

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF MARGARYAN v. ARMENIA

(Application no. 54266/17)

JUDGMENT

Art 2 (procedural and substantive) • Life • Insufficient and inadequate investigation into circumstances of death of applicant's son during compulsory military service • Authorities' failure to provide a plausible explanation for death
Art 13 (+ Art 2) • Lack of an effective remedy • Lack of a civil and/or administrative remedy for establishing any liability on the part of State officials or bodies, independent of the results of the criminal investigation, and providing the possibility of obtaining an enforceable award of compensation

Prepared by the Registry. Does not bind the Court.

STRASBOURG

17 September 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.



In the case of Margaryan v. Armenia,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Kateřina Šimáčková, *President*,
Gilberto Felici,
Andreas Zünd,
Mykola Gnatovskyy,
Vahe Grigoryan,
Sébastien Biancheri,
Nicholas Emiliou, *judges*,
and Victor Soloveytchik, *Section Registrar*,

Having regard to:

the application (no. 54266/17) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by an Armenian national, Mr Pertch Margaryan ("the applicant"), on 17 July 2017;

the decision to give notice to the Armenian Government ("the Government") of the application;

the parties' observations;

Having deliberated in private on 1 September 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the death of the applicant's son during military service, allegedly by suicide, and the subsequent investigation. It raises issues primarily under Articles 2 and 13 of the Convention.

THE FACTS

2. The applicant was born in 1963 and lives in Gyumri. He was represented by Mr A. Zalyan, a lawyer practising in Vanadzor.

3. The Government were represented by their former Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters.

4. The facts of the case may be summarised as follows.

I. THE APPLICANT'S SON'S CONSCRIPTION AND MILITARY SERVICE

5. In December 2013 the applicant's son, A. Margaryan, was conscripted into the Armenian army and assigned to military unit no. 38636 of the Nagorno-Karabakh armed forces ("the military unit"), based in Shushi, in the "Republic of Nagorno-Karabakh" (the "NKR").

6. A document in A. Margaryan's service records, dated December 2013 and entitled "Interview regarding a new serviceman's adaptation to a new social environment", noted that he was psychologically stable, sociable and optimistic. The concluding assessment stated that he had "absolutely no issues with continuing military service".

7. According to another document in A. Margaryan's service records, dated February 2014, a further adaptation interview was held with him. It was concluded that it was appropriate for him to continue his military service for the purpose of facilitating his adaptation to his new place of service.

8. In July 2014, after successfully completing the training programme for newly conscripted servicemen, A. Margaryan was transferred to another division of the military unit, based near Hadrut (approximately 80 km from Shushi, see paragraph 5 above), to continue his military service. According to the service assessment drawn up at the time, he had a stable character and a positive attitude towards military service; in terms of behaviour, he was described as friendly (*բնկերասեր*) and well regarded by the staff.

9. According to a document in A. Margaryan's service records, dated 4 July 2014 and entitled "Acquaintance interview", he had a positive attitude towards military service and had "absolutely no issues with continuing military service".

II. A. MARGARYAN'S DEATH AND INITIAL INVESTIGATIVE MEASURES

10. On 4 December 2014 A. Margaryan was found in a trench next to the sentry post where he had been on duty that day, having sustained a gunshot injury to his chest.

11. At 3.50 p.m. the same day the Second Garrison Investigation Department of the Investigative Committee of Armenia ("the Investigative Committee") received the following report:

> "On 4 December 2014 at around 15:40 private [A. Margaryan] ... according to preliminary information, shot himself in the chest and died."

12. On the same date the investigation was taken over by S.H. of the Investigative Committee, who instituted criminal proceedings under Article 110 (incitement to suicide) of the 2003 Criminal Code (see paragraph 48 below). The relevant decision read, *inter alia*, as follows:

> "On 4 December 2014 at around 15:30 Private [A. Margaryan] ... was discovered with a gunshot injury to the chest ... [he] died on the way to the military hospital ..."

13. On the same date an examination of the scene was conducted. The following items were recovered: a modernised 7.62 mm Kalashnikov rifle (AKMS) with a 30-round magazine containing 28 rounds of ammunition; a second 30-round magazine, fully loaded; one unfired round recovered from

the rifle during unloading; and various items of military clothing, a knife, a Bible, a mirror and a wooden cross.

According to the material in the case file, including the record of the examination of the scene and witness statements, sentry post no. 1, where A. Margaryan was on duty on the day of the incident (see paragraph 10 above), was situated approximately 120 metres in a straight line from sentry post no. 4 and approximately 250 metres from the division command post. Sentry post no. 5 was situated approximately 150 metres from sentry post no. 4, and sentry post no. 3 between 300 and 400 metres from it.

14. On the same date S.H. (see paragraph 12 above) examined A. Margaryan's body and ordered a post-mortem examination.

15. On 5 December 2014 S.H. ordered a forensic biological examination, a combined forensic trace (fingerprint) and ballistic examination, and a separate ballistic examination.

III. INTERNAL INVESTIGATION INTO THE INCIDENT

16. On an unspecified date the Commander of the Nagorno-Karabakh Defence Army ordered an internal investigation into A. Margaryan's death.

17. The report summarising the preliminary findings of the investigation, filed on 8 December 2014, stated, *inter alia*, that A. Margaryan had been found dead in a trench. It further stated that, according to preliminary information, A. Margaryan had died by suicide after firing a single shot to the left side of his chest, in the direction of the heart, using the AKMS 7.62-mm assault rifle assigned to him. Nobody had heard the gunshot, and no traces of violence had been detected during the external examination of the body. A. Margaryan had not been wearing ordinary underwear but had been wearing thermal underwear.

18. The events in question were described in the report as follows.

At around 3.10 p.m. on 4 December 2014 A. Margaryan took the assault rifle assigned to him and commenced patrol duty at sentry post no. 1, located 150 metres from the armoury. At around 3.30 p.m. three servicemen, including Private M.A., arrived at sentry post no. 1. Captain G.K. joined them shortly thereafter. Upon finding that A. Margaryan was not present at sentry post no. 1, where he had been assigned, Captain G.K. took no steps to ascertain his whereabouts. Captain G.K. and Private M.A. then headed to another sentry post. On the way, Private M.A. noticed A. Margaryan lying on his side in a trench some 15 metres from sentry post no. 1. Believing that A. Margaryan was asleep, Private M.A. did not inform Captain G.K., as he did not want him to know that A. Margaryan had been asleep while on duty. After reaching the next sentry post, Private M.A. told Junior Sergeant H.A. that he had just seen A. Margaryan in a trench. Junior Sergeant H.A. and Private M.A. immediately went to the trench and saw A. Margaryan lying on the ground. As they approached him, they noticed traces of blood and realised

that he had been wounded. Other servicemen arrived after they called for help and urgently took A. Margaryan to the military hospital, where he was pronounced dead.

19. According to the report, during military service A. Margaryan had developed a close relationship with Private A.H. who, prior to joining the army, had served in a church and had carried out spiritual work in the military unit. A. Margaryan's fellow servicemen stated that he had been deeply religious and would often pray and discuss religious texts with Private A.H. A. Margaryan's notebook contained citations from religious books, including the phrase "Take your cross and follow me". Approximately one month prior to the incident, A. Margaryan had spoken about injustices in life with a fellow serviceman Private M.Al., stating: "What difference does it make if I die now or in twenty to thirty years?"

20. The report concluded that the internal investigation had ultimately been unable to clarify the following circumstances:

> "1. The actual reasons for A. Margaryan's death or suicide;
>
> 2. The causal link between private A. Margaryan's religious convictions and his death;
>
> 3. Captain [G.K.'s] failure to notice A. Margaryan's absence from the sentry post and report it to his superiors;
>
> 4. [The reason why] Private A. Margaryan was not wearing underwear [at the time of his death]."

