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ANALYSIS OF THE VIOLATIONS REVEALED DURING THE OBSERVATION OF THE PRELIMINARY INVESTIGATION
AND JUDICIAL PROCESSES REGARDING NON-COMBAT FATALITIES IN THE RA ARMED FORCES



ANALYSIS OF THE VIOLATIONS

REVEALED DURING THE OBSERVATION OF THE

PRELIMINARY INVESTIGATION

AND JUDICIAL PROCESSES

REGARDING NON-COMBAT FATALITIES

IN THE RA ARMED FORCES

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The aim of the Safe Soldiers for a Safe Armenia project is to stop violations of human rights in the armed forces and to develop Armenia's safety and the safety of the soldiers who protect it.

The narratives and the ideas used in this publication represent the views of the authors only and do not necessarily fit to the opinions of IKV PAX CHRISTI.





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FROM THE AUTHORS

Peace Dialogue NGO initiated the publication of this book within in the framework of the project Safe Soldiers for a Safe Armenia of Peace Dialogue NGO. The project Safe Soldiers for a Safe Armenia is supported by IKV Pax Christi.

This analysis has been prepared to expose the main mechanisms by which fatalities and other violations revealed during the preliminary investigations have been concealed. It is based on 22 cases, the short descriptions of which are in the Appendix in the end of the book .By exposing the mechanisms for concealment of the violations, this analysis will draw attention to the formation and the development of the atmosphere of impunity in this field. This analysis does not aim to lead to legislative changes. It is merely intended to describe and analyze the negative occurrences that have become frequent, to find the logical link between the cases, and to present them to society.

The authors highlight the importance of such observations because it is the mechanisms mentioned in this book that promote the illegal practice of concealment of the violations in the army and contribute to the atmosphere of impunity and the continuous reproduction of the perpetrators.

Lala Aslikyan, one of the authors of the analysis, has been an active member of the Army in Reality civil initiative since the very beginning of the movement, and Ruben Martirosyan works in the Helsinki Association as an army case expert starting from 2004. Through 1995-1998 Ruben Martirosyan established and managed the “Committee to Protect Soldiers” non-profit human right protection organization. In a number of murder cases Ruben Martirosyan is acting as an advocate. From 1998 to 2000 he worked in the RA MoD as the head of the Emergency Case Department in the Control and Audit committee. From 2000 to 2004 he acted as a representative of victim’s successor in a number of cases.

** The numbers of the paragraphs included in the publication correspond to the numbers of the respective cases.*

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SUMMARY

Throughout recent years, large segments of society have been aware of the fatalities in the army. Despite that, they continue to happen and other negative occurrences are also increasing in frequency. We will draw attention to some of them that are usually connected to each other. The main challenges that endorse the poor conditions of human rights in the military forces are the following:

THE MERGING OF POLITICS AND THE ARMY

The army is directly dependent on the political processes. The generals in the army are closely related to the atrocious business of politics and during each election and post-election period they become a tool for the authorities. It is also due to this that relations between authorities and the military are organized according to the rules of the criminal world, not the statutory law.

CORRUPTION AND LAWLESSNESS

According to the observations carried out by human rights activists, the army is one of the branches of a system of corruption where lawlessness exists between soldiers. Commanders of different ranks attempt to augment their income at the expense of the private soldiers. Commanders offer or force soldiers to pay bribes for a leave, easier assignments (e.g., clerical work, computer operator, quartermaster, or clothes storage inspector), and even for the basic needs of the unit (e.g., medical service, etc.). It has become a prevalent occurrence to extort the soldiers' legal wages.

Senior officers make the soldiers sign for their salary although they have not received all of it. According to observations, these amounts of money reach a huge number for a whole unit that is later transferred to the high ranking officers.

High ranking officers confess in their public speeches that the commanders of the units often conceal some small and medium crimes to create an illusion that there is high level of

discipline in their unit. Such actions promote an atmosphere of impunity in the units and result in heavier crimes.

The activities of the Investigative Service of the RA Ministry of Defense, Military Police of the RA Ministry of Defense, and the RA Military Prosecutor's office also encourage this phenomenon. These bodies, which are merged into and supplement each other, very often conceal the crimes. For example, intentional homicides are presented as suicides, involuntary murders, murders by negligence, etc. Murders committed in the military posts very often are presented as murders committed by the adversary. Because these three institutions cooperate together and there are no external controls, it becomes possible to conceal a chain of illegalities.

As a result, the murders are not revealed because the crime scene, the causes of death, or the tools are being falsified. Preliminary investigations are carried out based on fake facts and lead to conclusions that do not correspond to the actual course of events. And even in the last phase, the court, many rules of fair judgment are violated (e.g. facts obtained illegally are being presented as proof) and then a decision is made (if it is made) that in fact does not reflect the reality and does not assign appropriate punishment for those who are guilty. Moreover it may sentence innocent people instead of those who are guilty.

Basically, the beating, torture, and humiliation of the soldiers by the officers have become widespread and systematic. Such occurrences very often are revealed during the preliminary investigation of murder cases, since beating and torture most often precede the murders. Exception can be considered in such cases as when beating and torture lead to grave consequences such as the disability of soldiers.

THE SYMPTOMS OF STRICTLY VERTICAL REGULATIONS

The Armenian army in itself is a structure that, having strictly vertical functions, is corrupted, perhaps, just like the other social institutions in Armenia. However, in the case of the army the vertical and strictly confidential relations are more favorable for corruption and generating non-statutory and illegal relations. This structure, which is supposed to be a part of a democratic society, has not changed much from the Soviet totalitarian period. It includes symptoms that are possible to eliminate only by introduction and strengthening of horizontal relations.

LACK OF WORKING MECHANISMS OF HUMAN RIGHTS PROTECTION AND THE ATMOSPHERE OF IMPUNITY

According to the disciplinary statute of the armed forces, the soldiers have clearly defined rights and responsibilities. It mentions all the mechanisms with the help of which they can

protect their rights. But in reality it does not work. So-called unwritten or “criminal rules” function in all the units, which are strengthened by the imperfection and inconsistency of the law.

For instance, Chapter 5, Paragraph 116, 117 of the law says that, in the case of the use of violence and other violations exercised by a superior, the subordinate is supposed to report to someone in a higher position than the violator. In reality, a soldier cannot do that. In the best case, the superior in charge will just not take the report into consideration. In the worst scenario, the daring soldier may be hurt. Moreover, according to the disciplinary statute, each of the authorities in various positions has the right to subject his subordinates to disciplinary isolation. Only the commander of the unit has the right to subject soldiers to maximum isolation up to 10 days. This paragraph of the document contradicts the RA constitution, according to which “a person may only be deprived of his liberty by the final decision of a court.”

Saying that the Army and the three main observing structures, the RA Military prosecutor's office, the RA MoD Criminal Investigation Service, and the Militray Police, are completely corrupted authorities, it is also necessary to mention that, since independence, each unit, including the regional military commissariats and the military hospitals, have been paying annual bribes to the observing authorities, on mutual agreement. Under such conditions, the two parties (the unit and the observing authority) come to a mutual agreement. The result of this agreement is that the soldier has no chance to complain against his superior officer. He can in theory but it will not have any practical effect.

Realizing this, the MoD Minister ordered in 1988 that a mailbox be put in each unit where the soldiers and the officers of lower ranks would be able put their complaints and report any crimes in the unit. These mailboxes were protected by a guarantee that, by the same order, the boxes were to be stamped by the RA MoD Supervisers, who were supposed to take out the complaints, check their contents, and take measures according to the law.

In fact, this did not work because the commanders of the unit were able to bribe the observing employees to find out the content of the complaints and the identity of the complainant. The soldiers’ low level of awareness about the law and the incompetence of the officers also strengthen negative occurrences. The lack of a state-sponsored approach in introducing a culture of respect towards human rights deliberately promotes a lack of rule of law among the soldiers.

THE RELATIONSHIP BETWEEN THE NK DEFENSE ARMY AND THE RA ARMED FORCES

Taking into consideration that soldiers who leave Armenia to serve in Nagorno-Karabakh do not serve in the RA MoD units but in the NK Defense Army, that is to say the army of a for-

foreign country, there are numerous obstacles created in terms of law and legality. According to Article 8.2 of the RA Constitution, the armed forces of the Republic of Armenia shall ensure security, defense, and territorial integrity of the Republic of Armenia, as well as inviolability of its borders.

Another contradiction is the fact that the RA Military Prosecutor's Office, the Military Police, the RA MoD Investigation Service, and the Syunik First Regional Court function in Nagorno-Karabakh. These institutions have the right to arrest, indict and judge soldiers who are citizens of NK. In other words; Armenia has the right to administer justice in another de-facto state towards the citizens of another state. This very often results in various legal contradictions.

Below is the description of the mechanisms of the violations during the preliminary investigation and judicial phases and the study of their causes based on the analysis of 22 cases. Included are the examples which more vividly present the mechanisms.

PRELIMINARY INVESTIGATION PHASE

THE DECISION TO INITIATE A CRIMINAL CASE is very often incomplete and full of falsifications. The decision to initiate a criminal case is itself already suggestive. In addition to that, the decision may not even be provided to the aggrieved party, although this contradicts the law. According to the law, the prosecutor in charge is required to be acquainted with the decision and, if necessary, interfere or make some corrections. In fact, this never happens.

Based on the Criminal Code, the investigator is obliged to provide the parties with the copies of all the decisions made. At the same time, it is not clearly defined in the law whether or not the parties can demand and receive the copies of the decisions. This is left to the discretion of the investigator. The latter, as a rule, arbitrarily does not provide any copy of a decision. In some cases, he not only refuses to provide the copies but also the testimonies and other documents. It depends on how much the documents contradict the investigation of a certain case.

-15- In the decision a single “injury” is mentioned, not “injuries.” It is also mentioned that A. Abrahamyan received the injury from “an unknown person,” thus the hypothesis of multiple assailants is excluded.

-6- One and a half years following the murder, the aggrieved party still has not received the decision whether to initiate a criminal case despite numerous appeals to the Investigative Service of the RA Ministry of Defense, Military Prosecutor’s office, Ministry of Defense, and the RA General Prosecutor.

UNGROUNDING LABELING OF CRIME

Most of the soldiers in the army are killed by gunshots and most of the cases are intentional murders. Nevertheless, in most cases, the preliminary investigative body presents the intentional murders as suicides, murders from the gunshots fired by the adversary, deaths caused by negligent treatment of guns, or deaths from illness. Even when the cases are not revealed as a result of the unlawful investigation carried out by the preliminary investigative body,

they meet dead ends and are stopped. These cases are not re-initiated even if there are indisputable facts given by doctors that the murder was intentional. In each case when the doctor has given a decision that the victim was subjected to violence and received numerous injuries, the preliminary investigative body ignores it because it will draw controversial attention to the false hypothesis given by them.

-20- No immediate criminal case has been initiated based on the incident because, according to the preliminary official hypothesis, Khachatur Melikyan was killed from gunshots fired by the Azerbaijani side at the military post of the Armenian-Azerbaijani contact line. Moreover, Kh. Melikyan was awarded a posthumous medal of valor by the president of NK. On March 16, the prosecutor's office, under the pressure of the facts, initiated criminal case #91001105. According to that case, on March 15, 2005 at approximately 11:00 p.m, soldier Misha Dumikyan, violating the shift rules, went to position #145 post #5 and asked for the AK74 #2445696 shotgun attached to soldier on duty Dilanyan. After getting it from him, Dumikyan shot first three and then a single shot towards post #4 and "accidentally" killed Melikyan.

There are no facts on the case that would support the hypothesis of a murder by the enemy. No answer was given to numerous questions of the victim's successor on what bases Kh. Melikyan had been awarded a medal of valor by the president of NK, supposedly for being killed by the adversary. In addition, before and after the murder, according to the testimonies of Dumikyan and other witnesses, all the actions prove that Dumikyan had rigorously planned the murder beforehand. In the afternoon of the same day, he stole the bullets. Before the incident, he illegally took his gun, put the stolen bullets in his pocket, illegally went to the military post, then illegally demanded the gun from Dilanyan. After he killed Kh. Melikyan, he replaced the missing bullets from Dilanyan's gun with the ones from his pocket.

No investigation was carried out regarding the numerous injuries on Kh. Melikyan's body. The investigator declined to ask the doctor at what exact time did Melikyan die after receiving a gunshot to his head, although the description of the injuries clearly shows that Kh. Melikyan died right after getting shot. Moreover, the investigator declined to examine the alcohol in Melikyan's body consumed within half an hour before death, mentioned by the investigation doctor.

The Court of Appeals, being unable to question the direct witnesses, left the decision made by the Court of First Instance unaltered.

- 18- During the days following the incident, the Military Prosecutors' office mentioned in his official records that the cause of the death was a "heart attack." Later on, they confessed that it was a murder because, according to medical investigation, a 7.62 caliber bullet was found in Gharakhanyan's inner organs.

-16- Many injuries and scratches caused by blunt objects not long before the death were

found on the victim's body, confirming an intentional death. Nonetheless, the case is still being investigated as a suicide. One soldier has been arrested for causing Varyan to commit suicide. To answer Martirosyan's question why Tigran Varanyan's obvious murder case was labeled as "suicide," Yu. Badalyan mentioned that if they presented the case as a murder and later on it appeared to be a suicide, the victim's parents would not believe them. That is why they are forced to bring forward the preliminary hypothesis of suicide.

-13- The intentional murder was presented as an accident. Despite many bruises, scratches and hematomas found on different parts of N. Galstyan's body, Goris Garrison Investigation Department came to the conclusion that N. Galstyan was caught stealing and died there right away. Moreover, the victim's father gave the preliminary investigative body some information about the murderers of his son, although the information has not been included in the investigation.

Other facts acquired from the case also contradict this hypothesis. But the preliminary investigative body, ignoring all this, terminated the case.

-7- With a unilateral investigation, the investigative body attempts to present an obvious murder case as a suicide by hanging.

The murder hypothesis is grounded by:

- a) **The forensic examination that revealed injuries on the body caused by striking with a blunt object,**
- b) **Two bruises on the neck characteristic of strangling.**

The second fact proves that V. Muradyan was first strangled and then hanged. In addition to that, although the preliminary investigative body "considered proven" the fact that Muradyan was caused to commit suicide there are still no suspects or detainees in this case.

-9- In fact, the case is an intentional murder and became considered a suicide as a result of biased and false investigation because the causes of numerous wounds and injuries are not explained.

-6- According to the case, on April 18, 2012 in the Khuban military base, Zorik Margaryan received a mortal gunshot wound while another soldier, Karen Movsisyan, received a gunshot wound on the knee. The investigator of the case, H. G. Margaryan, considered to be proved that the adversary allegedly approached the military base and from a trench situated to the right of the bunker door fired in the direction of the bunker. The bullets hit the wooden columns on both sides of the trench and the door of the bunker. One of the bullets hit Private Zorik Margaryan in the head as a result of which he died. Another bullet hit private Movsisyan in the leg. However, as the investigator mentions in his 18.10.2012 decision to terminate the case, none of the witnesses propose such a hypothesis and nobody saw the adversary.

Thus, according to the testimony of witness K. Movsisyan on April 18, 2012, at approximately 10:50a.m. he was in front of the bunker with his friends Rafael Minasyan and Z. Margaryan. At that time a rapid fire was heard from a trench situated to the right of the bunker door and he noticed that Private Z. Margaryan fell on the ground bleeding from the head. He realized that the latter was dead and, soon after, he saw that he also received a gunshot wound on the leg.

According to the testimony of another witness, R. Alaverdyan, he took his shift observing the firing position at 10:00 and served in the N7 firing position. At approximately 10:50, he heard short firing and soon he realized that something serious had happened. He walked towards the bunker and when he reached the main electrical switch he saw Z. Margaryan on the ground in front of the bunker.

Hence, the soldier observing the border did not see the opponent who allegedly crossed the border and allowed him to enter the military base and open fire. Moreover, the “trespasser” entered the territory, committed a crime, and left unhurt without meeting any resistance. In addition, the adversary as a rule does not send a one-person diversion group.

According to the testimony of Junior Sergeant R. Minasyan, he served in Khuban 05 military base but, because of frequent criminal activity, had left that base and came to Khuban 015 base. On the day of the incident at approximately 10:50a.m., he was in front of the bunker with Z. Margaryan and K. Movsisyan. At that time, another soldier, A. Gasparyan, was the observer of the bunker and was in the pavilion for the duty situated to the left of the bunker entrance. At that moment, a shot was heard from the trench to the right of the bunker. He immediately fell on the ground and then noticed that after one of the shots, Margaryan fell on the ground and blood was coming from his head, which made him realize that Margaryan had died.

Similar testimony was given by the soldier on duty near the bunker A. Gasparyan, who was mentioned by R. Minasyan. He also did not see who opened fire. He only heard the shots. Thus, there is no fact that proves that the shots were fired by the opponent.

The investigator justifies his own hypothesis only by saying that he had two bullets as evidence. He sent these to the ballistic expert with the rifles assigned to the soldiers of five military bases and the expert concluded that none of the bullets in evidence were fired from the provided rifles.

In objecting to the decision, the successor of the victim requested that the rifles of other military bases that were handed to the directorate to be sent to the expert, particularly the rifles of the officers who had more opportunities to move from base to base. In his 04.07.2011 note, the military prosecutor, G. Kostanyan, rejected the request of the injured party without any justification. It is not clear why there was a suspicion that Z. Margaryan could be killed by a rifle from one of those exact five bases and not from a rifle of another base.

Another important fact is that the opponent could not fire at the door of the bunker because that door was supposed to be on the opposite side of the opponent, not in the opponent's view.

-5- In the decision to terminate the criminal case, the investigator mentions, “[d]uring the preliminary investigation, 88 people were questioned in total, however it was not possible to find out how and under what circumstances A. Hakobyan died.” The higher ranks commanders were supposed to address this thesis by noting that if the investigators do not know anything related to the incident then how they can suppose that it was a suicide and why throughout the 12 years that they investigated, only the hypothesis of suicide was raised.

-4- The preliminary investigative body concluded that the cause of A. Ghazaryan's death was a brain disease. No violence was exercised towards him and there is nobody guilty in his death. Coming to such a conclusion, investigator S. S. Gasparyan terminated the 15.07.2011 criminal case, due to the lack of suspects, despite the existence of non-surgical traumas that were never explained.

-3- By qualifying the incident as suicide, the investigator relied only on the testimonies of the soldiers without considering the numerous facts contradicting these testimonies. Trying to present the incident as suicide, the investigator and his superiors have, to this day, not investigated the crucial facts that contradict the false hypothesis mentioned above. The facts were revealed from evidence discovered during the investigation of the crime scene and a number of expert conclusions.

ALTERNATIVES ARE NOT TAKEN INTO CONSIDERATION AT ALL, DESPITE OBVIOUS CONTRADICTIONS AND IRRATIONALITIES.

Although during the preliminary investigation all the examinations are in contradiction with the preliminary facts; the case and the charge remain the same. If the court carries out an impartial trial and raises all the contradictions and concrete facts related to the crime then it will simultaneously be obliged to require an investigation be carried out related to those facts. There is no precedent for any of these cases that would mention that the court cleared up the contradictions.

There has not been any petition from the court to have an investigation carried out regarding the contradictions.

-13- According to the crime scene investigation report (chapter 1, page 3), the petrol cistern was empty. There was only 2.5cm of petrol “in some places.” It turns out that, according to the investigator and his superiors, Narek Galstyan wanted to steal petrol from a pit where

there was no petrol. If he really wanted to steal petrol, especially in such a daring manner, in front of the soldier on guard (making it not a theft but an armed attack), then he would steal from a well where the petrol of the unit was kept, not from an empty cistern. Even if we consider that Narek Galstyan was unaware that the cistern was empty, after going into the cistern he would have realized that it was empty and would have gotten out of it.

Moreover, Narek Galstyan supposedly approached the pit with a rubber tube on his shoulder. He did not have any object in his hands. This is the testimony of the only witness of the crime, Avetis Avetisyan. Thus, according to Avetisyan's testimony, (ch.1, page 22-25) Narek Galstyan climbed onto the cistern, put on a respirator, and went into the pit. Why? According to the witness he did that to steal petrol. In that case:

- a) **Why did Galstyan leave the rubber tube outside?**
- b) **How did he steal petrol from a pit where there was no petrol?**
- c) **With what would the "thief" take the petrol?**
- d) **In what would the "thief" put the petrol, when he did not have anything in his hands?**

The only object was the respirator, which allegedly was on his head. The investigator did not even try to find out how that respirator ended up in the pit. Respirators are not scattered all around the unit. They are kept in the armory store or in appropriate buildings. Who did the respirator belong to? Who gave it to Narek Galstyan? Why did Narek Galstyan need the respirator?

In what cases (according to the statute) are respirators given to the soldiers? Why did the witness Hakobjanyan not see the respirator on Narek Galstyan if it belonged to him? The witness does not answer this question. Approaching the pit with Narek Galstyan, he saw only a tube on his shoulder, but did not see a respirator. In addition, Narek Galstyan was going to be discharged from the army in a few days. Thus, as any soldier, he was counting the days. But all of a sudden he allegedly commits such an act that would subject him to criminal liability. **Why would he do that?** In the same testimony, A. Avetisyan (again at the command of the investigator) says that Narek Galstyan allegedly said he needed money to go home. If this corresponded to reality, then Narek Galstyan:

- a) **Would not get into an empty petrol pit empty-handed, instead he would take petrol from his own can.**
- b) **He would enter the pit that had petrol in it.**

Witness A. Avetisyan, under the pressure of the investigator, gives obviously false testimony, which is indirectly refuted by the testimony of another witness. In his testimony, witness Varsham Beglaryan (c.v. 1, p. 131-132) says that he met Narek Galstyan a few hours preceding the incident (on May 9, at around 3:00p.m-4:00p.m.). He talked to Narek and asked for a cigarette from him. Narek gave a cigarette and also 200 dram to Varsham so that he would buy a pack of cigarettes. It is not clear why Narek Galstyan, who was willing to help a friend and dreaming about going home, would suddenly need money.

-9- Based on number 978/52 forensic examination report of Manukyan's body, in addition to the gunshot wound on the forehead, "a blunt injury on the left side of the chin," "scratches on the left shoulder and on the wrist," and "scratches on the 5th finger of the right hand that were caused not long before the death" were also found.

Basically, these facts clearly prove that Manukyan was killed right after being beaten and tortured, with a few minutes or seconds difference. However, neither the preliminary investigative body, nor any Court instance took into consideration this important circumstance.

According to the preliminary information, the former commander of the unit, Gegham Hrantiki Asatryan, punched Manukyan on the face before the latter's death. This is how the investigators justify the blunt injury on the left side of Manukyan's chin. However, taking into consideration that the injury has 1.5x0.2 sm parameters and 0.4 depth, we can absolutely claim that it could not be caused by a fist. Moreover, the episode described does not explain how other above mentioned injuries were caused.

-9- The murder is also confirmed by judicial traceological and ballistic conclusion number 092428. According to that report, no fingerprints were found on S. Manukyan's N 368460 rifle. Under the circumstances of the case, the fingerprints could have been removed either by the investigator or the murderer.

A few hours preceding the incident, S. Manukyan's SIEMENS model cell phone was seized and broken. The preliminary investigative body "did not manage to find out who broke that cell phone." No investigative action was taken to find out the incoming and outgoing calls on that phone during the previous days (especially during the day preceding the incident).

-5- According to the testimony of the witness Ter-Khachatryan, soldiers G. Hovhannisyan and A. Shahbazyan beat up Arman Hakobyan, claiming that it was because of his testimony that Gagik Kostanyan and Gevorg Gevorgyan had been sentenced. The preliminary investigative body did not investigate this hypothesis or did not want to investigate and find out whether or not the accusations of the soldiers were true.

-3- The investigator presents in wordy detail an absurd story that took place approximately 7 months ago. But he is not able to find out when, where, and with whom T. Hambarzumyan consumed alcohol before the incident (this is proven by forensic examination report 610/19). The investigator found out on which month, which day, and at what time which soldier said what, what kind of cursing was said but did not find out who caused the injuries to T. Hambarzumyan not long before the incident that were revealed by the examination. The investigator did not find out with whom the deceased soldier had an argument and what was the reason that he left the unit. Presenting the incident as a suicide, the investigator is still unable to demonstrate the means of the suicide.

-3- From forensic investigation, it has been revealed that the skin and the muscular tissues in

the areas of T. Hambarzumyan's head and neck are entirely absent. In this case, the body of the deceased was found to be almost unclothed from the waist up, wearing only a sleeveless shirt on this part of his body.

Forensic examination number 289 of the evidence revealed that the body parts mentioned were mauled by a dog. The preliminary investigative body is not able to answer how the dogs could maul the head and the neck leaving the naked shoulders and the hands absolutely unhurt.

-1- After the incident, the investigator discovered 3 magazines of 90 bullets that belonged to A. Nazaryan. At the same time, during the investigation of the scene (ch.1, p. 7-26) he observed A. Nazaryan's rifle #1093977 and discovered that there were 29 bullets in the cartridge and one more bullet in the muzzle of the rifle. Thus, all 120 bullets which A. Nazaryan received leaving for the combat base are in place. No bullet was fired. In this case, to say that A. Nazaryan committed suicide from his own rifle is simply an ungrounded statement. Why would A. Nazaryan commit suicide with a bonus bullet? Why would A. Nazaryan need a spare bullet? Weren't 120 bullets enough for committing suicide? The investigative body throughout the whole investigation process did not take any action to clear up the contradiction. It was necessary to carry out additional investigation to find out who killed A. Nazaryan, by whose weapon A. Nazaryan was killed and where the bullet was taken.

During the preliminary investigation, seeing this contradiction, the investigator was obliged to question the soldiers, other servicemen, and the assistant (who spent the night in the same combat base) of the battalion's commander, Hakob Manukyan. They asserted that, allegedly,

- a) **A. Nazaryan committed suicide,**
- b) **A. Nazaryan committed suicide from his own rifle.**

Nevertheless, the investigator believes this hypothesis and from the very beginning considered the case a suicide and until the end investigated only this hypothesis. According to the law, the investigator is obliged to investigate all the weapons present in the base to find out from which weapon a bullet was fired after the last cleaning.

However, the investigator, abusing his official position and assuming the functions of an expert traceologist carried out a traceological examination of the rifles in the combat base and came to the conclusion that there supposedly had been no shot from any of the weapons in the base (ch.1, p27-28). This is a flagrant illegality intended to conceal the circumstances of the case which, nonetheless, did not meet appropriate assessment from neither the prosecutor's office nor from Judge S. Margaryan.

-2- In line with the preliminary investigation, Syunik Regional Court (Judge Hamlet Davtyan) entered a guilty verdict, considering proven the hypothesis that the defendants Vilhelm Engebaryan, Hrant Karapetyan, and Robert Badalyan, who were soldiers at unit number 46677

on January 23rd and the days following it, beat up, cursed, and humiliated a soldier of their battalion, Torgom Sarukhanyan. As a result of this, on February 12, 2011 Sarukhanyan being on guard service, committed suicide at 14:35 by shooting himself in the chest with a rifle AK74 N BE 303806 assigned to him.

The most important fact for the injured party is the forensic examination report. The author of forensic examination 186-10, A. Dallakyan, who examined the body of the deceased on his own, answered the question regarding the distance of the gun shot. He did not, however, have the right to do that. Moreover, he made a contradicting decision regarding this case that states that T. Sarukhanyan was shot from a long-distance.

From the report: "No additional factors on the gunshot wound, that is ash, burn, or half-burnt or burnt granules of gunpowder were revealed on Sarukhanyan's body during the forensic examination. Consequently, the shot was done within the scope of additional components of shooting from such type of gun."

In this sentence there are 2 contradicting factors. The facts presented by the forensic doctor prove that the gunshot was fired from a long distance. It was a murder.

For clarity, we quote from Shota Vardanyan's manual "Forensic Medicine:" "The additional components of a gunshot: When a gun is fired, particles, in addition to the bullets, fly out from the muzzle, leaving stains and even injuries on the person's body. The additional components of the gunshot are air, gas, flame, ash, particles of gunpowder, and extraneous particles (grease/lubricant, rust, small pieces of metal, etc.). These additional components are created as a result of decomposition and combustion of gunpowder. Therefore, they are mostly connected with the amount and the quality of the gunpowder."¹

Meanwhile, at the end of the same sentence, A. Dallakyan comes to a conclusion that considerably contradicts the facts: the shot has allegedly been fired from a short distance. Based on this contradicting document, both the Preliminary Investigative body and the Court qualified the incident as suicide whereas the facts provided by the forensic doctor definitely prove that T. Sarukhanyan was killed.

Although the aggrieved party referred to this contradiction many times in court, Judge Davtyan merely rewrote what the expert had written without resolving the contradiction and without considering it important to invite the expert to court and question him. During the 12.06.2013 hearing, the representative of the victim's successor referred to this contradiction considering it as one of the reasons for challenging the prosecutor, Mr. Sardaryan. Prosecutor Sardaryan announced that there is supposedly no problem with the examination because all the problems have been solved.

² Sh. A. Vardanyan, K. Nazaretyan: *Forensic Medicine Yerevan, 1995, pa 196*

However, during neither the preliminary investigation nor the trial was expert Dallakyan questioned regarding his N186/10 forensic examination report and the contradiction was not resolved.

