



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

FIFTH SECTION

CASE OF TOVMASYAN v. ARMENIA

(Application no. 5442/15)

JUDGMENT

STRASBOURG

3 September 2026

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

In the case of Tovmasyan v. Armenia,

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

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 5442/15) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 16 January 2015 by an Armenian national, Mr Romels Tovmasyan (“the applicant”), who was born in 1945, lives in Byureghavan and was represented by Ms L. Minasyan, a lawyer practising in Yerevan;

the decision to give notice of the complaint concerning the alleged ineffectiveness of the investigation into the death of the applicant’s daughter to the Armenian Government (“the Government”), represented by their former Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 2 July 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the allegedly ineffective investigation into the death of the applicant’s daughter, M. Guloyan. The applicant relied on Article 2 of the Convention.

2. M. Guloyan married G.G. in 2009. The couple had a child and lived with G.G.’s parents, brother, uncle and the uncle’s family in the same house.

3. On 12 July 2012 M. Guloyan contacted her brother, M.T., asking him to come over. At around 4 p.m. that day M.T. came to speak with M. Guloyan, who told him that she wanted a divorce (she and G.G. had frequently been fighting because of the latter’s unemployment and gambling). It was agreed with G.G. and his family members that M.T. would return that evening with their parents to discuss the matter.

4. At 8.50 p.m. on the same date the Kotayk Regional Police Department (“the Kotayk police”) received a report from the Abovyan Medical Centre (“the hospital”) informing them that M. Guloyan had died. According to a record in the hospital’s general register, she had been admitted at 7.20 p.m. that day. Another record, which was written at 9 p.m. in a special register of persons who had been admitted with injuries whose origins were “of a criminal nature”, noted that a “[dead] body” had been brought in.

5. The same day, the Kotayk police opened a criminal investigation into account of M. Guloyan's death (incitement to suicide) and ordered an autopsy.

6. The Kotayk police also took a statement from A.G., the wife of G.G.'s uncle (see paragraph 2 above). A.G. stated that at around 7 p.m. she had started to search for M. Guloyan, since she had become worried after noticing that M. Guloyan's one-year-old child was alone. Entering the kitchen, she had seen M. Guloyan hanging by a cloth from a metal pole in the bathroom (which was situated next to the kitchen). She had screamed and, picking up a knife at random, had cut the rope, taken the body down and called for help. Her husband had come and the two of them had taken M. Guloyan to the hospital, where she had been pronounced dead. M. Guloyan had not spoken during the journey and A.G. had been unable to detect a pulse.

7. A photojournalist working for a well-known investigative journalism website attended M. Guloyan's funeral, which took place one or two days later, and took pictures of several visible injuries on the body, including a bruise on the neck and wounds and bruises on the hands.

8. On 16 August 2012 a forensic expert, A.M., issued the autopsy report. No photographs of the body were attached to it, contrary to the requirements of the law. According to the report, M. Guloyan had died of unnatural causes. The ligature mark on the neck was the result of direct application of a relatively firm object, possibly the bathrobe belt believed to have been used by M. Guloyan to hang herself. Bruises were discovered on the front of the neck. There was also a scratch on the right side of the neck. The report further stated that "no objective signs of other injuries [had] been identified apart from the ligature mark on the neck, the bruises and the scratch", and that at the time of death M. Guloyan had been in a state of subclinical alcohol intoxication. She had been 7-8 weeks pregnant.

9. After the photographs taken during the funeral (see paragraph 7 above) were provided to the authorities, the investigator ordered a forensic technical examination, which confirmed in a report issued on 12 November 2012 that the photographs had not been manipulated.

10. On 23 November 2012 the investigator ordered an additional forensic medical examination (by exhumation), stating that, in view of those photographs (see paragraph 7 above), there was some doubt as to the conclusions of the autopsy report. The ensuing expert report, which was issued on 25 December 2012, indicated the same injuries as those included in the autopsy report (see paragraph 8 above). According to the expert report, other injuries - including the "injuries and traces" pictured in the photographs in question - could have remained undiscovered because of the decomposition of the body.

11. On 28 December 2012 an expert commission, including an expert psychiatrist, V.B., delivered a report based on the results of a posthumous forensic psychiatric and psychological assessment. According to the report,

M. Guloyan had not suffered from any mental disorder but had possibly been in a state of depression. The experts doubted that she had taken her own life, in the light of the available material.

