

THE POSSIBILITIES FOR DEMOCRATIC, CIVIL AND PUBLIC CONTROL OVER ARMED FORCES IN ARMENIA



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LIST OF ABBREVIATIONS

NA	- National Assembly
CIS	- Commonwealth of Independent States
CoE	- Council of Europe
HCA	- Helsinki Citizens' Assembly
ICCO	- Inter church Organization for Development Cooperation
MoD	- Ministry of Defense
NATO	- North Atlantic Treaty Organization
NGO	- Non Governmental Organization
ODIHR	- Office for Democratic Institutions and Human Rights
OSCE	- Organization for Security and Co-operation in Europe
PACE	- Parliamentary Assembly of the Council of Europe
RA	- Republic of Armenia

INTRODUCTION

One of the important areas of HCA Vanadzor activities is the support for peaceful resolution concerning the Karabakh conflict. One of the ways to mediate this issue is through the protection of the rights of conflict victims - missing persons, former prisoners of war and their families.

An important factor to help stimulate a peaceful conflict resolution is the implementation of democratic, civil and public control over the armed forces of the conflicting parties, which could stop an increase of militarization between those countries.

Since 2001, HCA Vanadzor has been implementing a number of projects regarding advocacy and protection of the rights of conflict victims and their relatives¹.

Within the framework of the mentioned projects, we have studied the conditions of missing persons in the Karabakh war; such as the social, healthcare, legal and other problems of missing persons and their families. A draft law “On Missing Persons” has been worked out, which in 2005 was put into official circulation in the National Assembly of Armenia by the Member of Parliament Viktor Dallakyan². HCA Vanadzor initiated numerous events devoted to the International Day of Missing Persons, which was aimed at raising public awareness concerning the problems of missing persons and their relatives.³

HCA Vanadzor formed important cooperation with various NGOs dealing with the issues of missing persons due to different conflicts in the South Caucasus region; in particular the Georgian organization “Molodini” (“Expectation”), HCA Azerbaijani National Committee, HCA Georgian National Committee, HCA Ganja office, and Nagorno Karabakh NGO “Helsinki Initiative – 92.”

The issue of missing persons in the South Caucasus was touched upon at the Council of Europe. While affiliating with this organization, Armenia and Azerbaijan took steps to resolve the Nagorno Karabakh conflict peacefully⁴.

In 2006, the CoE adopted 1797 (2007)⁵ recommendation on the problems of missing persons in the South Caucasus based on the report made by Leo Platvoet by the PACE special Rapporteur on missing persons in the South Caucasus, where he had mentioned that HCA Vanadzor’s initiative to draft a law “On Missing Persons” provides a good starting point for further reflection on the role and functioning of the Armenian commission and its Working Group and your Rapporteur encourages the authorities to examine this draft carefully in the context of its review of legislation concerning missing persons⁶. Within the framework of the project “The Problems of Former Prisoners of War (POW) and Their Families” implemented in 2007 with the support of Counterpart International, we studied the social, healthcare, legal, labour and other problems of former POWS and their families, and worked out recommendations that were sent to relevant state institutions⁷. The project was directed towards protection of the POWs and their families’ rights and their integration into society.

One of the most important steps towards protection of the rights of conflict victims was the project “Formation of Young Peacebuilders’ Brigade” implemented in 2008-2010 with the support of the

¹ <http://www.yellowtulips.hcav.am/vanadzor.htm>

<http://hcav.am/en/events/the-problems-of-missing-persons-in-south-caucasus/>

<http://hcav.am/en/events/unaccounted/>

<http://hcav.am/en/events/the-issue-of-missing-persons-%C2%ABhas-become-a-trade/>

² <http://hcav.am/en/events/on-the-necessity-of-adopting-the-bill-%E2%80%99Con-missing-persons%E2%80%9D/>

³ <http://hcav.am/en/events/august-30-is-the-international-day-of-missing-persons/>

<http://hcav.am/en/events/there-is-nothing-worse-than-uncertainty/>

⁴ http://www.coe.am/index.php?cat_id=35&out_lang=eng

⁵ <http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ID=470>

⁶ <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11196.htm>

<http://www.panarmenian.net/eng/news/19224/>

<http://hcav.am/en/events/leo-platvoet-report-on-captured-missing-in-south-caucasian-region-ready-beginning-of-2007/>