-2- In fact, there is no direct or even indirect evidence in the criminal case that would prove Torgom Sarukhanyan's suicide. Nor was such evidence offered in court. None of the witnesses saw Torgom Sarukhanyan committing suicide. Thus, according to witness Captain Mesrop Margaryan's testimony (ch.1, p.33-36), he was the first who went to the crime scene. Seeing the body, he immediately realized that it was a suicide since there was a rip on T. Sarukhanyan's clothes and the rifle was set to single fire.

However, any adequate person seeing a person shot in the chest and dead most likely assumes that he was killed rather than committed suicide. The witness does not explain what was unusual about the rip on Sarukhanyan's clothes and what made him think that the rip proves it was a suicide. Based on the photos made at the scene, the rifle was lying on the left side and the captain could not see the position of the fire mode selector. He could see it only if he picked up the weapon.

Relatedly, M. Margaryan in fact destroyed the crime scene taking from the floor T. Sarukhanyan's photos, military booklet, and, allegedly, T. Sarukhanyan's suicide note. He took the evidence to the barracks and instructed his co-serviceman, Tatul Hayrapetyan, to submit them to the investigator and tell him that he found them in the barracks. Neither the preliminary investigative body nor Judge Davtyan chose to carry out an investigation regarding this important fact. The court accepted on its face Margaryan's argument that he did that so that there won't "be any accusations against him." (Verdict, page 14) Any officer in any unit of the RA Ministry of Defense or NK Defense Army is aware of and has signed an order stating that he does not have the right to touch any object in a crime scene and especially to take anything. At the same time, the officer is notified that he will be subjected to criminal liability. The fact that captain Margaryan committed the above mentioned criminal act and then tried to conceal the stolen objects shows his interest in this case. The preliminary investigation body did not subject Margaryan to any criminal liability. Moreover, he is the commander of Sarukhanyan's company. Although both the aggrieved party and the offenders, Hrant Karapetyan and Robert Badalyan, motioned for captain Margaryan to be questioned, (the defendants said they had many questions to ask of their captain) the judge did not consider it necessary to question Margaryan because he had sent an affidavit stating that he has nothing else to say related to the case and does not consider it relevant to come to court.

-22- According to the official hypothesis, on October 30, 2001, at approximately 9:00pm, in the office of the Commander of Vayk military battalion, Karen Sargsyan took from the table a MAKAROV model gun loaded with bullets that belonged to the battalion's commander, cocked it, released the safety, pointed the muzzle towards Arayik Avetisyan, and pulled the trigger. As a result, he negligently killed Arayik Avetisyan. A criminal case has been initiated under Article 259, Part 1 of the RA Criminal Code: Negligent attitude to service that caused

grave consequences. The case was sent for additional investigation three times from the Trial Court, the Court of Appeal, and the Court of Cassation of Vayots Dzor. The preliminary investigation has been repeated by different investigators and the act was re-qualified as murder. Currently, the criminal proceeding of the case is suspended due to uncertainty and the absence of the person who committed the murder. Based on a preliminary hypothesis, an indictment was made against co-serviceman Karen Sargsyan. But the criminal prosecution against him was terminated after a plea from the deceased soldier's mother. Later, the preliminary investigative body made a decision to suspend the criminal proceeding. In the same criminal case, however, the Commander of the battalion, Mher Stepanyan, the Assistant to the Commander, Samvel Hovsepyan, and the Clerk of the battalion, Sargis Mkheyanyan, were sentenced under other articles. There are numerous contradictions and illegal omissions in the case. Despite the non-gunshot wounds on Arayik Avetisyan's head, the body that carried out the proceeding did not manage to properly reveal the origin of such injuries. Moreover, the preliminary investigative body did not address in any way the fact that Mher Stepanyan demanded money from Arayik Avetisyan. Other witnesses also testified that the Commander demanded money. One of the main unsolved facts: the bullet caliber of the gun that was entered into evidence does not match the caliber of the skull fracture of the deceased. This means that he was killed with another weapon. The decision to suspend the criminal proceedings with the argument that "the identity of a person who committed murder is unknown" is obviously unjustified because the murder was carried out in an area of nine square meters in the presence of five witnesses.

CHANGE OF THE CRIME SCENE.

Often the preliminary investigative body is not willing to show the crime scene because it:

- a) **contradicts the fake hypothesis,**
- b) **hints that the hypothesis is ungrounded, or**
- c) **is located in a place where all the witnesses, willingly or not, should have seen the murder, which is, however, undesirable for the investigator.**

It is more convenient to use a remote place where there are not many people passing by and make it seem, for instance, that the soldier first committed suicide and nobody saw it.

-5- The preliminary investigative body considered proven that Arman was murdered while he was on duty in the Control Point. However, according to forensic examination report number 27110002, the boy had a sport shoe on his right foot with MoD 1999 imprinted on the sole and "Armen JOG" (an identifier) inked on the tongue of the shoe. There was also a sock on the same foot, while the left shoe and the sock have not been found by the preliminary investigative body. Based on this fact, the preliminary investigative body should have answered at least the following questions:

- a) **How was it possible that Arman Hakobyan was on guard service in sport shoes?**

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- b) **If Hakobyan committed suicide then where are his left shoe and sock?**
- c) **Why was he wearing a shoe with "Armen JOG" written on it.**

The preliminary investigative body does not take appropriate measures to answer any of these questions.

-1- On July 27, 2010, 1 hour and 25 minutes following the incident an operative record (ch. 5, page 56) was sent from the unit to the Headquarters and to the Ministry of Defense according to which A. Nazaryan had committed suicide in the trench of the military base. Later, however, for some reason the investigator did not like the trench so a rock in the area of the base was chosen as the new crime scene. Leaning on this rock A. Nazaryan allegedly pointed the muzzle of his rifle to his mouth and committed suicide. The irony of this case is that, in order to commit suicide while leaning his head on the rock, there must have been particles of blood, bone, and brain left on that same rock because the bullet went exited the left side of the soldier's neck. However, no trace was found on the rock during the investigation of the crime scene.

A few months following the incident, at the initiative of new investigator L. Petrosyan, a new (third) investigation was carried out. During the investigation, the investigator concluded that there were allegedly "bloodlike" traces found on the rock. However, the investigator, abusing his official position, violated the rules of the Criminal Code by neither taking samples of the discovered blood, nor packing, confiscating, or sending them for examination. Thus, it has not been discovered whether they were blood traces of a human or an animal and, if they belonged to a human, then what the blood type was and whether or not it could belong to A. Nazaryan.

In such cases, the records of the investigator have no evidentiary significance. Moreover, the investigator merely tries to create an illusion that the crime scene is that rock, which does not correspond to reality. At court, former investigator L. Petrosyan, while testifying as a witness, announced that the report of the crime scene investigation does not have any evidentiary significance—does not mean anything at all. Thus, the intention of the investigator is clear: to show by all means that the rock is the crime scene. The aggrieved party petitioned SIS to initiate a criminal case against L. Petrosyan for the abuse of position. However, the judge, S. Mardanyan, has left this petition unanswered.

It is necessary to find out who was the author of the message that was sent to the MD Headquarters and from whom he received that message. It is necessary to question the person that was on duty on July 27, 2010 in the unit—to confiscate and examine the duty register for July. This has not been done.

-19- A photograph of the crime scene is present in the case. As a result of its examination, nothing relevant to the case was found. In addition, the investigator mentioned that the crime scene was not identified.

THE DESTRUCTION OF THE CRIME SCENE

As a rule, the preliminary investigative body destroys the crime scene, taking and concealing the pieces of evidence that directly point to the murderer or at least prove that it was a murder case. Most frequently replaced objects include the guns, the bullet casings, etc. Such falsifications give the investigator an opportunity to accuse certain soldiers not based on the pieces of evidence but merely on the testimonies of the witnesses. The logic is the following: it is difficult to later change objects that are recorded as evidence, while it is possible to obtain any false testimony from the witnesses.

The less evidence there is, the easier it is for the investigator to carry out the process the way he wants to—accusing certain soldiers of committing murder and later accusing others, if necessary.

-20- The stated crime scene contradicts the evidence. But the witnesses have not been questioned nor the testimonies of the witnesses taken into consideration and the scene has not been investigated for different hypotheses.

ALL NECESSARY INVESTIGATIVE MEASURES HAVE NOT BEEN TAKEN TO FIND OUT THE TIME OF THE INCIDENT.

As a rule, the time of the incident in all murder cases is illegally changed by the investigator. Almost always, a later time is offered, which gives the investigator an opportunity:

- a) to conceal the murderers' efforts to hide their crime,
- b) to hide what really happened and allow room for fake hypotheses, and
- c) to ensure themselves against possible risks: If it is revealed that, for example, there was a fight at 4:00a.m that was followed by the murder, the investigator may justify himself saying that since, according to the testimonies of the witnesses, the incident happened at 9:00a.m., he did not carry out a detailed examination of the time of the fight and negligently missed that fact.

-13- In the decision to initiate a criminal case (c.v.1, page1) two different times of the crime are mentioned and the contradiction goes on until the end of the preliminary investigation and is never solved. Moreover, the investigator does not ask the witnesses important and relevant questions about the time.

-5- Based on forensic examination report number 762/4, forensic doctor Arsen Babayan discovered injuries on Arman Hakobyan's body: "numerous scratches on the nose, back, neck, right torso, left forearm, the 4th finger of the left hand, left lower hip, buttocks, upper left and right thighs, one third of the shin, the right shin-foot area, and scratches and bruises on the right shoulder joint. All these injuries were caused by striking with a blunt object 12-24 hours before the death."

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The preliminary investigative body considered proven the fact that these injuries were caused to Arman Hakobyan by Garik Hovhannisyanyan (nickname "Pisr," which means Clerk) and Arshak Shahbazyan (nickname "Biza," Old Man) on September 23 at approximately 8:00 pm.

We assume that the investigators of the case, Khachatryan and Hrach Ayvazyan, and their superiors did not know arithmetic. According to the forensic doctor, Hakobyan was brutally tortured on September 24 from 4 am to 4pm. That is 8-20 hours later than the fight mentioned by the investigators and, therefore, those injuries could not have been caused by the fight.

Thus, the preliminary investigative body did not answer the most important questions: By whom, where, and why was Arman Hakobyan beaten up and tortured within the time period mentioned by the forensic doctor? They could not demonstrate this fact because, in that case, the murder would automatically be solved.

-1- In the crime scene investigation report, it is mentioned that it was prepared on 28.07.2010, while the crime scene was examined and the body was photographed. This is an outright fabrication because, on July 27, the day of the murder, at 3:00pm, an external examination of Nazaryan's body was carried out in the Berd city hospital and, on the same day, the body was transported to Yerevan. Moreover, on the same day, the relatives of the deceased met the body on the way to Yerevan and one of the officers showed a photo of the body saved on his cell phone. Conclusion: with the permission of the investigator or other legal authority, the officers illegally took photographs. To this day, the appeals of the aggrieved party to receive the copies of the photos made at the crime scene have been dismissed with the excuse of the investigation's confidentiality. It turns out that confidentiality only pertains to the aggrieved party.

NECESSARY INVESTIGATIONS OF THE EVIDENCE ARE NOT TAKEN.

In almost all cases, the investigators do not send certain evidence for examination because the implications of those pieces of evidence may considerably contradict their fake preliminary investigation.

-5- In the preliminary investigation report it is mentioned that on the lining of a vest that was sent to the expert "UPAG, Petrosyan E.R." was written. The preliminary investigative body also closes its eyes to this fact. The comparison of the facts should surprise the investigator because, according to those facts, Arman Hakobyan had neither a cap, nor shoes, nor a vest. All his clothes belonged to other soldiers, which is more than suspicious. The investigators should have found out who E. R. Petrosyan was and why his vest was found (according

to the preliminary investigative body) on Hakobyan. They should also have discovered what happened to Hakobyan's cap, military shoes, vest, and other clothes.

-5- The investigator found a bottle with unknown contents at the crime scene and sent it to the expert. According to forensic chemical expert decision Number 154, sulfur was found in the contents of the cream in the bottle. The investigator has not discovered what other substances that lubricant contained, what percentage of the cream was sulfur, whether it was poison or medicine, whether it was dangerous for life, how it ended up in the crime scene, who it belonged to, and for what reason someone kept that with him or brought it to the crime scene. None of these questions were answered by the preliminary investigative body. The answers should be received from an additional investigation, during which this mentioned lubricant should be sent for additional examination. In addition, according to the information we have, sulfur is considered a highly poisonous substance, it is not used in everyday life and it is not for sale in the pharmacies.

-2- The examination of the crime scene revealed that Torgom's winter gloves were found lying next to him, his rifle under his left foot, and his bayonet knife under his right hand. All these facts prove that, before the shot, Torgom was holding the bayonet knife, not the rifle, to defend himself from attacker(s). Meanwhile, it is clear that, if Sarukhanyan had a bayonet knife in his right hand before the murder, it means he could not commit suicide in any way.

Let us also mention that he was right-handed. If T. Sarukhanyan committed suicide, then the weapon should have been in the area of the chest or between the legs, while the photos of the crime scene clearly show that the weapon is under Sarukhanyan's right leg and it could have been placed there by a person who has not been revealed so far, most probably the murderer.

The fact that Torgom Sarukhanyan's photos, military booklet, and blood type emblem were found a meter away from the body proves that there was a struggle between Torgom and an unknown person before the death. Otherwise, it is illogical that Torgom took out the photos and the military booklet from his pocket and threw them all around him.

-13- No military uniform was found at the crime scene or in Narek Galstyan's car. However, the investigator brought and photographed Narek Galstyan's military uniform (ch.1, p. 10, photo №11). According to the testimony of witness Avetisyan, the uniform was on Narek Galstyan when the incident happened. Now it is unclear when and who took it off of him. The further destiny of the uniform remains unknown. According to the law, the investigator was obliged to examine it, record it as evidence, and send it for examination, which he did not do.

-12- Andranik's relatives insist that the investigator did not take into consideration that Andranik was wearing a winter pea coat and winter military trousers that disappeared and

were never sent for examination. The investigator did not carry out necessary actions provided by the law to find the coat and send it for the examination.

-7- Blood traces obvious to the naked eye were found on the evidence rope. But the expert of the preliminary investigation allegedly did not manage to find the blood type, explaining that the blood was not enough for examination. This is a falsification because if the traces were obvious to the naked eye, it means the blood amount was enough.

-9- The clothes that were on the deceased soldier during the incident were not sent to examination during any of the following phases: ballistic-trace evidence examination, chemical-biological examination, preliminary investigation, and forensic examination.

-3- The day Hambardzumyan's body was found, the father of the deceased, arriving at the crime scene near the unit, noticed a German Shepherd dog that was walking, accompanied by the soldiers. Asking some questions to the soldiers, Benik Hambardzumyan found out that the dog belonged to G. Margaryan, the commander of the same unit.

Taking into consideration that based on examination number 289, three dog hairs were found on T. Hambardzumyan's clothes, the aggrieved party appealed on August 28, 2011 to have samples of hair taken from the commander's dog and have them compared with the samples of an unknown dog that was entered as evidence in the case. The aggrieved party's appeal was rejected by the prosecutor's absurd decision number 120, where it is mentioned that nobody keeps a dog in the territory of the RA MoD 54809 unit and that the Unit Commander's dog is a pet kept at home. It is also mentioned that even Margaryan's three-year-old daughter plays with the dog and the dog does not leave the house alone.

-1- During a preliminary investigation that lasted about a year, the most important investigation regarding the case was not carried out: the investigation of A. Nazaryan's military clothes, which were on him when the body was found. The clothes were not sent to forensic chemical and biological examination. Thus, it is not proven by the investigation whether the blood resembling traces were really blood, whether it was Nazaryan's blood, and, most importantly, whether there were someone else's blood traces on his clothes or not.

To rectify this gap of the preliminary investigation, the aggrieved party appealed in court for a forensic chemical analysis and a forensic biological analysis to be carried out, drawing the court's attention to the following facts:

- a) **To this day, it is not clear whether there were blood traces on A. Nazaryan's clothes and where exactly they were located.**
- b) **From the investigation of A. Nazaryan's clothes, it became clear in court that there were no blood traces on the trousers of the deceased, not even on the upper part. But, judging from the photos of the deceased made at the crime scene, such traces should be there by all means because the blood coming down Nazaryan's shirt and undershirt should have gathered in the upper part of the trousers.**

- c) **Point 2 proves that the position of Nazaryan's body was changed after the murder.**

In the decision to carry out a forensic examination of Nazaryan's body, Prosecutor Madatyan should have asked the expert whether there were facts that would indicate that the position or location of the body were changed after death. The prosecutor never asked the expert such questions and the latter did not address these questions, thus the issue remains unexamined.

- d) **Forensic examination number 704/34 also indicates that Nazaryan's body was moved. Based on the report, blood accumulations were not discovered in Nazaryan's abdomen or in his stomach. Whereas if Nazaryan would have been in the position he is pictured in the photos of the crime scene, large amounts of blood should have leaked at least into his stomach. An average adult has 5 to 7 liters of blood in their body. But Prosecutor Madatyan, who examined the crime scene, did not record large amounts of blood.**

Artak Nazaryan's relatives got acquainted with the photos provided by the prosecutor in August 2010 and confirmed that there was a wound on Nazaryan's head but that there were no blood traces visible on it. The victim's successor testified to this at court. The cap presented at the end of the preliminary investigation had been soaked in some blood resembling substance.

Taking into consideration all the above, the aggrieved party appealed to the Court for A. Nazaryan's clothes, including his underwear, shoes, cap, and socks, to be sent to forensic chemical and biological examination to find out:

- a) **Whether there are blood traces on the clothes or not.
If yes, then what blood type do they belong to?
Is it possible that they belong to A. Nazaryan?
Where exactly on the clothes are the traces located?
Are there traces of blood that do not belong to A. Nazaryan.**
- b) **Are there traces of vomit on the clothes?**
- c) **Are there traces of brain matter?**
- d) **Are there traces on Nazaryan's socks that indicate contact/interaction with grass?**
- e) **What other kind of traces are there on Nazaryan's clothes?**
- f) **Based on the crime scene photos of the body,
is it possible to state that the body has been moved after the death.
If not, then is it possible that large amounts of blood would penetrate
into the shirt and the undershirt but not in the backside of the trousers?**

It is important to take into consideration that A. Nazaryan's body was entirely devoid of blood. According to the expert, blood was not found in the abdomen or stomach.

The resolution of this very crucial appeal was postponed by the court so that it would be addressed in the consulting room during the final court decision. In fact, this was merely a disguised refusal of the appeal since it was unclear whether Judge Madatyan was going to carry out an examination himself in the consulting room in case he considered that the appeal was grounded and such examination was necessary. As was predicted, in the final decision the

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court refused the appeal considering the existing evidence sufficient for the final decision.

-1- The preliminary investigative body confiscated A. Nazaryan's bulletproof vest but did not investigate it and did not send it for examination. During the trial, the aggrieved party found signs typical of gunshot damage on A. Nazaryan's bulletproof vest. Regarding this, an appeal was made for A. Nazaryan's bulletproof vest to be sent to ballistic and trace evidence examination to find out:

- a) **Are there signs of gunshot damage on A. Nazaryan's bulletproof vest?**
- b) **Are there any signs of mechanical damages on A. Nazaryan's bullet proof vest? If yes where are they located and how were they caused?**

This appeal was refused by the court without justification.

DESTRUCTION OF THE CRIME SCENE

In relation to what was described above, the preliminary investigative body destroyed the evidence such as clothes, blood, bullet, and bullet casings that could hinder the falsified preliminary investigation.

-19- In the examination report of the body, it is stated that the trousers, the belt, and the slippers that were on A. Hayrapetyan were taken by investigator Y. Danielyan during the investigation of the body. Later, however, the above mentioned objects, except for the shirt, disappeared and were not identified as evidence.

-8- The cell phone is crucial to this case. Vardan Adibekyan, the brother of the deceased, testified (c.v.2, p. 61-62) that the last time Albert called him was on February 23, 2012 at 1:08 a.m. But he did not call from his cell phone. At that time, he asked his brother to put some money on his phone card. According to Vardan, "he needed money for his leisure, just to talk to a girl."

Based on the information Vardan gave not long after the murder, investigator Sargis Matatyan, after somehow finding out that Albert's co-servicemen had sent Albert's cell-phone to Vardan, came to Adibekyan's house and demanded the cell phone and the cards that were in the cell phone or belonged to Albert, explaining that he allegedly needed them for investigation.

He prepared a report regarding the confiscation of the cell phone and the cards explaining to the two family members and two lawyers that it was necessary to decode the cards. Later, he returned Albert's cell phone to Vardan without cards. It is important to mention that neither the report about the confiscation nor the decoding of any phone numbers is present in the case.

It is obvious that the investigator committed a crime. He destroyed crucial facts that could prove that the murder was committed by Albert's co-serviceman Gor Khachatryan, about which Ignat Yengibaryan testified.

We can say for sure that Albert wanted to talk on the cell phone with the girl who had sent a message for him on Gor's cell phone and on Gor's and Albert's mutual webpage on odnoklassniki.ru.

It is also important to mention that both the dispute and the fighting mentioned by Ignat and Albert's phone call with his brother took place on the same night (Ignat did not mention whether it was at night or in the evening), with a difference of 1-2 hours.

Madatyan definitely did not carry out any investigation regarding Albert's phone call with his brother or regarding the girl because it would cause the revelation of the real murderer.

-1- In the crime scene examination report, the investigator states that the rifle considered to be the murder weapon was allegedly placed between the legs of the deceased with the muzzle in his mouth. The investigator was obliged to carefully wrap the weapon, confiscate it, and send it for forensic ballistic and forensic fingerprinting investigation.

Instead of that, taking the weapon in his hands, he loaded, unloaded, test fired, and removed the cartridge from the rifle, etc. In this way, he destroyed the initial fingerprints. The ridiculous part is that, according to expert decision number 25101003, no fingerprints were revealed on the rifle.

This means that the investigator destroyed all the fingerprints, including his own. For this issue, it is necessary to question Investigator Madatyan to find out the purpose for his illegal actions.

-1- In a document attached to forensic examination report number 704/34 (c.v. 5, p188), the author of the report, forensic doctor Adamyan, mentions that he is sending 19 photos attached to the report. But in the criminal case there are only 16 of them.

The preliminary investigative body, breaking the law, reserved the right to hide three photos from the investigation. Through additional investigation, it is necessary to demand the originals of the photos, find out which are missing in the criminal case, and add them. This has not been done.

The author of the forensic report, Vigen Adamyan, announced while testifying as a witness at court that there allegedly had been 16 photos but he had mentioned 19 by mistake.

FALSIFICATION OF THE EVIDENCE

Almost always while presenting an intentional homicide as a suicide, the investigator has to replace the evidence with false evidence. Most frequently, the weapons and the bullets they fired are replaced with the weapon of the deceased and bullets that are illegally fired by the investigator. This allows justification of the suicide hypothesis.

-19- Based on the decision made on April 18, 2008 (c.v. 1, p.33), the bullet was confiscated on April 22, 2008 from Yerevan and received in Stepanakert (vol.1, p. 49) investigative body on April 26, 2008. However, on April 24, 2008, (vol. 1, p. 49) two days before receiving the bullet, investigator Yu. Danielyan sent some unknown bullet to Yerevan for investigation.

-4- Based on witness Tonoyan's testimony (vol.2, p.58), A.Ghazaryan's "old camouflage uniform was left in the front line combat post." This testimony is not trustworthy at all because the soldiers do not take substitute clothes with them to the posts. If they change their clothes they do it only in the unit. Consequently, some unknown people replaced the boy's real uniform on purpose because it had signs of violence and most probably also blood traces on it. No investigation has been carried out related to this contradiction and the boy's real and so-called "old" uniform was not found and examined. It is necessary to carry out a profound investigation regarding this contradiction.

-8- During the investigation of the crime scene, (vol. 1, p 8-9) investigator S. Madatyan discovered AKM model number PG-490 rifle with one magazine, wrapped it, and confiscated it. At the same time, his partner Margaryan carried out an inspection of the weapons and ammunition assigned to the soldiers in the post (vol. 1, p. 33-34). According to this inspection, the deceased A. Adibekyan's rifle, AKM number 3A-04260, was in the bunker at the time of the incident and had not been fired after its cleaning.

It was also revealed that the 4 magazines with 120 bullets given to Adibekyan were in their places. The preliminary investigative body considered proven the fact that Albert Adibekyan went to the watchtower with delay only after the unit commander, Captain Narek Namalyan, was at a place called "Hakobasar."

Based on the testimony of one of the witnesses, Adibekyan was afraid of the Captain at that time. The witness testified that Adibekyan secretly took the previously mentioned weapon number PG-490, assigned to his co-serviceman Taron Martikyan, and went to the watchtower.

In the weapon inspection report, it is mentioned that near the muzzle of the AKM model number GM-1971 rifle there was ash and that one of the bullets belonging to it was missing.

These two rifles—Taron Martikyan's rifle, found at the crime scene, and alleged murderer

Ignat Yengibaryan's rifle—were sent for examination. According to expert report number 04601203, shots were fired from both rifles. However, the strangest part is that, before sending Taron Martikyan's rifle to the expert investigator, Madatyan illegally took the magazine out of the rifle and concealed it. As a result, it is not possible to find out how many shots were made from that magazine.

-8- Another contradiction connected with the weapons puts the preliminary investigative body in deadlock.

Based on witness Taron Martikyan's testimony, approximately 8 hours before the incident, at 5:30 pm, after a feast, A. Adibekyan and Ignat Yengibaryan took their weapons and went to the watchtower for military duty, for which they arrived late.

Alongside them, their co-serviceman Abraham Hovhannisyan also came out of the bunker without a weapon.

Immediately after this, according to the witness, A. Adibekyan's voice was heard yelling, "guys, don't be afraid. It's us!" The contradiction is as follows: as was mentioned before, the weapon inspection carried out by Investigator Margaryan following the incident revealed that no shot was made from A. Adibekyan's weapon while one shot was made from Ignat Yengibaryan's rifle with which he allegedly killed Adibekyan.

Question: From whose weapon were the mentioned shots and rapid fire made at 5:30p.m? Let us point out that the investigator deliberately fails to exclude a) *cleaning of the weapon by any of the watchtower soldiers*, b) *loading the magazines with new bullets as a substitute to the fired bullets*.

In the second case it is unclear why there were no bullets missing from any of the watchtower soldiers. Investigator Madatyan considers proven the fact that it was A. Adibekyan who opened rapid fire from the rifle assigned to him at night. However, there is no such testimony from the witnesses.

This not only does not settle the mentioned contradiction but even aggravates them because the preliminary investigative body considers proven that:

- a) **no shot was fired from A. Adibekyan's weapon, and**
- b) **shots were fired from A. Adibekyan's weapon.**

Realizing this, investigator Madatyan tried to conceal this portion of the case. Thus, three of the witnesses testify that, after a night feast, they went to bed and allegedly never heard any shots.

Particularly interesting is Ignat Yengibaryan's testimony. Based on others' testimonies, he

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has witnessed the shots fired at night or he himself fired. The investigator does not ask him any questions regarding the shots fired at night (c.v.1, p67-73).

The testimony of witness Abraham Hovhannisyan is also interesting (c.v.1, p112). Regarding the incident he says, "... after drinking, private A. Adibekyan with some rifle..." and that is it. It means that the investigator made Abraham write that A. Adibekyan at that hour allegedly opened fire from a rifle that belonged to another soldier. But, realizing that it will not help him, he erased part of the paragraph, leaving the other part for some reason (c.v.1, p 110-112).

The investigator obviously destroyed the printed part of the same testimony (7 lines). Hence, the investigator saw danger in those lines and, after erasing them, copied the previous 7 lines and replaced the erased lines with them. The same 7 lines are repeated twice in the testimony.

Although witness Abraham Hovhannisyan mentioned in the end of the testimony that he had read it, obviously he did not read it. Otherwise he would not write that he had read that absurdity and that repeated text with incoherent words. The investigator tried to obliterate the important fact of the night shots by all means. But he did not succeed.

After the attacks of the defendant's advocate, the Military Prosecutor of Lori Garrison, Tevan Mirzabekyan, who is also the head of the investigative department of the same garrison, being fearful of the consequences if his own crimes and that of his subordinates and in order to insure himself he gave a written instruction to the preliminary investigative body (vol.2, p168-169) stating: "It was proven by the ballistic examination that shots were fired from both rifles assigned to I. Yengibaryan and A. Adibekyan.

During the preliminary investigation, data were obtained indicating that, after the feast on the night of February 22, 2012 and the morning of February 23, 2012, shots were fired. But during the inspection, missing bullets were not registered and, it has still not been revealed who made those shots, how the number of the bullets was restored, who fired from A. Adibekyan's rifle, and under what conditions."

First of all, let us mention that prosecutor T. N. Mirzabekyan is either illiterate or a criminal, most probably both of them since as it has already been mentioned:

- a) **in vol.1, p33-34 it is written in clear Armenian that no shot was fired from Adibekyan's rifle, and**
- b) **it was the rifle assigned to Taron Margaryan that was sent to ballistic examination, not the rifle assigned to A. Adibekyan.**

The rest corresponds to reality. But the preliminary investigative body has not implemented the instructions of the prosecutor, which were equal to a command, and has not yet clarified the conditions mentioned above.

Despite that, the same prosecutor confirmed the indictment and sent it to court. In addition,

the Syunik Region Trial Court, presided over by Judge Rafik Melikyan, made an unlawful decision, declaring Ignat Yengibaryan guilty in A. Adibekyan's murder and sentencing him to 10-years imprisonment.

-1- During the examination of the crime scene, investigator Madatyan discovered, examined, photographed, and confiscated bullet casing N "78-09" (c.v.1, p7-26). Later, he sent this casing to ballistic examination at his own initiative. However, the ballistic examination report shows that the expert had received a different capsule with the number "60-78".

