

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

FIFTH SECTION

CASE OF MANUCHARYAN v. ARMENIA

(Application no. 9970/19)

JUDGMENT

STRASBOURG

30 April 2026

This judgment is final but it may be subject to editorial revision.



In the case of Manucharyan v. Armenia,

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

Andreas Zünd, *President*,
Mykola Gnatovskyy,
Vahe Grigoryan, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 9970/19) 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") on 8 February 2019 by an Armenian national, Mr Onik Manucharyan ("the applicant"), who was born in 1991 and lives in Vanadzor, and was represented by Mr M. Shushanyan, a lawyer practising in Yerevan;

the decision to give notice of the application to the Armenian Government ("the Government"), represented initially by their former Deputy Agent, Mr L. Drmeyan, and subsequently by their Agent, Mr K. Andreasyan, Representative of the Republic of Armenia on International Legal Matters;

the parties' observations;

Having deliberated in private on 26 March 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the death of the applicant's brother during compulsory military service, allegedly by suicide, and the subsequent investigation. It raises issues under Article 2 of the Convention.

2. On 27 June 2012 the applicant's brother, M. Manucharyan, was drafted into the Armenian army.

3. On 31 July 2013 at around 1.40 p.m. M. Manucharyan was found dead with a gunshot injury to his head in the observation tower near the car park of his military unit.

4. On the same date the Investigative Service of the Ministry of Defence instituted criminal proceedings (incitement to suicide) and ordered an autopsy and a forensic ballistic and trace examination. During the examination of the scene of the incident carried out on the same day, the following items, among others, were discovered: a military hat (with a hole in it), an assault rifle, a burnt piece of paper and three fired cartridge cases. There were three holes in the ceiling of the observation tower.

5. On 1 August 2013 the investigator examined M. Manucharyan's military uniform. According to the relevant record, there were blood stains on his jacket. The investigator also recorded traces of blood on the left side of the trousers, a "blood-like" trace on the right back side (where the knee bends) and a hole with burnt edges in the same area.

6. A number of witnesses were questioned in the aftermath of the incident, including, among others, military officers and M. Manucharyan's fellow servicemen, most of whom stated that he had been in a good mood, had had no issues with anyone and had not experienced any ill-treatment.

In August 2013 M. Manucharyan's fellow servicemen, privates L.M., A.A. and A.Sa., each made statements to the effect that M. Manucharyan had fallen victim to continual verbal and physical abuse inflicted by Sergeant A.S. and Junior Sergeant B.G., including on the day of the incident.

7. On an unspecified date the Ministry of Defence ordered an internal investigation into, *inter alia*, M. Manucharyan's death.

On 17 August 2013 the Minister of Defence issued an order based on the results of that internal investigation whereby the commander and a number of senior military officers of M. Manucharyan's miliary unit were reprimanded and some of them transferred to the reserve or dismissed from military service. The order stated, in particular, that with the knowledge and oversight of commanding officers in that military unit, Junior Sergeant B.G. had established his authority over the servicemen and had insulted and humiliated them; he had mocked and humiliated M. Manucharyan on several occasions. In July 2013 M. Manucharyan had requested to be transferred, which might have been linked to such treatment of him. It could be concluded that the incident had been the result of, among other things, the failure of the military unit's officials to properly carry out their duties to supervise the staff and ensure a healthy moral environment and of the non-observance of the relevant statutory rules concerning interpersonal relations and violations of servicemen's honour and dignity.

8. An autopsy completed on 17 September 2013 found that the cause of M. Manucharyan's death had been a ballistic injury with the bullet entering the chin and exiting from the top of the head. The autopsy report also mentioned a ballistic injury in the lower half of the right ear which was deemed not to be linked to M. Manucharyan's death. It also noted the following bodily injuries: an ecchymosis (bruise) on the right side of the chest (inflicted by a blunt and hard object before his death) and sections of missing skin on the waist (inflicted by blunt and hard objects after his death). The injuries thought to have been inflicted after his death were considered to have been inflicted within a short period of time afterwards.

9. On 16 October 2013 the expert report on the forensic ballistic and trace examination was delivered, according to which the three cartridge cases found at the scene had been fired from the assault rifle assigned to M. Manucharyan. There were no identifiable fingerprints on the assault rifle. The hole in the military hat and the three holes discovered in the ceiling (see paragraph 4 above) had resulted from firearm shots. The examination of M. Manucharyan's military uniform had revealed that his trousers lacked two buttons, one of which had been ripped off as a result of physical force. There were no other signs of damage on M. Manucharyan's trousers.

10. On 5 December 2013 an expert report on a combined forensic ballistic and medical examination was delivered, which stated, *inter alia*, that the gunshot wounds on M. Manucharyan and the holes (resulting from gunfire) in his military hat could have been inflicted by him or by another person. That finding was confirmed by the forensic expert when questioned by the investigator in January 2014.

