



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

THIRD SECTION

Applications nos. 36894/04 and 3521/07

Arayik ZALYAN and Others

against Armenia

lodged on 23 September 2004 and 9 November 2006 respectively

QUESTIONS TO THE PARTIES

1. Have the applicants Sargsyan and Serobyan been subjected to treatment incompatible with the requirements of Article 3 of the Convention? Have the authorities carried out an effective official investigation into their allegations of ill-treatment, in compliance with the requirements of Article 3 of the Convention?

The Government are requested to specify whether the applicants Sargsyan and Serobyan underwent any medical examination prior to their transfer to Nubarashen pre-trial detention facility on 6 July 2004 and, if so, to submit copies of the results of such examinations.

The Government are further requested to explain according to which procedure the applicants were subjected to a physical examination and relevant records were drawn up on 24 April 2004 at the military police detention facility situated in military unit no. 10724 in Yerevan and to submit a copy of the relevant regulations or other legal act. In this connection, the Government are requested to submit copies of the above-mentioned records (*արձանագրություն անձին մարմնի զննության ենթարկելու մասին*) drawn up in respect of the applicants Sargsyan and Serobyan.

The Government are also requested to specify whether the applicants Sargsyan and Serobyan lodged any complaints about the alleged ill-

treatment in May and June 2004 and, if so, to submit copies of such complaints and replies to them.

The Government are finally requested to submit copies of the following documents:

- the applicant Sargsyan's letter of 11 May 2004;
- the record of the applicant Sargsyan's questioning of 18 May 2004;
- the motions filed by the applicants Sargsyan and Serobyanyan on 10 and 16 June 2004 respectively, challenging the impartiality of the investigators, and their rejections of 12 and 18 June 2004; and
- the record of the applicant Sargsyan's questioning of 29-30 June 2004.

2. Does Armenia's reservation in respect of Article 5 of the Convention satisfy the requirements of Article 57 of the Convention (see, among other authorities, *Belilos v. Switzerland*, 29 April 1988, §§ 50-60, Series A no. 132)?

In this connection, the Government are also requested to explain why the applicants, who on 21 April 2004 were allegedly subjected to a disciplinary penalty, were not placed in a disciplinary cell at their military unit to serve their alleged penalty but were instead transferred for questioning in their capacity of witnesses first to the Martakert Garrison Military Prosecutor's Office, then to the Stepanakert Military Police Department and finally to military unit no. 10724 in Yerevan? Furthermore, what was the legal basis for their serving the alleged disciplinary penalty at the detention facility of the Stepanakert Military Police Department (please specify and provide a copy of the legal act containing the procedure for keeping servicemen, who have been subjected to a disciplinary penalty, at a military police detention facility)? Please provide copies of all the documents concerning the applicants' admission at the detention facility of the Stepanakert Military Police Department, as well as copies of all the interrogations of the applicants between 21 and 24 April 2004, including at their military unit, at the Martakert Garrison Military Prosecutor's Office, at the Stepanakert Military Police Department and at military unit no. 10724 in Yerevan.

3. On 22 December 2006 the Court of Cassation decided to remit the applicants' criminal case for further investigation and order, *inter alia*, an investigation into the applicants' allegations of ill-treatment and deprivation of liberty prior to their arrest in connection with the criminal proceedings on 24 April 2004. The Government are requested to provide details of the outcome of the investigation into those allegations and to submit copies of all the relevant documents. In the light of the findings by the Court of Cassation in its above-mentioned decision, the Government are further requested to indicate if they maintain their position that a disciplinary penalty was imposed on the applicants because of their alleged unauthorised absence from the military unit and if not what is their position now.

4. Following their transfer from Nagorno Karabakh to Yerevan, the applicants were placed in a military police detention facility situated in military unit no. 10724 in Yerevan. The Government are requested to

explain what kind of facility this was, including its exact name, purpose and legal status, and to submit copies of the applicants' admission documents, containing an indication of the date and time of their admission.

5. The Government are requested to specify the time when the applicant Zalyan was brought before the Arabkir and Kanaker-Zeytun District Court of Yerevan on 27 April 2004 and to submit a copy of a supporting document (for example, a copy of the record of that court hearing in which the time of the hearing is indicated or any other relevant document).

6. The Government are requested to specify the date on which Judge M. of the Syunik Regional Court decided to take over the applicants' criminal case (*գործը վարույթը ընդունելի*) and to submit a copy of the relevant decision.

7. The Government are requested to provide details of the outcome of the criminal proceedings instituted on 18 January 2008 on account of official falsification and to submit copies of all the relevant documents.

8. The Government are requested to provide details of further developments in the criminal proceedings against the applicants following the remittal of their case for further investigation on 22 December 2006, including copies of all the major decisions taken.