In such situations, the expert was obliged to either terminate the investigation or at least prepare a report regarding the violation of law and send it to relevant bodies. However, the expert did neither.

BECAUSE THE EVIDENCE IS DELAYED IT IS MODIFIED BEFORE BEING ATTACHED TO THE CASE

In many cases, the investigators, ignoring the concept having an aggrieved party and not being afraid of the law, destroy evidence and, only in rare cases when the aggrieved party demands evidence that was already destroyed to be presented to them and to the preliminary investigation, the investigators have to attach fake evidence to the case.

-19- The uniform that belonged to Andranik but was in the unit was attached to the case as evidence. However, the comparison of the investigation report of the trousers and that of the trousers that were sent to forensic examination proves once more that they were modified (vol. 1, p. 188). It is mentioned in the investigation report that moisture is visible on some parts of the trousers and they smell damp. The trousers are fastened with 3 buttons and a spring and all of them are in their places, while the expert mentions that the trousers are fastened with 4 buttons and a metal hook, which all are in their places. The trousers are used and dirty. The fact that those were not the trousers that were on Andranik during the incident is proven also by the fact that there should have at least been traces of soil on them, if not traces of blood.

-7- The preliminary investigative body considered proven that the tool with the help of which Madatyan hanged himself was brought by him, whereas his fingerprints were not discovered on its surface.

-21- It is not clear whether the military uniform that was considered evidence really belonged to Ohanjanyan or not. In the morning of the day Ohanjanyan died, an employee of Gegharkunik Militray Police found Ohanjanyan's torn shirt in the area of the unit. Abusing his official position, the MP examined and photographed the shirt. Investigator G. Manukyan did not send this shirt to examination. Approximately two months following the incident,

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only after the aggrieved party's numerous appeals, the investigator sent a random military uniform to an expert claiming that it belonged to Ohanjanyan. This uniform could not have belonged to Ohanjanyan. This is obvious from the MP's reports and attached photographs available in the criminal case. Thus,

- a) **judging from the photographs of the uniform available in the forensic examination report, the uniform sent to the expert is new, without damages, while Ohanjanyan's real uniform was torn and dusty (corresponding photograph is available in the case), and**
- b) **a uniform of size 52 corresponded to Ohanjanyan's body measurements, while the investigator sent to the expert a size 46 uniform.**

DISREGARDING THE FACTS

In all the cases where the facts available in the case contradict with the criminal case but it is already impossible to conceal them or just take them out from the case, the preliminary investigative and judicial bodies do everything possible to undervalue and ignore them. In other words, everything is done to eliminate their evidentiary significance.

-9- The preliminary investigative body ignored one crucial fact: traces of S. Manukyan's blood were found on the gates 16 meters away from the crime scene. It still has not been discovered how they got there. We may conclude that Manukyan was killed right in front of the gates since, according to the forensic examination report, after receiving head injuries, Manukyan could not move from one place to another on his own.

-5- From the same examination report, it is clear that the investigator did not present Arman's cap to the expert but presented a totally different cap, which has the following note: "VACHO, DShB, 2000." The preliminary investigative body apparently did not consider this significant because they did not carry out a detailed examination regarding this fact. Why would Arman have someone else's cap on him and where was his cap?

-5- The murder tool, rifle number 1181849, that was entered as evidence was not assigned to the victim. From the decisions of the criminal case, it is not clear who the rifle belonged to. The preliminary investigative body did not carry out a detailed investigation regarding this crucial fact despite the fact that, with the identity of the rifle's owner, it is possible to find the real murderer. Consequently, it is the owner of the rifle that killed Arman Hakobyan or gave his rifle to some third party for the same reason. This is the reason why the fingerprints were erased from the rifle. The preliminary investigative body failed to carry out all the actions prescribed by law in order to find out the details and reveal the murderers.

-8- According to ballistic examination report number 04611203 (v. 2, p. 143-146), the left side of A. Adibekyan's shirt has a 16 cm rip from the underarm. The preliminary investigative body did not carry out an examination regarding this issue. It did not find out whether it was ripped as a result of a fight between Adibekyan and Gor Khachatryan or because of a

different fight. Neither the Trial Court nor the Court of Appeal paid attention to this fact.

After the incident, the investigator discovered A. Nazaryan's three magazines with 90 bullets. Simultaneously, during the investigation of the case scene (c.v.1, p. 7-26), he examined rifle number 1093977, assigned to A. Nazaryan, and revealed that there were 29 bullets in the magazine and one more bullet in the chamber.

All 120 bullets that A. Nazaryan received before going to the military base are in their places. No bullet was fired. Therefore, Nazaryan could not have committed suicide, at least not with his own weapon. It has not been revealed with whose weapon A. Nazaryan was killed.

Not all the weapons at the military base were sent to examination in order to reveal from which weapon a shot was fired after the last cleaning. Instead, the investigator, abusing his official position and assuming the functions of an expert traceologist, carried out a visual examination of the muzzles and came to the conclusion that, after the last cleaning, there supposedly had been no shot from any of the weapons in the base (c.v.1, c. p27-28).

The hypothesis of A. Nazaryan's suicide is mostly based on the testimonies that the soldiers at Ghozlu military base gave during the preliminary investigation.

During the trial, defendants H. Kirakosyan and A. Hovhannisyan testified that, while being kept at the Berd Military Police Department, they and other soldiers were subjected to torture and degrading treatment.

Witness Arman Mnatsakanyan described his imprisonment as pressure. In regards to these announcements, an appeal to initiate a criminal case based on the documents prepared in the RA MoD SIS investigative department of Especially Important Cases was rejected for lack of necessary evidence for the crime. The reason was that the military police officers, initiator of the tortures and degrading treatment, denied that they had committed any illegal acts towards any soldier.

-1- All the soldiers at Ghozlu combat base number 12 who gave obvious false testimonies rejected the fact that they had witnessed the mentioned murder. The falseness of their testimonies is proven by ballistic examination report number 25201003 of the samples.

According to that report, copper traces that are included in the additional components of a gunshot were revealed in the samples taken from the faces of seven soldiers: Garegin Sayadyan, Arman Mnatsakanyan, Hayk Nazaryan, Artur Mkrtchyan, Adibek Hovhannisyan, Mkhitar Mkhitarian, and Harutik Kirakosyan.

These traces suggest that they were in the crime scene when A. Nazaryan was shot. In other words, they were eye-witnesses. The investigators did not question the authors of the reports and did not make the necessary conclusions in the indictment. Given the importance of this fact, the aggrieved party moved to have the authors of ballistic

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examination report number 25201003 be summoned to court and questioned in order to clarify how long the additional component of the gunshot can remain, how they can be removed, and how long it takes to remove them. However, the motion was rejected by the court with reference to investigator L. Petrosyan's testimonies, which cannot be claimed to be a ballistic expert assessment or considered as such.

-2- There is a piece of paper included in the case that is supposedly written by T. Sarukhanyan in which he supposedly asks not to blame anyone for his death. Not long after the incident, when Lena Sarukhanyan learned about the content of this piece of paper, she declared that it was not her son's handwriting, although the preliminary investigation kept presenting it as evidence. The investigator sent the piece of paper to the expert to be examined, violating the law because it was not legally confiscated, and it is not clear in what condition it was kept for a month and how it ended up with the investigator.

-21- According to the criminal case documents, the soldier died at approximately 11:00 p.m. But when the mother of one of the soldiers serving in the same unit met Ohanjanyan's parents, she informed them that on August 30 at around 9:00 p.m - 9:10 p.m her son called her from the unit and said that Tigran had died. The soldier in question later denied that there had been such a phone call. At the point of denial, he had already completed his military service. However, under pressure from Ohanjanyan's parents, the list of the phone calls made from his phone was disclosed. It proved that a phone call was made to his mother. The preliminary investigative body has refused to address this fact because it would cause the testimonies of all the witnesses to lose their credibility.

NECESSARY ACTIONS ARE NOT TAKEN TO REVEAL LEGAL VIOLATIONS DISCOVERED DURING THE INVESTIGATION.

-5- From Mejlumyan's testimony it turns out that, on September 25, 2000 at approximately 3:00 a.m, V. Mkhitaryan and A. Hakobyan went into the canteen after which Mejlumyan and A. Andreasyan left the canteen and went to the headquarters to turn in their weapons. A number of questions regarding the military statute arise from this testimony but necessary investigation was not carried out about them. Thus, it has not been clarified what rights Mejlumyan and Andreasyan had to enter the canteen with weapons.

It has not been revealed who the supervisor of these guardsmen's duty was, what were the responsibilities of the supervisor after these guardsmen's duty was finished, why nobody escorted them, why nobody ordered them to turn the weapons in after duty, and where the guards of the canteen, the platoon, the company, and the battalion were at that time.

In his testimony, witness Hunan Shavarshyan mentions that on September 25 at around 3:00 a.m he went to the headquarters and received his rifle after which he took his shift in the

parking lot. In the period between taking his shift and hearing the gunshot he heard footsteps of some seven or eight people but he did not see their faces and did not talk to anyone.

The preliminary investigative body has not revealed the identities of the seven or eight soldiers mentioned by Shavarshyan and what they were doing outside late at night. At the same time, from Shavarshyan's testimony we understand that he violated the statute of the military duty. He did not have the right to receive a weapon without the supervisor, go to the parking lot all by himself, and begin guard duty there.

FINGERPRINTS

In the practice of criminal procedure, the number one proof that a person has committed murder is the discovery of his/her fingerprints on the murder weapon. Having this in mind, the corrupted preliminary investigative body conceals the murders, presenting them as suicides, or lets the real criminal go, saddling the murder on innocent soldiers. Therefore, they cannot allow the fingerprints of the real criminal to be left on the murder weapon.

This is why, in many cases, the fingerprints are not revealed on the murder weapon. This is direct proof that an obviously falsified examination is being carried out. Throughout the last ten years, there is no single case when fingerprints were discovered on the murder weapon and that fact was included in the case.

-5- According to the Fingerprint Investigation section of ballistic and trace evidence examination number 23870003, concerning the weapon and the cap, no fingerprints were discovered on the cartridge box and the rifle number 1181849, which is considered the murder weapon. This fact did not receive adequate legal reaction from the preliminary investigative body.

-3- During the investigation of the crime scene, a RAPIRA model razor was found with which, according to the investigator, T. Hambarzumyan committed suicide by cutting the blood vessels on his left wrist. Based on trace evidence examination report number 24661102, "there are no papillary line traces (fingerprints) on the examined razor." The absence of the fingerprints indicates that they were destroyed either by the murderer or the preliminary investigative body. The fact that, to this day, there have been no suspects or defendants in this case shows that the fingerprints were destroyed by the preliminary investigative body.

-8- On February 24 2012, the day following the incident, investigator Madatyan gave investigative instructions to his colleagues in Yerevan to take the fingerprints of the deceased, A. Adibekyan (c.v. 1, p. 39/1).

Obviously, these fingerprints were to be compared with the fingerprints that supposedly existed on rifle number PG-490, which was discovered at the crime scene and was in A.

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Adibekyan's hand at the moment of the murder.

However, the investigator did not have a fingerprinting expert examination and did not carry out investigation regarding the mentioned weapon. Thus, it remains unclear if rifle number PG-490 was really in the hands of the deceased at the time of the murder, who A. Adibakyan shot, whether he really shot or not, and, if not, then who could have shot and whose fingerprints were on the weapon.

All of the above is important because, based on Ignat Yengibaryan's testimony, upon hearing a shot from a short distance away, he quickly approached watchtower number 1 and saw A. Adibekyan lying on the ground with a gunshot wound. Then he fired in the air to send a signal for his friends to come to the scene.

The strange part is that both on the day of the incident and the days following it, the witnesses allegedly could not recall how many shots they heard at the time of the incident. They all mention "one or two." It is obvious that on the day of the incident another crime was committed. No bullet casing was found at the crime scene because there were no investigative actions taken regarding this fact.

-1- The fingerprint expert did not find fingerprints on Artak Nazaryan's weapon and cartridge box, which is a direct proof that the fingerprints were erased by the murderer or the investigator. Analyzing this simultaneously with other facts, we can see that Artak Nazaryan did not commit suicide and his weapon was not the murder weapon. Both prosecutor H. Harutyunyan and second investigator L. Petrosyan announced at court that fingerprints were revealed but they were not suitable for making comparisons. They were merely manipulating the phrasing of the expert that no fingerprint "appropriate for identification" was found on the weapon, only traces of oil.

-2- According to forensic ballistic examination report number 07941103, no fingerprints were discovered on T. Sarukhnyan's rifle, which was recognized as the murder weapon, on the magazine attached to it, or on the bayonet knife. Accordingly, the fingerprints were destroyed on both of those weapons either by the murderer or by the preliminary investigative body in order to qualify the murder as suicide.

ILLEGAL DETENTION OF THE WITNESSES BY THE MILITARY POLICE

According to the RA Constitution, a person can be deprived of its liberty only by the procedure defined by law. However, the Military Prosecutor's office, the Investigative Service, and the Military Police flagrantly violate the law and, for every crime, arbitrarily bring a number of witnesses to the MP Offices and keep them under detention. After all the incidents mentioned in this study, all of the eye-witnesses or, if the incident happened during combat duty,

all the staff at combat duty is illegally taken to the MP Offices and kept isolated as long as necessary for the police to put pressure on the witnesses and extort testimony from them. This method is used without exception in all of the cases. Only with this method can they manage to extort necessary testimonies that contradict reality and conceal the murders.

It should be noted that, in this case, the concept of a witness as is described by law is being destroyed. It means that an imprisoned, beaten, tortured, humiliated soldier is nothing but a victim. In addition, according to the law, the statement of a witness can be considered a testimony when he/she gives it freely and without any pressure. To consider that the person under arrest is free is simply absurd. The judges of all the cases never investigate the statements of the witnesses that were taken to the MP Offices and kept there. At the same time, even if the witness says that he was under pressure, the judge ignores the statement and instead of referring to the relevant bodies regarding this statement, they silence the witness by asking him whether he is free at that moment or not. Since the witnesses say that they are free, they are asked to tell the truth. However, when the witness tries to tell the truth again the judge silences him saying that his testimony does not correspond to the preliminary investigation testimony, which means that one of the testimonies is false and no matter which one is false they will be punished for giving false testimony. The witnesses who have low level of awareness about the law and restricted thinking assume that if they declare that they were beaten up in the police station then they will not be able to prove that and will end up in an even more difficult situation. This is the reason why they do not have the courage to tell the truth that they were beaten and tortured. This is an obvious illegal chain of interconnected actors without which it would be very difficult for the preliminary investigative body to conceal the cases.

In all those cases, when one of the parties makes an announcement in court regarding this kind of illegal act, the preliminary investigative body or the prosecutor announces that the soldiers were arrested not by the preliminary investigative body with an instruction of the prosecutor but allegedly by the commander of the military unit. Then, as a proof, they provide fake backdated reports, without the results of the investigation on what crimes exactly the soldiers have committed. It should be noted that it is unreasonable that on the same day and at the same hour more than ten soldiers can commit such a serious crime for which they can be deprived of liberty without investigation.

-13- In 2008, Narek Galstyan's relatives were informed that seven witnesses or suspects of the murder were taken to the Goris Military Police station and were kept there. The same is obvious from the testimonies of soldier witnesses. However, there is no official document stating how many soldiers exactly were taken and kept in Goris MP Office's cells. Their names are missing and it is not mentioned how long they were kept there. Thus, either they were illegally kept in the MP cells, which is a criminally punishable act, or the second copy of the order presented to the unit commander was destroyed. The investigator has to present an order to the unit commander and one of its copies stays with the commander. The other one is supposed to be attached to the criminal case.

-11- After Edvard Alaverdyan's death, some of his co-servicemen were taken to Stepanakert's Military Police department and kept there under detention for about ten days. According to the NK DA Commander M.Hakobyan's note in regards to this case, seven people were illegally kept in the cells of Stepanakert's MP station for about ten days. At the same time, besides these soldiers, 10-15 other soldiers were also kept in the MP station. It was not possible to find out the exact number and the identity of these soldiers.

-8- According to the Tavush Military Police Department's Deputy Chief's testimonies, Ignat Yengibaryan was brought to the isolator and kept there based on the Commander's order because Ignat violated the rules of combat duty. However, there is no relevant note in the case about this statement. In addition to that, it is not clear what exact crime Yengibaryan committed. At the same time, this statement does not correspond to the fact that all the soldiers of the base and some soldiers from other posts were also brought to the Military Police.

-1- During the trial, it was proven that witnesses Arman Mnatsakanyan, Artur Mkrtchyan, Artak Hovhannisyan, Hayk Nazaryan, and others were kept in the Berd MP department's cells under detention for approximately 23 days.

The aggrieved party appealed for a criminal case to be initiated against the preliminary investigative body under the article regarding the illegal deprivation of a person's liberty. According to the Constitution, a person can be deprived of its liberty only by the procedure defined by law. The Commander of the unit, with the prosecutor's motion, showed up at the court and announced that all the soldiers were imprisoned for 5-23 days by his order because all of them violated the combat duty rules.

In response to the aggrieved party's question regarding what exact rules were violated by them and where were the military investigation documents based on which the soldiers were detained, the Commander answered that he had carried out a verbal investigation and there were no documents. In fact, the police arrested people without a written order, which is a criminal offence.

-8- The testimonies were obtained from witnesses with violations of the law. The witnesses were kept in the Berd MP. To conceal this fact, the investigators wrote that they questioned the witnesses in Berd. But they did not mention where exactly this happened, which is illegal. Moreover, the investigator wrote the witness's testimony himself and then made the soldiers sign it.

-2- Sevak Avannesyan, who was questioned at the court as a witness, renounced his pretrial testimony, announcing that the testimonies were extorted from him through violence and intimidation. According to S. Avanesyan's testimony, all the 24 soldiers from T. Sarukhanyan's platoon were taken to Stepanakert MP Division and he and his fellow soldiers were kept under detention for ten days in the MP station. During the first four or five days, he was questioned by eight to ten unknown people who forced him to give false testimony against

his innocent friends. During this time, some unknown people extorted four or five testimonies from him.

However, it is important to mention that there is only one testimony from S. Avanesyan present in criminal case number 91000511. Still, at the Trial Court, the aggrieved party relying on S. Avanesyan's testimony made the following claims:

- a) **illegal deprivation of a person's liberty;**
- b) **forcing the witness to give false testimony;**
- c) **intimidation, beating, and torture of a witness;**
- d) **concealment and destruction of documents; and**
- e) **group interrogation, where the interrogators do not reveal their identity to the interrogated person.**

According to Article 190, Part 6 of the Criminal Procedure Code, as well as Articles 149, 150, 1541, and 1542 of the RA Criminal Code, the Investigation Service investigators conduct the preliminary investigation of crimes committed by the legislative, executive, and judicial administrative workers, persons conducting special service in regards to their official position, or any other crimes.

However, the investigation of this case was illegally assigned to the Number One Garrison Investigation Department of the RA MoD Investigation Service.

According to note N1287, written on October 5, 2012, an investigation was carried out regarding the announcement of the aggrieved party by Investigator N. Avetisyan from the RA MoD Number One Garrison Investigation Department and the Investigator, with his decision, rejected the initiation of a criminal case for the absence of a crime scene. Investigator Avetisyan wrote the following on the third page of his decision, "...on February 12, 2011, by the unit Commander's order, number 46677, he was subjected to a disciplinary penalty of ten day detention for violating the rules of guard service and was transferred to the detention cells of the Stepanakert MP department." This was in reference to Sevak Avanesyan.

But Sevak Avanesyan mentioned in his testimony that all the 24 soldiers of his platoon were also taken to the MP station with him and kept in the cells for 10 days. Nothing is said about this fact in the documents. Question: ***Did all 24 soldiers violate the guard service rules on the same day at the same time?***

-1- According to (1) the extracts from Unit Number 21127's Commander Seyran Ghazaryan's orders, (2) the notes of the imprisonment, (3) order book number 91, (4) registration book number 123 of the prison's detainees, and (5) the RA MoD 21127 unit commander, colonel H. Amirkhanyan's notice number 0174 (20.10.2012), addressed to the court and marked as "confidential," after A. Nazaryan's death, 14 soldiers were arrested for 6-23 days "for violating the rules of internal service" based on the Commander's order.

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Based on the RA MoD Unit Number 21127 Commander S. Ghazaryan's order, these soldiers were subjected to the disciplinary penalty of "isolation and detention in the disciplinary prison," based on the Disciplinary Statute of the RA Armed Forces as confirmed by the RA Government's decision number 247 on August 12, 1996.

According to Article 18, Part 1 of the RA Constitution, "[e]very one is entitled to freedom and the right to the security of their person. A person may be detained only by court order and in accordance with legally prescribed procedures."

The same guarantees are also provided by Article 5 of the European Convention on Human Rights and Fundamental Freedoms. According to Article 5, Part 2 of the RA Constitution, state and local self-governing bodies and public officials are competent to perform only such acts for which they are authorized by the Constitution or laws.

S. Ghazaryan, the commander of RA Unit Number 21127, was not authorized by law to deprive the soldiers of their liberty by keeping them in the prison cells. He did not act according to the law and within his powers as prescribed by law, as it is stated in the RA Constitution and international treaties of the RA. Instead he was guided by the RA law on Military Duty, which does not comply with the mentioned laws.

COMPULSION TO GIVE FALSE TESTIMONIES, EXTORTION OF FALSE TESTIMONIES

Very often, the investigators extort false testimonies from the witnesses by deception, mostly in two ways:

- a) **The witness tells something while the investigator writes down something else and then he orders the witness to write down that he is aware of what is written there, that everything written there is true, and to sign it without letting him really read what was written there.**
- b) **In some cases, the investigator destroys the testimonies of the witness and writes down a new testimony and, falsifying the witness's handwriting, writes and signs the documents himself and attaches it to the case.**

Usually, such witnesses are not called by the investigator to show up at court.

-13- It has been proven that 30-60 minutes before his death, Narek Galstyan called his sister and informed her that at that moment he was arguing with a group of young men together with his friend Vladimir Alaverdyan.

Shortly after, Narek asked his sister to give him their neighbor Valodik's phone number (See Arevik Galstyan's testimony, c.v. 2, p 15-17).

From her brother's words, Arevik realized that he was in danger and suggested to wake their

father up so that the brother would tell him about his problems. But Narek refused and told her to wake their father up only if he would not call again in half an hour.

However Narek never called again. Narek Galstyan was physically very strong. He was a wrestler and a master of Eastern Martial Arts. He was aggressive and was ready to slit anybody's throat if anyone would try to abuse him. No wonder that he was known in the unit as Khakht (Headless). The fact that Narek had to call home and tell about his problem indicates that he was unable to confront his opponents, who were many in number (more than four).

The pieces of evidence of the case indicate that the dispute (altercation) mentioned by Narek was connected with his sister Arevik. All the participants of the dispute were from Vanadzor and, referring to Arevik's morality, they were trying to humiliate Narek and bring him down.

Most probably, those from Vanadzor had exact information that somehow (this must be revealed by a new investigation) they received from Narek's neighbor Valodik. Learning about this, Investigator Hakobjanyan blackmailed Arevik during her testimony and demanded her to renounce everything she told her father. In her testimony, Arevik Galstyan mentioned that her brother did not tell her anything about the dispute and all that was made up by her relatives. This is a vivid manifestation of cynicism from Hakobjanyan, abuse of his official power, and compelled falsification in order to conceal the undeniable fact of the murder.

When dictating the testimony to Arevik Galstyan, the investigator did not take into consideration the fact that Narek Galstyan's parents learned everything from their daughter. At the moment of the conversation, they were asleep and, if Arevik had not told them about her brother's phone call, they would not even have known that Narek called home before the murder.

Narek's relatives informed the Military Prosecutor's office in numerous complaints that a few hours after the murder, in the morning of May 10, Narek's friend Vladimir Alaverdyan called them and asked Sasun Galstyan to help him to come home to Alaverdi for two or three days because he had a lot of things to tell him about the incident. Instead of revealing the murder, the investigator tried to discredit Narek Galstyan's parents by presenting them as liars and blackmailers. Despite the investigator's efforts, three important questions still remain unanswered:

- a) **If Narek Galstyan did not have any problems, then why was he not asleep at that late hour?**
- b) **Why did he want to call Valodik at that late hour?**
- c) **Why did he not call Valodik?**

From all this, it is clear that Vladimir Alaverdyan was an eye-witness of the incident and could reveal crucial facts about the incident. However, Hakobjanyan questioned him only one month and eight days after the incident, forcing him to give false testimony that

Analysis of the violations revealed during the observation of the preliminary investigation and the judicial processes regarding non-combat fatalities in the RA armed forces

- a) **he was not next to Narek when the incident happened,**
- b) **he does not know anything about the incident,**
- c) **he does not have a cell phone, and**
- d) **he called Narek Galstyan's father only to express his condolences.**

The investigator does not ask a very clear question. If Vladimir Alaverdyan did not have a cell phone then how and from whose phone did he call Narek's father?

After numerous complaints from relatives, the preliminary investigative body had to decode phone number 094-61-XX-XX and the witness's falsification was revealed.

He had that phone number both before and after the incident.

From that phone number, he called Sasun, Narek's father, and then Sasun and his daughter called Vladimir on that same phone number. Particularly, on May 10, 2008 at 4:54 p.m., he called Arevik Galstyan (c. v. 1, p. 130). Before and after the incident, Arevik called Vladimir three times from phone number 094-61-XX-XX.

The criminal code provides criminal liability for giving false testimony. But the investigator did not punish Alaverdyan. Therefore, we may suppose that the latter gave false testimony on the order of the investigator.

While questioning Vladimir for the second time (c.v. 2, p 18-20), the investigator did not even refer to the fact that he had given false testimony last time. From the second testimony, it became clear that, besides phone number 094-61-XX-XX, on the day of the incident he had two more phone numbers 091-76-XX-XX and 091-84-XX-XX.

-20- The forensic examination of the body revealed scratches and bruises on Melikyan's hands, legs, chest, and back that were caused no more than ten minutes before his death. Not willing to report an obvious beating and torture, the investigator took testimonies from the witnesses according to which

- a) **none of the soldiers would be able to beat Melikyan because he was a wrestler, master of sports, and physically stronger than everyone, and**
- b) **the injuries could be caused while hurriedly carrying Melikyan from the watchtower to the trench as he was dying, as a result of hitting the walls of the trench.**

-1- Witnesses Rafael Evoyan and Smbat Sargsyan renounced their preliminary testimony and announced that investigator Levon Petrosyan extorted false testimonies from them by deception. They announced to the court that the investigator did not record the things that they said. Instead he allegedly recorded things that they did not say.

In the testimonies, the investigator presented falsified facts about which the witnesses had no clue. The investigator ordered them to write and sign at the end of the testimonies that

they read the testimony, that it was written from their words, and everything was correct. However, in reality the investigator did not present to them the written testimony to read.

The aggrieved party filed a petition to have all the documents related to the testimonies sent to the Special Investigative Service and an investigation prescribed by law carried out. However, Prosecutor S. Mardanyan, postponing the discussion of this petition, never referred to the possible crime and, without any basis, made a decision that the testimonies of the two witnesses were not credible. This decision is already illegal because the witnesses testified in court that they would be subjected to criminal liability for giving false testimonies. Judge Mardanyan, abusing his official position, referred to the fact without regard to the law. In this case, we were talking about a concrete fact and if the testimony of the witness is true then the investigator should be subjected to criminal liability. If not, then the same should be applied to the witness.

SERVICE INVESTIGATION

As a rule, after each incident a service investigation is carried out by the lawyer or another responsible officer of that unit. However, those are merely formalities. The investigation reports are either copied from the testimonies of the same soldier given to the police or the investigation is carried out very carefully and superficially so that there will not be any contradiction between it and the investigation carried out by the investigator.

It should be noted that, in case of any intentional murder during an objective investigation, the possibility is greater that the officers of a specific unit have their share of guilt.

-1- After Artak Nazaryan's murder, on the same day, the senior staff of the Headquarters carried out a service investigation. At that moment, they had a document with them given by the unit's Commander saying that Nazaryan committed suicide in the trench. However, the place of the incident was later moved to the rock by some unidentified people. The employees of the Headquarters who were carrying out the investigation did not refer to this contradiction in any way. Neither during the preliminary investigation nor during the trial was this contradiction clarified. The Commander of the unit, testifying at court as a witness, announced that he was just mistaken although he had sent two telegrams forty minutes apart to the Headquarters with that information.

TORTURE OF THE DEFENDANTS AND THE WITNESSES

-1- Witnesses Adibek Hovhannisyan and Harutik Kirakosyan testified at court that they and the other soldiers taken to the Berd Military Police were subjected to regular beatings and torture and forced to give testimonies not corresponding to reality against their friends.

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-2- Immediately after Torgom Sarukhanyan's murder, all 24 soldiers of his platoon were transferred to Stepanakert's Military Police department. Witness Sevak Arzumanyan mentioned this in his trial testimony. To the aggrieved party's questioning, the NK DA Commander said that 17 soldiers were taken to the police in connection with Sarukhanyan's murder.

-8- In a later testimony, Ignat Yengibaryan renounced his previous testimony, presenting concrete facts that, after he was taken to the Berd Military Police department, he was beaten and forced to write a confession.

During a preliminary investigation, Ignat Yengibaryan mentioned that he was beaten, tortured, and forced to say and write that he killed A. Adibekyan. Ignat gave the names of the people who beat and tortured him. Those are Captain Edmon Mehrabyan and Captain Armenak Ghazaryan.