IV. FURTHER INVESTIGATIVE MEASURES AND EVIDENCE GATHERED DURING THE CRIMINAL INVESTIGATION

A. Witness evidence

21. On the day of the incident and in its immediate aftermath (between 4 and 6 December 2014), a number of servicemen were questioned, including Privates M.M. and M.A., Captain G.K. (see paragraph 18 above) and a non-commissioned officer, D.P. (see paragraph 26 below).

22. Private M.A. stated, *inter alia*, that, upon spotting A. Margaryan in the trench, he had not informed Captain G.K. so as to avoid causing trouble. He had discovered A. Margaryan's body between 3.30 and 3.40 p.m. when he had gone back to the trench with Junior Sergeant H.A. (see paragraph 18 above). Private M.A. described A. Margaryan as someone who was modest, did not socialise much and had no problems with anyone.

23. In a statement (*ցուցմունք*) given on 5 December 2014, Private M.M. stated that he had known A. Margaryan since their earliest days of service, as they had undergone their initial training together in Shushi (see paragraphs 5 and 8 above). Private M.M. described A. Margaryan as uncommunicative and prone to complaining about having to perform tasks. Following their transfer to the military unit, A. Margaryan had said that he

liked the new place of service and would have liked to have served there from the outset. As regards the events on the day in question, Private M.M. stated that he had been on duty at sentry post no. 4, located approximately 120 metres in a straight line from sentry post no. 1, when he had suddenly heard someone crying out for help. He further stated that he had learned what had happened after the end of his shift.

24. Captain G.K. (see paragraph 18 above) stated, *inter alia*, that A. Margaryan had been a responsible serviceman, had never complained, had adapted to "military life" and had not had any health issues. He further stated that he had not noticed any strange behaviour or signs of mental disorder in A. Margaryan and that, although A. Margaryan had not been very sociable, he had interacted with his fellow servicemen and had never had any disagreements or other issues. To his knowledge, A. Margaryan had never been subjected to violence.

As regards the events of 4 December 2014, Captain G.K. stated that he had not noticed A. Margaryan's absence from sentry post no. 1 when he had gone there. After hearing Junior Sergeant H.A. shout, he had proceeded to sentry post no. 1, where he had seen A. Margaryan in a trench in a half-seated position, leaning against the wall with his eyes open and his assault rifle in front of him. He had then shouted for an ambulance, stating that A. Margaryan had "shot himself". Captain G.K. explained that, upon seeing A. Margaryan, he had formed the impression that he had shot himself, but he could not say with certainty what had actually happened, or how and in what circumstances the ballistic injury had been sustained. He further stated that he could not say whether A. Margaryan had already been deceased when they had found him in the trench or had died subsequently, since his main focus had been to get an ambulance to the scene as soon as possible.

25. Private M.M. (see paragraph 23 above) was questioned again on 6 December 2014. He stated that he could clearly see A. Margaryan from his position at sentry post no. 4. While on watch duty, he had observed A. Margaryan from time to time. Under the established order, the serviceman on duty was required to remain stationed by the landline telephone. However, A. Margaryan had not remained stationary and had been walking in a seemingly troubled manner around sentry post no. 1. Five to ten minutes later, Private M.M. had lost sight of A. Margaryan. Approximately seven minutes later, at around 3.40 p.m., he had heard a "swoosh" sound similar to a gunshot; however, as he had not noticed anything unusual, he had thought it might have been a flock of birds. A short time later, Captain G.K. and Private M.A. had arrived at sentry post no. 4 and had left soon afterwards. Five to seven minutes later, Private M.M. had heard Private M.A. shouting from sentry post no. 1 when he had called for emergency medical assistance to be dispatched to the post and had seen servicemen gathering there.

26. D.P., the head of the military unit's Intelligence Division, stated, *inter alia*, that at around 3.40 p.m. he had heard shouts from the officers' room,

where someone (whose identity he could not recall) had said that A. Margaryan had shot himself. D.P. had run to sentry post no. 1 and seen him lying in a trench. A number of servicemen had gathered there, saying that A. Margaryan had shot himself. Someone present had checked his pulse, which had been absent. D.P. could not say with certainty exactly when A. Margaryan had died, but he believed that he had already been deceased when D.P. had arrived at the trench, as he had not been moving or reacting to anything happening around him.

27. A number of other witnesses, including, *inter alia*, military officers, A. Margaryan's fellow conscripts, family members and childhood friends, were questioned later in December 2014 and throughout the investigation.

28. During his questioning on 26 December 2014 Private A.H. (see paragraph 19 above) stated that in early July 2014 he had noticed that A. Margaryan had been feeling down and had asked him why. A. Margaryan had told him that he had been feeling sad because someone called "Aleksan" had been convicted because of him. A.H. had noticed A. Margaryan feeling down once again in October 2014, when he had seen him sitting alone with his head bowed. When he had asked what had happened, A. Margaryan had said that nobody would socialise with him at school because they did not understand him. Describing the events of 4 December 2014, Private A.H. stated, *inter alia*, that he had seen A. Margaryan's motionless body lying next to the entrance of the trench. He had then seen a serviceman (whose identity he could not recall) checking A. Margaryan's pulse and telling those present that it was absent.

29. Major A.G., the military unit's deputy commander responsible for personnel matters, stated that he had known A. Margaryan from the very first day of his military service. He described him as a disciplined serviceman who had tried not to get others into trouble on his account. He further stated that A. Margaryan had been a "quiet fellow" who would not engage in conversation, although he would not describe him as isolated. Major A.G. also stated that he had spoken with A. Margaryan on a number of occasions, during which he had never complained either about military service or civilian life.

30. Major A.S., the military unit's chief of staff, stated, *inter alia*, that he had never received any negative reports about A. Margaryan's behaviour. No strange behaviour on his part had been observed during his military service.

B. Reassignment of the investigation

31. On 18 December 2014 K.H. took over the investigation (see paragraph 12 above). The relevant decision stated that A. Margaryan had been discovered with a gunshot injury to the chest and had died on the way to the military hospital.

32. The investigation was subsequently reassigned to different investigators on four other occasions – on 19 March 2015 to A.H., on 1 April 2015 to D.N., on 1 December 2015 to A.G. and again to D.N. on 15 December 2015. All four decisions stated that A. Margaryan had died on the way to the military hospital.

C. Forensic and other evidence

33. A forensic examination of A. Margaryan's Facebook page, conducted in December 2014, revealed digital content relating both to the period prior to his conscription (from September 2013) and to the period thereafter (between May and July 2014). The digital content in question included, in particular, A. Margaryan's profile picture, showing him standing with his back to the city and wearing sunglasses; a post from September 2013 containing an image of a man dressed in black clothing and wearing a white mask, pointing his hand to his temple in imitation of a gun, with the caption "Happy Ending"; an excerpt from a poem dated June 2014; several posts uploaded on 10 May 2014 reading as follows: "You are the one to decide how to live your life or who to be"; "Two things are asked at the gates to heaven: (1) have you found joy in life?, (2) did your life bring joy to others?"; "You think I am strange because I do not look like the others? No, you are strange because you are all similar to each other"; and "Why don't we have photographs with those precious to us? ... we didn't think that they would leave".

34. On 28 February 2015 the post-mortem report (see paragraph 14 above) was received by the investigating authority. It stated, in particular, that A. Margaryan's death had resulted from a penetrating, perforating ballistic injury to the thoracic and abdominal cavities, with the bullet entry wound located on the front left side of the chest and the exit wound on the back left side. At the time the injury had been sustained, A. Margaryan could have been in any position in which the front surface of the left side of his chest had been directed towards the muzzle of the rifle. The bullet trajectory had been from front to back, from left to right, and in a downward direction.