⁷ [http://hcav.am/attachments/_79c44_pow\[1\].pdf](http://hcav.am/attachments/_79c44_pow[1].pdf)

British Embassy in Armenia. Participating youth were taught skills on how to monitor the problems of conflict victims, and then, were able to study the problems of conflict victims in Armenia, Azerbaijan and Nagorno Karabakh. They then made recommendations and presented them to the Governments and Members of Parliament in Armenia, Nagorno Karabakh and Azerbaijan.⁸

In 2006-2010, support for the formation, implementation and development of mechanisms of civil, democratic and public control was formed as an important direction of the organization's strategy.⁹

In 2008, HCA Vanadzor, in a strategic direction, implemented the project "Formation of Civil Control over the Call-up Process" with the support of the Open Society Institute Assistance Foundation – Armenia and Budapest. The project was aimed at: developing and contributing mechanisms of civil control over the call-up process in the Lori region of Armenia, at revealing violations during the call-up process, and at raising public awareness about the rights of the recruits. Within the framework of the project, legal assistance was provided for the recruits and their relatives, recommendations were made and addressed to the Ministry of Defense.¹⁰

In 2009, HCA Vanadzor implemented a project "Monitoring of Call-up in Armenia" along with two other NGOs – "Proactive Society" and "Soldier's Mother" supported by the OSCE Yerevan office. The results of the monitoring were presented at an Expanded Working Debate on "Public Control Towards Recruiting the Armed Forces"¹¹ organized by the RA NA Standing Committee on Defense, National Security and Internal Affairs, which was covered by several different media outlets.

In 2006-2007, HCA Vanadzor developed the project "Formation of Civil Control over Armed Forces" which aimed at increasing the skills of NGO experts in the sphere of control over the armed forces. It was planned to solve the following problems:

- Documentation of the statistics on human rights violations, in particular, death cases in the armed forces in Armenia and increase the effectiveness of the investigation towards revealing the cases
- Raise the level of transparency and accountability in the defense sphere
- Form civil control over the implementation of reforms of the Armed Forces which Armenia



⁸ http://www.hcav.am/attachments_/1102e_youth_main_eng.pdf

⁹ http://www.hcav.am/Downloads/Strategic_plan_of_HCA_Vanadzor_eng.pdf

¹⁰ [http://hcav.am/attachments_/4fe92_zekuyc_zorakoch_eng\[1\].pdf](http://hcav.am/attachments_/4fe92_zekuyc_zorakoch_eng[1].pdf)

¹¹ http://parliament.am/news.php?do=view&cat_id=2&day=22&month=04&year=2010&NewsID=3893&lang=eng

should do within the framework of international commitments

The project was implemented with the support of the Dutch organization, Interchurch Organization for Development Cooperation (ICCO). Within the framework of the project, a group of experts had been established¹² consisting of representatives from different NGOs.



The group members attended a training, which was held by former Military Dr. Venelin Georgiev, a representative from the Geneva Center for Democratic Control of Armed Forces, and an expert from the Bulgarian Institute of Parallel Processing.



The working group divided into sub-groups and each of them studied the following topics: the Public Awareness Policy of the RA Ministry of Defense and the analysis of the changes of the defense budget according to the military staff and state procurement.

¹² HCA Vanadzor, Transparency International Anti-corruption Center, Community Finance Officers Association, Helsinki Association, Collaboration for Democracy, Journalists for Human Rights



This report summarizes the results of the studies on the abovementioned issues. It should be noted, that it is the first time such a project has been implemented and that civil society institutes have very little experience in the sphere of civil control over the armed forces.

Important sources of relevant information were media publications¹³, professional periodic publications, studies of analytic experts and centers. In order to get information on several special cases, HCA Vanadzor applied to the RA Ministry of Defense in accordance with the RA law "On Information Freedom." Within the framework of the project, the statistics of Death Cases in the Armed Forces in 2010-2011, a description of the cases and circumstances, as well as the course of the investigations, were filed¹⁴.

