Prime Minister Pashinyan himself praised the EU's work in Moldova.[171]The deployment in Armenia appears to be precisely that announced replication.

The Moldovan case is constitutionally significant for a reason beyond analogy. Moldova, like Armenia, is not an EU Member State. It does not participate in the EU's institutional governance. It has no seat in the European Parliament, no representative in the Council, no recourse to the Court of Justice. As established in Appendix A of this paper, the EU's own constitutional framework, the principle of conferral (Articles 4-5 TEU), the respect for national identity (Article 4(2) TEU), and the absence of a general competence over elections even within Member States, means that the projection of election-adjacent instruments into a non-member state demands heightened scrutiny. If the EU lacks competence to manage electoral narratives even within the Union, it lacks it a fortiori in third states where no shared legal order, no shared judicial accountability, and no shared democratic representation exist. The Moldovan and Armenian deployments are not merely policy choices. They raise the issue of ultra vires action by the Commission: the exercise of powers that exceed the legal basis conferred by the Treaties which Section IV of this paper touches on.

B. THE FIVE INTERLOCKING MECHANISMS

(i) The Rapid Response System (RRS)

The RRS is among the least transparent instruments associated with the Digital Services Act and the Code of Practice on Disinformation. It operates through the Permanent Task Force, chaired by the European Commission, and is activated during elections to enable expedited coordination between platforms, public authorities, and selected non-state actors. There is no public announcement when the RRS is activated or deactivated, no official list of participants, and no publicly accessible oversight mechanism. Its existence and scope are typically inferred from platform transparency reports or voluntary disclosures by participating organisations. The Managed Ballot report documents that

the RRS was activated three times in Romania in a single year (spring 2024, autumn 2024, spring 2025)[172], establishing a pattern of election-period activation that is now being replicated in Armenia through the Hybrid Rapid Response Team.

(ii) Trusted Flagger Systems

Under the DSA, national Digital Services Coordinators designate "trusted flaggers", which are entities that are granted privileged access to expedited content-reporting channels with platforms. Content flagged by trusted flaggers receives priority review. The framework is formally limited to "illegal content," but creates structural opportunities for mandate drift, particularly when trusted flaggers simultaneously engage in political advocacy adjacent to electoral debates. In Romania, the Managed Ballot report documents that Expert Forum and Funky Citizens simultaneously held roles as RRS participants, Disinformation Code signatories, EDMO hub members, and public advocacy actors, while publishing no required activity reports.

(iii) EDMO Hubs and Fact-Checking Networks

The European Digital Media Observatory (EDMO) operates 15 regional hubs covering all 27 EU Member States plus Moldova, Norway, and Ukraine, funded by approximately €8.8 million from the Digital Europe Programme.[173] EDMO hubs bring together fact-checkers, media literacy organisations, academics, and researchers. Through their participation in the Disinformation Code and the RRS, EDMO-affiliated organisations are granted privileged access to content-flagging channels during elections, enabling them to trigger prioritised platform moderation of political content. The FACT EDMO hub, whose coverage area includes Moldova, Ukraine, the Baltics, and Romania, illustrates the cross-border nature of this architecture.[174]

(iv) Financial Conditionality and Strategic Signalling

The timing of major EU funding announcements, the withholding or release of funds, and the scheduling of high-level political events during pre-election periods collectively shape *electoral environments*. *Financial conditionality directly affects political balance.*

(v) The Disinformation Code 'Voluntary' Regime

The U.S. House Judiciary Committee, on the basis of subpoenaed internal company communications, has questioned the voluntary nature of the European Union's Code of Practice on Disinformation. In its 2026 report, the Committee concluded that the framework was "neither voluntary nor consensus-driven" in practice.

Internal documents cited in the report indicate that platform representatives perceived participation in the regime as effectively compulsory. For example, Google staff acknowledged in internal communications that they "didn't really have a choice" whether to participate, while also noting that meeting agendas were set "under (strong) impetus from the EU Commission," and that outcomes described as "consensus" were reached under significant institutional pressure.

The report further documents the scale and structure of coordination under the framework. Between late 2022 and 2024, more than 90 meetings were held between platforms, civil society organisations, and European Commission officials through the Disinformation Code Task Force and its associated subgroups, which addressed areas including elections, fact-checking, and crisis response.[175]

While these findings reflect the assessment of the Committee and are based on internal corporate materials rather than judicial determinations, they nonetheless raise questions about the degree to which formally voluntary regulatory frameworks may operate, in practice, through sustained institutional coordination and pressure.