35. On 18 March 2015 the report on the combined forensic trace and ballistic examination (see paragraph 15 above) was issued. It stated, in particular, that there were separate, distorted traces of sweat and grease on various parts of the assault rifle found at the scene of the incident, but no identifiable fingerprints. The cartridge found at the scene had been fired from the same weapon. Parts of the assault rifle were covered with dirt as a result of damp or wet conditions. As regards the existence of any bullet holes on A. Margaryan's clothing and, *inter alia*, the direction and distance from which a shot or shots had been fired, considering the location and size of the bullet holes, the experts stated that there were defects in the fabric most

probably caused by a single gunshot travelling from front to back, slightly from left to right and downwards.

36. On 1 April 2015 the reports on the forensic ballistic examination (see paragraph 15 above) of swabs taken from four servicemen were issued. The swabs taken from one of these servicemen, Private A.V., were found to contain copper particulates consistent with the possible presence of gunshot residue.

37. On 23 April 2015 D.N. (see paragraph 32 above) conducted an investigative reconstruction at the military unit, which showed that the shots fired at the scene of the incident (the trench by sentry post no. 1, see paragraph 18 above) could be heard from sentry post no. 4 (see paragraphs 23 and 25 above) and the area surrounding sentry post no. 1.

38. On 4 May 2015 D.N. requested the military police of Hadrut and Stepanakert to undertake operational intelligence measures. The relevant decisions referred to a criminal case in which A. Margaryan had been a key witness, having testified about a violent incident involving A.A. (first name Aleksan, see paragraph 28 above) that he had witnessed in December 2013 while stationed in Shushi (see paragraph 8 above). As part of that case, on 6 November 2014 A.A. was given four-and-a-half-year suspended prison sentence with two years' probation. He was released the same day and transferred to Stepanakert military police detention facility.

In particular, the Stepanakert military police were requested to find out whether, while in their detention facility, A.A. had had the possibility of contacting or threatening A. Margaryan, or spreading information to discredit him amongst his fellow servicemen. The Hadrut military police were requested to find out whether there had been any rumours in the military unit (specifically its other division, see paragraph 8 above) about A. Margaryan's involvement in the criminal case against A.A. and whether he had been subjected to any violence or threats (including directly from A.A. or indirectly from others acting on his behalf) in relation to his testimony.

In response, D.N. was informed that, despite the operational intelligence measures undertaken, no such information had been obtained. However, in July 2014, one or two days after A. Margaryan had testified in court, he had expressed regret in Private A.H.'s presence that A.A. had been convicted (see paragraph 28 above).

39. On 17 November 2015 D.N. ordered a posthumous forensic psychological and psychiatric examination. A panel of experts was asked to determine whether A. Margaryan had suffered from a mental illness or temporary mental disorder, assessing his psychological condition, level of adaptation to his environment, perception of reality and whether he had been in a psychological and emotional state that could have driven him to "inflict a fatal ballistic injury on himself".

The relevant decision stated that A. Margaryan had been modest by nature, unsociable, literate and responsible. He had been a keen reader, had never

complained when performing his duties and had never been violent towards anyone or subjected to violence by anyone. At 2.10 p.m. on the day of the incident he had gone for lunch with everyone else. Nobody had noticed anything strange about his behaviour; however, according to the post-mortem report, his stomach had been empty. After lunch, at around 3 p.m., he had taken over watch duty at sentry post no. 1. At around 3.15 p.m. servicemen had received fuel to fill the military equipment. While filling the military equipment next to sentry post no. 1, Private M.A. and two other servicemen had been unable to see A. Margaryan, as the post was not visible from where they had been standing. Soon afterwards, Captain G.K. had approached the military equipment and, together with Private M.A., had headed to sentry post no. 4 via a path from which the spot where A. Margaryan's body had been discovered was partially visible. At that point, Private M.A. had noticed A. Margaryan lying to the side but, believing him to be asleep, had not informed Captain G.K., who had neither noticed him nor reacted to his absence. Private M.A. and Junior Sergeant H.A. had then returned to sentry post no. 1 where, after touching the body in the trench, they had realised that A. Margaryan was dead.

The decision referred to forensic evidence, including the post-mortem report (see paragraph 34 above) and summaries of witness statements given by A. Margaryan's fellow servicemen, who had mostly described him as a reserved person who did not talk much and who would sometimes have outbursts or stare at people for a long time. It further referred to statements given by A. Margaryan's family members, neighbours, teacher, sports coach and classmates, who had mainly described him as a calm, responsible, clever and non-confrontational person.

Lastly, the decision referred to the evidence obtained from the examination of A. Margaryan's social media accounts (see paragraph 33 above).

40. On 28 December 2015 the expert panel which had conducted the posthumous forensic psychological and psychiatric examination issued its report. In the report, the experts referred to the statement of facts set out in the decision to order the forensic examination, witness statements, A. Margaryan's social media content and the forensic evidence referred to in that decision (see paragraph 39 above). The relevant parts of the report read, in particular, as follows:

> "... [A. Margaryan] ... had a 'pedantic' and 'sensitive' personality, of which the following traits are characteristic: behavioural idealisation, low stress reactivity, withdrawal, shyness, emotional suppression, lack of outward expression, in certain situations even choosing not to respond to the person in front of him.
>
> [Quotes from witness statements describing A. Margaryan as modest, introverted and isolated, somewhat abrupt, at times unresponsive to questions, unsociable, and as someone who never had conflicts with anyone and had no friends.]
>
> All of the above is also confirmed by statements given by [A. Margaryan's] parents and those who knew him [in civilian life].

[Quotes from witness statements indicating that A. Margaryan was not streetwise, had few or no friends, was very disciplined, and had a delicate personality. Unlike other boys, he would not skip classes and was mainly accepted by the girls in his class.]

... the above statements reveal a degree of feminisation in his personality ... [quotes from witness statements noting that A. Margaryan would create objects with beads ... make flowers from tissues, care for flowers in their house ... [and] have honest conversations with girls from his class; upon graduating, he gifted the girls in his class flowers he had made from beads.]

Thus, on the basis of the above, the following psychological description may be given to [A. Margaryan]: a schizoid personality with a certain [degree of] feminisation, manifested in him having been reserved, withdrawn, [and in a] limited ability or lack of eagerness to make and maintain social contacts ... He also had contradictory character [traits] and behaviour: coldness and sensitivity, reserve, shyness, rational thinking, and illogical actions or steps [examples from witness statements of fellow servicemen indicating that A. Margaryan could stare at someone for a long time, pace back and forth inside the armoury, at times speak abruptly, and then try to please the same person].

[A. Margaryan's] inner world was closed to those around him. He tried to be tolerant, which had helped him to stay away from conflict. [He] tried to abide by the established order of things and therefore found himself in complicated and tense psychological situations; therefore, it was possible that, at times, in unusual situations, he had an unusual emotional and behavioural response ... external influences were more of a threat for him ... in recent times started being interested in the Bible ...he had a tendency to display certain exhibitionist behaviours with which he tried to compensate for those 'threats' ... That could explain the presence of a mirror at the scene ...

During his military service [A. Margaryan's] personality traits, needs and motives, and his high level of sensitivity and feelings contributed to his personal maladjustment.

... Then there is the suggestion that [A. Margaryan] specifically prepared for some sort of ceremony, since he had put on a new uniform and had not eaten anything for lunch – according to the post-mortem report, his stomach was empty.

On the basis of the above, the panel comes to the conclusion that [A. Margaryan] did not suffer from any mental illness; [he had] a pronounced character. Nor did he suffer from any temporary psychotic disorder ...

[A. Margaryan's] adaptability was [characterised by] a high degree of personal maladjustment. In his [interactions] within the surrounding social environment, he encountered a reality which was at odds with his internal dispositions and personal feelings, which brought about a disharmony between [his perception of reality] and [his] personal disposition (owing to schizoid traits) ... resulting in cognitive dissonance ... which was perceived by him as a threat and, in order to protect himself from that threat, he resorted to such a devastating act – killing himself."