The report on death cases, revealed through the monitoring of human rights violations in the armed forces, was presented at a round table discussion organized on February 22, 2010 by the Open Society



¹³ http://www.hcav.am/articles.php/language_eng/date_2011-02-22/article_3960/Report_During_2010_42_death_cases_occurred_in_the_Armenian_Army.html

¹⁴ ANNEX 2 and 3

Institute Assistance Foundation-Armenia and the OSCE Yerevan office. Representatives of the RA Ministry of Defense, the NA Standing Committee on Defense, National Security and Internal Affairs, local and international experts, NGO representatives were present at the round table discussion¹⁵. During the monitoring, consultations with military experts and specialists were of great importance.

Public interest and the awareness level of human rights situations in the armed forces of Armenia were raised in 2011. It was reflected in not only publications and analyses on the concrete facts and cases appearing in media outlets, but also by various assessments and opinions from different experts. On August 26, 2011, serviceman Aghasi Abrahamyan was brutally killed. His death case received a lot of attention by society and on social networks. At the beginning of September 2011, the public initiative group "Army in Reality" was established. The group, consisting of various NGO representatives, citizens, and civil activists, organized events (marches, protests, round table discussions, press conferences, etc.) all directed towards inadequate investigations into death cases, and the inappropriate attitude of the leadership of the Ministry of Defense and law enforcement bodies¹⁶.

¹⁵ http://www.hcav.am/articles.php/language_eng/date_2011-02-22/article_3960/Report_During_2010_42_death_cases_occurred_in_the_Armenian_Army.html

¹⁶ <http://hcav.am/en/events/statement-from-%E2%80%9CArmy-in-reality%E2%80%9D-initiative-group/>
<http://Iragir.am/engsrc/society23891.html>
<http://Iragir.am/engsrc/society23976.html>

THE LEGAL POSSIBILITIES FOR DEMOCRATIC, CIVIL AND PUBLIC CONTROL OF THE DEFENSE SECTOR

National Legal Norms and Strategic Documents

In accordance with **Article 8.2 of the RA Constitution**¹⁷, “The armed forces of the Republic of Armenia shall ensure security, defense and the territorial integrity of the Republic of Armenia and shall maintain neutrality in political matters and remain under civilian control.”

In accordance with **Article 46 of the RA Constitution** “Every citizen shall be obliged to take part in the defense of the Republic of Armenia in conformity with the procedure prescribed by the law.”

According to **Part 1, Article 4 of the RA law “On Defense”** “The defense of the Republic of Armenia is organized and based on principles of involvement of state and local self-governmental bodies, society and citizens; respect for human rights and fundamental freedoms, and civil control over the activity of the armed forces.”

The following the legal norms which prescribe civil control over the armed forces.

The Human Rights Defender (Ombudsman) is one of the institutes of implementation of civil control. According to **Articles 8 and 12 of the RA law “On Human Rights Defender”** the Defender or the representative, has the right of free access, by their own initiative, to military units, police detention centers, pre-trial or criminal punishment agencies.

The other institute of implementation of civil control is the **Public Council at the Ministry of Defense created by N decree 862 of the RA Minister of Defense on August 7, 2009.**

According to **Point 1.3 of the Council Charter** “The Council is to ensure public participation and control in the formation and implementation of the state policy in the defense sector in favor of increasing the protectedness of the Republic of Armenia.” According to **Point 2.2 of the Charter**, among the goals and objectives of the council, is the expansion of public control over the armed forces and introduction of effective control devices. However, the Public Council cannot be an independent control body over the armed forces, taking into account the fact that the head of the Public Council is, at the same time, the Advisor to the Minister of Defense.

One legal device of public control is the **RA law “On Information Freedom.”**¹⁸ According to Article 7 of the law information holder, at least once a year, must publicize information related to their activity, in particular, budget forms for written enquiries and instructions for filling them out; lists of personnel, recruitment procedures and vacancies; statistical and complete data on inquiries received, including grounds for refusal to provide information.