11. On 1 July 2014 an expert report on a posthumous psychiatric and psychological forensic examination was delivered, according to which M. Manucharyan had not suffered from any mental illness and, as a consequence of continual violence and humiliation inflicted by his fellow servicemen, Sergeant A.S. and Junior Sergeant B.G., he had developed an acute depressive reaction in the form of hopelessness and desperation, which might have prompted him to commit suicide.

12. In October 2014 the bill of indictment was finalised, it being considered established that M. Manucharyan had committed suicide as a consequence of the violence and humiliation to which he had been subjected at the hands of Sergeant A.S. and Junior Sergeant B.G. (they were charged with beating or carrying out other acts of violence in respect of a subordinate or threatening to do so, which had resulted in grave consequences).

13. In the course of the trial, witnesses A.A. and A.Sa. retracted their pre-trial statements (see paragraph 6 above), stating that they had been obtained under duress, including threats and, in the case of A.A., physical violence. Subsequently, A.A. refused to file a report in that connection and the authorities took a decision not to initiate an investigation into the matter.

14. During the trial, the applicant took issue with, among other things, the fact that the hole with burnt edges, which had been noted by the investigator on 1 August 2013 (see paragraph 5 above), had never been mentioned or addressed in subsequent expert reports.

An examination of M. Manucharyan's trousers in court showed a hole with burnt edges, as described by the investigator in the relevant record (ibid.). Subsequently, the applicant requested that an additional forensic examination be ordered to find out whether the given hole had resulted from a gunshot. In the alternative, the applicant requested to have an exhumation performed to verify whether there was another ballistic injury on the body. The trial court rejected that request with reference to the forensic expert reports and the relevant forensic expert's statement to the effect that he had not found any gunshot traces on the trousers.

15. By a judgment of 30 August 2017, the trial court sentenced Sergeant A.S. to three years' imprisonment and Junior Sergeant B.G. to seven years' imprisonment. Sergeant A.S. was exempted from serving the sentence, as he had been under detention for the duration of the imposed sentence.

16. The applicant appealed, arguing that the investigation had failed to explore the hypothesis of murder and to clarify, *inter alia*, the circumstances surrounding the possible gunshot damage on M. Manucharyan's trousers, the

presence of various injuries on his body (including fragments of missing skin on the body, which might have been indicative of the body being moved) and the absence of fingerprints on the assault rifle.

17. By a decision of 21 February 2018, the Criminal Court of Appeal dismissed the applicant's appeal, stating that "no objective evidence" had been obtained in the case to support his argument that the hole with burnt edges on M. Manucharyan's trousers had originated from a gunshot. The court also held that the applicant's claim that his brother had in reality been murdered and that that hypothesis had not been properly investigated was his subjective assessment and was not supported by the evidence gathered in the case.

18. On 7 August 2018 the Court of Cassation declared an appeal on points of law lodged by the applicant inadmissible for lack of merit. That decision was served on him on 14 August 2018.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

19. The applicant complained under Article 2 of the Convention about his brother's death and the alleged ineffectiveness of the ensuing investigation carried out by the domestic authorities.

20. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

21. Starting with the substantive limb of the complaint, the general principles concerning the States' positive obligation to protect conscripts during compulsory military service have been summarised in *Mosendz v. Ukraine* (no. 52013/08, §§ 90-95, 17 January 2013); *Malik Babayev v. Azerbaijan* (no. 30500/11, §§ 64-68, 1 June 2017); and *Varyan v. Armenia* (no. 48998/14, §§ 87-95, 4 June 2024).

22. The applicant's brother, M. Manucharyan, was a conscript carrying out his mandatory military service under the care and responsibility of the authorities when he died (see paragraphs 2 and 3 above).

23. In his submissions and appeals in the domestic proceedings and in his application lodged with the Court, the applicant apparently questioned the finding of the domestic authorities that his brother had committed suicide, alleging that he had rather been murdered. In his observations, the applicant maintained that argument and additionally submitted that, even if his brother had committed suicide, the authorities had failed to protect his right to life during compulsory military service, in breach of Article 2 of the Convention.

24. The Court notes that there were some serious deficiencies in the conduct of the investigation which resulted in a failure to clarify a number of important circumstances surrounding M. Manucharyan's death, including,

among other things, the presence of unexplained non-ballistic injuries on his body (see paragraph 8 above), the controversy around the hole with burnt edges, which, the applicant argued, might have resulted from another gunshot (see paragraph 16 above), and the absence of fingerprints on the assault rifle found at the scene (see paragraph 9 above and paragraphs 32-37 below).

25. In view of the carelessness with which the investigation was conducted, the applicant may be forgiven for seriously questioning the official version and thinking that the investigation might have covered up a more sinister explanation for his brother's death, such as murder (see *Beker v. Turkey*, no. 27866/03, § 52, 24 March 2009, and *Hovhannisyan and Nazaryan v. Armenia*, nos. 2169/12 and 29887/14, § 134, 8 November 2022). Nevertheless, the material before the Court does not allow it to support "beyond reasonable doubt" the hypothesis that M. Manucharyan's life was taken intentionally (contrast *Beker*, cited above, §§ 45-54, and *Lapshin v. Azerbaijan*, no. 13527/18, §§ 110-20, 20 May 2021). The Court therefore sees no cogent reason in the present case for it not to make its assessment on the basis of the facts as established during the domestic investigation, including the internal investigation carried out by the Ministry of Defence (see *Hovhannisyan and Karapetyan v. Armenia*, no. 67351/13, § 98, 17 October 2023).