The investigator considered proven that nothing like that happened and that the officers did their job with Yengibaryan, not beat or tortured him. However, there is a report in the case completed by doctor V. Dovlatyan at Ijevan Military Police department stating that, when being accepted at Ijevan MP, the external investigation of Yengibaryan's body revealed scars on his back and not yet unhealed wounds on the upper parts of the shoulder blades, left arm, right arm area, and lower back area on the right and left sides (c.v.3, p.129). Thus, this is proof that the soldier was really beaten up and tortured.

THE TESTIMONIES OF THE WITNESSES ARE NOT TAKEN INTO CONSIDERATION AND SOME WITNESSES ARE NOT EVEN QUESTIONED

Very often, the investigators in their accusatory conclusions close their eyes to crucial facts present in the witness testimonies. Very often, no investigation is carried out in relation to them or a false, biased, and superficial investigation is carried out with the help of which a crucial fact is destroyed or, for different reasons, an important witness is not questioned.

-13- Narek Galstyan's frightened friends and co-servicemen secretly informed his father that the soldiers of the same battalion, Vanadzor citizens Sargis (Armen) Ghushabyan, Hamlet Ghazaryan, and some civilian, had an argument with Narek Galstyan. According to the case files, witness Sargis Ghushabyan really served at unit number 50869, in the same unit with Narek Galstyan. In his four-line testimony (c.v.1, p154), Ghushabyan denied that he had a dispute with Narek Galstyan and mentioned that he was lying in the unit clinic during the days before the incident and on the day of the incident.

Investigator Hakobjanyan considered that so-called testimony completely satisfying. He did

not check the register of the unit clinic and did not question the doctor or the hospitalized soldiers to find out where exactly Ghushabyan was before and after the incident. It seems as though, in a unit where everyone does whatever he wants and goes wherever he wants, nothing stopped Ghushabyan from going to the parking lot and having a dispute.

A vivid proof of this is the presence of an unknown civilian in a strictly guarded area of the unit, the parking area.

In addition to that, witness Ashot Poghosyan, a noncommissioned officer, mentioned in his testimonies (c.v.1, p 32-35), (c.v. 1, p. 201-204) that he saw doctors Vardan and Levon, approximately ten soldiers and a person in civilian clothes in the place of the incident.

Throughout the investigation, the investigator was supposedly unable to find the identity of the unknown civilian. He did not want to clarify when that person entered the unit area or why at that late hour he was standing in front of the empty pit of gasoline and watching Narek Galstyan being taken out of the pit. Nothing was done by the Military Police, either, to discover the identity of that person. In an answer to the investigator's inquiry, A. Vanyan, the head of the Goris Police Garrison's Military Department, mentioned in his letter (c.v.2, p41) that the search for that unknown civilian gave no results. And this in a case where, only in the parking area, more than ten people saw that unknown civilian.

The investigator managed to find neither the person in civilian clothes nor Hamlet Ghazaryan. In response to the investigator's inquiry, the Commander of unit number 50869, V. Vardanyan, informs in his note dated 01.07.2008 that there is no "soldier named Hamlet Ghazaryan" in the unit (c.v. 1, p. 153). Naturally, there was no soldier like that because soldier Hamlet Ghazaryan from second battalion had been discharged before that (according to the aggrieved party). Not willing to solve the murder, the investigator helped Ghazaryan to be discharged from army and then started to search for him and did not find him.

The legitimacy of the preliminary investigation is put under suspicion not only by the aggrieved party but also by the Commander of unit number 50869. Based on the service investigation carried out by the unit's Deputy Commander, the Commander of the unit, V. Vardanyan, mentions in his note (c.v. 2, p.195) "... concerning Goris garrison investigative body's investigative decision, it should be noted that it has not been objective and does not correspond to reality. This is proven by the explanations of Lieutenant G. Malkhasyan and the soldiers S. Dallakyan and R. Misakyan." The service investigation files consisting of six pages were sent to Gorris garrison's Military Prosecutor Manushakyan, but the latter did not attach them to the criminal case because Hakobjanyan was acting under his instructions.

-13- On the days following the incident, the witnesses testified that Narek Galstyan "fell into" the gasoline pit. Witness A. Avanesyan mentions in his testimony (c.v. 1, p. 24) that he told the corporal of the company that "Narek fell into the gasoline pit...." According to witness Ed-

uard Avagyan (c.v. 1, p. 26-27), Narek Galstyan “fell into a gasoline container.” According to witness A. Poghosyan (c.v. 1, p. 32-35), A. Avetisyan told him that “Khakht fell into the barrel of gasoline.” Similar testimonies were also given by a number of other soldiers. The gasoline pit was not some hole somewhere near the road where Narek Galstyan could carelessly fall.

-12- Andranik’s parents mentioned in their complaints and testimonies that their son Andranik Sargsyan had a conflict during the last months of his service with the commander of his company, Vardanyan, who constantly persecuted, humiliated, and harassed Andranik. However, investigator Khalatyan did not discover the truth and did not reveal the person or people who caused injuries to Andranik Sargsyan.

-7- Right after the incident, Muradyan’s mother informed the preliminary investigative body that her son witnessed some illegalities a few days before his death, particularly fuel stealing. She learned about this during a phone call with her son four or five days before the incident. According to the prosecutor’s speech on TV, the investigation revealed that deceased Valerik Muradyan witnessed numerous violations in the unit, the investigation was still underway, and those guilty would certainly be punished. However, nobody has been found yet and nothing has been revealed.

-5- From the testimonies given during the preliminary investigation, it was revealed that, after the incident, Sargis Ohanyan and Simon Muradyan had an argument regarding the incident. During this argument, Muradyan suggested Ohanyan go and “fess up”. In other words, Muradyan suggested Ohanyan confess their crime, the murder of Arman Hakobyan. But again having interest in the case, the preliminary investigation body did not carry out a profound investigation regarding this fact. Besides that, according to H. Mejlumyan’s testimony, about half an hour before the incident he saw Hakobyan standing under the rain in the crossroads between the toilet, control point, and canteen. The preliminary investigation failed to discover or, to be more clear, was not willing to discover why Hakobyan was standing alone under the rain at that late hour.

-5- There are essential contradictions in the testimonies given during the preliminary investigation by many witnesses and those contradictions have never been resolved. The witnesses were not questioned further. A face-to-face interrogation was not carried out when necessary. The registers of the platoon, the company, and the battalion were not checked. And when it was revealed that the duty registers were falsified, the falsifiers were not punished according to the law, and no legal account was given for their actions.

-4- According to the witnesses (particularly A. Poghosyan’s testimony), on December 15 at 12:00p.m., Ghazaryan was at combat base number 134, felt sick, and asked for a headache pill from the soldiers of the base but they did not have it and did not give it to him. Later on the same day, a soldier at base number 133 gave medicine to A. Ghazaryan (c.v. p. 17). The preliminary investigative body did not question the soldiers at bases number 134 and 133 to find out what complaints A. Ghazaryan had, what he told them about his health condition,

what they saw and what they knew about the incident, what kind of medicine was given to Ghazaryan and by whom, etc.

-4- According to the records (c.v. 1, p.12), while leaving for combat duty, A. Ghazaryan received AK-74 rifle model N9276. In the military booklet it is mentioned that AK-74 rifle N31143503 was attached to him (c.v. 1, p56). It was not revealed what exact number rifle Ghazaryan had in the base, what was the rule for carrying the weapon, whether the weapon was always with him or not, and, if not, then where it was kept and what happened to the weapon after Artur Ghazaryan was hospitalized.

-4- According to a record at Hadrut hospital (c.v.1, p. 157), A. Ghazaryan not only had headache complaints but also stomach ache complaints during the shift. Witness and doctor Nonna Vardanyan mentioned in her testimony (c.v. 1, p. 162) that Ghazaryan had thrown up in the hospital. According to witness Tonoyan's testimony (c.v. 1, p.58), A. Ghazaryan also threw up in the combat base in the evening of December 12, 2010. According to the unit doctors' testimonies, the boy also threw up in the car on the way to Hadrut hospital. Despite that, the investigator did not mention this fact in the preliminary investigation decision and did not question the expert about the reason behind such frequent vomiting. Could it not happen as a result of a strong blow to the head? The forensic doctor recorded the facts but did not explain them. The murder hypothesis has either not been investigated or the investigation was just a formality. The question was not addressed to the members of the examination committee and, to this day, an answer has not been given to that question.

-8- During A. Nazaryan's testimony, the investigator deliberately did not ask the witness a number of crucial questions that would have illuminated the real circumstances of the case. There is a contradiction between Captain Namalyan's and Taron Martikyan's testimonies. Thus, according to T.Martikyan's testimony (c.v. 1, p. 65-66), he was on duty in the watchtower from 11:00a.m. - 1:00p.m. At 1:00p.m., he finished his shift, put the weapon in its place and went to the water to clean his military uniform. The witness saw Captain Namalyan only after hearing the shots and returning to the combat base. But according to Namalyan's testimony (c.v. 3, p.115-117), he came to the military base at 12:50p.m., immediately went to the bunker, checked the documents and the order, and, at last, after making some notes in the check book, he left the area at 1:10 p.m. The most important thing in this contradiction is that the preliminary investigative body considered proven that, right after Namalyan went to the watchtower, A. Adibekyan quickly took T. Margaryan's rifle and secretly went to the watchtower. This lie shows that

- a) **T. Margaryan's rifle that was found at the crime scene did not belong to A. Adibekyan at all,**
- b) **at the time of the murder, A. Adibekyan was not on duty and did not have a weapon with him,**
- c) **the weapon was taken to the watchtower not by the deceased soldier but by some other party.**

The preliminary investigative body did not carry out an investigation regarding this contradiction either. There is also another contradiction: in his first testimony (c.v.1, p.65-66), T.

Margaryan mentioned that, while cleaning his uniform near the water at 11:20a.m., he heard one single shot and then, 20 minutes later, another single shot. Five minutes later, he heard the third shot, after which he hurried to the base. During Martikyan's second testimony (c.v. 2, p. 74-75), the investigator asked whether the witness had heard two shots, a leading question. At the same time, he demanded that the witness proves that those two shots were heard from their base. Naturally, the witness backed up, according to the case report, saying that "he compared the sounds of the two shots to each other, assuming that both were heard from his base. But since he was far from the post he could not say clearly where exactly it was heard from." That is to say, the investigator obviously made the witness say that only one shot was heard. It should be noted that the other witnesses who were serving in the same post mentioned that they heard "one or two" shots and that they were not sure about it, which is simply absurd.

-8- In his following testimonies, Ignat Yengibaryan mentioned that, on the evening preceding the incident (he did not remember the time), when he was playing checkers with Adibekyan in the bunker, a message was received on Gor Khachatryan's cell phone. It should be noted that, according to Yengibaryan, Gor and Albert had a mutual page on the odnoklassniki.ru website that they were using from Gor's cell phone. After receiving the message, Albert told Gor that the message was sent for him and asked Gor to give him the cell phone. Gor did not give him the cell phone and they had an argument and then a fight, as a result of which numerous injuries were caused on different parts of A. Adibekyan's body.

It becomes clear that Gor's cell phone is important evidence in this case. Perhaps Investigator Madatyan also realized this and that is why he instructed to have all the cell phones confiscated from the soldiers of the base. However, neither Gor Khachatryan's nor Albert's cell phones were confiscated. Moreover, in his testimony (c.v. 1, p. 11-15), Gor mentioned that he did not have a cell phone during the period from February 10-23. This is an obvious lie since, according to the deceased soldier's brother Vardan, who knew Gor during his service, Gor called him from his cell phone during that period.

For this reason, the face to face interrogation report of Ignat Yengibaryan and Gor Khachatryan (c.v. 3, p.101-102) is very important because Ignat affirms his previous testimony.

In response to Vardan's testimony, he no longer claimed that he did not have a cell phone but only said that they were very close with Abo. A quote from his speech: "It is impossible that we would argue about some sms or even hit each other. Nothing like that happened"

The investigator was obliged to carry out a deep and comprehensive investigation regarding this crucial aspect. But he did not do that, thus explicitly showing his interest in the case.

-1- It should be noted that the criminal case was sent to court without scrutiny of the forensic examination of the injuries that A. Nazaryan received after his death, six hours preceding

his death, and right before the murder. It means that an unsolved murder was sent to court. The investigators did not answer such important questions as who severely beat up A. Nazaryan on the night of the murder at approximately 2:00a.m. and, before the murder, from 7:00a.m.-7:40a.m. They did not investigate them because they did not want to reveal the true murderers. Moreover, according to forensic examination report number 704/34, 1.8pm ethyl alcohol was found in the blood and urine of the deceased. That indicates a medium degree of drunkenness. According to the expert, the deceased soldier consumed alcohol 1-1.5 hours before his death. The preliminary investigative body was not willing and did not find out where and with whom Lieutenant A. Nazaryan drank before his death. It makes sense because this information would lead to murderers, likely the officers. It should be noted that the deceased soldier had a liver disease and did not drink alcohol at all. This is confirmed by all the officer witnesses who testified that A. Nazaryan did not take part in their parties. Moreover, some of them were describing it as a sign of A. Nazaryan's inferior and disrespectful attitude towards them. From all this we may draw a conclusion that A. Nazaryan was simply forced to drink. This is indicated also by the fact that, in forensic examination report number 704/34, it is mentioned that the deceased soldier's stomach was empty and no food residues were found. Only two of the servicemen at Ghozlu 12 combat base were questioned regarding this fact. They (we claim) wrote that such things did not happen and Nazaryan did not drink at the instruction of the investigator. Consequently, they rejected the undeniable fact. But the investigator accepted their testimony because it was beneficial for him. Instead of questioning the soldiers at the base, the investigator deviated from the topic and investigated Chinar vilage's two shop assistants who mentioned that A. Nazaryan did not buy vodka from their shops. In reality, after the incidents of 19.07.2010, A. Nazaryan was under the control of Captain H. Manukyan and other soldiers instructed by the Captain could not leave the area of the combat base or, to say the least, buy vodka. And why would he buy vodka if he did not drink alcohol? The investigators supposedly did not even realize that the vodka could be brought to Ghozlu 12 combat base by other people. The investigator did not even find out what the battalion's or the regiment's officers were celebrating. In reality, if the drinking issue comes up, along with it will be discovered a group of murderers who, after getting drunk, brutally beat and then murdered A. Nazaryan. There is even no need to say that a preliminary investigation should deeply investigate and reveal these episodes as well as the last two episodes of the beatings.

-2- According to the criminal case, Torgom Sarukhanyan allegedly disclosed the secrets of the battalion to the "upper bodies." That is why he was beaten, cursed at, and humiliated; as a result of which, he committed suicide. However, the preliminary investigative body does not answer the questions of who exactly Sarukhanyan disclosed the secrets to, what concrete secrets he disclosed, who exactly those secrets were connected with, and where and when the secrets were disclosed. Moreover, it is not clear exactly whose secrets he disclosed. Whereas, according to Hrant Karapetyan's testimony (c.v.2, p.19-24), the Commander of the battalion, Feliks Yengibaryan, called him to his office on February 7 and informed him that there is a spy in the battalion who provides the "top" with information about the battalion's secrets. He

instructed Karapetyan as a soldier with “authority” to find the spy. Later, Feliks informed H.Karapetyan that he found out who the spy was without Karapetyan’s help. Robert Badalyan also mentioned these episodes in his testimony (c.v. 2, p. 1-4). It turns out that, if the soldiers drove Torgom Sarukhanyan to commit suicide, then they did it with an instruction, order, or demand from the Commander. In other words, if we consider the hypothesis of suicide then it is the battalion’s Commander who is the first one to blame. According to the Stepanakert Military Police note (c.v. 2, p. 148-150) available in the criminal case, “on February 2, 2010 Major Yengibaryan called Karapetyan and said that although Karapetyan could not find out who the ‘whore’ was in their company he found out. But he did not mention any name.” In the same note Military Police Colonel A. Bagratyan mentioned that, on January 16, Feliks Yengibaryan beat up Hovik Barseghyan and, a few days later, “Major Yengibaryan called soldier Hrant Karapetyan from 3rd Company to his office and said that the commanders and the law enforcement authorities learned about the beating of Barseghyan. Therefore, there was a ‘whore’ in their company. At the same time, Major Yengibaryan instructed Karapetyan to find out and inform him who that soldier was.”

Thus, it turns out that the preliminary investigative body had evidence regarding Commander Feliks Yengibaryan’s crimes. Yengibaryan induced his soldier to commit a crime: to find the “spy.” Yengibaryan abused his official position and beat up his subordinate, Sergeant Hovik Barseghyan. However, the preliminary investigative body did not initiate a criminal case against F. Yengibaryan in relation to these facts. According to the aggrieved party’s information, Feliks Yengibaryan constantly harassed and humiliated Torgom Sarukhanyan during the one or two months preceding his death. However, despite the aggrieved party’s numerous complaints so that all the case witnesses were present at court and testified, Judge Davtyan, explicitly acting with the instructions of the preliminary investigative body, did not call Major Yengibaryan to court. He only read Yengibaryan’s note, in which he mentioned that he did not consider it expedient to give testimony. Referring to the note by the MP Department’s head, it should be noted that it is incomplete (at least one page is missing). Another note attached to it that should mention how many pages the document contains is also missing.

UNBELIEVABLE CONFESSIONS

Extortion of unbelievable confessions from witnesses and suspects who later renounce them:

-15- The preliminary investigative body considered proven that Vahe Harutyunyan could cause 84 injuries to A. Abrahamyan with a maximum of five blows. In addition to that, it was proven that the moment he was beating A. Abrahamyan, he was wearing an eight- to ten-kg bulletproof vest, a three- or four-kg helmet on his head, a rifle on his shoulder, and a bag full of bullets and military objects hanging from his side. Thus, it turns out that Vahe Harutyunyan, in these conditions, could neither move freely nor cause fatal injuries to Abrahamyan.

Although Vahe mentioned in his testimony that A.Abrahamyan also caused him injuries, there were no injuries revealed on him. Besides that, the suspect is certain that nobody saw him because he did not see anyone passing by them at that moment and they were not shouting or making noise. They were just hitting each other in silence. He is also sure that it was because of his punches that Abrahamyan felt worse because 10-15 minutes following his beating, Vahe was taken to the battalion's health center and during those minutes nobody hit him. In his testimony (c.v. 3, p. 238-241) given approximately one month after the incident, defendant Vahe Harutyunyan categorically renounced his prior testimony and announced that he had no conflict with the deceased and did not hit him. In response to the investigator's question why in that case he testified against himself, Vahe answered that he was in Stepanakert's MP department, the police officers suspected only him, and he gave such a testimony "to avoid future problems."

-1- All the witnesses in this case unanimously testify that when they came to Ghozlu combat base on July 19, 2010 and saw Captain Manukyan and A. Nazaryan fighting, Senior Lieutenant Vahagn Hayrapetyan from Luys combat base broke up the fight and did not let it continue. However, approximately six months after the incident, when the mothers of murdered soldiers organized a protest in front of S. Sargsyan's residence and the latter promised them that he will instruct the newly appointed military prosecutor G. Kostanyan to carry out a fair investigation of their cases, V. Hayrapetyan was arrested. The investigator supposedly revealed that all the witnesses of the case gave false testimony regarding this episode. In reality; V. Hayrapetyan not only did not break up the fight but hit A. Nazaryan once. However, it was revealed at court that the witnesses gave false testimonies the second time, saying that each of them was positioned so that he could not see the blow. Although some of the witnesses renounced that testimony, Judge Mardanyan considered the episode settled and charged V. Hayrapetyan with four years imprisonment.

OBVIOUS GUIDANCE OF WITNESS TESTIMONIES

As a rule, the investigators guide the witnesses in their efforts to conceal the facts behind criminal cases. They do this by asking them questions that clearly voice or at least hint at the answer—leading questions. The most frequently asked question is the following: "Why did your co-serviceman commit suicide?" This is in a case where there are no such facts. In rare cases when the witness says that it was not a suicide the next question is asked: "In that case who murdered him? Present the facts." The witness quickly gets the intention of the investigator and realizes that even if he knows who the murderer is it is very dangerous to say his name. There were some cases when the investigator leaves the innocent witness and the murderer together so that they would "understand each other." Unfortunately, in such cases the witnesses announce this only orally, refusing to testify. The essential aspect is that the investigator manages to somehow silence the witness forever.

-13- It is obvious from the case that the witnesses were guided by the investigator to say that

Narek Galstyan “did not have any problems” in the unit, did not have any enemies, and nobody would kill him despite the numerous complaints from the aggrieved party concerning facts that were provided about the relationships between Narek and different officers of the unit.

At the beginning of 2007, two officers (one of them Volodya Hakobyan) beat Narek Galstyan for leaving the unit. In Spring of 2007, the Commander of the company, Bakhtik Stepanyan, subjected Narek Galstyan to several beatings. Stepanyan was blackmailing Narek, accusing him of stealing gasoline and demanding 18,000 dram from him. Narek Galstyan did not steal gasoline and refused to pay the money to B. Stepanyan. Out of urgency, Narek’s father and grandfather, Javad had to travel to the unit. The latter slapped Bakhtik on the face a few times, tore his epaulettes, and threatened to inform the appropriate bodies about his crime. Bakhtik cried, apologized to Javad, and promised that he will never touch Narek again. In his criminal case testimony (c.v.1, p122-123), B. Stepanyan confessed that he apologized to Javad Galstyan. But he claims that he did not do it because he felt guilty but because he was scared. According to him, he was not guilty and he had never touched Narek. In other words, investigator Hakobjanyan, once again demonstrating his interest in the case, concealed this crime too.

-8- In his testimony, I. Yengibaryan insisted that the combat base Corporal, Petrosyan, asked after A.Adibekyan's death for a bullet from the soldiers and, particularly, from him. Then Private Seyran Jndiyev gave him the bullet. Both of these soldiers testified that Yengibaryan was lying and nothing like that happened. But their testimonies do not correspond to reality since it has not been clarified to this day where the missing bullets are. Thus, the investigator considers proven both the fact that shots were heard in front of the bunker and the fact that only one bullet is missing from the combat base—the bullet with which A.Adibekyan was killed.

-1- The investigator examined in detail the episode of beatings against A. Nazaryan three to five days before his death. The witnesses gave comprehensive testimonies that A. Nazaryan was beaten on July 29, 2010 by the battalion’s Deputy Commander, Hakob Manukyan, and during the days following it by three other soldiers: Adibek Hovhannisyan, Mkhitar Mkhitarayan, and Harutik Kirakosyan. The witnesses remembered one by one all the punches caused by defendant H. Manukyan to A. Nazaryan and quoted all of H. Manukyan’s swear words, flooding the whole criminal case with these swear words. But they said nothing about the injuries that the deceased received during the six hours before the murder(which are much greater in number and severity than the injuries received five days prior).In other words, the investigator artificially exaggerated the incidents and swear words that occurred three to seven days before the murder and tried to present them as heavy crimes. Thus he obscures the real heavy crimes: beatings and torture against A. Nazaryan resulting in numerous hematomas, bruises,and scratches. If we take into consideration that the last beating and torture ended in murder then we can understand the preliminary investigative body’s

intention to conceal the violence that happened a few minutes or a few seconds before the death. Without investigating the horrible, unthinkable, brutal events of the six hours preceding the murder, the investigators artificially put forward the events of the previous days and come to a falsified conclusion that those were allegedly the reason A. Nazaryan committed suicide a few days later. It is obvious from the preliminary investigation that all the testimonies of soldiers at Ghozlu 12 combat base were guided and dictated by the investigators.

All these testimonies are in fact too similar to each other. In their aspiration, the investigators cross the line and look ridiculous. Supposedly each of the defendant soldiers beat and cursed at Lieutenant Nazaryan one-by-one. But Nazaryan did not dare to respond to these violations in any way. It should be noted that all this happened in the presence of Captain Hakob Manukyan, who was serving in the combat base. Realizing that they had crossed the line, the investigators changed the testimonies of the witnesses and made them write that A. Nazaryan did not respond because the soldiers were beating him "as a joke." The fact that all the testimonies were dictated by the investigator are clearly visible from the following: seven months after the incident, all the witnesses suddenly remembered that they had previously given false testimonies mentioning that, on July 19, 2010, Senior Lieutenant Vahag Hayrapetyan, who was called from Luys combat base to Gozlu 12 by H. Manukyan, saw that A. Nazaryan and H. Manukyan were beating each other and broke them up. In their new testimony, they "honestly" informed the investigator that V. Hayrapetyan, together with H. Manukyan, took part in the beating of A. Nazaryan. This way, the investigators sacrifice one more soldier to create the fake hypothesis of A. Nazaryan's suicide more convincing. To reach this aim, the witnesses of the case, guided by the investigator, often relevantly or irrelevantly repeat the same sentence: "After this incident, A. Nazaryan was always depressed, sad, and broken down. I cannot even explain how broken down he was." After that, all the witnesses without exception mention the following: "We were sure that A. Nazaryan would commit suicide." However, in reality, there was no ground for making such assumptions. While telling about the fight between H. Manukyan and A. Nazaryan on July 19, 2010, Arman Mnatsakanyan mentions in his testimony (c.v. 1, p 89-103) that, during the fight, A. Nazaryan started to bleed from the nose. The fight stopped at that moment and the injured went to the water fountain to wash the blood from his face. A. Nazaryan returned from the fountain with a stone in his hands and tried to hit H. Manukyan. But the soldiers and Lieutenant Vahag Hayrapetyan prevented him. This episode clearly shows that A. Nazaryan had no intention to commit suicide. Instead, he was ready to defend himself with his hands, a stone, or why not even with a weapon. This is proven also by the fact that, on July 16, 2010, Captain H. Manukyan instructed his stooge, Garegin Sayadyan, to take the firing pin out of A. Nazaryan's rifle. H. Manukyan explained that he gave such an instruction because A. Nazaryan was allegedly very sad and depressed and might commit suicide (c.v. 6, p. 149-157). H. Manukyan was able to explain the action in such a way because the preliminary investigative body clearly does not highlight the important events and clashes that preceded the instruction to take the firing pin out of A. Nazaryan's weapon, which was actually done because of those clashes. In reality, the sequence of events and A. Nazaryan's unbending character clearly

show that captain H. Manukyan was afraid of A. Nazaryan because he thought that the latter would take his rifle and take revenge on him. As we can see, the preliminary investigative body, guided not by the reality but out of its own motives, once again turns the facts upside down and gives an explanation that significantly contradicts reality.

-2- The preliminary investigative body questioned the witnesses, directing them. It did not stress the question of what happened to Torgom Sarukhanyan but, instead, why Torgom-Sarukhanyan committed suicide. In other words, the investigators initially considered proven the fact that Torgom Sarukhanyan committed suicide. The investigators addressed this question to all the witnesses. In this regard, witness Narek Avanesyan (verdict, p.8-9) said that “he cannot say exactly why Torgom Sarukhanyan committed suicide because the latter was on good terms with his co-servicemen, including R. Badalyan, H. Karapetyan and, the Corporal of the company, V. Yengibaryan.”

DESTRUCTION OF WITNESS TESTIMONIES

-2- NK DA Commander M. Hakobyan mentioned in his note number N 333, dated 21.11.2012, that 17 soldiers were taken to the Stepanakert's MP department of the RA MoD in connection with T. Sarukhanyan's murder. But it turns out that the testimonies of two soldiers are missing from criminal case number 91000511. Those soldiers are Lieutenant Andranik Sargis Yeghyan and Private Hrant Gagik Gasparyan. From this information, it is obvious that the preliminary investigative body, specifically investigator A. Apresyan from the RA MoD First Garrison Investigative Department and his superiors, committed a crime by destroying the soldiers' testimonies that were unacceptable for them.

BLACKMAIL OF SOLDIERS

The majority of the murders in the army are committed with rifles. After any gunshot murder that happens in a combat base, the soldiers naturally run in the direction of the sound if they were not already in the place of the incident. Most often, they happen to be in the place of the incident before the murder because the majority of the murders in the army are a result of a “razborka” (a Russian word signifying a conflict that often, but not always, turns violent). Whereas, according to the current combat duty conduct that penetrated into the RA Army from the Soviet Union Army and is already time worn, the movement of the soldiers within the base is clearly and strictly regulated. According to the law, the combat duty should be conducted in three shifts, each of them including a certain number of soldiers. The first shift, after being on duty for two hours in the watchtower, is obliged to return to the bunker, escorted by the Corporal of the base, turn in their weapons, and have a rest. The second shift replaces the first one. During this period, the third shift is awake and prepares for its two-hour duty. Except for the group on duty in the watchtower, the soldiers of the other two shifts are not allowed to be outside. They may only exit the bunker with the permission

of the Corporal of the base if they want to go to the toilet. During the rest of the time, they must stay in the bunker. Violations of this rule can result in criminal punishment. Thus, starting the preliminary investigation regarding the murder case, each investigator first of all finds out who was where before, during, and after the murder. As a result, it turns out that all the soldiers in the combat base violated the law because some of them were in the area of the incident before the incident while the others went there after the shot. From that moment on, the investigator has leverage against the soldiers. As a rule, he threatens to have the soldiers convicted, after which he calls the parents of that soldier and describes the situation to them, hinting that he can forgive the supposedly guilty soldier under one of two conditions: either the parents should show appropriate treatment towards him or the soldier should obey all his orders and give testimonies that the investigator needs.