V. TERMINATION OF THE CRIMINAL INVESTIGATION AND THE APPLICANT'S APPEALS

41. On 4 February 2016 D.N. (see paragraphs 37-39 above) terminated the criminal investigation. The relevant parts of his decision stated, in particular, as follows:

"...

On 4 December 2014 it was reported ... that, on the same date, at around [3.40 p.m.] ... [A. Margaryan] had shot himself in the chest and died.

...

The investigation ... established that [A. Margaryan] loved to read, was modest, [was] educated, participated in various intellectual games ...

During his military service [A. Margaryan] conducted himself as a modest serviceman, did not create conflict, was reserved, was unsociable ... did not speak much but, at times, had bizarre and inexplicable outbursts ... During his military service [A. Margaryan] became interested in the Armenian Apostolic Church ...

At the same time, [A. Margaryan] exhibited strange behaviour [in that] he would stare at people for a long time ...

[Expressions used to describe A. Margaryan from the report on the posthumous forensic psychological and psychiatric examination, see paragraph 40 above]

... At 11 a.m. [on 4 December 2014] there was a staff call-up ... shortly thereafter [A. Margaryan] was seen talking on the telephone. At around 1.05 p.m. [he] had a telephone conversation with his mother ...

When having lunch [at around 2.40 p.m.] fellow servicemen did not notice anything strange in [A. Margaryan's] behaviour, but [he] did not eat.

...

Private [M.M.], who was on duty at a sentry post at a [straight-line] distance of approximately 120 [metres] from [sentry post no. 1], noticed [A. Margaryan] walking inside the sentry post at around [3 p.m.], but some time later lost sight of [him] ... [Five] to [ten] minutes later [Private M.M.] heard a noise resembling that of a bullet being fired but did not [attach] significance [to it], thinking it was [another] sound, and only later did he realise that it had been the sound of [A. Margaryan's] assault rifle being fired.

... having seen traces of blood on [A. Margaryan's] chest, [Private M.A. and Junior Sergeant H.A.] realised that [A. Margaryan] had sustained a gunshot injury and alerted everyone ... [Two servicemen] took [A. Margaryan's] body out of the trench and put it in an ambulance to be taken to the military hospital, but [he] had died.

[Description of the examination of the scene, A. Margaryan's personal items, excerpts from witness statements and forensic expert reports.]

Thus, it was established and substantiated in the course of the investigation that [A. Margaryan's] death was not the result of any unlawful act by another person, but that he [had] inflicted a fatal ballistic injury upon himself due to specific [features] of his character [and] individual and psychological traits; in respect of his needs and motives as a whole, [he] exhibited a high degree of personal maladjustment, and in his interpersonal relations ... during his military service, he confronted a reality that contradicted his internal disposition ... which created an imbalance between [his perception of] reality and [his] personal disposition ... which led to suicide. Accordingly, no crime took place ..."

42. The applicant appealed against that decision to the prosecutor, arguing, *inter alia*, that there had been no proper investigation into the possibility that his son had been deliberately targeted in retaliation for his

testimony in a criminal case (see paragraph 38 above) or to the absence of a bullet at the scene, the lack of his son's fingerprints on the weapon, and the absence of any gunshot residue on his hands. The applicant further complained that fingerprints and swabs had not been taken from all his son's fellow servicemen (the investigating authority's justification being that such a measure would unjustifiably prolong the investigation and hinder indispensable investigative measures) and that the circumstances surrounding the discovery of the body and its transfer to hospital had not been clarified. The applicant also questioned the identical statements of all the servicemen suggesting that his son had exhibited strange behaviour, while the command had observed no abnormalities in his behaviour and had continued to place him on duty and assign a firearm to him.

43. On 30 April 2016 the Second Garrison Military Prosecutor's Office dismissed the applicant's appeal. The decision stated, *inter alia*, as follows: (i) no information had been obtained to establish that A. Margaryan had been intimidated or subjected to any other negative treatment in relation to his participation in A.A.'s trial (see paragraph 38 above); (ii) swabs had been taken from the four servicemen who had been present at sentry post no. 1 between 3 and 3.30 p.m. on 4 December 2014; (iii) the absence of A. Margaryan's fingerprints could be explained by the assault rifle having come into contact with other surfaces, namely wet soil, while any deliberate attempt by other parties to erase fingerprints had been ruled out; (iv) during his military service, A. Margaryan had not exhibited any strange behaviour that could have raised concerns as to assignment to watch duty. The command had held numerous conversations with him, during which he had conducted himself appropriately.

44. The applicant subsequently sought judicial review of that decision, raising the same arguments (see paragraph 42 above).

45. By a decision of 23 August 2016 the First Instance Court of General Jurisdiction of Syunik Region dismissed the applicant's claim. The reasoning of that decision reads as follows:

> "Having examined the material submitted in connection with the examination of the claim, the court finds that the investigating body, by questioning ... witnesses, examining the scene, the area, conducting an investigative [reconstruction], ordering [various] forensic expert examinations ... taking decisions to undertake operational intelligence measures [and] undertaking other necessary investigative activities within the ... criminal case, has conducted a ... complete and objective investigation and, by taking a decision to terminate the ... proceedings ... has not breached [A. Margaryan's] or [the applicant's] rights guaranteed by ..."

46. The applicant appealed. On 2 November 2016 the Criminal Court of Appeal upheld the lower court's decision stating, in particular, that the courts could not give instructions to the investigative authorities.

47. On 31 January 2017 the Court of Cassation refused to grant the applicant leave to appeal.

RELEVANT LEGAL FRAMEWORK

I. CRIMINAL CODE

48. Article 110 of the 2003 Criminal Code (in force until 1 July 2022) provided that incitement to suicide, defined as indirectly or negligently driving a person to take his or her own life or to attempt to do so through threats, cruel treatment or repeated humiliation, was punishable by up to three years' imprisonment.

II. CIVIL CODE

49. The provisions of the Civil Code concerning the right to claim compensation for non-pecuniary damage from the State for a violation of certain rights guaranteed by the Armenian Constitution and the Convention provide as follows.

50. Under Article 17 § 1, a person whose rights have been violated may claim full compensation for the damage suffered, unless the law or contract provides for a lower amount of compensation.

Damage is the expenses borne or to be borne by the person whose rights have been violated, in connection with restoring the violated rights, loss of property or damage to it (material damage), including loss of income, as well as non-pecuniary damage (Article 17 § 2).

Under Article 17 § 4, non-pecuniary damage may only be compensated in the cases provided for by the Civil Code (see paragraph 51 below).

51. Article 162.1 § 2 provides that a person has the right to claim compensation for non-pecuniary damage from the State if it has been established by the prosecuting authority or a court that, as a result of a decision, action or omission of a State or local governance body or one of its officials, a person's fundamental rights (as guaranteed by the Constitution and the Convention – including the right to life) have been violated.

52. Article 1087.2 §§ 3 and 4 provide that non-pecuniary damage suffered as a result of a violation of fundamental rights is to be compensated, irrespective of whether there is any fault on the part of a State official. Non-pecuniary damage is compensated from the State budget. If the fundamental right included in Article 162.1 (see paragraph 51 above) has been violated by a local governance body or one of its officials, non-pecuniary damage is compensated from the relevant local budget.

The amount of compensation for non-pecuniary damage suffered as a result of the violation of a person's right to life cannot exceed three thousand times the minimum salary (approximately 6,000 euros (EUR)) (Article 1087.2 § 7 (1)). The amount of compensation for non-pecuniary damage may, in exceptional cases, exceed that limit if the damage has led to serious consequences (Article 1087.2 § 8).

A claim for compensation for non-pecuniary damage can be lodged with a court together with a claim seeking to establish a breach of the rights set out in Article 162.1 – see paragraph 51 above), within one year of the person concerned becoming aware of that breach or within six months of the date on which the judicial decision establishing the breach of the right in question had come into force. If the breach has been established by a law-enforcement body, a claim for compensation for non-pecuniary damage can be lodged no earlier than two months – but no later than one year – after the date on which the person concerned became aware of the breach (Article 1087.2 § 9).