C. THE FOUR-STAGE OPERATIONAL PATTERN

Across documented cases, a four-stage operational pattern emerges:

Stage 1: Construct an interference narrative. Intelligence agencies, EU-funded NGOs, or EEAS reports identify a "hybrid threat" or "foreign interference" risk in connection with an upcoming election. The Armenian Foreign Intelligence Service's 2026 External Security Risks Report, noting that hybrid threats "will highly likely become more comprehensive, complex and large-scale" due to the elections, performs precisely this function.[176]

Stage 2: Activate regulatory pressure and platform enforcement. The Commission convenes meetings of Disinformation Code signatories, national regulators, and selected NGOs. In Armenia, the Hybrid Rapid Response Team deployment and the €12 million counter-disinformation package activate this stage.[177]

Stage 3: Amplify NGO-driven monitoring and fact-checking. EDMO-affiliated fact-checkers and Disinformation Code signatories flag content for expedited review. Their reports are cited by regulators and intelligence agencies, creating a self-reinforcing evidentiary loop. In Romania, NGO reports fed intelligence briefings, which fed CSAT declassification, which fed Constitutional Court annulment, which fed EC DSA proceedings citing the same NGO reports.

Stage 4: Reshape the electoral information environment. Platform moderation actions, demotions, labels, and removals alter the visibility of political content. In Armenia, the Hybrid Rapid Response Team's mandate to launch "public awareness campaigns related to elections on FIMI, with support in targeting key demographics" directly engages this stage.

D. THE CROSS-BORDER NGO NETWORK AND PRIVILEGED ACCESS TO SENSITIVE INFORMATION

a. The Network: Structure and Documented Functions

The available evidence identifies a pattern of role convergence in specific election-sensitive contexts, particularly Romania, with cross-border extensions into Moldova and the wider European information-governance architecture. The point is not that a single centrally directed network has been proven to operate across Europe. It is narrower, but still significant: a small group of civil-society, fact-checking, and policy organisations has, in certain national settings, combined functions that are formally distinct, monitoring, fact-checking, content production, policy advice, advocacy, participation in European Digital Media Observatory hubs, and engagement in election-period platform-coordination mechanisms.

Expert Forum (Romania; with operational reach into Moldova and Ukraine) simultaneously served as a signatory to the Code of Practice on Disinformation, a participant in the Rapid Response System during Romanian election periods, a policy advisor to EU institutions, a content producer, and an advocacy actor. According to the Managed Ballot report, the Expert Forum had not published the activity reports required under the Code of Practice. Separately, Expert Forum announced that its Executive Director, Laura Ștefan, was appointed to Moldova's External Evaluation Commission for Prosecutors, commonly referred to as the Prosecutorial Vetting Commission, following approval by the Moldovan Parliament on 10 July 2025 and upon the recommendation of the European Commission. This appointment is relevant because it demonstrates a cross-border movement of personnel between civil-society governance networks and formal institutional reform bodies in a politically sensitive non-member state.[178]

Within the European Digital Media Observatory architecture, the official record shows that BROD, the Bulgarian-Romanian Observatory of Digital Media, is the European Digital Media Observatory hub covering Bulgaria and Romania.[179] Its Romanian fact-checking activity includes Factual, a platform launched by Funky Citizens.[180] The Commission has separately confirmed the creation of FACT, a new European Digital Media Observatory hub supporting Ukraine and Moldova in fighting disinformation, with a mandate that includes monitoring Moldova's electoral period[181]. *The Managed Ballot* further states that the FACT hub was announced involving Expert Forum and covering Moldova, Ukraine, the Baltic states and Romania; because that broader territorial formulation is drawn from the report rather than the Commission's shorter public notice, it should be attributed to the report.

Funky Citizens is the clearest example of role convergence in the Romanian case. It operates the Factual verification platform and participates in BROD fact-checking work. The official Funky Citizens description states that its team creates fact-checks through Factual, coordinates media literacy activities, and contributes research to the BROD database.[182] *The Managed Ballot* report states that Funky Citizens reported flagging more than 1,000 pieces of content during the November–December 2024 Romanian electoral period, and that its leadership described the work as "narrative targeting." The combination of fact-checking, platform-facing escalation, media production, advocacy, and platform funding creates at least a structural risk of conflict between neutral verification and election-period narrative intervention.