Since this is applied to all the murder cases, there is no need to discuss each case separately. This can be seen from the testimony. But almost no soldier confesses this fact. Even if the soldier testifies about this at court, the judge ignores the fact by all means since, otherwise, he will be obliged to order the prosecution of the investigators and their controlling authorities, who committed serious crimes. In addition to that, the soldiers realize that they will not be able to prove that the investigators induced them to give falsified testimonies or they have already been threatened by the investigator that if he renounces his testimony and a new criminal case is initiated then he will be subjected to criminal liability for violating the combat duty rules. Although, according to the criminal code, the court can take testimony into consideration only if the witness was not constrained both during the preliminary investigation and in court, in reality all the witnesses are constrained during all the phases. The soldier who is taken to the MP and kept under detention either does not know his rights or cannot protect those rights. It should be noted that the awareness of one's own rights in fact does not play any role. If the parents of any soldier try to hire a lawyer who will appeal against the preliminary investigative body then the investigator, having all the soldiers under his control (he has all the opportunities to force them do anything he wants), can punish that rebellious soldier and his lawyer. The soldier will change from a witness to a defendant and, if an accusation has already been brought against him, then some other accusations will be added to it. Thus, the person is illegally deprived of his freedom when he is brought to the MP department. But that does not give him any guarantee of avoiding torture or inhuman and degrading treatment or of realizing his right to liberty and security. During the preliminary investigation, the rights of each witness or defendant are violated so many times that it is not even possible to enumerate them.

NOT BEING INVOLVED AS DEFENDANTS

In all the cases without exception, there are soldiers, and primarily officers, whose guilt is obvious. But they are not subjected to criminal liability. In general, there are two reasons for that:

Analysis of the violations revealed during the observation of the preliminary investigation and the judicial processes regarding non-combat fatalities in the RA armed forces

- a) **The financial interest of the investigator.**
- b) **With an instruction from the investigator, the soldier who committed the crime gives falsified testimony against an innocent soldier.**

Most often, the investigators combine both of these interests. There are cases when the investigators force the witnesses to confess crimes of other soldiers by guaranteeing them that those they are accusing of crimes will not be convicted for them.

-5- The preliminary investigative body considered proven that Hakobyan was subjected to beatings by soldiers Garik Hovhannisyan, Arshak Shahbazyan, and Sergey Solovyov. Referring to the incident as a suicide, the preliminary investigative body has not seen the obvious link between the actions of these people and Arman Hakobyan's death. In these circumstances, the preliminary investigative body was obliged to charge these people under Article 110 of the RA Criminal Code (encouraging to commit suicide), which was not done.

THE PRELIMINARY INVESTIGATIVE BODY TOOK TESTIMONIES FROM THE WITNESS AFTER THE SUSPENSION OF THE CASE.

-5- Andranik Simonyan, a witness in the criminal case, testified that he saw soldier Simon Muradyan before the incident in the area of the incident. Later, after the suspension of the criminal case on August 7, 2006, Andranik Simonyan gave additional testimony renouncing his previous testimony. The fact that the preliminary investigative body took testimonies from the witness after the suspension of the criminal case is a gross violation of the criminal procedure code and abuse of official power. But the guilty officials are not subjected to criminal liability.

FALSIFICATION OF FORENSIC EXAMINATION REPORTS

In almost all the cases, the forensic investigators make completely truthful conclusions. Later, as the crime is concealed, while testifying as witnesses, they explicitly distort or fabricate the facts. Very often, they consider possible hypotheses that are impossible in reality. This is possible simply because there is no alternative medical body that would accuse them of giving false testimony or refute their words.

-19- Forensic examination Number 90433199, available in the criminal case, was destroyed and replaced by a new, fake report that justifies the fake hypothesis. As a result, the criminal case remains suspended and the murder unsolved to this day.

-4- According to the parent, "[t]aking my son from the morgue, we noticed that the fingers on his right hand were bruised. We have photographed that and can provide it to your employees. But the forensic doctor mentions in his conclusion that there were no swellings discovered on my son's limbs."

-1- The forensic examination revealed a number of hematoma bruises, and scratches on different parts of A. Nazaryan's body that, according to the doctor, are divided in three groups based on their timing:

- a) **three to five days preceding the murder;**
- b) **six hours preceding the murder; and**
- c) **right before the murder.**

The investigator examined in detail the incident of violence against A. Nazaryan three to five days before the murder. But he did not say anything regarding the injuries caused six hours before the murder or right before the murder (which are much greater in number and severity than the injuries received five days prior).

During the trial on November 14, the expert and the author of forensic investigation report-number 704/34 was invited by the prosecutor to testify as a witness.

- a) **Before testifying the expert announced that the part in the examination report where he mentioned that three to five days before his death, A. Nazaryan received "a scratch on the fifth finger of his right hand" should be taken out from the report because he wrote that by mistake.**
- b) **The forensic doctor announced that he received 16 photos from the photographer but he wrote 19 by mistake.**
- c) **About the injuries such as the "scratches on lower jaw and in the regions of the papillary tubercle, and hematoma on the right arm that A. Nazaryan received "almost six hours before death," the doctor announced that the deceased could have received them eight hours or one minute before death, as well. In response to R. Martirosyan's question what the word "before" meant and an objection that the expert in fact was giving a testimony contradicting his own conclusion, Adamyan announced that Martirosyan was just arguing over semantics.**
- d) **This was followed by another shocking announcement: the phrase "not long before the murder" meant three to five days before the murder.**

In all the criminal cases where the phrase "not long before the murder" is used, the forensic doctor in his later testimony given to the investigator gives the same explanation: a few minutes before death. The representative of the victim's successor, R. Martirosyan, made an inquiry regarding this phrase to the director of the Russian Federation Forensic examination bureau, Professor Tomolin, and the latter generously responded to the query as follows:

- a) **The phrase is not a medical term.**
- b) **Experts who are trying to avoid giving concrete answers give such answer in this way.**
- c) **In his opinion, that phrase means 0-30 minutes before death.**

When Tomolin's letter was presented by the aggrieved party to Judge Samvel Mardanyan, the latter categorically refused to accept it. He also refused to make an official inquiry about that to the Russian or any Armenian center. It should be noted that the aggrieved party had to make such an inquiry on his own and, to this day, although the time period prescribed by law has expired, no answer has been received from the head of the Armenian center, Mher Bisharyan.

THE FORENSIC EXAMINATION REPORTS ARE NOT TAKEN INTO CONSIDERATION AND AN INVESTIGATION IS NOT CARRIED OUT ABOUT THEM

In all those cases when intentional murders are presented as suicides, homicide by negligence, or accidents, a contradiction arises between the witness testimonies guided by the investigator and the forensic examination reports. In such cases, the investigator either assigns a re-investigation, instructing the expert to change the report, or, more often, simply ignores the conclusions of the expert.

-20- Although the forensic examination of the body revealed that the deceased consumed alcohol before death, the investigator considered proven that there was no alcohol in the combat base and nobody drank alcohol. Although the forensic doctor confirmed that part of the report while being questioned and mentioned that he is ready to provide it to any independent expert because he is sure that the result would be the same, it was not taken into consideration.

-13- There is an obvious contradiction between the location of the incident and the injuries revealed on Narek Galstyan's body. In forensic examination report number 461/21 it is mentioned that the "forensic examination of the body revealed sections of peeled skin on the face, the neck, and the limbs that are chemical burns caused by an immediate impact of gasoline and its vapors."

On the posterior/lateral region of the body, a 45x23.5cm section of peeled skin was revealed. It is unlikely that such an extensive injury was caused from falling into a gasoline barrel with "2.5cm of gasoline in some places." It is also strange that Narek Galstyan's body was burned both on the front and the back. An addition to this is the testimony of Vardan Sahakyan, the head of the medical service (c.v. 1, p.98-90).

After taking Narek Galstyan out of the barrel, the witness applied indirect heart massage as a result of which, "gasoline poured out the victim's mouth (airways)." It is unlikely that gasoline would enter Narek Galstyan's airways when he was in an empty gasoline barrel. Was it possible that Narek Galstyan would receive the injuries mentioned in the forensic examination report while he was in an empty gasoline barrel? Moreover, according to witness A. Avetisyan, Narek had a respirator on his head. Taking into consideration the deep abrasion of inner organs (airways, lungs, and stomach) from gasoline and its vapors, we may assume that, after dropping Narek Galstyan into the gasoline barrel, the lid of the barrel was closed. There is also no answer given to the question of how long Narek should have stayed in the gasoline barrel to receive such serious injuries, incompatible with life, that were mentioned in the first forensic examination report.

-12- With an order from the head of the Headquarters, General Yuri Khachaturov, Colonels S.

Aghasyan and Lieutenant Colonel A. Sargsyan carried out a service investigation and “found out” that “no traces of violence or injuries” were revealed as a result of the forensic examination on Andranik Sargsyan’s body. However, the body’s external investigation report, conducted the first day of the murder on February 1 in Goris, describes all those injuries that were later confirmed by the forensic investigation. No investigation was carried out regarding this contradiction.

-12- According to forensic investigation report number 112/7, the forensic investigation revealed the following injuries on Sargsyan’s body: scratches on the right upper brow and forehead regions, scratches on the right chest and waist regions, and scratches on the right and left sides of the buttocks. These injuries were caused by striking with a blunt object while the person was still alive, not long before the death. Investigator Khalatyan, unwilling to find out by whom, where, when, and why Andranik Sargsyan received these injuries, carried out the investigation with falsifications. He tried to prove that the causes of the injuries were the rough parts of the UAZ model vehicle that the boy bumped into while he was taken to hospital. The investigator did not take into consideration that Andranik Sargsyan was wearing winter trousers and a pea coat. The investigator did not send Andranik Sargsyan’s clothes for examination. Instead, he persuaded forensic doctor Bisharyan to testify that injuries caused by the vehicle was a possible hypothesis. In this way, the unlawful group of the investigator and the doctor concealed the origin of the injuries. It should be noted that Andranik Minasyan could not receive injuries from the rough parts of the car because he was wearing winter cotton trousers and a similar coat. In order for the sharp cutting object to cause scratches on his back, it first should have cut the clothes. However, the clothes have supposedly disappeared. Most probably, there were blood traces on the outer side of the missing trousers. In addition, MoH State Forensic Scientific Center’s employee Bisharyan mentioned in the forensic report that internal bleeding was revealed in the abdomen. However the doctor says nothing about its causes.

-7- In the forensic examination report it is mentioned that the examination of the body revealed two injuries that were caused three or four days before the death from striking with a blunt object. The preliminary investigation, unwilling to say who beat up Muradyan without appropriate actions, announced that it was caused as a result of his work activities.

-5- Violating Articles 196-197 of the Criminal Code, forensic doctor A. Babayan did not answer question number four in the investigator’s report: “How long was the period between the cause of the injuries and the death?” “How long after the injuries was the death recorded?” However, the preliminary investigative body did not respond to this illegality, taking into consideration the testimonies of the witnesses that A. Hakobyan’s death was recorded on the way to the hospital. But according to the forensic doctor the cause of Hakobyan’s death was a single gunshot from front to the back, on a downward and leftward trajectory, as a result of which, Hakobyan received a “skull cap fracture and numerous bone fractures of the main skull, pulverization of the brain matter, which was distributed through the path of the bullet, subdural and leptomeningal hematoma, and liquid blood in the brain

ventricle.” Judging from these heavy injuries, Arman Hakobyan’s death should have been recorded right after they were caused. However, for some reason, the fake hypothesis was more convenient for the preliminary investigation body.

-5- In his decision to carry out a forensic examination of the body, investigator Khachatryan, while presenting the circumstances of the case, mentioned that guard Arman Hakobyan “fired a shot from a rifle as a result of which he immediately died.”

But in his 11.11.2008 decision, A. H. Sargsyan, an employee of the RA MoD Investigative Department, mentioned that A. Hakobyan received a gunshot wound to his head and died on the way to the hospital. The investigative body did not carry out a deep investigation regarding this important contradiction, either. A. Hakobyan’s head injuries indicate that he died on the spot, seconds after being shot. It is unclear why and by whom fake testimonies were given that Hakobyan died later, on the way to the hospital. To clarify this question, the investigator was supposed to address one more question to the expert: “How long after receiving the gunshot injury did A. Hakobyan die?” However, the investigator did not mention this crucial question in his report and did not question forensic doctor Babayan about this issue. This contradiction implies that the control point was not the location of the incident and, giving false testimonies, the witnesses tried to justify moving the body from the crime scene and destroying the scene. Through an additional investigation it is necessary to clarify this contradiction and, additionally, question both the witnesses and the forensic doctor.

THE FORENSIC DOCTOR DID NOT CARRY OUT NECESSARY ACTIONS

There are some cases where, out of necessity to conceal the criminal case, the forensic doctors, violating the law, give incomplete testimonies or bypass and do not answer the questions addressed to them by the investigator. Naturally, this is done with the investigator’s desire and demand. In some cases, they do not conduct necessary actions, again with an instruction from the investigator.

-4- According to the report, a tumor was discovered in the boy’s brain but

- a) **in the photograph attached to the forensic report no such tumor is seen, and**
- b) **if there really was a tumor, then the forensic doctor was required to take a sample from that tumor and send it to laboratory for an examination to reveal the character of the tumor, which the doctor did not do.**

-1- In forensic report number 704-34, it is mentioned that different parts of A. Nazaryan’s body were missing the outer layers of skin. In the conclusions section of his report, forensic doctor Adamyan avoided giving a concrete answer to question number 13. He wrote that it was possible that those injuries were caused while the body was transported. It should be noted that those injuries were also revealed during the external examination of the body

(c.v.1, p 66-73). They were recorded by David Harutyunyan, an employee of the forensic center attached to Berd Hospital.

It is obvious that forensic doctor Adamyan's answer related to the missing skin was not only incomplete but also totally unclear. This is done despite the fact that, according to the law, the doctor does not have the right to avoid the questions in the report. To fill this gap, the investigator questioned Adamyan.

Adamyan wrote in his testimony (c.v. 6, p. 20-25) regarding this contradiction that "[t]he missing skin could be caused by A. Nazaryan's body being put on the stretcher, taken from it, or other similar actions such as holding from the limbs, lifting, or moving the body." Continuing this brilliant idea, Adamyan says, "these were caused by a blunt object, particularly from handling and pressing the mentioned areas while lifting the corpse. I may add that A. Nazaryan's body was discovered on July 27, 2010, after sunrise at 7:50 a.m., and, until the end of the crime scene investigation (1:55p.m.), it was under the sun for six hours, which would definitely cause the skin to peel." It should be noted that these brilliant thoughts are not only unconvincing but are also obviously fictitious. The aggrieved party applied to a number of experienced doctors working in Armenia regarding this issue, including a pathological specialist who categorically denied the possibility of the occurrence of such injuries in the conditions and within the time period described.

To clarify this issue, the aggrieved party studied a number of forensic handbooks, including the "Forensic Medicine" manual by academician and head of the V. Adamyan Center, Shota Vardanyan. This manual describes post mortem corpse changes, along with some other changes. Nothing is said in the book about the occurrence of skin peeling on the body in certain conditions after one, two, or even three days.

Thus, the hypothesis presented by V. Adamyan has no scientific justification. Based on this information, we may conclude that, although areas of peeling skin described by the forensic examination were caused after A. Nazaryan's death, the reasons for that should be explored not in the context of the body's natural changes. Those changes had causes unknown to the preliminary investigation body (perhaps known but not defined) and should be classified as bodily injuries.

FALSIFICATION OF FORENSIC REPORTS

-12- In his testimonies, the doctor of the unit, A.B. Avayan (files p.26-30), confesses that his diagnosis and the medical treatment of two days were wrong. This is also proved by the "Conclusions" section of the forensic report, where atherosclerosis is mentioned as the cause of death. Despite this fact, investigator Khalatyan again did not see criminal intent in A. B. Avayan's actions. Then, G.K. Harutyunyan, an associate professor at the RA MoH Republican Scientific-Practical Center for Forensic Medicine, together with an expert of the same institute, R.K. Vardanyan, and an associate professor at the RA MoH Department of Clinical Cardi-

ology, A.V. Davtyan, wrote the forensic examination report number 45. According to the report unit's doctor, A.B. Avayan in fact misdiagnosed Andraniks' disease and carried out an improper treatment. In addition, it was mentioned that it was not Avayan's fault but Andranik Sargsyan's fault because Andranik misdirected the doctor with his complaints of pains in the abdomen. Based on this report, Khalatyan Khalatyan refused to initiate a criminal case against the doctor.

DISREGARDING THE CONCLUSIONS OF THE FORENSIC REPORTS

In all the cases where the facts available in the case contradict a fake preliminary investigation but they are so obvious that it is already impossible to change or conceal them, the preliminary investigative and judicial bodies, as a rule, ignore them. As a result, no investigation is carried out and those conclusions are not put as the basis of a charge or a trial.

-4- In the "Internal examination of the body" section of Forensic Examination Report number 1159/54 of Arthur Khazaryan's body, the forensic doctor mentioned that some injuries were revealed in the top and parietal ridge areas of the deceased person's head. Under the head's skin, in the top areas, including the surgical wound projections, there is an irregularly shaped dark and light hematoma. On the parietal ridge area there is a dark reddish, inhomogeneous hematoma with a total size of 15.5×9.0 cm that, in some places, takes up the whole thickness of the aponeurosis (c.v. 1, 189). There is an irregularly shaped red hematoma with a size of 1.2×0.8×0.21cm from the backside of the kidney on the hilum, under the shell without destroying its integrity.

Despite this, it is written in the report's "Conclusions" section, "[t]here were no objectives characteristics of injuries revealed during A. Ghazaryan's forensic examination." In addition, no explanation is given on this respect in the report.

-4- Avoiding answering question number three, "[w]hen did A. Ghazaryan die?" addressed by the investigator, the forensic doctor wrote in the "Conclusions" section the following: "Based on A. Ghazaryan's disease history data he died at 00:30 a.m. on December 21, 2010." If it was allowed by law to base time of death on the disease history data, then there would be no necessity for performing a forensic examination of the body or addressing a question to the doctor."

DISREGARDING THE DIAGNOSIS GIVEN BY THE MILITARY DOCTORS WHILE WRITING FORENSIC EXPERT OPINIONS

-17- The doctors at Stepanakert's military hospital revealed a jaw fraction on Gegham Serghyan. But in the institution, before the former Director of the SCFM (Scientific-Practical Center for Forensic Medicine), Shota Vardanyan, the fraction "disappeared."

THE TERRIBLE HR POLICY OF THE RA MOH SCIENTIFIC-PRACTICAL CENTER FOR FORENSIC MEDICINE

In a state institution, it is not acceptable and not promoted to have people with close relations working together. But Shota Vardanyan works alongside his nephew, Ashot Dallakyan, as a forensic doctor. His daughter works in the laboratory and his son-in-law, Arsen Babayan, works as a forensic doctor. Naturally, this situation greatly promotes the risk of corruption.

THE INVOLVEMENT OF THE DOCTOR WHO CARRIED OUT THE MEDICAL TREATMENT IN THE COMMITTEE INVESTIGATION

If, according to the investigator's hypothesis, the person died as a result of a disease, then, as a rule, a committee investigation is carried out. According to the law, the best and most well known doctors in Armenia with specific medical specializations should be involved in this committee. In this case, it is unacceptable to involve the doctor or the doctors (who at least in theory can be guilty in the death of that person) who carried out the treatment of the patient after which the patient died. The treating doctor can only act as a witness in the case.

-4- The employees of the Central Military Garrison Recruiting Commission, A. Hakobyan, H. Melikyan, and G. Anjelov, were recognized as co-authors of the forensic examination report because they had carried out the surgery and are considered to be interested parties. At the same time, it is unclear what exact role they had in the report. It is not mentioned by the forensic doctor exactly which parts of the report they are responsible for. Their opinion and point of view were not presented separately.

-4- We may clearly state that, in this case, the doctor violated Article 85 of the Criminal Procedure Code and Article 338 of the Criminal Code. This is the reason why novice expert I.F. Melkonyan, with two years of working experience, and his boss, criminal Shota Vardanyan, did not want to sign the falsified report. In this regard, it should be considered that I. Ghazaryan, the mother of the deceased soldier, is Sh. Vardanyan's relative and the latter knew very well about the woman's just character. Therefore, he was sure that he would stay unpunished. He was additionally confirmed in this when, a few days following the incident, the mother went to the forensic examination center and made a great commotion there. This is the exact reason why Sh. Vardanyan, not wanting to have the blemish on his institution, involved the following people as experts: the head of the Department of Neurosurgery at MoD Central Clinic Military Hospital, A. Hakobyan, MoD Central Clinic Military Hospital's neurosurgeon, H. Melikyan, and the chief anesthesiologist-resuscitator of the MoD Military Medical Department, G. Anjelov. Vardanyan made them sign the report even though he did not have the right to do that. If he wanted to receive the decisions of the experts, then he could and was obliged to assign a committee investigation and, meanwhile, assign the primary in-

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investigation only to expert E. F. Melikyan. According to the expert in this sphere, this was the first time that the primary investigation was turned into a committee investigation. Thus, most probably, the doctor was initially not willing or refused to take the responsibility for a falsified report (we have already mentioned the reason for this) and, violating the law, created a fake committee in order to share the responsibility with those on it.

NOT ALL THE INJURIES ARE MENTIONED IN THE FORENSIC EXAMINATION REPORT

-3- Forensic doctor S. F. Sevoyan did not reveal in his examination even the injuries that were revealed by the external investigation of the body.

-1- The forensic examination of the body revealed numerous fractures and cracks on A. Nazaryan's head. In addition, the majority of them are located in those areas of the head that have nothing to do with the path of the gunshot wound and could not be produced as a result of pressure from the gases associated with the gunshot.

In other words, there were blunt injuries revealed on Nazaryan's head that were not caused by gunshot but by the mechanical damages caused in those areas. Together with the other facts, this proved that, before the gunshot, Artak Nazaryan was subjected to beatings and torture, including striking with a blunt object on the head as a result of which he was moribund and stayed in coma. If the perpetrators let him die of those injuries, their punishment would have been inevitable. That is why, seeing that Artak Nazaryan was dying, they shot him in the mouth to create an illusion of suicide. This shows the seriousness of the issue and also the interested doctor Adamyan's reaction to the fractures and cracks on the head. He presented all these injuries as a result of the additional factors of the gunshot. Taking into consideration that the aggrieved party would not be able to justify its announcements because, according to the law, Adamyan was the expert and only he could give conclusions regarding the injuries, the aggrieved party decided not to refer to them, being sure that it would have no effect.

-21- Not all the injuries on the body were reported by the forensic examination. It was mentioned that Ohanjanyan's left ear was injured, swollen, red, and looked different than the right ear. It was also not mentioned that the fingers of the deceased were bruised on the palm side. In addition, when Ohanjanyan was drafted to the army, one of his front teeth was missing. But the forensic doctor reported that the upper denture was complete.

REJECTION OF THE INDEPENDENT EXAMINATION BY THE PRELIMINARY INVESTIGATIVE AND JUDICIAL BODIES

It should be noted that, according to the law, the parties have the right to independent foren-

sic ballistic, chemical, biological, and trace evidence examinations. Most often, there is a need for independent examinations. But such pleas have been categorically rejected by the court to this day if they did not come from within the judicial system. This way, the preliminary investigative bodies and the court grossly violate the rights of the parties.

THE FORENSIC PSYCHOLOGICAL CONCLUSION IS CONTRADICTORY AND NO REEXAMINATION IS ORDERED

It should be mentioned that it is already 15 years since the Forensic Psychological Expertise Center, founded by Elda Grin, has been working in Armenia. During this time, it has given numerous postmortem forensic psychological conclusions. There has been no single case when the conclusions given by this center would contradict with the preliminary investigative body's decisions. Thus, all the hypotheses given by the preliminary investigative body are "confirmed" by Elda Grin. For three cases under investigation, regarding Artak Nazaryan, Torgom Sarukhanyan, and Valerik Muradyan, this expert gave positive conclusions with the same content.

-1- According to point 11 in the "Conclusions" section of Artak Nazaryan's forensic examination, "[i]t was revealed by the forensic chemical examination that 1.8 promile ethyl alcohol was revealed in the blood sample and 1.7 promile in the urine sample taken from A. Nazaryan's body. That is equal to medium drunkenness. Based on the quantitative ratio of the ethyl alcohol in the blood and the urine, it was in the elimination/cretion stage and the deceased consumed it 1-1.5 hours before death. Both the aggrieved and the defending parties made a joint motion regarding this examination:

- a) **Invite E. Grin to court as a witness and question her.**
- b) **Order a double postmortem forensic psychological examination.**

Judge Mardanyan rejected the motions from both of these parties. Simultaneously, the parties drew the Court's attention to the fact that it is not possible to determine the psychological condition of a person, in this case A. Nazaryan's psychological condition, because of the absence of appropriate scientific methodology.

Defendant H. Manukyan's lawyer, Mr. Gevorgyan, presented to the court a document from another examination center confirming the facts mentioned above. After receiving the Judge's rejection, attorneys Gevorgyan and Ghasaboghlyan applied to Elda Grin with the same issue:

"Guided by Article 18 of the RA Law on Advocacy and taking into consideration your scientific experience and your authority in the sphere I kindly ask you to tell if it is possible to determine the psychological condition of a person who is in the state of average or heavy drunkenness and whether there is any scientific methodology for that."

In response to the inquiry the following answer was given:

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“In response to your inquiry number 1/1 dated 19.03.2013, I announce the following: The diagnosis of the psychological condition of a person in a state of average or heavy drunkenness is impossible because the dynamics of the influence of alcohol tend to change. If the crime was committed in a condition of medium or high drunkenness, it is simply naive to discuss a diagnosis of that condition.”

The aggrieved party’s representative, R. Martirosyan, officially announced at court that Elda Grin gave an obviously illegal conclusion regarding this case. This was announced also during a press conference. To this day, Elda Grin has responded neither to the accusations nor to her own note regarding her ignorance.

E. Grin’s decision is a central, ratifying document in this case based on which the court considered proven the logical link between the actions of the five defendants and Artak-Nazaryan’s alleged suicide and sentenced them to imprisonments of different periods.

In this case, the Judge’s reluctance to hear expert E.Grın as a witness is an example of flagrant illegality and injustice. At the same time, this shows that the Judge was well aware of the document’s falsification and that everything would fail if the expert was invited to the court.

OTHER EXTREMELY ESSENTIAL EXAMINATIONS TO REVEAL THE NATURE OF THE CRIME HAVE NOT BEEN CARRIED OUT WITHIN THE INVESTIGATION BECAUSE THEIR RESULTS COULD CONSIDERABLY CONTRADICT THE FALSIFIED PRELIMINARY INVESTIGATION.

-3- While determining the degree of Tigran Hambardzumyan’s drunkenness, the experts considerably departed from the accepted order. Instead of sending the blood and the urine of the deceased for a forensic chemical examination, only the muscle, in which 0.7 promile ethyl alcohol was discovered, was sent to examination. Based on this, an average degree of drunkenness was recorded. Such conclusion does not answer the following question: if such amount of alcohol was revealed in the muscle then how much alcohol was in the blood and the urine? It is unclear why the SFS Center’s employees, having the necessary amount of blood, departed from the accepted rules and took analysis from the muscle.

-1- During the preliminary investigation, which lasted almost one year, one of the most essential examinations was not done. A.Nazaryan’s clothes were not sent for forensic chemical and forensic biological examinations. This deliberate omission must be corrected immediately. Nazaryan’s clothes, including his underwear, shoes, cap, and sock, should be sent to the examination expert in order to reveal:

- a) **Whether there are blood traces on the clothes or not. If yes, then what blood type do they belong to? Is it possible that they belong to A. Nazaryan? Where exactly on the clothes are the traces located? Are there traces of blood that do not belong to A. Nazaryan?**
- b) **Are there traces of vomit on the clothes?**
- c) **Are there traces of brain matter?**
- d) **Are there traces on Nazaryan's socks that indicate contact with grass?**
- e) **What other traces are there on Nazaryan's clothes?**

In addition, according to the testimony of unit lawyer Lieutenant H. Udumyan (c.v.8, 2.4), A. Nazaryan always wore a bulletproof vest while going to the watchtower. It is strange for the witness that the body was found without the bulletproof vest. Taking this into consideration, the aggrieved party's motion to have the bulletproof vest confiscated, investigated, and sent to forensic ballistic-chemical-biological examinations should have been accepted. But it was not.

-2- Examination reports number 07941103 (weapon) and 07731103 (ballistic examination of the clothes) were written over a period of four months, quite a long period of time. They have some contradictions in them:

- a) **In the crime scene, not far from the body, a blood type emblem was found. This indicated that the deceased soldier had type A blood. But according to the conclusion given by the forensic center, T. Sarukhanyan had type B blood.**
- b) **It is unclear how the emblem for the blood type happened to be away from the body. Who would tear it off the clothes of the deceased? In his testimony, ballistic expert Hrayr Ghukasyan assumed that the emblem could be torn off because of the pressure produced by the gases as a result of the shot. However, expert Ghukasyan was not allowed to answer that question because the answer to it is within the competence of a trace evidence expert. In that case, the investigator was obliged to send Torgom Sarukhanyan's alleged clothes to trace evidence examination to find out not only the answer to this question but also to some other questions: Were there damages to the clothes? What was their origin? How old were these damages? All these, however, were not done.**
- c) **Despite the aggrieved party's motion, Torgom Sarukhanyan's clothes were not sent to forensic chemical and biological examinations in order to reveal: whether there were blood traces on the deceased; whether they belonged to a person or an animal; in case they belonged to a person, then of what blood type they were; whether they could belong to Torgom Sarukhanyan; where exactly they were located; whether they prove that Sarukhanyan's body was moved after the murder; whether there are traces of other blood types on Sarukhanyan's clothes; what blood type they belong to; whether these blood types correspond to the blood type of any soldier involved in the case or other soldiers in the battalion.**

THE TESTIMONIES OF NUMEROUS WITNESSES ARE TAKEN TO CONCEAL THE OBVIOUS TRACES OF BEATINGS

In almost all murder cases, the forensic doctor reveals bodily injuries during the examination of the body: scratches, bruises, and hematomas that were caused to the deceased while he was alive with blunt objects (we need to discuss this part and find the correct word) (wrist, stone, wood, metal piece, etc)

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These injuries almost always contradict the fake investigation carried out by the preliminary investigative body. That is why the investigators get rid of those facts by all means.