53. Since 1 November 2014 Article 17 § 2 (see paragraph 50 above) has included non-pecuniary damage in the list of types of civil damage for which compensation can be claimed in civil proceedings.

As a result, the Civil Code was supplemented by new Articles 162.1 and 1087.2 (see paragraphs 51 and 52 above), which regulate the procedure for claiming compensation for non-pecuniary damage from the State for a violation of certain rights guaranteed by the Armenian Constitution and the Convention.

Until the introduction of further amendments on 30 December 2015 (in force from 1 January 2016), compensation in respect of non-pecuniary damage could be claimed from the State where it had been established by a judicial ruling that a person's rights guaranteed by Articles 2, 3 and 5 of the Convention had been violated, as well as in cases of wrongful conviction. As a result of the amendments that entered into force on 1 January 2016, compensation for non-pecuniary damage could be claimed from the State for the finding of breach of a number of other rights

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

54. The applicant complained under Articles 2 and 3 of the Convention about the death of his son during compulsory military service, and that the authorities had failed to conduct an effective investigation into the matter. Being master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114, 124 and 126, 20 March 2018), the Court finds it appropriate to examine the applicant's complaints solely under Article 2 of the Convention, the relevant part of which reads as follows:

> "1. Everyone's right to life shall be protected by law."

A. Admissibility

1. Jurisdiction

55. The Government submitted that Armenia had no jurisdiction over the complaints raised by the applicant under the substantive limb of Article 2, since his son had been performing military service under the supervision of the "NKR" military authorities. They further submitted that the investigation into the incident on 4 December 2014 had been conducted by the Armenian authorities, and that Armenia therefore had jurisdiction over the complaint raised by the applicant under the procedural limb of Article 2.

56. The applicant submitted that the matters complained of fell within Armenia's jurisdiction.

57. The Court notes that it has previously examined and dismissed a similar objection concerning Armenia's jurisdiction in another case involving the death of conscripts during military service in the "NKR" (see, in particular, *Hovhannisyan and Karapetyan v. Armenia*, no. 67351/13, §§ 57-63, 17 October 2023). It further notes that it has previously addressed the issue of Armenia's jurisdiction in several other cases concerning fatalities during military service in Nagorno-Karabakh prior to September 2023, finding a jurisdictional link for the purposes of Article 1 of the Convention between Armenia and conscripts of the Armenian army who had died while performing military service in the territory in question (see, among the most recent authorities, *Varyan v. Armenia*, no. 48998/14, §§ 69-70, 4 June 2024, with further references, and *Petrosyan v. Armenia*, no. 51448/15, §§ 98-102, 9 January 2025, concerning the death of a conscript in a detention facility in the "NKR").

58. Since the Government did not advance any new arguments, the Court sees no reason in the present case to depart from its previous findings on the matter. It therefore concludes that there was a jurisdictional link for the purposes of Article 1 of the Convention between Armenia and the applicant's deceased son (see, for example, *Hovhannisyan and Karapetyan*, cited above, § 62).

2. Other grounds for inadmissibility

59. The Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

60. The applicant submitted that the investigation had not been independent or thorough and had not established the circumstances of his son's death. It had failed to conclusively rule out the possibility that his son's death had been linked to his having been a key witness in a criminal case. Fingerprints and swabs to check for gunshot residue had not been taken from all his son's fellow servicemen, and no adequate explanation had been provided for the absence of his fingerprints on the weapon. It had been established that one serviceman had had traces of gunshot residue on his hands, but no explanation had been given as to their origin; it having been believed that he had not been present at the scene. The witnesses questioned had made identical statements, seemingly tampered with, suggesting that his son had exhibited strange behaviour and had not socialised with anyone, while the military officials in charge had had no issue with assigning him to watch duty and issuing him with a weapon. Furthermore, the investigation had failed to clarify the chronology of events surrounding the discovery of the body and the time it had taken to organise its transfer to hospital. Lastly, the applicant took issue with the investigating authority's classification of the death as suicide on the basis that his son had been a follower of the Armenian Apostolic Church, even though it was undisputed that Christianity condemned suicide.

61. A. Margaryan had died while on watch duty as a result of gunshot wounds inflicted by the assault rifle assigned to him. He had not received proper training in the use of firearms, either in theory or in practice, and there had been poor supervision of personnel by the military officials in charge of the unit. Furthermore, the State had failed to equip the military unit with a means of providing emergency medical assistance, either on site or in the immediate vicinity.

(b) The Government

62. The Government submitted that A. Margaryan's mental health had been properly assessed both prior to his conscription and during his military service. He had been found fit for service in December 2013, and his service records described him as a healthy individual. Between then and July 2014 military officials had had several conversations with him to assess his character and ability to continue with his military service. In the records of those conversations, A. Margaryan was described as an individual with stable mental health who had no issues with continuing his military service. The authorities had neither been aware, nor could they have been expected to be aware, of any risk to A. Margaryan's life. In that connection, the Government

referred to the findings of the posthumous forensic psychological and psychiatric examination that A. Margaryan had not suffered from any mental illness or temporary psychotic disorder. He had been confronted with a reality that had conflicted with his inner disposition and feelings, resulting in cognitive dissonance that he had perceived as a threat, and he had taken his own life to protect himself. In the Government's view, that situation could not have been predicted by the authorities such that an obligation to undertake preventive operational measures could even have arisen.

63. The Government maintained that a thorough and comprehensive investigation had been conducted into the circumstances of A. Margaryan's death. That investigation had not established the responsibility of anyone else in relation to his suicide. Referring to the prompt initiation of a criminal investigation and the various investigative measures undertaken, the Government maintained that the investigation had been adequate and thorough. In summary, the investigation, which the Government argued had been fully compliant with the procedural requirements of Article 2 of the Convention, had established that A. Margaryan had taken his own life and had not been incited to do so by anyone.

2. The Court's assessment

(a) General principles

64. The Court refers to the general principles set out in its cases under Article 2 of the Convention concerning deaths during military service (see, among other authorities, *Beker v. Turkey*, no. 27866/03, §§ 41-43, 24 March 2009; *Mosendz v. Ukraine*, no. 52013/08, §§ 92-93, 17 January 2013; *Nana Muradyan v. Armenia*, no. 69517/11, §§ 118-27, 5 April 2022; and *Ohanjanyan v. Armenia*, no. 70665/11, §§ 133-38, 25 April 2023).

65. It is a well-established principle in the Court's case-law that, as with persons in custody, conscripts are entirely in the hands of the State and that any events in the army lie wholly, or in large part, within the exclusive knowledge of the authorities. The State is therefore under an obligation to provide a satisfactory and convincing explanation for any injuries or deaths occurring in the army (see *Nana Muradyan*, § 120, and *Ohanjanyan*, § 133, both cited above).

66. Furthermore, the obligation to protect the right to life, as well as to duly account for its loss, requires by implication that there should be some form of effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries in suspicious circumstances, even where the presumed perpetrator of the fatal attack is not a State agent. In order to be effective, an investigation must firstly be adequate (see *Ramsahai and Others v. the Netherlands* [GC], no. 52391/99, § 324, ECHR 2007-II). That is, it must be capable of leading to the establishment of the facts and, where appropriate, the identification and punishment of those

responsible (see *Muradyan v. Armenia*, no. 11275/07, § 134, 24 November 2016, with further references).

67. The investigation should also be thorough, which means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis of their decision (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, § 325, ECHR 2014 (extracts), and *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 183, ECHR 2012).

68. A requirement of promptness and reasonable expedition is implicit in this context (see, among other authorities, *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, § 178, 14 April 2015).

