

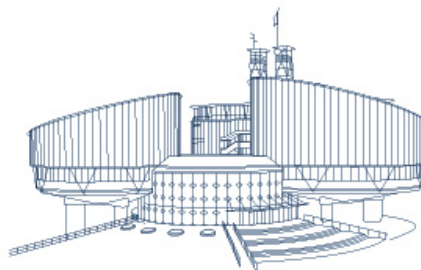
PRESS RELEASE

SERIOUSLY DEFICIENT INVESTIGATION INTO CONSCRIPT'S DEATH WHILE ON DUTY

Margaryan v. Armenia

ECHR 223 (2026) 17.09.2026

Issued by the Registrar of the Court



In today's **Chamber** judgment¹ in the case of **Margaryan v. Armenia** (application no. 54266/17) the European Court of Human Rights held, unanimously, that there had been: **violations of Articles 2 (right to life/investigation) and 13 (right to an effective remedy)** of the European Convention on Human Rights.

The case concerned the death of a conscript while on duty in 2014. He had been found in a trench near to his sentry post, with a gunshot injury to his chest.

The European Court found in particular that the investigation had not provided a plausible explanation for the conscript's death. The authorities' conclusion that he had taken his own life had mainly been based on a posthumous psychiatric report referring to witness statements about his "strange behaviour", despite that being in contradiction with his military superiors' assessments of him while he had been alive. The authorities had therefore closed the investigation on the basis of what could be described as hastily reached conclusions, without having seriously examined any other possible scenario. The Court also found that the conscript's father, the applicant in this case, had had no legal avenue in Armenia to establish State liability for the death of his son, nor claim compensation.

The Court held that Armenia was to pay the applicant 50,000 euros (EUR) in respect of non-pecuniary damage.

PRINCIPAL FACTS AND COMPLAINTS

The applicant, Pertch Margaryan, is an Armenian national who was born in 1963 and lives in Gyumri (Armenia).

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

His son, A. Margaryan, was drafted into the Armenian army in December 2013 and assigned to a military unit. One year later, on 4 December 2014, he was found in a trench near to his sentry post, with a gunshot injury to his chest.

The authorities immediately initiated criminal proceedings, examining the scene of the incident, ordering a post-mortem examination and questioning witnesses.

In February 2015 the post-mortem report stated that the cause of death was a ballistic injury to the chest from front to back. Another report confirmed that the cartridge found at the scene had been fired from A. Margaryan's assault rifle. No identifiable fingerprints were found on the rifle. Of four servicemen who had been tested for gunshot residue, one had tested positive.

In November 2015 the investigating authority ordered a posthumous psychological and psychiatric assessment of A. Margaryan. The ensuing report referred to witness statements about his "strange behaviour" and concluded that he had a "high degree of personal maladjustment" which, according to experts, had led to him resorting to "a devastating act – killing himself."

Basing their decision mainly on that report, the authorities went on to terminate the criminal investigation in February 2016.

The applicant appealed against this decision to the prosecutor, arguing among other things, that there had been no proper investigation into the possibility that his son had been targeted in retaliation for his testimony in a criminal case. He also questioned the identical statements by his son's fellow servicemen suggesting that he had been acting strangely, while his military command had observed nothing out of the ordinary in his behaviour and had continued to place him on duty with a firearm.

This appeal was dismissed and the applicant's subsequent appeals before the courts seeking to set that decision aside were unsuccessful.

Relying on Article 2 (right to life) of the European Convention, Mr Margaryan complained about his son's death and the subsequent investigation which, he argued, had left a number of important questions unanswered. Also relying on Article 13 (right to an effective remedy) of the Convention, he alleged in particular that there had been no possibility under Armenian law of claiming compensation from the State for the loss of his son.

OUTCOME

REASONING OF THE COURT

The Court concluded that the investigation into A. Margaryan's death, although taking only just over a year to complete, had been seriously deficient. It found a number of major shortcomings and unexplained discrepancies.

In particular, the investigation had failed to clarify when the servicemen had discovered A. Margaryan, if and at what time they had heard a gunshot and whether he had already died when they had found him. Nor was any adequate explanation given for the lack of fingerprints, including the alleged suicide victim's, on the rifle. Experts failed to determine the distance from which the shot/s had been fired, which could have ruled out that another person had been responsible for firing the fatal shot. Swabs for gunshot residue had only been taken from four servicemen, while there had been no follow-up to the test that had come up positive.

Moreover, the decision to terminate the criminal proceedings had largely been based on the posthumous psychiatric report, which had been drawn up with limited evidence in particular selected witness statements describing A. Margaryan's behaviour as "strange". Such an assessment had, however, completely contradicted the records prior to and following his

conscription, according to which he had been considered as a stable individual who had adapted to military life.

The authorities had failed to examine other scenarios, which would have been all the more important given the inconclusive material to substantiate the hypothesis of suicide.

Despite the applicant raising a number of detailed questions, the national courts had summarily dismissed his appeals.

The Court reiterated that authorities should not rely on hasty or ill-founded conclusions to close an investigation. It concluded that there had been a violation of Article 2 of the Convention in so far as the obligation to ensure an effective investigation was concerned.

As the investigation's conclusions had been unreliable, the Court considered that the authorities had not provided a plausible explanation for the death of the applicant's son in their care, in further violation of Article 2 of the Convention.

Lastly, the Court noted that there was no legal avenue in Armenia to have liability on the part of State officials or bodies established for the death of a person under the authorities' care, independent of the results of the criminal investigation. As a result, the possibility to claim for compensation from the State depended on whether the criminal proceedings had resulted in the prosecution and/or conviction of a State official or any other person. The Court found that that had set too high a standard of liability for obtaining compensation. It therefore found that there had 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 breach of his son's right to life.

PROCEDURE

AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 17 July 2017.

Judgment was given by a Chamber of seven judges, composed as follows:

Kateřina Šimáčková (the Czech Republic), *President*,
Gilberto Felici (San Marino),
Andreas Zünd (Switzerland),
Mykola Gnatovskyy (Ukraine),
Vahe Grigoryan (Armenia),
Sébastien Biancheri (Monaco),
Nicholas Emiliou (Cyprus),

and also Victor Soloveytchik, *Section Registrar*.

The judgment is available only in English.

The Court's judgments finding a violation are binding on the State concerned. The [Committee of Ministers](#) of the Council of Europe, the executive body of the Council of Europe, supported by the [Department for the Execution of Judgments of the European Court of Human Rights](#), is responsible for supervising their implementation.

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Press contacts

✉ echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

Media enquiries are welcome by email or phone.

Tracey Turner-Tretz (tel: +33 3 88 41 35 30)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.