At the same time, the **RA Law “On State and Official Secret”** defines¹⁹ the limitations of information of freedom. In particular, **Articles 4, 8, 12 and 19** define the spheres containing state and official secrets, and the procedures of defining the list of secret information. According to the **RA Government’s N 350 resolution of 19.08.1997**, the RA Minister of Defense, within those powers, defines by a secret order, the “Extensive Departmental List of Classified Information of the RA Ministry of Defense”, which is classified and not subject to public scrutiny in accordance with **Article 12 of the RA Law “On State and Official Secrets.”**

Since 2004, the RA Law **“On Alternative Service”**²⁰ has been functioning in Armenia, which defines the right of citizens to alternative labor and military service. In spite of the opinions of local and international experts that the RA Law “On Alternative Service” is not in line with the international

¹⁷ <http://www.parliament.am/parliament.php?id=constitution&lang=eng>

¹⁸ <http://parliament.am/legislation.php?sel=show&ID=1390&lang=eng>

¹⁹ See the same source

²⁰ <http://www.arlis.am/>

minimal standards, (the duration of service, oversight of the service by civil institutions, alternative labor service, etc.), relevant changes have not been made in the law and it remains inapplicable.

The RA Law *“On Social Security of Servicemen and their Family Members”*²¹, defines regardless of the service type (compulsory servicemen, officers) the rights to leisure, material security, labor guarantees, healthcare and other rights.

The RA Law *“On Entering the Military Service”* relates to the regulation of the armed forces-citizens relations²² which regulates the procedures of entering military service, the principles of official advancements and qualification, service types according to positions and titles, etc.

It should be noted, that many legal norms related to the social rights of the servicemen are prescribed not only in the abovementioned law, but also in the RA Law *“On Social Security of Servicemen and Their Family Members.”*

The RA Law *“On Compulsory Military Service”* regulates the issue of compulsory military service in the Republic of Armenia.²³ The law defines the terms of entering compulsory military service, the grounds for getting deferment from the military service, and the registration process before military service. As a note, relating to the status of being fit for military service on the grounds of health conditions, the procedure of the military medical commissions’ activity, # 175 order²⁴ made in 2010 by the RA minister of Defense defines the list of diseases, which is a guideline for the commissions to organize conscription.

It should be noted that in concrete cases, the RA Government has the right to grant deferment, which is not clarified in the law (the law *“On Compulsory Military Service”* Point 2, Article 16), which, as a rule, is applied for the clergymen of the Armenian Apostolic Church and for citizens who go abroad for their education. Such a differentiated approach when, on the one hand deferment from the military service is provided by the decision of the military-medical commission and on the other hand, by the Government’s decision, has no justification or logic.

Provision of military order during service is regulated by the *“Disciplinary Statute of the RA Armed Forces”* confirmed by Government’s Decision N 247 of August 12, 1996.²⁵

On September 7, 2010, the draft law *“On Disciplinary Statute of the RA Armed Forces”* was discussed during parliamentary hearings organized by the RA Standing Committee on Standing Committee on Defense, National Security and Internal Affairs.²⁶ As a result of the discussion, recommendations and opinions on the draft law have been presented. The draft law was sent to the OSCE/ODIHR to get experts’ opinions. The expert conclusion was received from the OSCE/ODIHR, which expressed a number of concerns and recommendations on the draft law. In particular, in the draft law, it is not clear about the order of discussing applications and appeals made by the servicemen, the court instances (administrative, common jurisdiction) where the servicemen can appeal the decisions or the orders of their commanders are not specified.

The processes of discussing the defense budget draft and its adoption have a definite degree of confidentiality in all countries. The defense budget is described in the RA State budget with only one budget line-the total amount allocated from the state budget. The detailed budget is completely not disclosed.

According to *sub-point e/ Point 1, Article 5 of the RA National Assembly Statute*, a Member of the Parliament has the right to get familiar with any document addressed to the National Assembly and/

²¹ <http://www.parliament.am/legislation.php?sel=show&ID=1501&lang=arm>

²² <http://www.parliament.am/legislation.php?sel=show&ID=1317&lang=arm>

²³ <http://www.arlis.am/>

²⁴ See the same source

²⁵ <http://www.arlis.am/>

²⁶ <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=4272&Reading=0>

or the committees, except for the personal materials addressed to concrete addressees as well as such information which contains state and official secrets, of which they are not made liable for release.

According to **Point 2, Article 80 of the same law**, the materials in a closed envelope (as prescribed by law) related to the budget draft, are discussed in a closed session of the RA NA Standing Committee on Defense, National Security and Internal Affairs and Standing Committee on Financial-Credit and Budgetary Affairs, where the Members of Parliament, the Head of the Control Chamber and the persons, whom are authorized by the Prime Minister, can participate.