12. When questioned again in January 2013, A.G. (see paragraph 6 above) stated that on the day of the incident, after M.T. had left at around 3 or 4 p.m., she had asked her daughter to call M. Guloyan. Her daughter had entered the house and returned screaming, telling A.G. to hurry and see what had happened.

13. In January 2013 G.G.'s father was questioned and stated, among other things, that he had been working near the house when he was asked at around 5 p.m. to rush home, where he had seen M. Guloyan on the sofa. He expressed an opinion that M. Guloyan's "genetic problems" had contributed to her suicide, referring to the fact that her two half-brothers (from her father's first marriage) had died by suicide owing to mental health issues. He also stated that M.T. had mental health problems and had harmed himself in the past.

14. In March 2013 the investigator questioned V.B. (see paragraph 11 above), asking whether M. Guloyan's "suicide could have [had] a genetic cause". The expert replied that there was no scientifically proven answer to that question.

15. In March 2013 the investigator carried out a reconstruction of the incident, during which A.G. (see paragraphs 6 and 12 above) was unable to cut the noose made from M. Guloyan's bathrobe belt with a knife (see paragraph 8 above) and at the same time hold a dummy of M. Guloyan's weight and height without it falling to the floor. At that point A.G. stated that (contrary to her previous statement - see paragraph 6 above) she had not taken the body down but had knelt on the ground and M. Guloyan had fallen on her.

16. On 22 April 2013 the investigator terminated the criminal investigation for the absence of *corpus delicti*, finding that M. Guloyan had died by suicide as a result of depression because of the situation around the divorce.

17. The applicant appealed, and on 24 June 2013 the Prosecutor General's Office set the investigator's decision aside. It referred to the fact that (i) the injuries on the neck and hands (visible in the photographs taken at the funeral - see paragraph 7 above) had not been indicated in the autopsy report, to which, moreover, no photographs had been attached; and (ii) A.G. had made contradictory statements as to the time and circumstances of the discovery and transfer of the body (the authorities had received a report from the hospital at 8.50 p.m., whereas according to statements by A.G. and her daughter, M. Guloyan's body had been discovered at around 3 or 4 p.m.; other members of the family had given the time as between 4 and 5.30 p.m.).

18. Following that decision, the investigation was resumed. The applicant requested the Prosecutor General to transfer the investigation to Yerevan on account of his lack of confidence in the regional investigating authorities,

whereupon the case was taken over by the Nor Nork Investigative Department in Yerevan.

19. After the resumption of the investigation, G.G., his relatives and other witnesses - including forensic expert A.M. (see paragraph 8 above) and members of the hospital staff - were further questioned.

In particular, G.G. stated that his wife had never consumed alcohol.

Forensic expert A.M. stated that he had not noticed any injuries other than those mentioned in the autopsy report and that he had thrown away the photographic film with the photographs of M. Guloyan's body because it had been spoiled.

20. On 20 November 2013 the Nor Nork Investigative Department terminated the investigation for the absence of any evidence that a crime had been committed, reaching the same conclusion as the Kotayk police (see paragraph 16 above). The relevant decision stated that, when questioned after the resumption of the investigation (see paragraph 18 above), G.G., his family members, neighbours and M. Guloyan's teacher had denied having noticed any injuries on M. Guloyan during the funeral. It then referred to the autopsy report (see paragraph 8 above), forensic expert A.M.'s statement (see paragraph 19 *in fine* above) and statements by the medical personnel of the hospital to the effect that they had not noticed any of the injuries visible in the photographs taken at the funeral (see paragraph 7 above). According to the decision, the fact that M. Guloyan had not been in a good psychological state had been confirmed by the posthumous forensic psychiatric assessment, and the investigation had established subsequently that her two half-brothers had died by suicide. Furthermore, expert psychiatrist V.B., when questioned (see paragraph 14 above), had not ruled out that M. Guloyan could have taken her own life. The decision then stated that it had been established that M. Guloyan's body (*ղիւլի*) had been admitted to the hospital at 7.20 p.m. on 12 July 2012. Resuscitation measures had subsequently been carried out and she had been pronounced dead at 9 p.m., after which the police had been informed.