The Stefan Batory Foundation should be treated separately because the funding mechanism is different. The official Citizens for Democracy programme page states that the programme was implemented by the Stefan Batory Foundation in partnership with the Polish Children and Youth Foundation, financed under the European Economic Area Financial Mechanism, and allocated €37 million for the period June 2013 to April 2016. [183]*The Managed Ballot* describes the Foundation as the sole national operator of the programme and states that it distributed approximately PLN 130.8 million to Polish non-governmental organisations. The same report states that the Foundation coordinated a letter signed by 13 organisations to the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights requesting a full-scale election observation mission before the 2023 Polish parliamentary elections. The accurate point is therefore not that the Foundation distributed European Union funds through Citizens for Democracy. It is that an externally financed civil-society funding intermediary also participated in politically consequential election-monitoring advocacy.

GLOBSEC is an independent, non-partisan, global think-tank based in Bratislava committed to enhancing security, prosperity, and sustainability in Europe and throughout the world. It has offices in Kyiv, Warsaw, Brussels, and Washington, D.C., bridging the western and eastern flanks of the transatlantic alliance.[184] BROD's public material states that GLOBSEC assisted researchers in mapping disinformation in Bulgaria and Romania. In the Central European Digital Media Observatory context, GLOBSEC has also produced policy work on the European Democracy Shield, foreign information manipulation and interference, election protection groups, platform data access under the Digital Services Act, and democratic resilience.[185] This supports describing GLOBSEC as a policy and research actor whose outputs contribute to the vocabulary of "hybrid threats," "resilience," and "foreign information manipulation."

The Romanian case also documents several channels through which these actors were positioned close to the platform and regulatory decision-making. First, *the Managed*

Ballot describes the Rapid Response System as an opaque mechanism operating through the Permanent Task Force chaired by the Commission, activated during elections or crises to enable expedited coordination between platforms, public authorities, and selected non-state actors. Second, it states that participation in the Rapid Response System was flexible and expandable, with Expert Forum participating as a Code signatory and Funky Citizens participating through BROD. Third, the report states that Meta onboarded seven non-platform entities in Romania to direct escalation channels, including public authorities such as the Permanent Electoral Authority, the communications regulator, the Ministry of Digitalisation, the Ministry of Interior, the Cyber Security Directorate and the National Audiovisual Council, enabling expedited review. Fourth, the report describes a Romanian evidentiary loop in which civil-society analyses were echoed in intelligence assessments, later cited by regulators and the European Commission, thereby giving NGO-produced claims the appearance of multi-institutional confirmation. Fifth, the appointment of the Expert Forum's Executive Director to Moldova's prosecutorial vetting body illustrates a distinct cross-border channel: the movement of personnel from civil-society governance networks into formal institutional reform bodies.

The evidence shows that, in certain election-sensitive settings, organisations presented as independent monitors or fact-checkers may simultaneously occupy platform-facing, policy-facing, advocacy, and institutional roles. That convergence matters because it can blur the line between neutral oversight and politically consequential intervention in the information environment.

b. The Implications for Armenia

The documented cross-border pattern has direct and immediate implications for the Armenian case. Seven specific risks are identified.

i. The institutional architecture is being replicated. The FACT EDMO hub, which includes Expert Forum, covers Moldova, Ukraine, the Baltic states, and Romania. The same Hybrid Rapid Response Team model deployed in Moldova is now deployed in Armenia. The same counter-Foreign Information Manipulation and Interference framework is applied. Commissioner Kos has explicitly stated that the Armenian assistance follows the Moldovan model. Where the institutional architecture is the same, the structural risks are the same.

ii. The organisations involved have a documented track record of inaccuracy and partiality. According to the Managed Ballot report, Funky Citizens published fact-checks during the Romanian electoral period that were subsequently criticised within the report as containing material inaccuracies. The same report further records that the organisation's leadership described its methodology as "narrative targeting." Public-facing materials from Funky Citizens also confirm that their work involves monitoring and analysing disinformation "narratives" during election periods, rather than focusing solely on individual factual claims.[186] Expert Forum simultaneously performed monitoring, advocacy, and policy-advisory functions, creating an inherent conflict of interest between independent verification and institutional alignment. When organisations with this track record are granted access to a pre-election information environment, the risk is not speculative. It is documented.