According to **Point 2, Article 88 of the same law**, the materials in a closed envelope related to budget items containing state and official secrets in the annual report of the budget performance, are discussed in a closed session of the RA NA Standing Committee on Defense, National Security and Internal Affairs and Standing Committee on Financial-Credit and Budgetary Affairs, where Members of Parliament, the Head of the Control Chamber, and persons, who are authorized by the Prime Minister, can participate. The National Assembly approves the State Budget, but during the discussion of the details of the defense budget, only those Members of Parliament can participate, who have corresponding liability.

Article 8 of the RA law “On Budgetary System” defines the principle of publicity of budgets, according to which, the approved budgets and their performance reports should be publicized by media outlets. Apart from this, the process of a draft budget discussion and decision making should be transparent for society and mass media. According to Article 8, secret budget lines can be approved in the state budget.

Point 14, Article 21 of the same law defines budget drafting: the budget lines which contain state and official secrets are presented to the National Assembly with details in a closed envelope.

Article 24 of the law defines Control and Supervision over the Process of State Budget Implementation.

Article 25 contains provisions on the annual report of the State Budget Performance, does not refer to the Control and Oversight and annual reports of the State Budget. At the same time, **Article 26** (Publicity of the State Budget) mentions the demands for publicity of the draft law on the state budget and its discussion by media outlets, which, however, do not refer to the information containing state secrets.

In spite of the fact that, in Armenia, no legal act defines the process of defense budget discussion or adoption, **traditionally** Members of Parliament, who desire to participate in the discussion of the defense budget may obtain these rights in the special unit of the NA Staff if they agree not to release the state secrets.

No legal act regulates how the draft budget is made up, discussed, or how control and oversight is held accountable.

The defense budget is approved along with the state budget by the RA National Assembly.

An important device of civil control over the RA Armed Forces is the oversight of the defense budget expenditures.

According to **Article 1 of the RA law “On Control Chamber”**²⁷, the Control Chamber is an independent body which exercises and oversees the use of budgetary funds, state and community property.

According to **Article 21 of the law**, the employees of the Control Chamber who conduct oversights, have the right, within the framework of the issue on oversight, to be familiarized with the documents, which concern the financial-economic activity of the entity that undergoes oversight, except for the ones which contain state secrets. Only those employees, who have special permission can have access to those documents.

The provisions related to democratic, civil, and public control over the armed forces are prescribed in the Military Doctrine confirmed by the **President’s NH-308-N decree of December 25, 2007**.²⁸

According to this document, the legal basis for the Doctrine is provided by the Constitution of the

²⁷ <http://www.arlis.am/>

²⁸ <http://www.mil.am/files/mil-doctrine-eng.pdf>

Republic of Armenia, international agreements and laws of the Republic of Armenia related to the matters of military security, strategy, as well as other respective legal acts. The activities of the Collective Security Treaty Organization (CSTO) and individual states are among the factors decreasing military security and strengthening stability in the region.

It is important to mention that the Republic of Armenia, according to the Military Doctrine, considers, as decreasing factors for military security, the principles of human rights and democracy, which are the basis for the activity of the United Nations (UN), the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE) /Sub-point 4, Point 5/.

According to Sub-point 1 Point 9 of the Military Doctrine, ensuring civil control over the Armed Forces is a way of developing the defense system of the state, aiming to ensure military security in the Republic of Armenia.

The Republic of Armenia views the guarantee of its military security, within the context of establishing a state based on democracy, rule of law, protection of human and citizen's rights, implementation of social-economic reforms and the formation of civil society (Point 10).

For preparation of society, the Military Doctrine defines ensuring communication between the public and the Armed Forces, which is implemented through the **Public Information Concept confirmed by the decree of RA Minister of Defense of December 9, 2010** (Point 32, Sub-point 4).