69. In addition, the investigation must be accessible to the victim's family to the extent necessary to safeguard their legitimate interests. There must also be a sufficient element of public scrutiny of the investigation, the degree of which may vary from case to case (see *Hugh Jordan v. the United Kingdom*, no. 24746/94, § 109, 4 May 2001). At the same time, Article 2 does not impose a duty on the investigating authorities to satisfy every request for a particular investigative measure made by a relative in the course of the investigation (see *Ramsahai and Others*, cited above, § 348, and *Velcea and Mazăre v. Romania*, no. 64301/01, § 113, 1 December 2009).

70. The obligation to conduct an effective investigation is an obligation not as to results to be achieved but as to means to be employed: the authorities must take the reasonable measures available to them to secure evidence concerning the incident at issue, including, *inter alia*, eyewitness testimony, forensic evidence and, where appropriate, an autopsy which provides a complete and accurate record of injury and an objective analysis of clinical findings, including the cause of death. However, the effectiveness of an investigation cannot be gauged simply on the basis of the number of reports made, witnesses questioned or other investigative measures taken. The investigation's conclusions must be based on thorough, objective and impartial analysis of all relevant elements. Failing to follow an obvious line of inquiry undermines to a decisive extent the investigation's ability to establish the circumstances of the case and, where appropriate, the identity of those responsible and is liable to fall foul of the required measure of effectiveness (see, among many other authorities, *Ohanjanyan*, cited above, § 136, with further references).

71. Lastly, the question of whether an investigation has been sufficiently effective must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work. The nature and degree of scrutiny which satisfy the minimum threshold of the investigation's effectiveness depend on the circumstances of the particular case (see *Mustafa Tunç and Fecire Tunç*, cited above, §§ 176 and 181).

(b) Application of these principles to the present case

72. In line with the case-law cited above, the Court considers it appropriate to start its examination on the merits by first addressing the procedural limb of the applicant's complaint under Article 2 of the Convention, namely whether or not the domestic investigation into the circumstances of his son's death was effective, and then turning to the substantive limb, namely the question of whether the State can be held accountable for his death (see, *mutatis mutandis*, *Petrosyan*, cited above, § 120; *Ayvazyan v. Armenia*, no. 56717/08, § 77, 1 June 2017; and *Ohanjanyan*, cited above, § 139).

(i) Procedural limb

73. The Court notes at the outset that the authorities reacted promptly to the incident of 4 December 2014 and opened an investigation into the matter of their own motion. In particular, the Investigative Committee instituted criminal proceedings under Article 110 of the 2003 Criminal Code (see paragraph 48 above) on the same day as the incident (see paragraphs 10-12 above) and the investigator, S.H., also ordered a post-mortem examination (see paragraph 14 above). The post-mortem report determined the cause of death (see paragraph 34 above). The scene of the incident was also examined on 4 December 2014 and witnesses started being questioned from the very first days of the investigation (see paragraphs 13 and 21 above).

74. The Court further notes that the investigation was completed rather speedily, a little more than a year after the date of the incident, in early February 2016 (see paragraphs 10 and 41 above), and that the judicial review of the relevant decision to terminate the criminal proceedings further to the applicant's appeals ended in January 2017, in less than a year (see paragraphs 44 and 47 above). It can therefore be considered that the law-enforcement authorities provided a timely response and that there was no unjustified delay in the proceedings, in accordance with the State's obligation under Article 2 of the Convention to investigate with sufficient promptness.

75. In addition, the applicant did not put forward any specific arguments to contest the institutional independence of the domestic authorities which had conducted the investigation into his son's death (see paragraph 60 above).

76. The Court also notes – and this was not disputed by the applicant – that he had access to the investigation file, including any material pertaining to it, to the extent necessary to safeguard his legitimate interests in the proceedings.

77. It remains for the Court to examine the main issue arising in the present case, namely the adequacy and thoroughness of the criminal proceedings into the circumstances surrounding A. Margaryan's death.

78. Referring to the various investigative measures undertaken during the course of the criminal proceedings (see, for example, paragraphs 13-15,

21-30 and 33-40 above), the Government argued that the investigation had been adequate and thorough (see paragraph 63 above). However, as pointed out earlier, the effectiveness of an investigation cannot be gauged simply on the basis of the number of reports made, witnesses questioned or other investigative measures taken. The authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis of their decisions (see the case-law quoted in paragraphs 67 and 70 above).

79. From the outset, the Court notes that the investigating authority accepted the version of A. Margaryan's suicide from the very first day (see paragraph 12 above) and conducted the entire investigation on that premise.

80. Furthermore, the investigation failed to clarify whether a shot had been heard and, if so, at what time. According to the internal investigation report, nobody reported hearing a gunshot (see paragraph 17 above), while the decision to terminate the criminal proceedings did not address this matter at all (see paragraph 41 above). However, the relevant investigative reconstruction confirmed that shots fired at the scene of the incident could be heard from sentry post no. 4 and the area surrounding sentry post no. 1 (see paragraph 37 above). When questioned the day after the incident, Private M.M., who had been on duty at sentry post no. 4, stated that at some point during his shift he had heard someone crying out for help (apparently following the discovery of the body) and had found out what had happened after his shift (see paragraph 23 above). However, when questioned again the next day, he gave a completely different version of events, stating that he had in fact been able to see A. Margaryan walking around sentry post no. 1, and that at around 3.40 p.m. he had heard what had sounded like a gunshot (see paragraph 25 above). Private M.M. also stated that Captain G.K. and Private M.A. had arrived at sentry post no. 4 (after 3.40 p.m.) and had left soon afterwards, and that he had heard screams coming from sentry post no. 1 several minutes later. At the same time, Private M.A. maintained that he had discovered the body between 3.30 and 3.40 p.m. (see paragraph 22 above). There is nothing to suggest that any attempt was made to clarify the reasons why Private M.M. – a key witness who appears to have been the last person to see A. Margaryan alive and the only person to report having heard a gunshot – left out such key details from his initial version of events (see paragraph 23 above).

81. There is also no indication that any attempt was made to clarify the discrepancies concerning the chronology of events, including whether or not A. Margaryan was still alive when his body was discovered while the decision to terminate the criminal proceedings contains no specific timeline regarding the discovery of the body (see paragraph 41 above).

82. Moreover, it remains unclear how the gunshot that, according to the official version of events, caused A. Margaryan's death could have gone unheard by anyone in the vicinity. The Court observes that the investigative

reconstruction clearly demonstrated that shots fired at the scene of the incident (the trench by sentry post no. 1) were distinctly audible from sentry post no. 4, situated approximately 120 metres away, as well as from the area surrounding sentry post no. 1 (see paragraph 37 above). It further observes that the fatal injury was inflicted with an AKMS 7.62-mm assault rifle (see paragraph 13 above), a high-velocity weapon whose discharge produces a loud and distinctive report. Furthermore, the servicemen on duty at the surrounding sentry posts and at the division command post were not merely in a position to hear such a sound: as duty personnel responsible for guarding a military position, they were specifically tasked with maintaining vigilance and detecting and reporting any sign of a possible threat or danger in the vicinity – a category to which gunfire clearly belongs. Yet none of the servicemen stationed at sentry post no. 5 (approximately 150 metres from sentry post no. 4), sentry post no. 3 (between 300 and 400 metres away), or the command post (approximately 250 metres from sentry post no. 1; see paragraph 13 above), reported hearing the shot or raised an alert. Indeed, Private M.M., the only serviceman to report hearing anything, stated that from his post he could hear the voices of servicemen at sentry post no. 1 calling for emergency medical assistance (see paragraph 25 above). Yet the discharge of an assault rifle at the same location was perceived by him as no more than a "swoosh", which he attributed to a flock of birds (ibid.). Nevertheless, there is no indication that any steps were taken in the investigation to elucidate these matters. The reconstruction was confined to sentry post no. 4 and the area immediately surrounding sentry post no. 1, and no attempt was made to establish whether the shot could have also been heard by the duty personnel at sentry posts nos. 3 and 5 or by those present in or around the division command post, and, if so, why it had gone unreported (see paragraph 37 above).