In some cases, they write that those injuries could supposedly be caused the moment the person falls down after the shot. In some other cases, they assume that the injuries can be caused during work. In other cases, the injuries were supposedly caused as a result of quick and negligent transportation while trying to help the soldier. And in cases when these hypotheses cannot be used, the investigator merely does not carry out an investigation about them.

-12- In order to conceal the real causes of the injuries revealed on Andranik Sargsyan's body by the forensic examination, the investigator extorted testimonies from the accompanying soldiers and the driver that there were numerous rough places on the seat and the walls of the car and such injuries could be caused while bumping into them. All the aggrieved party's assertions and objections that such a thing could not happen and demands to have the forensic doctor interrogated on this issue and to have an independent medical committee created to clarify it, were refused by the investigator until the end.

-20- According to many witnesses, the bruises were caused, for instance, while transporting the body from the crime scene.

THE PROSECUTOR'S INSTRUCTIONS WERE NOT IMPLEMENTED OR WERE IMPLEMENTED WITH DELAY.

In reality, no investigator can fail to implement the instructions of the prosecutors or implement them with delay. In the mentioned cases, the prosecutor simply chooses double standards or pulls the wool over the victim's eyes. He gives the investigator a written instruction but orally orders him not to implement the instruction. This is the reason why the prosecutors never punish the investigators for not implementing their instructions or for implementing them with delay.

-8- Prosecutor Tevan Mirzabekyan rejected the lawyer's motion without justification (c.v. 2, p.151-152). But he later unofficially ordered to change the investigator. This was done by the Head of Criminal Service Department Number 6, V. Smbatyan (c.v. 2, p.155). Realizing that Ignat Yengibaryan's testimonies may be very dangerous for them, T. Mirzabekyan, in order to insure himself, gave instructions on May 14, 2012 to the preliminary investigation. Except for the point related to the bullets, the prosecutor referred to the following: "witness R. Safaryan testifies that only 20 liters or less of diesel fuel was provided to Vahramajair Combat Base and, after it was finished, they were compelled to bring fuel from another base. It is necessary to carry out an investigation on that issue too and to reveal how the fuel was supplied and whether there were violations in that matter." The investigator did not implement this instruction of the prosecutor. The prosecutor also instructed the investigator to

question the commander of the company, N. Namalyan, who “a few minutes before the murder case was in the Hakobasar Combat Base.” The investigator implemented the prosecutor’s instruction only four months later, seven months after the murder, after the murder had already been concealed.

THE ANNOUNCEMENTS OF THE PARTIES ABOUT THE CRIMINAL ACTS ARE INVESTIGATED BY PEOPLE WHO COMMITTED THOSE CRIMINAL ACTS.

-13 – The relative was invited to the prosecutor’s office after filing a complaint. But instead of the prosecutor of the case, the Goris garrison military prosecutor, Mr. Manushakyan, received him. According to the relatives, he is the one who concealed Narek Galstyan's murder. He aggressively attacked the applicants and tried to terrify them. After that, he had to leave the Military Prosecutor's Office. After demanding a few more meetings, Kostanyan refused to discuss with the applicants the details of the murder, explaining that he was not familiar with the criminal case.

-11- Based on Article 190 of the Criminal Procedure Code, the declaration was supposed to be investigated by the SIS. However, grossly violating the law, the RA Prosecutor General sent it to the military prosecutor at garrison number 2, A. Petrosyan, that is to say to a person under whose supervision the crime mentioned by the aggrieved party was carried out, a person who is the co-author of the crime.

-1- , -2- For these cases, a number of declarations about the crimes in the cases of Artak-Nazaryan (murdered in 2010) and Torgom Sarukhanyan sent by the aggrieved parties to the RA Prosecutor General were again illegally sent to the body that committed the crime or to the court that was not entitled to file a criminal case.

IN ALMOST ALL CASES, THE PRELIMINARY INVESTIGATIVE BODY DISPLAYS ARBITRARINESS TOWARDS THE MOTIONS OF THE AGGRIEVED PARTY.

In some cases, the appeal of the victim's successor to have the case investigated in Yerevan by the Cases of Special Importance department is satisfied. In some others, it is not. Sometimes during the preliminary investigation all the documents, such as the forensic reports, decisions, testimonies, are actually provided to the aggrieved party. In some other cases, none of them are provided. This arbitrary approach is obviously connected with how much these documents reveal the falseness of the preliminary investigation and how they can get in the way of the preliminary investigative body’s fake investigation. For example, according to the Criminal Procedure Code, the investigator is obliged to provide the aggrieved party with the copies of the decisions related to the aggrieved party.

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-6- In this case, Investigator H. Margaryan considered proven on October 18, 2012 that the soldier was murdered by the enemy's shot and terminated the criminal case. Since then, the aggrieved party's successor has presented numerous pleas and complaints to the responsible bodies demanding to have the copy of that decision provided to her so that she can have an opportunity to appeal it if necessary. Only eight months later, she finally managed to receive that document. That illegality was so flagrant that even the Human Rights Defender's office referred to it in his announcement issued 18.07.2013: "Soldier Z. Margaryan's mother, Alvina Margaryan, wanted to appeal the decision on the termination of the criminal proceedings of her son's case." The same day, instead of punishing the offending employee, Prosecutor General A. Hovsepyan signed an order about "providing the aggrieved party, its representative, the civic applicant/plaintiff, the civic defendant, and others with the copy of the decision on the termination of the case." With this, he only repeated the law, which is grossly and regularly violated by his employees.

HARASSMENT WITH SEXUAL ABUSE OR SEXUAL ACTIONS

Often trying to conceal the murder cases, the preliminary investigative body with the help of certain witness testimonies supposedly receives information about a certain soldier's alleged homosexuality or relations with another men. Taking to consideration the discriminatory attitudes that the majority of society holds towards sexual diversity, the preliminary investigative body blackmails the parents of the deceased, making them keep silent about the preliminary investigative body's illegalities. In addition, in all these cases the investigators base their blackmail only on an allegation.

-5- Forensic doctor Babayan wrote, particularly in the conclusions section, that "as a result of the forensic biological examination of the samples taken from A. Hakobyan's mouth cavity and rectum, semen were not revealed. But the absence of semen does not exclude the possibility of the sexual actions."

Thus, the forensic doctor brings out a hypothesis without any facts, relying only on his unjustified assumptions.

Moreover, for the investigative body the doctor's phrase "does not exclude" turns into an indisputable fact. One of the parents said, "[f]or 12 years already, the investigators and their superiors have been trying to blackmail and humiliate me, silence my complaints against the illegal and continuing preliminary investigation, announcing that my son was supposedly subjected to sexual abuse. But the same investigator did not reveal that sexual abuse speculated by them at any point during the 12-year investigation."

NOBODY WAS RECOGNIZED AS THE VICTIM'S SUCCESSOR

-13- Nobody from N. Galastyan's relatives was recognized as successor

-12- In Andranik Sargsyan's case, nobody was recognized as a successor. On July 22, 2010, Senior Investigator at the RA MoD 9th Garrison Investigative Department G. Kh. Khalatyan rejected the initiation of a criminal case based on the provided documents because of the absence of a crime.

THE VICTIM'S SUCCESSOR WAS NOT INFORMED ABOUT THE COURSE OF THE CASE

-6- For one month, the parent has not received any official information about how, why, and by whom her son was murdered. She was also not informed about what kinds of examinations were assigned and did not receive the copy of the forensic examination report. In the beginning of the preliminary investigation of criminal case N 90753912, Zorik Margaryan's brother was recognized as the victim's successor. Since he is currently in the Russian Federation, based on his request the deceased soldier's mother, Alvina Ashot Margaryan, was recognized the successor.

Alvina petitioned to be provided with the copies of the forensic ballistic and biological examination reports. The preliminary investigative body rejected this petition, explaining that her son had already been familiarized with them. In this case, the aggrieved party was present during Zorik Margaryan's forensic autopsy. But the preliminary investigative body, violating the law, refused to provide even a copy of that document. Currently, there is an inextricable situation with this case. Investigator Margaryan in his letter number 2384 (18.10.2012) informed the successor that, based on Article 31, part 1 of the Criminal Procedure Code, the criminal case has been closed. At the same time, the investigator informed the aggrieved party that she can appeal this decision. However, the aggrieved party cannot appeal the decision because she does not have all the necessary information regarding the case, knows nothing about it, and is in an inextricable situation.

THE VICTIM'S RELATIVES DID NOT HAVE AN OPPORTUNITY TO GET ACQUAINTED WITH THE CASE DOCUMENTS

-13- The victim's relatives did not have an opportunity to get acquainted with the forensic report and with the other examination and investigative reports.

-7- The pleas of the successor to receive the copies of the photographs in the case and to hold a complex committee examination were refused by the preliminary investigative body.

-5- Violating the law, the investigator has not presented the copies of all the forensic examination reports and the criminal documents to the victim's father, thus depriving him of the opportunity to appeal his illegal suspensions.

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-4- The employees of the RA MD Investigative Service refuse to provide a copy of A. Ghazaryan's computer examination CD. This is allegedly the same important examination with the help of which the doctor discovered a tumor in the boy's head and performed a surgery after which he died.

The employees announce that, since the examination was conducted by Erebuni Medical Center's employees, the mother should turn only to them. But, according to the criminal case (c.v. 2, p. 122), "[d]uring the preliminary investigation, all descriptions of the deceased A. Ghazaryan, the x-ray, and the computer tomography pictures were received from all the medical service operators and were attached to the criminal case."

THE VICTIM'S RELATIVES WERE NOT INFORMED ABOUT THE COURT HEARINGS RELATED TO THE CASE.

-13- On September 22nd 2008, an accusation was brought against captain Aram Haroyan, the commander of military unit No. 50869 under Article 314 of the RA Criminal Code. But the victim's relatives were not informed about the court hearings.

THE EMPLOYEES OF THE PROSECUTOR'S OFFICE OFFERED MONEY TO THE VICTIM'S RELATIVES.

-13- The employees of the Prosecutor's Office demanded the victim's relatives buy the criminal case at a cost of 75,000 AMD for three volumes (750 pages).

INTIMIDATION OF THE VICTIM'S SUCCESSORS

-7- According to Valerik Muradyan's mother, Nana Muradyan, when the senior prosecutor of the RA armed forces met her in the hall of the military prosecutor's office, instead of assuring her that they were doing everything to solve the crime, he frightened her with the rhetorical statement, "do not forget that you also have a daughter..."

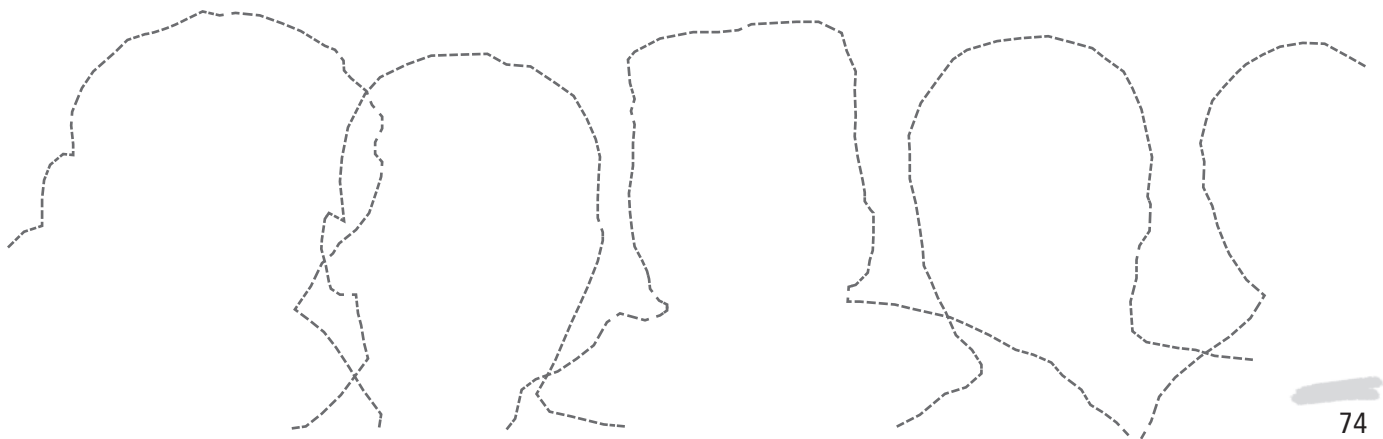
THE USE OF VIOLENCE AGAINST THE AGGRIEVED PARTY

-4- On November 11, 2012, the head of the Central Department of the RA MoD Investigative Service, Yurik Badalyan, insulting the victim's successor and using physical force against her, threw her out of the building of the Investigative Service. In response to this, the head of the RA MoD Investigative Service, A. Harutyunyan, wrote that a service investigation was supposedly carried out regarding the incident and Badalyan was subjected to disciplinary sanctions.

But, abusing his official position, A. Harutyunyan refuses to provide the successor with any documentation of the sanctions. The victim's successor stated, "[o]n April 20, 2013, I went with my husband to the RA MoH forensic center to receive information related to the death of the soldier Raffi Marashlyan who died in the NK Defense Army one day prior. When this hooligan saw me he asked me in an aggressive and disrespectful way who called me to go there, who the hell I was, and why I was there. We started arguing, he attacked me with swear words, and then he raised his hand to hit me. He was just held back by the others from hitting me."

REJECTION OF INITIATING A CRIMINAL CASE AGAINST THE INVESTIGATOR

It is an indicator of corruption when the prosecutors never move for a criminal case to be initiated against the investigators whose criminal actions in the preliminary investigation are obvious and absolutely proven. The reason is not that it is dishonorable according to some unwritten law to start criminal proceedings against the employee of the same system but because all the investigators, without exception, commit crimes only with the awareness and instruction from the supervisor who, while giving illegal orders, guarantees that the investigators will stay unpunished.



JUDICIAL PROCESS STAGE

ATTORNEY INACTION

In some cases, the lawyers disregard their direct duties, do not take part in the court hearings, do not make necessary motions in favor of their clients, do not take part in the important examinations related to the case, and allow anyone to frighten, insult, or humiliate their clients.

-9- The lawyer did not plead for the clothes to be examined. The aggrieved party was supposed to file a petition and receive copies of photographs of the body that would display S. Manukyan's injuries more clearly and illuminate the means of their origin. This was not done.

Instead, the deceased soldier's mother, L. Manukyan, and her legal representative, both in the Court of Appeals and Court of Cassation, pleaded for a maximum punishment for all three accused officers who allegedly caused S. Manukyan to commit suicide. Doing this, they directly legitimized the fake hypothesis presented by the preliminary investigative and judicial bodies. A new investigation should be carried out in regards to this case. But, according to the law, it is impossible at this moment because the case has undergone all its stages and the aggrieved party did not take the necessary actions. At the moment, this essential plea can be sent to the prosecutor's office only if the aggrieved party can present new evidence.

-2- Lawyers from the NKR Office of the Public Defender, Azat Avagimyan and Marina Hakobyan, were illegally provided to represent defendants Hrant Karapetyan and Robert Badalyan in the case of Torgom Sarukhanyan, although they did not have the right to defend RA citizens.

In fact, these are the lawyers who are involved in all the soldier murder cases by the RA MoD Investigation Service bodies operating in NKR. These individuals do not defend their clients at all.

There has not been a single case when these lawyers appealed against the illegalities committed by the preliminary investigative body, despite the many illegalities. A vivid example is the trial where the defendants announced that four important witnesses who avoided coming to court and giving evidence should be subpoenaed.

At the same time, the defendants announced that those witnesses gave obviously false testimonies against them and their presence at court is very important. It should be noted that, as a rule, it is the responsibility of the lawyers to make such motions. But in this case, the lawyers did not even join the motion of their defendants and announced that the question of subpoenaing the witnesses should be left to the discretion of the court.

UNWANTED WITNESSES NOT BEING SUBPOENAED

Very often, the judges do not subpoena the unwanted witnesses. The unwanted witnesses are those from whom necessary but false testimonies were obtained with the use of violence, psychological pressure, or blackmail. Nevertheless, the sense of justice is noticeably expressed in them and, at court, they may partially or entirely tell the truth, which is dangerous for those who conceal the case. Usually, the investigator informally orders them not to show up at court after receiving the subpoena and also hinders the appearance of those witnesses in court prescribed as by law. Such witnesses did not show up at court during A.Nazaryan's and Torgom Sarukhanyan's cases.

-1- The court refused to subpoena as a witness Artur Mkrtychyan, who was kept under detention within the scope of this case in the Military Police department of Berd, not serving in the base or company. His interrogation could additionally confirm the unlawfulness of the soldiers' deprivation.

THE JUDGMENT IS BASED SOLELY ON A CONFESSION TESTIMONY WITHOUT OTHER FACTS

-8- When making the judgment, the court relies only on Ignat Yengibaryan's confession testimony (c.v.1, p. 67-73) in which it is mentioned that, before the incident, A. Adibekyan came to the watchtower with his clothes in a mess and his bulletproof vest unfastened. "He had Private T. Martikyan's rifle with him." A. Adibekyan yelled in the direction of the bunker, demanding that someone bring him bread and cigarettes. After that, "A. Adibekyan returned to the firing point. He had a weird expression on his face, as if he was annoyed with something. But I did not understand why." At that moment, he insulted Ignat, calling him Igulik. Ignat demanded that Adibekyan stopped calling him that, after which Adibekyan started cursing at Ignat. After all this, according to Ignat, he shot and killed Adibekyan for mocking and insulting him. In his next testimony, Ignat Yengibaryan renounced his previous testimony, saying that on the day of the incident, after he was taken to the Berd Military Police department,

he was beaten and forced to write a confession testimony.

Before Yengibaryan's testimony, his legal representative, lawyer Samvel Shabatyan, moved to challenge investigator Madatyan. This was presented to prosecutor Mirzabekyan (c.v. 2, p. 148-150) where it is mentioned that the defendant told the lawyer in a private conversation that A. Adibekyan had an argument with the junior sergeant Gor Khachtryan a day before the incident. Then that argument turned into a fight.

They physically attacked one another, during which Adibekyan received injuries on different parts of his face. Sharbatyan told prosecutor Madatyan about this. Madatyan answered that the injuries were caused not as a result of a fight but of falling down after being shot. Here is quote from A. Adibekyan's body examination report number 178/7: "The forensic examination of A. Adibekyan's body also revealed scratches on the right side of the forehead and the cheek, and on the first finger of the right hand that were also caused by a blunt object while he was alive."

On February 25, 2012, Sharbatyan called the investigator and informed him that, at the request of Yengibaryan's parents, he will defend Yengibaryan and he was going to meet his defendant the next day. The investigator answered that he was going to be in Berd and would only be back the day after that. The next day, Sharbatyan was already in the Ijevan Military Police department at 1:00p.m., where he was informed that the same day, before his arrival, the investigator had hastily questioned Yengibaryan as a suspect and took him to the crime scene to recount the incident although he was supposed to be in Berd at that time.

Presenting these facts, lawyer Sharbatyan challenged investigator Madatyan and motioned for a criminal case to be filed based on the investigator's proceedings.

STATEMENTS ABOUT THE CRIME ARE NOT INVESTIGATED DURING THE TRIAL.

The aggrieved party sends statements about the crimes committed by the SIS. Instead of verifying these statements in a manner prescribed by law and, in case there were grounds for those statements, initiating a criminal case, the SIS sends them to the Prosecutor General. The latter sends them to the Prosecutor, and he, in turn, sends them to the Judge, who is not responsible for initiating a criminal case and is only supposed to send materials to the SIS. But the Judge never does anything like that and does not want to punish his colleagues. So the statements remain uninvestigated, which was prearranged from the very beginning. In other words, the statements come to a deadlock.

-1- The aggrieved party, relying on Article 41, Part 2, point 4, Article 184 of the RA Criminal Procedure Code, motioned the RA Prosecutor General to initiate a criminal case against the former commander of RA MoD unit 21127, Seyran Ghazaryan, under Article 133, Part 2,

point 6 (Illegal deprivation of freedom not concerned with kidnapping against two or more persons, in this case against 14 persons) and Article 309, Part 1 of the RA Criminal Code. However, this was not done.

-1- Witnesses Rafael Evoyan and Smbat Sargsyan renounced their preliminary testimony and announced that investigator Levon Petrosyan extorted false testimonies from them by deception. They announced to the court that the investigator did not record the things that they said. Instead, he recorded things that they did not say. In the testimonies, the investigator presented falsified facts about which the witnesses had no clue.

The investigator ordered them to write and sign that they read the testimony, that it was written from their words, and that everything was correct. However, in reality, the investigator did not present to them the written testimony to read. According to Article 41, Part 2, point 4 and Article 184 of the Criminal Procedure Code, the presiding judge, A. Mardanyan, was supposed to motion the Prosecutor's office to initiate a criminal case in regards to these facts. However, the judge did not do this, obviously trying to conceal the criminal acts committed by the preliminary investigative body.

For A. Nazaryan's case, the aggrieved party sent about 20 statements about a crime to the SIS that were all sent to Judge Mardanyan. In response to the aggrieved party's question what was going to happen to the statements, the Judge answered that he would refer to them in the consulting room while making a judgment. In reality, he lied and no particular decision was made in his judgment in regards to the mentioned crimes and the Judge did not present a motion to the responsible bodies for carrying out an investigation regarding the crimes.

THE VERDICT ADOPTS/EDITS THE DATA FROM THE TRIAL

-1- In the verdict, the court violated the law, editing forensic examination report number 704/34 given by forensic doctor Vigen Adamyan, based on Adamyan's testimony, although it did not have the right to do that. Particularly, in reaching a verdict, the court relied on Adamyan's testimony that there was a "technical mistake" when he mentioned 16 photos instead of 19 and a similar mistake occurred in the classification by time periods of the injuries A. Nazaryan received before death. Besides that, with a motion of the prosecution to subpoena forensic doctor Vigen Adamyan, the court allowed him to rephrase forensic report number 704/34 given by Adamyan himself and then based its judgment on that same testimony. At the same time, the Court disregarded the fact that Adamyan did not manage to give a scientific justification for the origins of the skinned areas.

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IN ITS FINAL VERDICT, THE COURT TAKES A SELECTIVE APPROACH TO THE FACTS.

-1- Forensic examination report number 704/34, prepared by forensic doctor Vigen Adamyan, classified the injuries revealed on A. Nazaryan's body by time period, dividing them into three groups:

- a) **3-5 days before death,**
- b) **almost 6 hours before death, and**
- c) **not long before death.**

When reaching the verdict, the Court disregarded and did not investigate the injuries caused not long before and about 6 hours before Nazaryan's death.

The Court disregarded the fact that it remained undiscovered where, what, why, and with whom Lieutenant Narazaryan consumed alcohol 1-1.5 hours before his death. This is confirmed by forensic examination report number 704/34. When reaching the verdict, the Court disregarded the fact that Nazaryan received 120 bullets before his death and all 120 bullets were in their places after his death. Thus, Nazaryan's rifle could not be the murder weapon. The Court did not take steps to reveal from what rifle Nazaryan shot himself and did not recognize unacceptable the investigator's statement, based on visual investigation, that there were no shots made from the other weapons of the combat base. This is a statement that cannot be of evidentiary significance because it was not made by the ballistic expert. During the judicial process, as well as when reaching the verdict, the Court disregarded the fact that fingerprints were not revealed on A. Nazaryan's weapon. The Court disregarded the fact that the cartridge investigated by the ballistic expert was of a different issue than the one found at the crime scene.

The Court disregarded the fact that, based on the ballistic examination of the samples, seven of the soldiers at Ghozlu combat base were present when Nazaryan was shot. This is confirmed by the gunshot residue found on them. According to the court testimonies of the witnesses and the defendants, there were no other shots fired during those days. The Court disregarded the fact that the preliminary investigative body ignored the results of the examination and did not carry out an investigation about it. The court disregarded the fact that blood traces were not revealed on the alleged crime scene—the rock on which A. Nazaryan's body was leaning—although the bullet exit hole was situated on the nape of Nazaryan's

neck. The Court disregarded the testimonies of the victim's successor in which they mentioned that Nazaryan's cap kept by the preliminary investigative body was not bloody in the beginning but at the end of the preliminary investigation it was soaked in some blood resembling substance. The Court rejected the motion to send A. Nazaryan's bulletproof vest for a ballistic examination to reveal the origin of the rips on it. The Court disregarded the fact that at least two witnesses, Rafael Evotyan and Smbat Sargsyan, confirmed that investigator L.Petrosyan extorted testimonies from them by deception, writing down totally different things instead of what they said. Therefore, the other testimonies taken by L.Petrosyan cannot be credible either. The Court disregarded G.Udumyan's insults and threats towards Nazaryan a few hours before his death and relied on its verdict on the conflicts between Nazaryan and the other soldier that took place a few days before the incident.

REJECTION OF THE MOTION FOR A CONVICTION

-20- Since the Judge rejected the aggrieved party's motion for a conviction, the defendant realized that, based on the verdict, he could be charged with murder, rather than manslaughter. It was possible to bring back the defendant from Russia only in winter of 2012. When in 2013 the trial started it turned out that the important witnesses are absent. One of them who committed the crime during the incident should have been charged, ran away from Armenia the day he was called to court. It is confirmed by the note given by the border troops.

THE PENALTIES IMPOSED ARE GENERALLY MILD OR AN AMNESTY IS APPLIED.

The courts usually reach arbitrary verdicts for the benefit of the defendants without taking into consideration the seriousness of the crime or the aggrieved party's complaints. The defendants are offered to give false testimonies with a promise that, after the trial, they will be released from detention and, as a rule, this promise is kept.

-19- Shengavit Trial Court reached a verdict on July 31, 2009 in which E.Avetisyan was found guilty and sentenced to four to six months of imprisonment. Meanwhile, A. Petrosyan was found guilty and sentenced to three years and three months of imprisonment. They must carry out their sentence in the prisons of the RA Ministry of Health.

On October 20, 2009, the RA Court of Appeals, based on the accused persons' appeal, reexamined the case and rejected E. Avetsiyan's and A.Petrosyan's appeals, leaving the Shengavit Trial Court's decision of 31.07.2009 unaltered. E. Avestisyan and A. Petrosyan entered a notice of appeal to the Court of Cassation against the decision of the Court of Appeals. On December 22, 2009, the Criminal Chamber of the RA Court of Cassation made a decision to return the cassation appeals of E.Avetisyan's lawyer and Artur Petrosyan and reached an unlawful verdict to grant amnesty to Edgar Avetisyan and to release him from detention imme-

diately.

-13- The trial lasted for only a few minutes (based on the documents). A quick trial was held and nobody was actually punished. Aram Sokrat Haroyan, who was simply the victim of Investigator Hakobjanyan's antipathy and whose guiltiness was not proven, was punished by a fine of 200,000 drams, while Avetis Avetisyan was granted amnesty.

FACTS THAT HAVE CRUCIAL IMPORTANCE FOR THE CASE ARE DISREGARDED DURING THE JUDICIAL PROCESS.

-1- On August 9, 2010, the platoon's Commander, Misha Gabrielyan, presented Artak Nazaryan's diary to the preliminary investigation. Pages were torn and missing from the diary. One torn page had a statement beginning "I take this step...."

According to the testimonies obtained by the preliminary investigative body, which were also confirmed by the witnesses at court, it was the commander of the platoon, First Lieutenant Gagik Udumyan, who, after learning about Nazaryan's death, ordered Captain Manukyan, who was next to Nazaryan's body, to hide the diary and then turn it in to the Head of the Battalion' Headquarters, Mihran Najaryan. With an order from Misha Gabrielyan, the commander of the Battalion's Headquarters, Najaryan hid the diary. Thirteen days after the incident, Gabrielyan gave the diary and the attached note to the preliminary investigative body. No investigation was carried out to trace the whole process of transferring the diary from one person to another, the circumstances of the missing pages, the discovery of the note, and the personal interest of the people in hiding the diary.

On March 26, 2013, the victim's successor, Tsovinar Nazaryan, moved in her speech at court to recognize Artak Nazaryan's diary and the note starting with the words "I take this step..." attached to it as inadmissible evidence. She justified it by stating that it was not revealed by the investigation where the diary was during the 13 days between Artak Nazaryan's death and the moment it was presented to the preliminary investigative body, how Nazaryan's notes were torn from the diary, how the note starting with the words "I take this step..." that is attributed to Nazaryan ended up there, and what motives G.Udumyan, M.Najaryan, and M.Gabrielyan had in hiding the diary from the preliminary investigative body for 13 days. There was no reference to this motion in the judgment.

-1- During the judicial process, the Court postponed or rejected numerous motions, promising to refer to them in the consulting room while reaching a verdict. But the Court considered it unnecessary to refer to the rejected motions in the verdict, stating the following: "The Court, assessing every single piece of evidence that was obtained and examined under proper procedure in terms of relevance, admissibility, and adequacy, finds that there is no need to address these motions once again." (Verdict, p 83)

THE COURT EXAMINES THE CASE AS A WHOLE

The Court, inclined not to comment on its decisions because of a lack of a logical basis for rejection, typically rejects a number of motions in a single package, without comments on each point.