An important objective of the Military Doctrine is reforming the Military Security System which is based on the democratic fundamental principles of civil control, defense planning, and management (Point 46). According to **Point 47**, the reforms in the Military Security System should also ensure: the improvement of the legislation regulating the military security field, the strengthening of legality within the Armed Forces, protection of the rights and freedoms of all nationals of the Republic of Armenia, as defined by the Constitution of the Republic of Armenia, adherence to international agreements and the laws of the Republic of Armenia, including guarantees of the right to alternative military service, according to the objective to ensure the military security of the Republic of Armenia.

The Military Doctrine defines basic problems which should be addressed by the legislation and conceptual documents related to the strategic review of the Military Security System (Point 51). In particular, in the field of Defense Planning and Budgeting, importance is attached to the establishment of a more transparent and effective system for planning of capabilities for financial allocations based on the emphasis of both the quantitative and qualitative definitions, and evaluation of the needs of the Armed Forces (Point 51, Sub-point 5). The reforming of the Defense Planning and Budgeting includes improvement of mechanisms for a more effective and objective use of resources and civil control (Point 51, Sub-point d/).

Attention should be paid to the fact that activities or attempts aimed at discrediting the Republic of Armenia and the Armed Forces of Armenia are considered as an internal threat to military security (Point 4, Sub-point 4), which in fact, is in serious contradiction with Article 27 of the RA Constitution. ("Everyone shall have the right to freely express their opinion. No one shall be forced to rescind or change their opinion. Everyone shall have the right to freedom of expression, including freedom to search for, receive and impart information and ideas by any means of information regardless of the state borders").

On December 9, 2010, the RA Minister of Defense confirmed the Public Information Concept.²⁹

The main purpose was to define the ways and means of creating public awareness strategies on the activities of the ARM MoD and the General Staff of the RA Armed Forces, and to increase the level of public awareness on the programs and reforms which are designed to improve and modernize the defense sector.

Among the Objectives of the Concept are:

- Provide transparency of defense policy; improve public accountability

²⁹ <http://www.mil.am/1320692449>

- Increase the level of civilian control over the Armed Forces
- Increase the level of human rights protection between military servicemen, by implementing joint programs with the RA Human Rights Defender Office and other relevant institutions and organizations.

Among the Priorities are:

- Provide public participation in the programs of developing strategic and conceptual documents in the defense and security sector, as well as in the formulation of the defense policy.
- In parallel with training and re-training of personnel for meeting current army standards, other trainings should be undertaken for preparing unit-level officers on public awareness issues in order to ensure a more active and effective involvement of those officers in future work with the public.

The Concept defines a number of activities, which aim to expand cooperation with NGOs, media outlets, organize public discussions, forums on the course of the reforms going on in the armed forces, on the legislative reforms in the defense sector.

International Documents and Norms

International organizations, which the Republic of Armenia is affiliated with, have adopted a number of documents on the role and management of armed forces in democratic countries, human rights in the armed forces, and principles of civil, democratic and public control over the armed forces.

CoE structures regularly refer to the issue of human rights in the armed forces of member states. The Parliamentary Assembly of the Council of Europe and the CoE Committee of Ministers have adopted a number of recommendations,³⁰ and resolutions, which attach importance to the proper investigation of death cases in the armed forces of member states, to the preparation of the personnel, as well as the issue of establishing a military ombudsman as an independent civil institute.

In particular, PACE underlined the following issues in the **Human rights of members of the armed forces 1742 (2006) recommendation**³¹:

- to authorize members of the armed forces to join professional representative associations or trade unions entitled to negotiate matters connected with remuneration and conditions of employment, and to set up consultative bodies at all levels involving the aforementioned associations or trade unions, representing all categories of personnel;
- to introduce, where such a facility does not already exist, an autonomous civil institution of military ombudsman responsible for promoting the fundamental rights of members of the armed forces: ensuring respect for such rights, providing legal assistance to servicemen, and receiving complaints of violations of their rights, and to whom military personnel can turn to in a confidential manner in cases of employment disputes or other questions arising out of the exercise of duties;
- to remove existing restrictions on the electoral rights of members of the armed forces;
- to authorize members of the armed forces and military personnel to join legal political parties;
- to adopt or modify legislation and statutory regulations in order to ensure their conformity with the European Convention on Human Rights and the case law of the European Court of Human Rights, including military codes and internal military regulations, which should clearly set out the rights and obligations of armed forces personnel;
- to lift any remaining reservations to the application of Articles 5 and 6 of the European

