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Mr. Agvan G. Hovsepyan
Prosecutor General
Republic of Armenia
5, V. Sargsyan,
0010, Yerevan, Armenia

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Via e-mail: info@genproc.am

Dear Mr. Hovsepyan,

We are writing to express our profound concern regarding the lack of effective investigation into allegations of torture and inhuman and degrading treatment relating to the cases of Razmik Sargsian, Musa Serobian, and Arayik Zalian, accused of murdering two of their fellow conscript soldiers in December 2003. We urge you to ensure that an effective investigation is carried out into the credible torture and ill-treatment allegations without further delay. Considering that the confession allegedly made under duress remains key evidence in new charges against the defendants, we also call upon the prosecutor's office to suspend the charges until such an investigation is carried out.

On May 13, 2005, the Syunik Marz Court sentenced Razmik Sargsian, Musa Serobian, and Arayik Zalian to fifteen years of imprisonment on charges of murdering the two conscripts. On May 30, 2006, the Court of Appeals changed the sentence to life imprisonment. However, in December 2006, the Court of Cassation dismissed the case, sent it for re-investigation, and ordered the release of the defendants.

It is our understanding that the prosecutor's office continued to press the charges against Sargsian, Serobian, and Zalian and sent the case back to the first instance court in 2008. It is also our understanding that neither the courts nor the prosecutor's office have carried out independent, prompt, thorough, and effective investigation into the serious allegations of torture and ill-treatment.

In May 2008, the Shirak Regional Court began a new trial against Sargsian, Serobian, and Zalian related to the same incident, this time on charges of causing serious bodily harm that led to the death of the two other conscripts. This is the second time that their case is under judicial consideration related to the same incident.

Taking no position on the defendants' innocence or guilt, we are profoundly concerned that the new charges are again largely based on the confession of one of the defendants, Razmik Sargsian. There are reasonable grounds to believe that his confession was made after he was subjected to torture and other cruel treatment. Sargsian stated first to his lawyer and then later in court that after he had been initially questioned as a witness in the case on April 19,

2004, he was subjected to several days of brutal beatings and psychological pressure by the military procuracy investigators, as a result of which he confessed to the crime and incriminated Serobian and Zalian as his accomplices. Sargsian states that the investigators handcuffed his hands behind his back, suspended him from his hands, and beat him in this position. They also threatened him with rape. In a videotape of the confession, Sargsian's face was swollen and bruised, strongly suggesting that he had suffered ill-treatment prior to making the confession.

Later, during the pretrial investigation and at the trial, Sargsian stated his innocence saying that he had been forced under physical and psychological pressure into making the confession. The other defendants, Serobian and Zalian, also told the Syunik Marz Court, the first trial court, that they had been tortured during interrogations by investigating officers and that they never pleaded guilty.

The Syunik Marz Court failed to consider the defense's motions that were introduced to substantiate the torture complaints. For instance, the court refused to grant the defense's motion to do an examination of the wooden floor in the investigation room in which the men were questioned. According to the defense, the floor has blood stains as result of the torture of Sargsian, Serobian, and Zalian. The court also refused to examine medical documents from the hospital where Sargsian was taken during his hunger strike that indicate a variety of medical problems, some of which appear to be the result of beatings.

International treaties to which Armenia is a party, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment all require respect for international and absolute prohibition on the use of torture. These treaties also emphasize that statements made under torture cannot be invoked as evidence, except against a person accused of torture. International law also obliges states to guarantee defendants' right to a fair trial and to ensure that any criminal proceedings are conducted in accordance with fundamental due process requirements. The failure to uphold these standards would constitute serious breaches of Armenia's international obligations.

Human Rights Watch believes that it is very important that given the credible allegations of torture in this case, and Armenia's obligations to do so, that a prompt and thorough investigation into the allegations is ordered, and that the charges are suspended until the completion of the investigation.

Thank you for your attention to this urgent matter.

Sincerely,



Rachel Denber
Deputy Director
Europe and Central Asia Division
Human Rights Watch