iii. The self-reinforcing evidentiary loop documented in Romania has direct application to Armenia. In Romania, the sequence was: NGO reports on "disinformation" were cited in intelligence briefings; intelligence briefings informed the Supreme Council of National Defence's

declassification decision; the declassified material grounded the Constitutional Court's annulment; and the European Commission cited the same NGO reports in its Digital Services Act proceedings against TikTok. No independent verification was required at any stage. The loop was self-validating. In Armenia, the same risk exists. The Armenian Foreign Intelligence Service's 2026 External Security Risks Report, the EEAS's classified Political Framework for a Crisis Approach for Armenia, and the Hybrid Rapid Response Team's operational assessments may all draw on the same counter-FIMI network's outputs. If those outputs classify domestic opposition speech as "foreign information manipulation," the loop becomes a mechanism for the securitisation of dissent, not a safeguard for electoral integrity.

iv. The absence of transparency and oversight is structurally identical. In Romania, the Rapid Response System operated without public disclosure of its activation, participants, or decisions. In Armenia, the Hybrid Rapid Response Team's detailed operational mandate has not been published. The criteria for classifying content as "disinformation" are unknown. No appeal procedure exists for those whose speech is affected. No independent oversight mechanism has been established. No provision has been made for opposition participation. The opacity that characterised the Romanian operations is being replicated in Armenia without correction.

v. The funding structure creates a structural alignment between the monitoring organisations and the political preferences of their funders. The organisations in the cross-border network receive funding from EU institutions, European political foundations, transatlantic government-linked bodies, and private philanthropic networks. Their institutional survival depends on continued alignment with the policy preferences of those funders. When those funders have a stated geopolitical interest in Armenia's westward orientation, an interest that is explicitly served by the continuation of the Pashinyan government and explicitly threatened by an opposition characterised as pro-Russian, the monitoring function cannot be presumed neutral. The organisations are not independent observers. They are participants in an ecosystem whose financial incentives align with a specific electoral outcome.

vi. The cross-appointment of personnel between content moderation roles and judicial or regulatory functions in target countries creates a conflict of interest that is incompatible with the principle of institutional independence. Expert Forum's Executive Director simultaneously participated in election-period content moderation in Romania and served on Moldova's Prosecutorial Vetting Commission. If the same individuals who identify "disinformation" also exercise regulatory authority over the prosecution service in a neighbouring country, the independence of both functions is compromised. The question for Armenia is whether similar cross-appointments exist or are contemplated in the design of the counter-FIMI framework being deployed through the Hybrid Rapid Response Team.

vii. When this architecture is deployed in a country where the leading opposition figure is under judicial restraint, his business nationalised, his party's electoral name prohibited by last-minute legislation, his defence lawyer previously arrested, his party members detained in the final weeks of the campaign, and 14 of his affiliates subjected to morning raids and searches at party offices, the result is not neutral democracy support.

It is structural reinforcement of an incumbent government accused of dismantling the conditions for a genuine election.

The cross-border NGO network does not merely observe the electoral environment. It provides the institutional infrastructure through which that environment is shaped. The organisations that flag content as "disinformation" exercise a gatekeeping function over the information available to voters. When that function is exercised without transparency, without public criteria, without opposition consultation, and without independent oversight, in a pre-election context where the government is simultaneously prosecuting its opponents, the architecture serves the incumbent, whether or not that is its stated purpose.

The legal consequence is direct. Article 41 of the Charter of Fundamental Rights requires the Commission to handle its affairs impartially and with due care. The principle of good administration obligates the Commission to assess the foreseeable impact of its funded operations. If the Commission channels funds through a cross-border network whose track record includes inaccurate fact-checks, "narrative targeting," self-reinforcing evidentiary loops, and simultaneous performance of incompatible institutional roles, the Commission bears responsibility for the foreseeable consequences of that funding in the Armenian electoral context. The failure to establish independent oversight mechanisms, opposition-inclusive safeguards, and publicly disclosed operational criteria constitutes a breach of the duty of care that Article 41 imposes.

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