83. Furthermore, in a situation where the investigation concluded that A. Margaryan had died by suicide, no adequate explanation was provided for the absence of his own fingerprints or, indeed, of any fingerprints at all (including those of the servicemen involved in moving the body) on the assault rifle (see paragraph 35 above). In reply to the applicant's appeal against the decision to terminate the criminal proceedings (see paragraph 42 above), the relevant prosecutor maintained that the absence of A. Margaryan's fingerprints could be explained by the rifle having come into contact with other surfaces, including wet soil, and that the possibility of anyone deliberately removing fingerprints had been ruled out by the investigation (see paragraph 43 above). The Court observes, however, that the prosecutor did not refer to any specific, in particular forensic, evidence to support his explanations. Notably, while the report of the combined forensic trace and ballistic examination stated that there had been dirt on various parts of the assault rifle (see paragraph 35 above), the experts did not suggest that this factor could account for the absence of any identifiable fingerprints.

84. As regards forensic ballistic evidence, the Court further observes that the relevant experts were requested to determine the distance from which a shot or shots had been fired, having regard to the location and the size of the bullet holes on A. Margaryan's clothing. However, they failed to do so (see paragraph 35 above). Such a significant failure, in the Court's opinion, seriously undermined the investigation's ability to conclusively rule out the possibility that the fatal shot had been fired by another person.

85. Additionally, only four servicemen (who were believed to have been present in the vicinity between 3 and 3.30 p.m. on the day of the incident) were tested for the presence of gunshot residue (see paragraphs 15 and 36 above). Although it was confirmed that at least one of these men tested positive for copper particulates (see paragraph 36 above), there appears to have been no meaningful follow-up to this finding. The Court further observes that swabs were not taken from other servicemen in the military unit because, as was later stated in reply to the applicant's requests, it was considered that such a measure would unjustifiably prolong the investigation and hinder indispensable investigative measures (see paragraph 42 above). In the absence of conclusive findings by the investigation about the movements of other servicemen and the chronology of the events, that approach appears incompatible with the principles of an effective investigation.

86. Lastly, the Court observes that the conclusion that A. Margaryan took his own life, and the decision to terminate the criminal proceedings on that basis, referred to his "strange behaviour", "specific [features] of his character [and] individual and psychological traits" and a "high degree of personal maladjustment" (see paragraph 41 above). Leaving aside the fact that none of those characteristics pointed to any specific motive for suicide, they were based on isolated material gathered during the investigation, including certain witness statements attributing "strange" behaviour to A. Margaryan (see paragraphs 23, 28 and 39 *in fine* above), selected posts from his social media accounts, including content predating his conscription (see paragraph 33 above) and the report on the posthumous forensic psychological and psychiatric examination, which was entirely based on the same limited evidence (see, in particular, the decision ordering the forensic examination, cited in paragraph 39 above, and the evidence listed in the report, cited in paragraph 40 above).

87. The Court notes, however, that the above characterisations of A. Margaryan's personality and behaviour were in complete contradiction with the assessments made in that regard while he was alive, which had been based on personal interactions between him and the officials in charge of his conscription, initial military training and subsequent military service. As confirmed by the Government (see paragraph 62 above), all examinations of A. Margaryan prior to and following his conscription revealed no issues whatsoever, either with regard to his mental health in general or his adaptation to military service in particular. Indeed, A. Margaryan was described in the

records as a "stable individual" who had no issues with continuing his military service (see paragraphs 6-9 above). Additionally, senior military officials questioned during the investigation, including Major A.G., who had known A. Margaryan since the beginning of his military service and had had a number of conversations with him, confirmed that at no time had any negative or strange behaviour been observed or reported in relation to him (see paragraphs 29 and 30 above). Private M.M., who had also known A. Margaryan since the early days of his service, expressly stated that he had been very happy with his posting at the time, even stating that he would have liked to have served there from the very start (see paragraph 23 above). These records and witness statements were neither mentioned nor addressed in the report on the posthumous forensic psychological and psychiatric examination, upon which the decision to terminate the criminal proceedings was largely based (see paragraphs 40 and 41 above).

88. Given the lack of conclusive material substantiating the hypothesis that A. Margaryan took his own life, including as regards the motives for such an act, it was all the more important for the authorities to thoroughly examine other possible scenarios. However, as shown above, they failed to do so with the required level of diligence and terminated the investigation on the basis of what can only be described as hastily reached conclusions.

89. The Court notes that in his appeals against the decision to terminate the criminal proceedings, the applicant raised a number of detailed questions in relation to the circumstances surrounding his son's death. These included questions regarding the investigation into the possibility that his son had been deliberately targeted in retaliation for testifying in a criminal case against A.A., another serviceman from the same military unit who had been convicted and released from detention in early November 2014, one month prior to A. Margaryan's death (see paragraph 38 above). The applicant also raised other questions, including those relating to the circumstances surrounding the discovery of the body and its transfer to hospital (see paragraph 42 above). The domestic courts, however, summarily dismissed his arguments (see paragraphs 45 and 46 above).

90. In the Court's view, the matters pointed out earlier (see, in particular, paragraphs 78-89 above) rendered the investigation insufficient and inadequate for the purpose of establishing the circumstances of A. Margaryan's death.

91. The above-mentioned omissions and unexplained discrepancies are sufficient for the Court to conclude that the investigation concerning the applicant's son's death was seriously deficient and therefore in breach of the State's procedural obligations under Article 2 of the Convention.

92. There has accordingly been a violation of Article 2 of the Convention under its procedural limb.

(ii) Substantive limb

93. A. Margaryan was performing compulsory military service under the care and responsibility of authorities when he died as a result of what was alleged to be suicide (see paragraphs 5 and 10 above).

94. According to the official version of events, A. Margaryan took his own life by shooting himself in the chest using the assault rifle assigned to him (see paragraphs 10, 11, 12 and 41 above).

95. The Court reiterates that in the event that domestic proceedings have taken place, it is not its task to substitute its own assessment of the facts for that of the domestic courts and that, as a general rule, it is for those courts to assess the evidence before them. Although the Court is not bound by the findings of domestic courts, in normal circumstances it requires cogent elements to lead it to depart from the findings of fact reached by those courts (see among other authorities, *Tanlı v. Turkey*, no. 26129/95, § 110, ECHR 2001-III (extracts). That being said, the Court's reliance on evidence obtained as a result of the domestic investigation and on the facts established within the domestic proceedings will largely depend on the quality of the domestic investigative process, and its thoroughness and consistency (see *Tagayeva and Others v. Russia*, nos. 26562/07 and 6 others, § 586, 13 April 2017).

96. The Court has already concluded that the investigation conducted in respect of A. Margaryan was insufficient and inadequate for the purpose of establishing the circumstances of his death (see paragraph 90 above). For that reason, it cannot consider the conclusions of that investigation to be reliable. It follows that the authorities cannot be regarded as having discharged their obligation to provide a plausible explanation for the death of the applicant's son and thus failed to account for a death that occurred in their care (see, *mutatis mutandis*, *Muradyan*, § 155; *Ohanjanyan*, § 160; and *Petrosyan*, § 158, all cited above; see also *Intranuovo v. Italy*, no. 46569/19, § 125, 11 December 2025). In view of this finding, the Court finds it unnecessary (and indeed impossible) for it to also examine the remaining arguments put forward by the applicant in so far as they relate to the substantive limb of Article 2 of the Convention (see paragraph 61 *in fine* above; see also *Petrosyan*, cited above, § 160).