21. The applicant unsuccessfully appealed to the prosecutor, following which he sought judicial review of the prosecutor's decision before the Avan and Nork District Court of Yerevan ("the District Court"). He questioned the credibility of the expert reports and argued, *inter alia*, that the material gathered after the resumption of the investigation had not been made available to him, and that the investigation had failed to clarify the reasons behind the serious contradictions in A.G.'s statements, the presence of alcohol in the victim's body and a number of other issues.

22. After the applicant was provided with the requested material, he supplemented his initial appeal, arguing that no cross-examinations had been conducted despite significant contradictions between witness statements, and that the exact time of the discovery of the body and the events surrounding it had not been clarified.

23. On 18 March 2014 the District Court fully upheld the decision of 20 November 2013 (see paragraph 20 above). It stated that the investigating authority had an obligation to conduct cross-examinations only when there were contradictions between the statements of a person who had been charged with a criminal offence and those of another person. The applicant had been provided with the opportunity to familiarise himself with the requested material during the judicial review proceedings.

24. The Criminal Court of Appeal fully upheld the District Court's decision, and the Court of Cassation declared an appeal on points of law lodged by the applicant inadmissible for lack of merit on 2 July 2014 (with the decision served on 16 July 2014).

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

25. Relying on Article 2 of the Convention, the applicant complained that the authorities had failed to carry out an effective investigation into his daughter's death.

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

27. The applicable general principles concerning the requirement under Article 2 of the Convention to carry out an effective official investigation when individuals have died in suspicious circumstances have been set out in *Mustafa Tunç and Fecire Tunç v. Turkey* ([GC], no. 24014/05, §§ 171-75 and 179, 14 April 2015; see also *Lari v. the Republic of Moldova*, no. 37847/13, §§ 33-35, 15 September 2015).

28. The applicant did not specifically allege - either at the domestic level or before the Court - that his daughter had fallen victim to domestic violence. That being said, the Court notes that the case concerns the death of a young pregnant woman - who, moreover, had a small child - in her marital home against a background of apparently serious family issues (see paragraph 3 above). It is with this context in mind that the Court will examine whether the authorities complied with their obligation to effectively investigate the circumstances surrounding M. Guloyan's death (see *Tkheldze v. Georgia*, no. 33056/17, § 50, 8 July 2021).

29. The law-enforcement authorities reacted promptly to the report concerning M. Guloyan's death on 12 July 2012 (see paragraphs 4 and 5 above) and there were no unjustified delays in the investigation, which ended on 20 November 2013 (see paragraph 20 above). The judicial review of the decision to terminate the investigation was completed by 2 July 2014 (see paragraph 24 above) - that is, within two years of the start of the investigation. The law-enforcement authorities thus provided a timely response.

30. While it is true that the investigation was transferred to the investigating authorities in Yerevan at the applicant's request owing to his lack of confidence in the regional investigating authorities (see paragraph 18 above), the applicant did not put forward any specific arguments to contest the independence and impartiality of the regional investigating authorities or those who dealt with the case after the transfer.

31. As regards the possibility for the applicant to participate effectively in the criminal investigation, it appears that he was not given the opportunity to study the evidence gathered after it resumed and that he was able to do so only after seeking judicial review of the decision of 20 November 2013 (see paragraphs 19-22 above).

32. However, as regards the lack of access to the case material, the Court notes that the requisite access of a victim's relatives may be provided for in other stages of the procedure (see *Giuliani and Gaggio v. Italy* [GC], no. 23458/02, § 304, ECHR 2011 (extracts)). Although the applicant's procedural rights guaranteed under domestic law were apparently breached in terms of his not being provided with an opportunity to study the case file in a timely manner, his request to study the case material was eventually granted by the District Court, and he was able to supplement his initial appeal (see paragraph 22 above).

33. While it cannot be ruled out that the belated examination of the case material could have placed the applicant at a disadvantage in some respect, he did not specify how it had jeopardised his legitimate interests in the proceedings (compare *Hovhannisyan and Nazaryan v. Armenia*, nos. 2169/12 and 29887/14, §§ 106 and 172-80, 8 November 2022). The Court therefore does not have any basis to find that the applicant's involvement in the procedure was not ensured to the extent necessary to safeguard his legitimate interests.

34. The main issue arising in the present case - that is, the adequacy and thoroughness of the impugned criminal investigation - remains to be examined.