³⁰ http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/EREC1742.htm#P16_97
<http://assembly.coe.int/Mainf.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta98/erec1380.htm#1>
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta02/EREC1572.htm>

³¹ http://www.assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=10737

Convention on Human Rights;

- to introduce into their legislation, the right to be registered as a conscientious objector at any time, namely before, during or after military service, as well as the right of career servicemen to be granted the status of conscientious objector;
- to urgently adopt, where necessary, the requisite measures to put an end to the scandalous situations and practices of bullying in the armed forces and to put an end to the conspiracy of silence in the armed forces which ensures impunity for such acts;
- to ensure that every case of violation brought to the authorities' attention is thoroughly, openly, and rapidly investigated, and that the perpetrators are prosecuted and brought to justice.

Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, also referred to human rights in the armed forces. In his report, made during his visit to Armenia during the period of January 18-21, 2011, he expressed his concern about the human rights situations and abuses in the armed forces of Armenia. He said: "Although it is encouraging to see that these issues are now part of the public debate and that the authorities have expressed a willingness to address them, the Commissioner remains deeply concerned over reports of ineffective investigations into these grave cases, a lack of accountability for perpetrators, as well as the role of certain commanding officers who have either been directly implicated or failed to react to abuses. Much needs to be done to dispel the distrust from the side of victims and their relatives in investigations relating to these cases."

He also referred to the problems of the religious organization "Jehovah's Witnesses": "The issue of imprisoned conscientious objectors – currently, all of whom are members of the Jehovah's Witnesses community - has been on the table for many years. Conscientious objectors are not willing to perform an alternative service option, which is under the supervision of the military. There is still no alternative to military service available in Armenia, which can be qualified as genuinely civilian in nature. The Commissioner strongly believes that conscientious objectors should not be imprisoned and urges the authorities to put in place, an alternative civilian service. One way to improve the human rights situation in the Armenian armed forces would be to enhance the role of independent human rights monitoring, which would provide regular and thorough assessments and concrete recommendations to the country's leadership on how to address human rights abuses and non-compliance with domestic law and international standards"³².

The **OSCE Code of Conduct on Politico-Military Aspects of Security** is a guideline for legal documents adopted related to the armed forces of Armenia. Article 20 states that "The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security." According to Article 21, "Each participating State, will at all times, provide for and maintain effective guidance to, and control of, its military, paramilitary and security forces, by constitutionally established authorities vested with democratic legitimacy." Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

The democratic reforms of the armed forces in Armenia are considered important in the actions planned in the **Individual Partnership Action Plan** made within the framework of the **Partnership for Peace program**.³³ Armenia joined the Partnership for Peace (PfP) in 1994 and the first Individual Partnership Action Plan (IPAP) was approved in 2005. One of the prominent requirements of the Action Plan is the development and strengthening of democratic and civil control over the armed forces, as well as Armenia intends to promote civilian participation in development of defense and security policy.

As a member State of CIS, a guideline for Armenia can be the model law "**On Parliamentarian Oversight**

³² <https://wcd.coe.int/ViewDoc.jsp?id=1784273>

³³ http://www.mfa.am/u_files/file/IPAP%202009-2010-Unclassified.pdf

*of the State's Military Section*³⁴ adopted in the Parliament of CIS Member States on November 24, 2001. However, there are no concrete provisions for parliamentary oversight in the model law.

Apart from the above-mentioned legal acts, there are a number of legal acts (RA Government's resolutions, decrees) which regulate the organization of call-up, military service, demobilization from service, servicemen's legal, social and other problems, which, are not available publicly.

³⁴ http://spravka-jurist.com/base/part-wq/tx_xsfqu.htm

DESCRIPTION OF THE SITUATION OF THE ACCOUNTABILITY AND TRANSPARENCY OF THE ACTIVITIES OF THE RA MINISTRY OF DEFENSE

The opportunity for democratic, civil, and public control over the armed forces depends on the degree of transparency of decision-making and implementation in the defense sector, as well as the extent of accountability. The degree of transparency and extent of accountability refer to both the funding of the defense sector and the realization of budget resources; including state procurement procedures and the planning, development, and utilization of the armed forces.