-1- The Court postponed the aggrieved party's motions to indict a number of persons (G. Udumyan, E. Green-Abrahamyan, S. Kazarian, and A. Mnatsaknyan) on the basis of the facts revealed in the examination of the case and the facts of illegalities by the persons who carried out the investigation of the criminal case. In the final verdict, the Court did not examine separately the facts of crime regarding each person. Instead, it rejected all of them in one package.

"In reference to the motions for assigning a prosecutor to initiate a criminal case against a number of people, the Court confirms that, during the examination of the case, no circumstances were revealed that provide a basis for the Court to refer the people or the facts mentioned in the motions to a prosecutor." (Verdict, p 83)

OBVIOUS COOPERATION BETWEEN THE JUDGE AND THE PROSECUTOR

In the majority of its decisions, the Court relies on the prosecutor's opinion, which contradicts the opinions of the assigned party in almost all cases.

It should be noted that this cooperation becomes more obvious in those cases where the assigned party moves to assign new examinations or summon new witnesses to court. As a rule, the prosecutor is against those motions. This sends a hidden order to the judge who then makes a decision regarding the motions. It should be noted that their actions considerably contradict the legal requirement to carry out a comprehensive and in-depth examination.

-20- Dumikyan, who did not commit any crime, rejected the accusation against him at court and threatened to name the murderer and to describe the motives of the murder. After this, the trial was terminated. As a result, Dumikyan escaped and, for 6 years, nobody has been punished for Kh. Melikyan's murder or the crimes committed during the preliminary investigation and judicial phases.



CONCLUSIONS

We may conclude that the judicial system controlling our army is completely corrupted. Its three departments—the RA MoD Investigation Service, the RA MoD Military Police, and the RA Prosecutor’s Office—that are intended to ensure order and command in the army and control and prevent crime are currently the greatest evil for the army. The false investigations and the concealment of the cases significantly contribute to increasing risk of corruption in the army. To sum up, we present the factors contributing to these negative phenomena:

- *In the processes of coming to power and keeping power, the President relies heavily on the army’s high ranking officer staff, who are above the law .To this day, none of the high ranking officers has ever been punished for his crimes.*
- *The Ministry of Defense is not fiscally transparent. It is a customer, a producer, and a consumer. There are corruption risks in the following spheres: military clothing, military construction, military equipment, weapons, service vehicles, fuel, machinery parts, etc.*
- *Besides that, The MoD’s budget is not transparent and out of public control. If we consider that the Prosecutor’s Office is well aware of all the material violations present in this system and can initiate a criminal case against the perpetrators (even against a Minister) then it will be clear that the Minister of Defense and the other mentioned bodies are directly dependant on the Prosecutor General and are unable to protest against its crimes. As a result, the RA Investigation Service and the Military Police are entirely under the Military Prosecutor’s and Prosecutor General’s pressure.*
- *Conscripts serve under conditions of legal vulnerability resembling slavery. As a rule,all the soldiers are beaten and humiliated by the commanders. If a soldier complains, he will end up in a worse condition because there are informal authorities in each unit who are appointed and instructed by the officers to punish informant soldiers upon command.*

- *The detention of the witness soldiers by the Military Police is a criminally punishable crime. This crime, the soldier's illegal deprivation of liberty, is followed by a number of other crimes: beatings, torture, humiliation, etc. The moment a criminal case is initiated against the soldier, the public defenders are invited. These are lawyers who are picked by the investigators and informally work for the investigators in all the cases.*
- *Another factor greatly contributing to the number of the crimes in the army is that the RA soldiers are sent to serve under the NKR Defense Army. Thus, a number of legislative gaps are created.*
- *Since the expertise centers are granted a monopoly and there is no observing body over them, it significantly increases the risk of corruption. The Ministry of Health is unable to oversee, to say the least punish, the medical center under its jurisdiction simply because this body implicitly performs the illegal commands of the Prosecutor's Office, being under its direct patronage.*
- *The judges are fully under the authority of the RA President. In fact, this institute is absolutely dependent because, for instance, it is the President who, with his decree every year, reaffirms the judges in their positions.*
- *The right to equality is not functioning. For example, if the investigating authority must submit the copy of the criminal case to the aggrieved party for review, it submits the copy only in case the aggrieved party asks for it. The Court is obliged to submit a copy of the decision to the defendant. But it is submitted to the aggrieved party only after they appeal for it. The Court does not have the right to start the trial if the defendant or his lawyer is not present. But it has the right to hold the trial if the aggrieved party is not present. In this case, the Court refers to the theoretical assumption that the prosecutor represents the interest of the victim, which in fact is not true.*
- *According to the law in Armenia, the Prosecutor's office is responsible for carrying out the preliminary investigation. In fact, it has all the tools for putting pressure on the investigator and the Military Police and imposing its will on them. In other words, the investigator has no opportunity to carry out a false or truthful investigation without the awareness, instruction, or illegal command of the Prosecutor's Office.*
- *The aggrieved party has no functioning mechanism by which to challenge an improperly acting judge or prosecutor during either the preliminary investigation or the judicial phases. Any challenge against a judge is examined by the same judge.*

APPENDIX

THE SUMMARIES OF THE CASES PREDATING AUGUST 2013

1. ARTAK NAZARYAN



Artak Nazaryan

According to the official hypothesis, on July 27, 2010, at approximately 7:50 a.m., at Ghozlu combat base, under the supervision of RA MoD unit number 21127, Lieutenant Artak Sinari Nazaryan, who was assigned as a commanding officer of the base, shot himself in the mouth with AK-74 number 1093977, assigned to him, and died immediately. Numerous facts indicate that a biased and false preliminary examination was carried out that was accompanied by numerous and various violations of the Criminal Procedure Code, as a result of which an obvious intentional murder was presented as a “suicide.” Five soldiers were arrested with this false hypothesis. The violations in the preliminary investigation are numerous and various: destruction of evidence, destruction of the fingerprints from the rifle considered to be the murder weapon, creation of fake records, and extortion under coercion and torture of witness testimonies that considerably contradict the evidence in the case and the forensic examination reports. The trial that started in Autumn of 2011 not only did not clarify the contradictions of the case but added some more to them: new facts were revealed about the extortion of witness testimonies by deception, detention of witness soldiers for 23 days, and formation of a number of other false records and documents. A Tavush regional Trial Court, presided over by Judge S. Mardanyan, during a trial that lasted about one year and ten months, tried to do everything to conceal both minor and major illegalities committed during the preliminary investigation. Everything ended with a conviction, although the aggrieved party and the defendant were demanding acquittal. The irony is that the indictment was completely reproduced in the verdict, as if the two-year judicial process never took place and the crimes committed by the preliminary investigative body were never revealed. The Court of Appeals, after admitting the case, made a decision to examine the case in a cassation procedure, which means the court declined to hear witness testimonies or investigate evidence. As a result, the Court of Appeals left S. Mardanyan's verdict unaltered. Five soldiers were sentenced to different periods of imprisonment. According to the announcement made by the aggrieved party and the defendant, they are going to apply to the Court of Cassation and then to the European Court.

2. TORGOM SARUKHANYAN

On February 12, 2011, Torgom Sarukhanyan was killed at the DA unit number 46677.

From the very beginning, the preliminary investigative body considered only one hypothesis: that Torgom Sarukhanyan committed suicide. Criminal case number 91000511 was initiated on the incident. A preliminary investigation with obvious falsifications and violations was carried out. Syunik Regional Trial Court Judge Hamlet Davtyan recently reached a guilty verdict. According to the verdict, three former soldiers—noncommissioned officer Vilhelm Yengibaryan and conscripts Robert Badalyan and Hrant Karapetyan—were sentenced to different periods of imprisonment. They allegedly slapped T. Sarukhanyan on the face two weeks prior to the incident, humiliated him, cursed at and drove him to commit suicide. The author of forensic report number 186/10, A. Dallakyan, who carried out the external examination of the body decided to unilaterally answer the question regarding the distance of the gunshot although he did not have the right to do so.

Moreover, Dallakyan gave an obviously false answer to this question, according to which T. Sarukhanyan was killed by a single shot fired from afar. This means that, in the beginning of this sentence, the forensic doctor indicates that the shot was fired from a short distance whereas, in the second part, he contradicts himself. The representative of the victim's successor sent a report on the crime committed by Dallakyan to the Criminal SIS and Prosecutor General. But they rejected the motion for an investigation without any reasonable justification. The necessary investigations were not carried out on this case and the fingerprints of the deceased were not revealed on the weapon, even though it is stated that he committed suicide.

On August 30, 2012, Sevak Avanesyan, a key witness in the case, renounced his preliminary testimony and told the Court the following: On the day of the incident all 24 soldiers of T. Sarukhanyan's company, including him, were taken to the Stepanakert Military Police department.

Witness Sevak Avanesyan was taken into custody and kept under detention for seven days. Then, because of the unsanitary conditions of the detention cell, he contracted a skin disease and was taken to the military hospital. According to the witness, during the first four or five days in the detention cell, he was questioned by eight to ten unknown people, including MP officers and people in civilian clothes, who threatened, beat, tortured, and forced him to give false testimonies. But he did not write some of them. During this time, the unknown people extorted four or five testimonies from him. The witness gave four to five testimonies but only one of them was included in the criminal case. The witness renounced this testimony at court. The events described by the witness include actions that are criminally punishable.

Although the aggrieved party applied to court in the manner prescribed by law,



Torgom Sarukhanyan

moving to receive a copy of the verdict, Judge Davtyan, intentionally and grossly violating the law, never submitted the copy. The Court of Appeals, hearing the complaint regarding the aggrieved party's motion, provided two weeks to the aggrieved party to become familiar with the verdict and present its appeal.

However, when, according to the court decision, the aggrieved party submitted its motion after two weeks, Judge Karen Ghazaryan rejected it, announcing that the one-month period prescribed by law was over, and reached a verdict leaving Davtyan's verdict unaltered. The Judge did not object that it was Judge Davtyan's fault and suggested the aggrieved party bring a complaint in reference to that, after which, perhaps, it would be accepted and the appeal of the aggrieved party would be heard. However, two weeks later, the appeal was rejected.

3. TIGRAN HAMBARDZUMYAN



Tigran Hambarzumyan

According to the criminal case, Tigran Benik Hambarzumyan, a conscript of the RA MoD military unit number 54809, voluntarily left the military unit at 6:30 p.m. on June 28, 2011. During a search, Private Tigran Hambarzumyan's body was found on June 29 at 1:15 p.m. in the forest not far from the unit, about 100 meters away.

The preliminary investigation, that has already lasted over one year, is biased and incomplete. The very first day, without having the fundamental facts, the preliminary investigative body initiated a criminal case under Article 110 part 1 of the Criminal Code, instead of Article 105, thus identifying the incident as a suicide. While identifying the incident as suicide, the investigator relied merely on the soldiers' testimonies that, during the last few days, Hambarzumyan was reserved and sad, without taking into consideration numerous facts contradicting these testimonies. Trying to present the incident as a suicide, the investigator and his supervisors still have not investigated the crucial facts that contradict the fake hypothesis.

The contradicting facts emerged from a number of forensic examination reports. Forensic report number 610/19 revealed that, before the incident, Hambarzumyan consumed alcohol and received injuries. But the preliminary investigative body is not willing to reveal these circumstances, closely related to the case. Presenting the incident as a suicide, the investigator is unable to present the means of the suicide to this day. Although the forensic examination reports bring to a definite conclusion that T. Hambarzumyan could not commit suicide and that he was murdered by an unknown person (or persons), the preliminary investigative body still insists on its hypothesis. It still goes on insisting on it even after the post-mortem forensic psychological examination, where the authors concluded that T. Hambarzumyan could not commit suicide under the conditions described by the investigator.

To this day, nobody has been arrested. Nobody was charged for the murder of T. Hambarzumyan or causing him to commit suicide. The preliminary investigative body reached a deadlock while the Prosecutor's office constantly rejects the aggrieved party's challenge to the preliminary investigative body and the motion to transfer the criminal case to another investigative body.

4. ARTUR GHAZARYAN

According to the official information, soldier Artur Smbati Ghazaryan at NK DA unit number 38401 felt bad on December 15, 2010 and, about 36 hours later, lost consciousness. On December 17, 2010, he was hospitalized in the RA MoD Central Military Hospital and operated on. On December 21, 2010, without returning to consciousness, he died.

According to the doctors, the cause of A. Ghazaryan's death was "the mixed Cerebral Vascular malformation of the brain: cavernous hemangioma, acute occlusion hydrocephalous, brain swelling, and subarachnoid hematoma." After this conclusion, on July 15, 2011, Investigator S. S. Gasparyan dismissed the case due to an absence of guilty persons.

However, in the "Internal examination of the body" section of Forensic Examination Report number 1159/54, , the forensic doctor mentioned that some injuries were revealed in the top and parietal ridge areas of Artur Khazaryan's head: Under the head's skin, in the top areas, including the surgical wound projections, there is an irregularly shaped dark and light hematoma. On the parietal ridge area there is a dark reddish, inhomogeneous hematoma with a total size of 15.5×9.0 cm that, in some places, takes up the whole thickness of the aponeurosis (c.v. 1, 189). There is an irregularly shaped red hematoma with a size of 1.2×0.8×0.21cm on the backside of the kidney, on the hilum, under the shell, without breaking the hilum's integrity.

Despite these two indisputable facts, the author of the examination mentions in the report's "Conclusions" section that there were no objective characteristics of injuries revealed during A. Ghazaryan's forensic examination. In addition, the forensic doctor, violating the law, avoided answering the investigator's question number 5: "When did A. Ghazaryan die?" He answered the question in the following way: "Based on A.Ghazaryan's disease history data he died at 00:30 a.m. on December 21, 2010." Declaring that the examination revealed a tumor in A. Ghazaryan's head, the expert did not photograph the tumor and did not send it to a laboratory for an examination to reveal the character of the tumor's cause. The preliminary investigative body points to the x-ray photos as evidence but rejects the aggrieved party's motion to provide the photos with an explanation that they do not have those photos. In this way, the investigative body deprives the aggrieved party of an opportunity to make a motion for a full implementation of a



Artur Ghazaryan

new examination.

The aggrieved party presented a motion to the Prosecutor General consisting of more than ten points where, point by point, he proved that an obvious fake examination was carried out and demanded a new investigation. Despite the numerous complaints, the Prosecutor's Office, the Military Prosecutor's Office, and the Investigative Service never referred to the facts brought up by the aggrieved party. They submitted about 50 answers with similar content stating that a fair and thorough investigation was conducted and that there are no grounds for making a new investigation. The aggrieved party's request to have answers to her complaints, touching upon every concrete fact brought up in it, was also rejected. In July of 2013, the RA Prosecutor General met with the victim's successor, heard her complaint, and announced that he was not aware of that and that he would instruct his employees to meet the demands of the aggrieved party. If there are grounds for a new investigation, then it would be done. If not, a reasonable answer would be given to the aggrieved party's motion and to all the issues mentioned by her.

However, in the beginning of August, A. Hovsepyan sent the same answer that was given two years ago without answering concrete facts.

5. **ARMAN HAKOBYAN**

On September 25, 2000, Arman Vardani Hakobyan was killed at RA MoD military unit number 54122. The preliminary investigative body considered proven the fact that, on the same day, at around 3:40 a.m., A. Hakobyan, while on guard duty in the control point, fired one shot from AK-74 rifle number 1181849 and received a gunshot wound in the forehead, dying on the way to the hospital.

On September 15, 2001, the case was terminated because the identities of the persons who committed the crime were unknown. On November 11, 2008, the case was re-opened and an additional examination was carried out. On April 11, 2009, the criminal case was again terminated with the same explanation as before. For almost 12 years, a biased and falsified preliminary investigation has been carried out accompanied by gross violations of the criminal procedure code.

According to the "Fingerprint Investigation" section of ballistic and trace evidence examination number 23870003, concerning the weapon and the cap, no fingerprints were discovered on the magazine or elsewhere on rifle number 1181849, which is considered the murder weapon. This fact did not receive adequate legal reaction from the preliminary investigative body, although this indicates that the hypothesis of suicide is false. From the same examination report, it is clear that the investigator did not present Arman's cap to the expert but presented a totally different cap, which has the following note: "VACHO, DShB, 2000." The preliminary investigative body did not refer to this and did not carry out a detailed examination regarding this fact. Based on forensic examination report number 762/4, forensic doctor Arsen Babayan discov-

ered injuries on Arman Hakobyan's body: "numerous scratches on the nose, back, neck, right torso, left forearm, the 4th finger of the left hand, left lower hip, buttocks, upper left and right thighs, one third of the shin, the right shin and foot area, and scratches and bruises on the right shoulder joint. All these injuries were caused by striking with a blunt object 12-24 hours before the death." Thus, the preliminary investigative body did not answer the most important questions: By whom, where, and why was Arman Hakobyan beaten up and tortured within the time period mentioned by the forensic doctor? They could not demonstrate this fact because, in that case, the murder would automatically be solved. Violating Articles 196-197 of the Criminal Code, forensic doctor A. Babayan did not answer question number four in the investigator's report: "How long was the period between the cause of the injuries and the death? How long after the injuries was the death recorded?" However, the preliminary investigative body did not respond to this illegality, taking into consideration the testimonies of the witnesses that A. Hakobyan's death was recorded on the way to the hospital. But according to the forensic doctor, the cause of Hakobyan's death was a single gunshot from front to back, on a downward and leftward trajectory as a result of which Hakobyan received a "skull cap fracture and numerous bone fractures of the main skull, pulverization of the brain matter, which was distributed through the path of the bullet, subdural and leptomeningeal hematoma, and liquid blood in the brain ventricle." Judging from these heavy injuries, Arman Hakobyan's death should have been recorded right after they were caused. However, for some reason, the fake hypothesis was more convenient for the preliminary investigation body.

In the preliminary investigation report, it is mentioned that "UPAG, Petrosyan E.R." was written on the lining of a vest that was sent to the expert. The preliminary investigative body also closes its eyes to this fact. The comparison of the facts should surprise the investigator because, according to those facts, Arman Hakobyan had neither a cap, nor shoes, nor a vest. All his clothes belonged to other soldiers, which is more than suspicious. The investigators should have found out who E. R. Petrosyan was and why his vest was found (according to the preliminary investigative body) on Hakobyan. They should also have discovered what happened to Hakobyan's cap, military shoes, vest, and other clothes. In the decision to terminate the criminal case, the investigator mentions, "[d]uring the preliminary investigation, 88 people were questioned in total. But it was not possible to find out how and under what circumstances A. Hakobyan died." This should have received a proper assessment from the prosecutors supervising the case to answer why throughout the 12 years only the same fake and ungrounded hypothesis of suicide was raised.

According to the testimony of a witness, soldier Arman Hakobyan was accused of contributing to the sentencing of two soldiers due to his testimony and he was beaten up for this perceived crime. The preliminary investigative body did not investigate this hypothesis or did not want to investigate and find out whether or not the accusations of the soldiers were true.

For 12 years, the victim's successor repeatedly presented a lengthy motion in which all these facts and some others were mentioned. Based on these facts, the aggrieved party moved for a new investigation. However, just like in A. Ghazaryan's murder case, the Prosecutor General, without denying the mentioned facts, refused to give a proper answer to the motion. He sent answers with similar contents, stating that a fair investigation had been carried out and there are no grounds for reopening the case.

6. ZORIK MARGARYAN

On April 18, 2012, Zorik Merujan Margaryan was killed at RA MoD military unit number 21127. According to the case, on April 18, 2012, in the Khuban 5 military base, Zorik Margaryan received a mortal gunshot wound while another soldier, Karen Movsisyan, received a gunshot wound on the knee. Although the gunshot wound revealed on soldier Karen Movsisyan's knee and a bruise on the arm of Zorik Margaryan's (the deceased) hand prove that both Margaryan and Movsisyan were shot by fellow soldiers, to this day the preliminary investigative body has not given up the fake hypothesis that Z. Margaryan was killed by enemy fire. In any case, it was possible to reveal everything from the testimonies of Movsisyan and the other soldiers serving at Khuban 5 combat base.

It should be noted that K. Movsisyan, who received a gunshot wound on the knee, was serving at another base and came to Khuban 5 grossly violating the rules of combat base duty. In addition, it is known that before the murder the boys were drinking. According to the criminal code, prosecution should have been started against at least 4 soldiers: the Corporal of Khuban 5, the Corporal of Movsisyan's base, and the officers responsible for Movsisyan's base and Khuban 5, whose actions led to grave consequences. Instead, the preliminary investigative body—bringing up the fake hypothesis that Z. Margaryan was killed by the adversary, who came close to the base—does not link this death to the neglected situation in the combat bases. It is strange there are not even any suspects in the case to this day. At the same time, the preliminary investigative body, violating the aggrieved party's rights, does not want to release the copies of the expert examination reports. With this, it prevents the aggrieved party from carrying out the functions vested in it by law. In 2012, the case was terminated with the explanation that it is temporarily not possible to prosecute the unknown Azerbaijani soldier.

7. VALERIK MURADYAN



Valerik Muradyan

On March 15, 2010 at 00:35 a.m., the body of Valerik Azati Muradyan, a conscript and his company's driver, was found hanging from a rope tied to an iron pole in the backyard of his room, reserved for an officer in the repair and construction company. In the First Garrison Investigative Department of the RA MoD Investigation Service criminal case number 90951310 was initiated under Article 110, Part 1 of the Criminal Code and an investigation was carried out.

A number of facts show that a fake and biased investigation was carried out and is still being carried out. With a biased investigation, the investigative body attempts to present an obvious murder case as a suicide by hanging. The forensic examination that revealed injuries on the body caused by striking with a blunt object and

two bruises on the neck characteristic of strangling definitely contradicts the hypothesis of suicide. The latter injury proves that V. Muradyan was first strangled and then hanged. In addition to that, although the preliminary investigative body “considered proven” the fact that V. Muradyan was caused to commit suicide, there are still no suspects or detainees in this case. In fact, the preliminary investigative body came to a deadlock because only a murder case could be brought to a logical end.

8. ALBERT ADIBEKYAN

On February 23, 2012, term soldier Albert Armenak Adibakyan was killed at RA MoD military unit number 21127 (Mehrabner). The same day, criminal case number 90751912 was initiated. According to the official preliminary hypothesis, Adibekyan died on February 23, 2012 at 1:50 p.m. at Hakobasar combat base from a gunshot wound to the head caused by the adversary. The preliminary investigative body considered proven the following:

During service, A. Adibekyan was constantly mocking his fellow serviceman and soldier from the same base, Ignat Yengibaryan, calling him “Igulik” and “Ignatovich.” The latter could not stand any more mockery and humiliation. When Yengibaryan was in the 3rd watchtower at 1:50 pm, he approached Albert Adibekyan, who was not far from him on a guard duty at the 1st watchtower, and fired in Adibekyan’s direction from a distance of about 4 meters.

Syunik Region Trial Court, presided over by Judge Rafik Melikyan, reached a verdict and sentenced Ignat Yengibaryan to 10 years of imprisonment, finding him guilty of the murder of A. Adibekyan despite numerous contradictions in the case. When making the judgment the court relies only on Ignat Yengibaryan’s confession testimony (c.v.1, p. 67-73). In his next testimony, Ignat Yengibaryan renounced his previous testimony, saying that, on the day of the incident after he was taken to Berd Militray Police Department, he was beaten and forced to write a confession testimony. Before Yengibaryan’s testimony, his legal representative, lawyer Samvel Shabatyan, moved to challenge investigator Madatyan. This was presented to prosecutor Mirzabekyan (c.v. 2, p. 148-150) where it is mentioned that the defendant told the lawyer in a private conversation that A. Adibakyan had an argument with the junior sergeant Gor Khachtryan a day before the incident.

Then that argument turned into a fight. They physically attacked one another, during which Adibekyan received injuries on different parts of his face. Sharbatyan told prosecutor Madatyan about this. Madatyan answered that the injuries were caused not as a result of a fight but of falling down after being shot. Here is a quote from A. Adibekyan’s body examination report number 178/7: “The forensic exami-

nation of A. Adibekyan's body also revealed scratches on the right side of the forehead and the cheek, and on the first finger of the right hand that were also caused by a blunt object while he was alive."

The witness testimonies were obtained through violations of the law. The witnesses were kept at Berd MP Department. To conceal this fact the investigators wrote that the witnesses were questioned in Berd. But they did not mention exactly where, which is a violation of the law. In addition, the investigator wrote the testimony then forced the soldier to sign it. During the preliminary investigation, Ignat Yengibaryan mentioned that he was taken to the Berd Military Police Department. He was beaten and forced to write a confession. Ignat gave the names of the people who beat and tortured him: Captain Edmon Mehrabyan and Captain Armenak Ghazaryan. The investigator considered proven that nothing like that happened and that the officers did their job with Yengibaryan, not beat or tortured him.

However, there is a report in the case completed by doctor V. Dovlatyan at Ijevan Military Police Department stating that, when being accepted at Ijevan MP, the external investigation of Yengibaryan's body revealed scars on his back and not yet healed wounds on the upper parts of the shoulder blades, left arm, right arm area, and lower back area on the right and left sides (c.v.3, p.129). Thus, this is proof that the soldier was really beaten up and tortured.

According to ballistic examination report number 04611203 (c.v. 2, p. 143-146), the left side of A. Adibekyan's shirt has a 16 cm rip from the underarm. The preliminary investigative body did not carry out an examination regarding this issue. It did not find out whether it was ripped as a result of a fight between Adibekyan and Gor Khachatryan or because of a different fight. Besides that, the investigator destroyed the rifle's magazine, entered into evidence. In July of 2013 the Court of Appeals left the lower court's verdict unaltered.

9. SERGEY MANUKYAN

According to the official hypothesis, soldier Sergey Zavik Manukyan was murdered on November 10, 2009 at approximately 4:00 pm at RA MoD unit number 20666. Being on duty, S. Manukyan committed suicide with AKS-74 model rifle number 368460, assigned to him. However, the facts available in the case prove something else. Based on forensic examination report number 978/52 of Manukyan's body, in addition to the gunshot wound on the forehead, "a blunt injury on the left side of the chin," "scratches on the left shoulder and on the wrist," and "scratches on the 5th finger of the right hand that were caused not long before the death" were also found. Basically, these facts clearly prove that Manukyan was killed right after being beaten and tortured, with a few minutes or seconds difference.

However, neither the preliminary investigative body, nor three trials took into consideration this important circumstance. According to the preliminary information, the former commander of the unit, Gegham Hrantiki Asatryan, punched Manukyan on the face before his death. This is how the investigators justify the blunt injury on the left side of Manukyan's chin. However, taking into consideration that the injury has 1.5x0.2 cm parameters and 0.4 depth, we can absolutely claim that it could not be caused by a fist. Moreover, the episode described does not explain how the other injuries were caused.

The preliminary investigative body ignored one crucial fact: traces of S. Manukyan's blood were found on the gates 16 meters away from the crime scene. It still has not been discovered how they got there. The ballistic and the trace evidence examinations also prove the murder. According to them, fingerprints were not revealed on rifle number 368460 attached to S. Manukyan. In the circumstances mentioned in the case, the fingerprints could be destroyed either by the investigator or the murderer.

The day before the murder, a SIEMENS photo-cell phone was taken from S. Manukyan and broken. The preliminary investigative body "was not able to find out who broke the cell phone." The clothes that were on the deceased soldier during the incident were not sent to examination during any of the following phases: ballistic-trace evidence examination, chemical-biological examination, preliminary investigation, and forensic examination. The lawyer did not plead for the clothes to be sent to examination.

The aggrieved party was supposed to file a petition and receive copies of photographs of the body, which would show S. Manukyan's injuries more clearly and shed light on their causes. However, this was not done. Instead, the deceased soldier's mother, L. Manukyan, and her legal representative both in the Court of Appeal and Court of Cassation pleaded for a maximum punishment for all three accused officers who allegedly caused S. Manukyan to commit suicide. Doing this, they directly legalized the fake hypothesis presented by the preliminary investigative and judicial bodies. A new investigation should be carried out regarding this case. But this is impossible under current law because the case has passed the stage for the aggrieved party to take necessary actions.

10. MNATSAKAN MNATSAKANYAN

Based on the investigator's decision, it was revealed that two conscripts found the body of Mnatsakan Mnatskanyan, a soldier in unit number 51556, hanged with a sheet on October 1, at approximately 6:50 am. On October 2, 2012, the forensic postmortem revealed a trace of a bruise characteristic of injuries from strangling on the soldier's neck. At the same time, it was revealed that when Mnatsakanyan



Mnatsakan Mnatskanyan

was cut down he was still alive. This is demonstrated by the traces found on the backside of the soldier that prove that he died not while hanged but later when he was lying down. The external and internal investigation of the body did not reveal facts that would hint of violence against him. That is why it is not currently possible to say whether the soldier was hanged by others or by himself. The question to this answer should be revealed by the investigation, particularly by forensic trace evidence—chemical and biological examinations of Mnatsakanyan’s clothes. It should not be ignored that traces of violence can most probably be revealed on the soldier’s clothes.