35. From the very first day of the investigation, even before receiving the autopsy report, the investigating authority followed the hypothesis that M. Guloyan had died by suicide. Indeed, the relevant criminal investigation was opened in respect of incitement to suicide (see paragraph 5 above), with the result that the witnesses were essentially requested to give their account of the events in relation to M. Guloyan's "suicide". There is nothing to suggest that any attempts were made to examine the possibility of alternative scenarios (see, *mutatis mutandis*, *Anahit Mkrtchyan v. Armenia*, no. 3673/11, § 98, 7 May 2020).

36. On 24 June 2013 the Prosecutor General's Office set aside the decision terminating the criminal investigation, essentially finding that the investigation into M. Guloyan's death up to that point had not been effective (see paragraph 17 above). In those circumstances, the Court will examine the

investigation which took place after that decision (see, *mutatis mutandis*, *Baranin and Vukčević v. Montenegro*, nos. 24655/18 and 24656/18, § 141, 11 March 2021; *Ashot Malkhasyan v. Armenia*, no. 35814/14, §§ 108-9, 11 October 2022; and *Ohanjanyan v. Armenia*, no. 70665/11, § 149, 25 April 2023).

37. The decision of 24 June 2013 pointed out specific issues that needed to be clarified, including the injuries that were visible in the photographs taken at the funeral - but which had not been recorded in the autopsy report - and the exact circumstances and time of the discovery of the body (see paragraph 17 above).

38. However, the investigation was once again terminated (see paragraph 20 above) without those issues and many other circumstances surrounding M. Guloyan's death having been clarified.

39. Thus, the decision of 20 November 2013 (*ibid.*) did not specify the time of the discovery of the body. Nor did it clarify the sequence of events before the body was taken to the hospital. The decision merely reiterated the accounts given by G.G.'s family members, including A.G., who had twice made statements contradicting her initial version of events (see paragraph 6 above) - first when questioned again in January 2013 (see paragraph 12 above) and then in March 2013 during the investigative reconstruction, which had disproved her initial account (see paragraph 15 above).

40. Ultimately, no explanation was provided for the various injuries which were clearly visible in the photographs taken of M. Guloyan's body at the funeral and which were not recorded during the autopsy (see paragraphs 7 and 8 above). In that connection, the decision of 20 November 2013 (see paragraph 20 above) referred to the autopsy report - which, however, had earlier been considered unreliable by the authorities themselves (see paragraph 10 above). It also referred to witness statements to the effect that those who had attended the funeral and the medical staff at the hospital had not noticed the injuries in question (see paragraph 20 above) and to the statement by forensic expert A.M. (see paragraph 19 *in fine* above), who had not only failed in his statutory obligation to attach photographs of the body to the autopsy report, but had also failed to state the reason(s) for his throwing away important evidence in a criminal case (the allegedly spoiled photographic film containing the relevant images).

41. The investigation found it substantiated that M. Guloyan had taken her own life - notwithstanding the conclusion of the posthumous forensic psychiatric and psychological evaluation, which did not support that finding (see paragraph 11 above) - by essentially referring to the fact that her two half-brothers had died by suicide (see paragraph 20 above). In support of that hypothesis, which had been advanced by G.G.'s family (see paragraph 13 above), the investigator relied on expert psychiatrist V.B.'s statement; however, V.B.'s statement did not support that hypothesis and, in any event, under domestic criminal procedural law (Article 114 § 3 of the former Code

of Criminal Procedure, in force until 1 July 2022), could not replace the psychiatrist's opinion as stated in the forensic expert report (see paragraph 11 above).

42. In his appeals the applicant raised a number of other issues, including the unexplained presence of alcohol in the body (see paragraphs 8 and 19 above). Those issues, however, were not addressed by the domestic courts (see paragraphs 23 and 24 above).

43. In view of the foregoing, the Court finds that the investigation in the present case was not sufficiently thorough, resulting in a failure to shed full light on the circumstances surrounding M. Guloyan's death.

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

APPLICATION OF ARTICLE 41 OF THE CONVENTION

45. The applicant claimed 36,000 euros (EUR) in respect of non-pecuniary damage and EUR 4,000 in respect of the costs and expenses incurred before the Court.

46. The Government contested those claims.

47. The Court awards the applicant EUR 12,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

48. Having regard to the lack of substantiation, the Court rejects the applicant's claim for costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 2 of the Convention under its procedural limb;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 12,000 (twelve thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

TOVMASYAN v. ARMENIA JUDGMENT

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

Martina Keller
Deputy Registrar

Andreas Zünd
President