97. There has accordingly been a violation of Article 2 of the Convention under its substantive limb.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

98. The applicant complained that the domestic authorities had failed to conduct an effective investigation into his son's death, and that he had had no possibility under domestic law of claiming compensation from the State for the non-pecuniary damage suffered as a result of his loss. He relied on Article 13 of the Convention, which reads as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

A. Admissibility

99. The Court notes that the applicant's complaint under Article 13 of the Convention is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

100. The applicant argued that the investigation into the circumstances surrounding his son's death had not been effective. He further argued that he had had no possibility under domestic law of claiming compensation for the damage suffered as a result of his son's death, as the domestic proceedings had not led to any person being convicted.

101. The Government maintained that the domestic authorities had complied with their obligation to conduct an effective investigation into A. Margaryan's death. Had the investigation had a different outcome, the applicant would have had the possibility of initiating a civil action against the State seeking compensation for non-pecuniary damage under Article 162.1 § 2 and Article 1087.2 of the Civil Code (see paragraphs 51 and 52 above).

2. The Court's assessment

102. Having regard to its findings in relation to the procedural aspect of Article 2 of the Convention (see paragraphs 90 and 91 above), the Court considers that it is unnecessary to examine whether there has also been a violation of Article 13 on account of the alleged ineffectiveness of the investigation into the death of the applicant's son (see, *mutatis mutandis*, *Anahit Mkrtchyan v. Armenia*, no. 3673/11, § 105, 7 May 2020, and *Varyan*, cited above, § 143).

103. As regards the applicant's complaint that Armenian law provided no means of claiming compensation for non-pecuniary damage suffered as a result of a death occurring in circumstances where the deceased was under the care of the authorities, and where the investigation had not led to anyone's conviction, the Court notes the following.

104. The Court has stated on many occasions that Article 13 of the Convention guarantees the availability at the national level of a remedy to enforce the substance of the Convention rights and freedoms in whatever form they might happen to be secured in the domestic legal order. The effect of that provision is therefore to require the provision of a domestic remedy to

deal with the substance of an "arguable complaint" under the Convention and to grant appropriate relief (although Contracting States are afforded some discretion as to the manner in which they conform to their Convention obligations under this provision). The scope of the obligation under Article 13 varies, depending on the nature of the applicant's complaint under the Convention. Nevertheless, the remedy required by that provision must be "effective" in practice as well as in law. In particular, its exercise must not be unjustifiably hindered by the acts or omissions of the authorities of the respondent State (see, among other authorities, *Paul and Audrey Edwards v. the United Kingdom*, no. 46477/99, § 96, ECHR 2002-II, with further references). The "effectiveness" of a "remedy" within the meaning of Article 13 does not depend on the certainty of a favourable outcome for the applicant (see *Haugen v. Norway*, no. 59476/21, § 160, 15 October 2024, with further references).

105. In the present case, the Court has found that the respondent State failed to account for the death of the applicant's son, which occurred when he was within the exclusive control of the authorities; the respondent State should therefore be held responsible for his death (see paragraphs 96 and 97 above). The applicant's complaints in this regard are therefore "arguable" for the purposes of Article 13 in connection with Article 2 of the Convention (see, *mutatis mutandis*, *Keenan v. the United Kingdom*, no. 27229/95, § 124, ECHR 2001-III).

106. Within the context of Article 2 of the Convention, the Court has previously held that there should be a mechanism available to the victim or the victim's family for establishing any liability on the part of State officials or bodies for acts or omissions involving a breach of their rights under the Convention. Furthermore, in the event of a breach of Articles 2 and 3 of the Convention, which rank as the most fundamental provisions of the Convention, compensation for non-pecuniary damage flowing from the breach should, in principle, be available as part of the range of redress (see *Paul and Audrey Edwards*, cited above, § 97, with further references).

107. The Court observes that since the legislative amendments that entered into force on 1 November 2014, the Civil Code has provided for the possibility of claiming compensation for non-pecuniary damage from the State for an established violation by State or local self-government bodies or their officials of the fundamental rights guaranteed under the Convention, including under Article 2 of the Convention (see paragraph 53 above; see also *Poghosyan and Baghdasaryan v. Armenia*, no. 22999/06, §§ 45-47, ECHR 2012, as regards the state of the domestic law prior to the legislative amendments in question). The applicant argued, however, that because the investigation had not led to a criminal conviction, he had had no legal possibility of making use of that remedy (see also *Petrosyan*, cited above, § 171, where the applicant had raised a similar argument in relation to her son's death in a detention facility).

108. The Court notes that Article 162.1 of the Civil Code does not specifically refer to the establishment of individual criminal responsibility as a pre-condition for the exercise of the right to claim compensation for non-pecuniary damage (see paragraph 51 above). It states, in particular, that a person may claim compensation for non-pecuniary damage from the State if a violation by a State or local self-government body has been established by the prosecutor or by a judicial ruling (ibid.).

109. At the same time, according to the Government, the possibility for the applicant to initiate a civil action against the State seeking compensation for non-pecuniary damage depended on the outcome of the criminal proceedings (see, in particular, paragraph 101 above), thereby confirming his argument that any possibility of seeking damages, including for his distress and anguish over his son's death, depended on individual criminal responsibility of a State official on whatever grounds.

110. It follows that no civil and/or administrative remedy was available to the applicant that would have allowed him to have any liability on the part of State officials or bodies established for his son's death, independent of the results of the criminal investigation (a question which the Court was unable to determine conclusively in *Petrosyan*, cited above, § 174; compare, *mutatis mutandis*, *Struc v. the Republic of Moldova*, no. 40131/09, § 86, 4 December 2012) in a situation where, as the Court found earlier, the investigation was so seriously deficient that its conclusions could not be considered reliable (see, in particular, paragraphs 90, 91 and 96 above).

111. In the Court's view, a remedy under which the attribution of responsibility to the State for the death of a person in the authorities' care depends on whether the relevant criminal proceedings have resulted in the prosecution and/or conviction of a specific State official or any other person sets too high a standard of liability as a prerequisite to obtaining compensation for non-pecuniary damage under domestic law (compare *Branko Tomašić and Others v. Croatia*, no. 46598/06, § 41-42, 15 January 2009) for it to be considered "effective" within the meaning of Article 13 of the Convention (see the relevant case-law principles cited in paragraph 104 above). It therefore cannot be regarded as compliant with the State's obligation to provide the victim or the victim's family with a mechanism for establishing liability on the part of State officials or bodies for acts or omissions involving a breach of their rights under the Convention and with the possibility of seeking compensation for non-pecuniary damage (see the relevant case-law principles cited in paragraphs 104 and 106 above).

112. It follows that, in the present case, the applicant did not have available to him an appropriate means of obtaining a determination of his allegations that the authorities failed to protect his son's right to life and the possibility of obtaining an enforceable award of compensation for the damage suffered thereby. As the Court has stated previously, this is an essential

element of a remedy under Article 13 for a bereaved parent (see *Paul and Audrey Edwards*, cited above, § 101).

113. In view of the above considerations, the Court finds that there has been a violation of Article 13 of the Convention on account of the lack of a legal possibility, for the applicant, of claiming compensation for the non-pecuniary damage resulting from the breach of his son's right to life.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

114. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

115. The applicant claimed 50,000 euros (EUR) in respect of non-pecuniary damage.

116. The Government considered the applicant's claim to be excessive.

117. Making its assessment on an equitable basis, and in view of the violations found in the present case, the Court awards the applicant the full amount claimed, plus any tax that may be chargeable.

B. Costs and expenses

118. The applicant did not make any claims for costs and expenses. Consequently, the Court is not called upon to make any award under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 2 of the Convention under its procedural limb;

3. *Holds* that there has been a violation of Article 2 of the Convention under its substantive limb;

4. *Holds* that there has been a violation of Article 13 of the Convention;

5. *Holds*

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final, in accordance with Article 44 § 2 of the Convention, EUR 50,000 (fifty thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 17 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik Registrar	Kateřina Šimáčková President