26. According to the findings of the investigations (both criminal and internal) and the charges brought against Sergeant A.S. and Junior Sergeant B.G. (see paragraphs 7 and 12 above), M. Manucharyan had committed suicide as a consequence of continual ill-treatment and harassment inflicted by his superiors. Furthermore, the internal investigation into the matter established, *inter alia*, that M. Manucharyan had been subjected to such treatment "with the knowledge and oversight of the commanding officers" (see paragraph 7 above).

27. The Court has previously found in cases concerning suicides in the army that the State bears responsibility for the deaths of victims who were driven to suicide by bullying and ill-treatment during their military service (see *Varyan*, § 107, cited above, and *Boychenko v. Russia*, no. 8663/08, § 80, 12 October 2021). The Court sees no reasons to reach a different conclusion in the present case and finds, therefore, that the authorities failed to comply with their positive obligation to protect M. Manucharyan's right to life while he was under their control.

28. There has accordingly been a violation of Article 2 of the Convention in its substantive limb.

29. As regards the procedural limb of the complaint, the general principles concerning the effectiveness of a criminal investigation under Article 2 of the Convention have been summarised in *Mustafa Tunç and Fecire Tunç v. Turkey* ([GC], no. 24014/05, §§ 172-81, 14 April 2015; see also *Nana Muradyan v. Armenia*, no. 69517/11, §§ 124-27, 5 April 2022; *Hovhannisyan and Nazaryan*, cited above, §§ 124-30; and *Varyan*, cited above, §§ 96-100).

30. The Investigative Service of the Ministry of Defence opened an investigation of its own motion on the day of the incident. The authorities took a number of investigative measures, some conducted on the day of the incident, to collect and secure evidence, including ordering an autopsy, examining the scene, conducting interviews with a number of witnesses and ordering a number of forensic expert examinations (see paragraphs 4-6 and 9-11 above).

31. That being said, an investigation should 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 decisions (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).

32. In the Court's opinion – and for the reasons which follow – the investigation failed to elucidate several important circumstances surrounding M. Manucharyan's death.

33. No adequate explanation was provided with regard to the nature and origin of several non-ballistic injuries that had been recorded during the autopsy, including a bruise on the right side of the chest and sections of missing skin on the waist (see paragraph 8 above), which the applicant argued might have indicated that the body had been moved after the death (see paragraph 16 above). Neither was the "ballistic injury on the lower half of the right ear", indicated in the autopsy report, discussed at all or addressed in the course of the impugned proceedings.

34. Despite the investigator clearly noting the presence of a "hole with burnt edges" on M. Manucharyan's trousers when examining his military clothes on 1 August 2013 (see paragraph 5 above), related tissue damage was not mentioned, let alone examined, in subsequent forensic expert examinations. Even after the presence of the "hole with burnt edges" had been confirmed in court, the trial court dismissed the applicant's requests to have the matter examined, without giving any relevant reasons (see paragraph 14 above).

35. In their joint expert opinion delivered on 5 December 2013, the commission of ballistic and medical forensic experts indicated that the gunshot wounds on M. Manucharyan and on his military hat could have also been inflicted by another person (see paragraph 10 above). However, there was apparently no meaningful follow-up of that hypothesis during the investigation or any explanation of the fact that no fingerprints had been present on the assault rifle or that there were three bullet holes in the ceiling (see paragraphs 4 and 9 above).

36. During the trial, two of the three key witnesses in the case retracted prior statements, alleging that they had been obtained under threats and even physical violence (see paragraphs 6 and 13 above). However, there is nothing

to suggest that the authorities examined the circumstances in which the statements in issue had been taken.

37. The above-mentioned issues and many others were raised in detail by the applicant in his appeal (see paragraph 16 above) but the Criminal Court of Appeal dismissed those in a summary manner (see paragraph 17 above).

38. Against this background, the Court has serious doubts as to the adequacy of the domestic criminal investigation and finds that it was not sufficiently thorough, resulting in a failure to shed full light on the circumstances surrounding M. Manucharyan's death.

39. This finding makes it unnecessary to examine the remaining aspects of the investigation (see, *mutatis mutandis*, *Magnitskiy and Others v. Russia*, nos. 32631/09 and 53799/12, § 272, 27 August 2019; *Anahit Mkrtchyan v. Armenia*, no. 3673/11, § 101, 7 May 2020; and *Varyan*, cited above, § 131).

40. There has accordingly been a violation of Article 2 of the Convention in its procedural limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

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

42. The Government contested that claim.

43. The Court awards the applicant EUR 30,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

44. The applicant did not make any claims in respect of costs and expenses. There is thus no call for award on that account.

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 substantive limb;

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

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 30,000 (thirty 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;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 30 April 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller Deputy Registrar	Andreas Zünd President