According to the forensic doctor’s preliminary announcement, Mnatsakanyan’s death was recorded 24 hours prior to the postmortem. If the postmortem started on October 10, 2012 at approximately 11:30 am, then it should be noted that the death could be recorded on October 1, 2010 within the period from 11:30 am to 3:30 pm and not at 7:00 am as was mentioned by the preliminary investigative body. However, taking into consideration that an experienced doctor, Shavarsh Gevorgyan, should additionally request the copy of the crime scene investigation report, the inner organs of the deceased should be additionally examined, and at this moment it is not possible to say that the mentioned contradiction can be consequential. Based on what the unit’s Deputy Commander, a Lieutenant Colonel, said at the end of the service, Mnatsakan Mnatsakanyan was reserved and depressed. The Lieutenant Colonel, worried about this, talked to Mnatsakanyan.

But Mnatsakanyan did not say anything about the reasons for his psychological state. According to the Lieutenant Colonel, he helped Mnatsakanayn to be checked by a psychiatric professional. According to the unit’s Deputy Commander, this check up gave no results. The experts did not find any mental disorder with Mnatsakanyan.

This contradicts what the soldier’s mother told Helsinki Association expert, Arman Veziryan. According to him, the mother talked to his son on the eve of his death at 10:00 pm. According to the mother, her son was in a good mood during the conversation. He did not have any complaints from the service and was joking and laughing.

11. EDVARD ALAVERDYAN

On July 29, 2011 Edvard Semyon Alaverdyan was killed at combat base number 121 of DA unit number 38401. The Stepanakert MP Department received a telegram on July 29, at 7:22 am from the Hadrut MP Department stating that the body of a conscript, Private Edvard Semyon Alaverdyan, had been found that same day at 6:45 am in combat base #121 of DA unit number 38401 with a penetrating gunshot wound to the chin.

Criminal case #91255111 was initiated under Article 110, part 1 of the Criminal Code on July 29 at the RA DA 2ND Garrison Investigative Department. Sahak Asilbekyan and Alik Hakobjanyan were charged at Syunik Trial Court under Article 359, part 3, Article 182, part 1, and Article 376, part 1 of the Criminal Code.

A fake and unilateral investigation was carried out for the case. The investigation was accompanied by numerous violations of the RA Criminal Code and the RA Criminal Procedure Code, as a result of which an intentional murder was presented as a suicide. After Edvard Alaverdyan's death, some of his co-servicemen were taken to Stepanakert's Military Police Department and kept there under detention for about ten days. The case is in the judicial phase.

12. ANDRANIK SARGSYAN

In February, 2010 Andranik Sargsi Sargsyan died at RA MoD military unit number 12798. The same day, an investigation started, documented in files 15-10. On June 22, 2010, the senior investigator at the RA MoD 9th Garrison Investigative Department, G. Kh. Khalatyan, rejected the initiation of a criminal case based on the available files and with the explanation of the absence of any crime. According to the files, Andranik Sargsi Sargsyan went to the unit's clinic on January 30, 2010 with complaints of pain in the abdomen. The unit's doctor, A. B. Avagyan, diagnosed a "functional disorder of the gastrointestinal tract" and prescribed necessary medical treatment. After two days of treatment, Andranik Sargsyan not only did not recover, his condition became worse.

On February 1, seeing that A. Sargsyan was dying, A. B. Avagyan took him to Sisian's military hospital. Andranik died on the way. According to forensic investigation report number 112/7, the forensic investigation revealed the following injuries on Sargsyan's body: scratches on the right upper brow and forehead regions, scratches on the right chest and waist regions, and scratches on the right and left sides of the buttocks. These injuries were caused by striking with a blunt object while the person was still alive, not long before the death. Investigator Khalatyan, unwilling to find out by whom, where, when, and why Andranik Sargsyan received these injuries, carried out the investigation with falsifications. He tried to prove that the causes of the injuries were the rough parts of the UAZ model vehicle that the boy bumped into while he was taken to the hospital. The investigator did not take into consideration that Andranik Sargsyan was wearing winter trousers and a pea coat.

The investigator did not send Andranik Sargsyan's clothes for examination. Andranik's relatives insist that the investigator did not take into consideration that Andranik was wearing a winter pea coat and winter military trousers that disappeared and were never sent for examination. In his testimonies, the doctor of the unit, A.B. Avayan (files pp.26-30), confesses that his diagnosis and the two-day medical treatment were wrong. This is also proven by the "Conclusions" section of the forensic report, where atherosclerosis is mentioned as the cause of death. De-



Andranik Sargsyan

spite this fact, investigator Khalatyan again did not see criminal intent in A. B. Avayan's actions. Then, G.K. Harutyunyan, an associate professor at the RA MoH Republican Scientific-Practical Center for Forensic Medicine, together with an expert of the same institute, R.K. Vardanyan, and an associate professor at the RA MoH Department of Clinical Cardiology, A.V. Davtyan, wrote forensic examination report number 45.

According to the report unit's doctor, A.B. Avayan in fact misdiagnosed Andranik's disease and carried out an improper treatment. In addition, it was mentioned that it was not Avayan's fault but Andranik Sargsyan's fault because Andranik misdirected the doctor with his complaints of pains in the abdomen. Based on this report, Khalatyan refused to initiate a criminal case against the doctor. Andranik's parents mentioned in their complaints and testimonies that their son, Andranik Sargsyan, had a conflict during the last months of his service with the commander of his company, Vardanyan, who constantly persecuted, humiliated, and harassed Andranik. However, investigator Khalatyan did not discover the truth and did not reveal the person or people who caused injuries to Andranik Sargsyan. To this day, no criminal case has been initiated in regards to Andranik Sargsyan's death and Andranik Sargsyan has not been recognized as a victim.

13. NAREK GALSTYAN

According to the official hypothesis, in the late hours of May 9 and the early hours of May 10, soldier Narek Galstyan from unit number 50869 went into the gasoline barrel in the parking lot with an intention to steal gasoline and died there. However, a biased and superficial investigation was carried out that was full of gross violations of the criminal procedure code. The preliminary investigative body did not answer when exactly the incident happened. In the decision to initiate a criminal case (c.v. 1, p.1), it is mentioned that Narek Galstyan went into the gasoline barrel at 2:00 am on May 10. But the "phonebook" on the next page (c.v. 1, p.2) proves that it happened at "around 3:00 am." This contradiction was present until the end of the preliminary investigation and was never clarified. According to the crime scene investigation report (c.v. 1, p. 3), the barrel was empty. There was only "2.5 cm of gasoline in some places." Witness Armenak Simonyan, who informed the MP about the incident on the day that it happened, added that there was 20 cm of gasoline in the barrel (c.v. 2, p. 111-112). He later mentioned that he was confused at that moment and gave incorrect information and that, in reality, there "was no gasoline in the barrel." According to the investigator and his supervisors, Narek Galstyan wanted to steal gasoline from a barrel where there was no gasoline. The examination of the crime scene and the external investigation of the body were carried out with gross violations of the law. The preliminary investigative body, in fact, concealed all the evidence. Hakobjanyan did not find out from where the respirator was brought, who it belonged to, and, what is more important, was it normal for usage or not. Most probably the respirator was thrown into the barrel to imitate an accident. No military uniform was found at the crime scene or in Narek Galstyan's car. However, the investigator brought and photographed Narek Galstyan's military uniform (ch.1, p. 10, photo №11).

According to the testimony of a witness, Avetisyan, the uniform was on Narek Galstyan when the incident happened. Now it is unclear when and who took it off of him. The further destiny of the uniform remains unknown. According to the law, the investigator was obliged to examine it, record it as evidence, and send it for examination, which he did not do. The external investigation of the body Hakobjanyan started from the description of the body. He did not mention before or after the investigation what the soldier was wearing and what he had in his pockets. And if Narek Galstyan was naked at that moment then where are his clothes? The investigator does not mention in his report where he carried out the investigation and at what time.

There is an obvious contradiction between the location of the incident and the injuries revealed on Narek Galstyan's body. In forensic examination report number 461/21, it is mentioned that the "forensic examination of the body revealed sections of peeled skin on the face, the neck, and the limbs that are chemical burns caused by an immediate impact of gasoline and its vapors." On the posterior/lateral region of the body, a 45 x 23.5 cm section of peeled skin was revealed. It is unlikely that such an extensive injury was caused from falling into a gasoline barrel with "2.5cm of gasoline in some places." It is also strange that Narek Galstyan's body was burned both on the front and the back. After taking Narek Galstyan out of the barrel, the witness applied indirect heart massage as a result of which, "gasoline poured out the victim's mouth (airways)." It is unlikely that gasoline would enter Narek Galstyan's airways when he was in an empty gasoline barrel. Taking into consideration the deep abrasion of inner organs (airways, lungs, and stomach) from gasoline and its vapors, we may assume that, after dropping Narek Galstyan into the gasoline barrel, the lid of the barrel was closed.

There is also no answer given to the question of how long Narek should have stayed in the gasoline barrel to receive such serious injuries, incompatible with life, that were mentioned in the first forensic examination report. The successor of the victim submitted a motion consisting of about 20 points, and based on the facts in them motioned for a new examination. However, the Prosecutor General and the Prosecutor, showing their obvious interest in the case rejected the motion without any justification. The case is terminated because, based on the investigation, it was an accident and nobody is guilty of it.

14. RAFFI MARASHLYAN

On April 19, 2013, at 11:40 am, at the combat base of one of the units of the Defense Army's northeastern command, Raffi Levon Marashlyan (born in 1994) received a mortal gunshot and died on the spot. According to the commander of the regiment, Grigoryan, a duty shift was being done on that day, at that time. The soldiers of the battalion, including R. Marashlyan, were returning to the unit after a two-week shift. Soldiers from another battalion were supposed to replace them.



Raffi Marashlyan

According to Grigoryan, the soldiers were going through a trench one-by-one, 40 meters apart, and moving towards the bus. At that time, the shot was heard, everybody went closer and saw the dead soldier. Since the trench had twists and turns, nobody could see Raffi at the moment of the shot. In other words, according to Grigoryan, there are no eyewitnesses of the crime. However, according to rumors, the incident occurred not in the trench but in the bus.

On April 30, 2013, a rumor was spread that an argument occurred between Raffi and his battalion's commander, Smbat. Smbat cursed at Raffi and said that "he is not a man." Raffi responded to the commander in the same way. After that, they went to talk it over. After some time, a shot was heard from the trench. A short while later, upon returning, Smbat announced "I forced him to shoot himself." The preliminary investigation is underway.

15. AGHASI ABRAHAMYAN



Aghasi Abrahamyan

Soldier A. Abrahamyan, the driver of the artillery battalion's 9th company, 2nd platoon, serving at military unit number 38862 (Eghnikner), recived serious injuries. In the morning of August 26, he was taken from the battalion to the unit's medical point, where he did not receive proper medical treatment. Moreover, the head of the unit's medical service slapped Abrahamyan a few times while he was in a coma. The same day, at 9:00 pm, he was transferred to a separate medical squad in Alashan. He died there at 10:25 pm without regaining consciousness. According to forensic examination report number 807/30, A. Abrahamyan died from a closed, blunt cranial trauma. He had about 20 broad hematomas and injuries on his head, which were incompatible with life and resulted in his death.

The forensic examination revealed about 84 injuries on different parts of Abrahamyan's body. Taking into consideration their positions and sizes, it is possible to say for sure that the majority of the injuries could not be caused by the palm of the hand or a punch.

Three days after the incident, a soldier from A. Abrahamyan's company, Vahe Harutyunyan, gave a confession testimony that he beat A. Abrahamyan on the night of August 26 from 3:20 am - 3:25 am, hitting him four or five times on various parts of his body. As a result of this, Abrahamyan felt worse 10 - 15 minutes later and was taken by ambulance (c.v.1, p.152-154).

The preliminary investigative body considered proven that Vahe Harutyunyan could cause 84 injuries to A. Abrahamyan with a maximum of five blows. In addition to that, it was proven that the moment he was beating A. Abrahamyan, he was wearing an eight- to ten-kg bulletproof vest, a three- or four-kg helmet on his head, a rifle on his shoulder, and a bag full of bullets and military objects hanging from his side.

Thus, it turns out that Vahe Harutyunyan, in these conditions, could not only move freely but cause fatal injuries to Abrahamyan. Although Vahe mentioned in his testimony that A. Abrahamyan also caused him injuries, there were no injuries revealed on him. Vahe not only testified against himself, but carefully clarifies a number of contradictions and incredible moments regarding his testimony. The suspect is certain that nobody saw him because he did not see anyone passing by them at that moment and they were not shouting or making noise.

They were just hitting each other in silence. He is also sure that it was because of his punches that Abrahamyan felt worse because, 10-15 minutes following his beating, Vahe was taken to the battalion's health center and, during those minutes, nobody hit him. In his testimony (c.v. 3, p. 238-241) given approximately one month after the incident, defendant Vahe Harutyunyan categorically renounced his prior testimony and announced that he had no conflict with the deceased and did not hit him. In response to the investigator's question why, in that case, he testified against himself, Vahe answered that he was in Stepanakert's MP department, the police officers suspected only him, and he gave such a testimony "to avoid future problems." Naturally, the defendant's words were "edited" in the testimony. The word "beat" was replaced by "suspected" by the investigator. The criminal case is terminated in regards to a murder.

16. TIGRAN VARYAN

According to the MoD Investigation Department, on February 29, between 9:30 am and 10:00 am, Private Tigran Varyan, while on duty at the watchtower in an observation post of Karabakh military unit "Yeghnikner," shot himself with the gun assigned to him and died on the spot. The external investigation of the body revealed that the soldier died from a one penetrating gunshot wound from the lower part of the jaw (entrance aperture) with a downward trajectory towards the axis of the head.

There were scratches revealed on the deceased soldier's head in the lower part of the front line of jaw, a few centimeters lower than the gunshot wound, around the mouth, and injuries on the left and right sides of the nose, which were caused by blunt objects while he was still alive, a few seconds before the death.

This shows that the soldier was beaten, tortured and received blows on various part of the face. As a result of a blow (most probably by the rifle stock, as shown by the sizes of the injuries), the soldier fell on the ground. The murderers then killed Varyan.

The scratches under the jaw show that the soldier tried to resist. Such injuries could be caused from contact with the rifle muzzle when Varyan tried to push the muzzle away. This same fact shows that more than three culprits took part in the murder. The trial is over, there are people convicted for causing him to commit suicide.



Tigran Varyan

17. GEGHAM SERGOYAN



Gegham Sergoyan

According to the official version, H. Grigoryan, platoon commander of RA DA unit # 37673, made a remark on April 15, 2007 at 9:40 pm to soldier Gegham Sergoyan when Sergoyan entered the guard room and tried to make joke with Grigoryan about a show that was playing on the television. Although G. Sergoyan accepted the remark and tried to leave the room, Grigoryan, seeing the joke as an insult, abused his authority and cursed at Gegham Sergoyan, pushed him into the wall, took out a Makarov model gun, loaded it, and shot Gegham Sergoyan in the left side of the lower jaw, killing him.

A verdict was reached based on Article 104, Part 2, Point 10 (Murder out of Hooliganism) and Article 375, Part 1 (Abuse of Power, Transgression of Authority, or Administrative Dereliction). After being heard in all three courts, H. Grigoryan was sentenced to 15 years of imprisonment. According to Gegham Sergoyan's father, his son was murdered by a number of people. Consequently, the crime is not completely solved. According to him, the preliminary investigation did not refer to the jaw fracture that was mentioned by the head of the hospital in a note sent to the investigator. Besides that, some facts mentioned in Gegham Sergoyan's disease history are falsified. The revolver and the bullet taken from the body was not appropriately wrapped and presented as evidence when sent to examination. Both in the forensic scientific center and during the preliminary investigation, no reference was made to the three X-ray photos, which were mentioned in the investigator's decision to appoint a forensic examination. The judgment is being enforced.

18. ARMAN GHARAKHANYAN

Conscript Arman Armen Gharakhanyan (born in 1980) was murdered at his unit in Tavush region on August 3, 1999. During the first days following the incident, the Military Prosecutor's office wrote in its official record that the cause of the death was a "heart attack." Later, the same body, under the pressure of the facts, had to confess that it was a murder (during the forensic examination, a 7.62 diameter bullet was found in Gharakhanyan's inner organs).

From very beginning, the Military Prosecutor's office was doing everything to conceal the fact that Gharakhanyan was murdered by his co-servicemen. Since under the pressure of the facts they had to renounce the fake hypothesis of a "heart attack," they brought out a new absurd hypothesis: a murder "by a bullet fired from the opponent." In 2001, the representative of the victim's successor applied to the President's Human Rights Committee, which was led by P. Hayrikyan. The Human Rights Committee had presented 16 murder cases and two cases of serious bodily injuries,

accusing the Prosecutor's office of committing crimes in all of them. Gharakhanyan's case was one of these.

Examining the cases together with Prosecutor General Parsadanyan, the victim's successor, R. Martirosyan, revealed that a new crime was committed: the investigator of the case, M. Hakhverdyan, and the author of the forensic examination report, Ashot Dallakyan, destroyed the real examination report, wrote a new one, and replaced it with the new one. In the first report, it was mentioned that the bullet touched the third and the fourth vertebrae and only then penetrated into Gharakhanyan's abdomen. In the second report, that part was taken out and, thus, the fake hypothesis was justified according to which the bullet hit a stone after being fired, ricocheted, and entered into the abdomen.

Under the pressure of the facts, Prosecutor General Tamazyan had to reopen the case and appoint a new investigation. But the case was given to the Prosecutor's Office at the insistence of A. Hovsepyan and G. Jhangiryan. This body, in turn, handed it to the Gugark Garrison Prosecutor's office. Finally, Martun Hakhverdyan was assigned as the new investigator, the same person who had already committed a crime in this case. The criminal case has remained terminated, and the murder unsolved.

19. ANDRANIK HAYRAPETYAN

On May 15, 2008, at DA unit number 49971, conscript Andranik Hayrapetyan of the rifle battalion was killed. While on combat duty, Hayrapetyan received a gunshot wound on the right side of the waist and died. The same day, criminal case 90800708 was initiated in the third garrison Military Prosecutor's office under Article 104, part 1 of the RA Criminal Code.

The investigation of the case was assigned to the RA MoD Investigative Department in Stepanavan. For almost three months, investigator Yu. Danielyan carried out a biased investigation aimed at fabricating the incident instead of revealing the truth. The necessary investigative actions were not done.

All crucial evidence was destroyed. No proper investigative action was carried out during the preliminary investigation. Moreover, even potential evidence was destroyed, as proven by the criminal case documents.

The preliminary investigative body explained through preliminary investigation that the commander of the same unit's first platoon at the third battalion's first company, Edgar Avetisyan, was appointed to combat duty from 08.05.08 to 16.05.2008 at combat base number 150, as a Corporal of the base. He displayed a negligent and careless attitude towards the rules of combat duty, which caused grave consequences.



Andranik Hayrapetyan

He was charged under Article 365, part 2 of the RA Criminal Code.

The preliminary investigative body revealed that the commander of the unit's first battalion, Lieutenant Colonel Artur Petrosyan, driven by his personal and other interests in order to demonstrate his superiority as a chief, abused his official power and subjected A. Hayrapetyan to beatings in May of 2008. Following the incident, and for the same reasons, Petrosyan used violence against V. Simonyan and H. Avetisyan.

For this incident, Petrosyan was charged under Article 375, part 1 of the RA Criminal Code. From the criminal case files it is proven that direct evidence was taken and destroyed by investigator Yu. Danielyan (c.v. 1, p. 10). In the examination report of the body, it is stated that the trousers, the belt, and the slippers that were on A. Hayrapetyan were taken by investigator Yu. Danielyan during the investigation of the body. Later, however, these objects, except for the shirt, disappeared and were not identified as evidence.

The crime scene has not been revealed and no action was taken to reveal it. The case includes a photograph of a scene. But the investigation did not reveal anything relevant to the case. This is confirmed by the investigation report and the photos attached to it (c.v.1, p. 9).

Moreover, a sledgehammer is seen near a concrete building in the photographs but nothing is said about any shovels or sledgehammers in the records. The remark that the crime scene was not revealed was written by the investigator in a note (c.v. 1, p. 134).

The criminal case confirms that the bullet taken from Andranik's body was changed and another bullet was sent to examination, as proven by the case documents. Based on the decision made on April 18, 2008 (part 1, ch.33), the bullet was confiscated on April 22, 2008 from Yerevan and received at the Stepanakert investigative body on April 26, 2008 (c.v. 1, p. 49).

However, on April 24, 2008, two days before receiving the bullet, investigator Yu. Danielyan sent some unknown bullet to Yerevan for investigation (c.v. 1, p. 49). A uniform that belonged to Andranik but was left behind in the unit during the incident was attached to the case as evidence.

However, the comparison of the investigation report of the trousers and that of the trousers that were sent to forensic examination proves once more that they were modified (c.v.1, p. 188). It is mentioned in the investigation report that moisture is visible on some parts of the trousers and they smell damp.

The trousers are fastened with three buttons and a zipper, all of which are in their places. But the expert mentions that the trousers are fastened with four buttons and a metal hook, which are all in their places. The trousers are used and dirty.

The fact that those were not the trousers that were on Andranik during the incident

is proven also the fact that there should have at least been traces of soil on them, if not traces of blood. The testimonies of the witnesses, the defendants, and the victims are extremely contradictory and incompatible. Even with all these facts, the criminal case was closed. The criminals spent one month in prison and then were released, avoiding responsibility.

20. KHACHATUR MELIKYAN

On May 15, 2005, Khachatur Melikyan, citizen of Armenia and soldier, was killed at unit number 46492 of the NK Defense Army. No immediate criminal case has been initiated based on the incident because, according to the preliminary official hypothesis, Khachatur Melikyan was killed from gunshots fired by the Azerbaijani side at the military post of the Armenian-Azerbaijani contact line.

Moreover, Kh. Melikyan was awarded a posthumous medal of valor by the president of the NKR. On March 16, the prosecutor's office, under the pressure of the facts, initiated criminal case # 91001105. According to that case soldier Misha Dumikyan, violating the shift rules, went to position #145 post #5, on March 15, 2005 at approximately 23:00, and asked for the AK74 #2445696 shotgun assigned to the soldier on duty, named Dilanyan. After getting it from him, Dumikyan shot first three and then a single shot towards post #4 and accidentally killed Melikyan.

The preliminary investigative body came to that conclusion by falsifying the facts and carrying out a biased, fake, and criminal investigation. The crime scene was destroyed. With the help of fake testimonies, investigator Adamyan considered proven that Melikyan was in the N4 watchtower at the moment of the murder, which is in contradiction with the other facts.

According to the testimonies of all the witnesses, the N4 watchtower was out of order, no duty could be carried out there, and no soldier could be there. Based on forensic examination report number 226/14, Melikyan died of bloodloss from a gunshot wound to his head. But no pool of blood was revealed in the crime scene identified by the preliminary investigative body. In addition, although the preliminary investigative body considered proven that Dumikyan shot Melikyan from watchtower number 5, no bullet casing was found in that watchtower.

This means that the crime scene was destroyed. But the investigator did not carry out an investigation of this hypothesis. The forensic examination of the body revealed that Melikyan consumed alcohol before his death. M. Domikyan, who was questioned as a witness, both in his testimony and during the face-to-face interrogation with Captain S. Sahakyan mentioned that one to two hours prior to the incident, the Captain was preparing to have dinner with his officer friends and put a one-liter plastic bottle of homemade vodka on the table of the bunker.

Despite this fact, the investigator considered proven that there was no alcohol in the mentioned combat base and nobody, including Melikyan, drank.

The forensic examination of the body revealed scratches and bruises on Melikyan's hands, legs, chest, and back that were caused no more than ten minutes before his death. Not willing to report an obvious beating and torture, the investigator took testimonies from the witnesses according to which

- a) **none of the soldiers would be able to beat Melikyan because he was a wrestler, master of sports, and physically stronger than everyone, and**
- b) **the injuries could be caused while hurriedly carrying Melikyan from the watch tower to the trench as he was dying, as result of hitting the walls of the trench.**

It is mentioned in forensic examination report number 13920502 of the deceased soldier's clothes that blood traces were revealed on Melikyan's underwear. But such traces were not revealed on the winter coat that, based on the testimonies, was on him. This incomplete and biased investigation was followed by a court trial in Stepanakert preceded over by Judge Lernik Atanyan.

None of the mentioned facts were examined by Atanyan. In June of 2013, the Court of Appeal (preceded over by Judge Manushak Petrosyan) upheld the decision made by the trial court. Based on this decision, M. Dumikyan was sentenced to three years of imprisonment for an unintentional murder.

21. TIGRAN OHANJANYAN

According to the official hypothesis, soldier Tigran Ohanjanyan, who was serving near the unit's communication point on August 30, 2007 at approximately 10:45 pm, was electrocuted and died immediately after touching the wire that supplied electricity to the radio relay station. A criminal case has been initiated under Article 376, Part 2 of the RA Criminal Code (Negligent attitude to service that caused grave consequences) and two soldiers were charged.

In January 2010, after three years of preliminary investigation, the prosecution of the two soldiers was stopped and the documents of the criminal case were sent back to the RA Military Prosecutor's Office to identify the person who committed the crime and to make an indictment against him. After carrying out an investigation for almost three years, the prosecution of the mentioned two soldiers was stopped in January of 2010 with a decision of the court.

The criminal case documents were sent back to the RA Prosecutor's Office to investigate the person who committed the crime and bring charges against him. In January of 2011, the RA Prosecutor instructed the RA MoD Investigative Service to carry out a new investigation. Currently the investigation of the criminal case is underway. Nobody is arrested or detained.

According to Tigran Ohanjanyan's parents, their son was murdered by the bodyguards of Haykaz Baghmanyany, former commander of the Army Corps and currently the deputy chief of the headquarters of the RA Armed Forces. Baghmanyany's bodyguards were not involved in the criminal case in any way.

The fact that the bodyguards' room is located only 1.5 meters from the scene of the crime and they were therefore informed about the incidents was ignored. Ohanjanyan's real uniform was torn and dusty. But, with almost two months' delay, a totally different uniform that was not torn was sent to examination. The wire that T. Ohanjanyan touched was not confiscated, whereas the investigator and his assistants prepared a report about the confiscation of the wire.

The investigator falsified the crime scene. While carrying out the first forensic electrotechnical examination, the expert conducted it without the necessary equipment. Witness Armen Galstyan, both during the preliminary investigation and the meeting with the RA Military Prosecutor and the head of the RA MoD Investigative service, gave contradicting testimonies and explanations, which did not receive proper attention from the investigator.

Obvious falsifications were made by forensic doctor Vigen Adamyan: the injuries of the eye, jaw, and head, as well as the bruises on the palm were not recorded by the forensic doctor. The photos of the deceased before the postmortem are available. In addition, when Ohanjanyan was drafted to the army, one of his front teeth was missing. But the forensic doctor reported that the upper denture was complete. Because of a number of criminal actions carried out by the preliminary investigative body, the case met a deadlock and the re-examination confirmed by numerous facts has become just a formality.

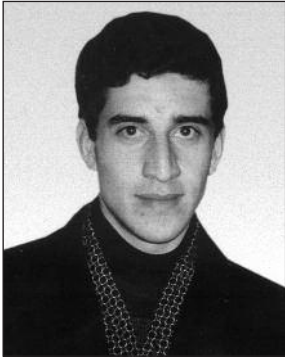
Gevorg Kostanyan, a few days after being assigned as Military Prosecutor, visited the unit together with the deceased soldier's parents, examined the crime scene, and announced that Tigran could not be electrocuted in the conditions mentioned by the investigator. However, after that he did not give any order to the investigative body regarding his announcement and, to this day, the same fake hypothesis is taken into consideration.



Tigran Ohanjanyan

22. ARAYIK AVETISYAN

According to the official hypothesis, on October 30, 2001, at approximately 9:00 pm, in the office of the Commander of Vayk military battalion, Karen Sargsyan took from the table a MAKAROV model gun loaded with bullets that belonged to the battalion's commander, cocked it, released the safety, pointed the muzzle towards Arayik Avetisyan, and pulled the trigger. As a result, he negligently killed Arayik Avetisyan. A criminal case has been initiated under Article 259, Part 1 of the RA Criminal Code (Negligent attitude to service that caused grave consequences). The case was sent for additional investigation



Arayik Avetisyan

three times from the Trial Court, the Court of Appeal, and the Court of Cassation of Vayots Dzor.

The preliminary investigation has been repeated by different investigators and the act was re-qualified as murder. Currently, the criminal proceeding of the case is suspended due to uncertainty and the absence of the person who committed the murder.

Based on a preliminary hypothesis, an indictment was made against co-serviceman Karen Sargsyan. But the criminal prosecution against him was terminated after a plea from the deceased soldier's mother. Later, the preliminary investigative body made a decision to suspend the criminal proceeding. In the same criminal case, however, the Commander of the battalion, Mher Stepanyan, the Assistant to the Commander, Samvel Hovsepyan, and the Clerk of the battalion, Sargis Mkheyan, were sentenced under other articles.

There are numerous contradictions and illegal omissions in the case. Despite the non-gunshot wounds on Arayik Avetisyan's head, the body that carried out the proceeding did not manage to properly reveal the origin of such injuries. Moreover, the preliminary investigative body did not address in any way the fact that Mher Stepanyan demanded money from Arayik Avetisyan.

Other witnesses also testified that the Commander demanded money. One of the main unsolved facts: the bullet caliber of the gun that was entered into evidence does not match the caliber of the skull fracture of the deceased. This means that he was killed with another weapon. The decision to suspend the criminal proceedings with the argument that "the identity of the person who committed murder is unknown" is obviously unjustified because the murder was carried out in an area of 9 square meters in the presence of 5 witnesses.

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