The level of transparency and accountability of the armed forces is connected with the accessibility of information regarding the violations of soldiers' rights and the situation with social security.

The transparency of the defense sector was assessed based on the responses given to HCA Vanadzor inquiries regarding different issues.

The information about the inquiries and letters addressed to the RA Ministry of Defense in 2010-2011 and their responses are summarized in ANNEX 1.

In 2010-2011, HCA Vanadzor submitted a total of 39 information inquiries (19 inquiries in 2010 and 20 inquiries in 2011) to the RA Ministry of Defense and its departments (military police and military commissions). There were no responses to five inquiries (2 in 2011, which were connected with a double medical examination of a conscript and the non-combat service procedure and the changes made in the list of diseases, and 3 in 2010, which were connected with 2009 military recruitment and information on sale and privatization of real estate by the MoD published in the media). In 5 cases in 2010 and in 3 cases in 2011, the response was that the requested information was classified as an official or state secret. In 2011, two inquiries were satisfied partially, as some of the information was considered confidential (see Table 1).

Table 1.

Statistics of the Inquiry Responses Received from the MoD					
Year	Number of inquiries	No response	Considered official or state secret	Responded partially and classified partially	Responded
2010	19	3	5	0	11
2011	20	2	3	2	13
Total	39	5	8	2	24

As it can be seen from the statistics presented in Table 1, in 24 of the 39 information inquiries, responses were provided. From a purely quantitative perspective, of course, it can be assumed that the MoD displays sufficient willingness to provide information and is "transparent enough"; however, an analysis of the information "considered classified" shows that there is no rationale in considering the information requested by the organization as a secret and the decree of confidentiality by the Ministry of Defense is rather high and cannot be considered transparent. As we already mentioned, the list of classified information is defined by the head of the relevant ministry according to RA Government's decision N350 of 19.08.1997.

From this aspect, the definition of the level of secrecy by a department/ministry, can be very subjective and arbitrary. That is to say, from the very start the legal field has been formed based on the logic of a high level of secrecy and a very low level of transparency.

An important pre-condition of public control effectiveness is the accessibility of complete information

about the activity in specific areas.

According to Part 2 of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, freedom of information can be restricted:

1. only by law
2. in the interests of national security, territorial integrity, peculiar to a democratic society
3. for the prevention of public disorder or crime
4. for the protection of health or morals, for the protection of the reputation or rights of others
5. for preventing the disclosure of information received in confidence, and
6. for maintaining the authority and impartiality of the judiciary.

As we can see, the Convention prescribes a limited framework of restrictions on freedom of information. In other words, a member of the Council of Europe should justify the restrictions on freedom of information in the national legislation based on the logic of the abovementioned points and not arbitrarily. It should be taken into consideration that, according to Article 19 of the Convention, the restriction on rights should be limited and purposeful.

Based on the logic of the Convention, the restrictions to the freedom of information in the RA should be defined by laws and not by the government decisions or decisions by the heads of individual departments. On the other hand, the restrictions should be purposeful, which would be understandable and recognizable for citizens. Without the provision of such conditions, it is impossible to talk about transparency and accountability of the Ministry of Defense, as well as the civil, democratic, and public control over the Defense sector.

THE POSSIBILITIES AND TRANSPARENCY OF THE CONTROL OVER THE DEFENSE BUDGET

In 2010-2011, the organization submitted inquiries to the Ministry of Defense, requesting information about the number of soldiers, the salary fund in the armed forces, the size of salaries based on ranks and positions of the military, the companies providing government procurement and supply services, reform projects and activities conducted within the framework the NATO – Armenia Program, as well as other issues pertaining to potential corruption risks.

The responses to all such inquiries was that the requested information was classified. The inquiries, which were connected with privatization and resale of real estate by the MoD, have not been answered as of this date, and it has been more than a year since the inquiry was submitted (Letters # 16 and 17 sent to the RA Minister of Defense, Seyran Ohanyan, on October 25, 2010, listed in ANNEX 2).

Regarding the salaries of the military, the only available information was N 1554 Decision³⁵ of the RA Government from December 13, 2007, which determines the salary rates and it is not clear, why the legal acts addressing the same issue, are classified for the previous and subsequent years.

In 2006, the list of companies supplying the Ministry of Defense with clothing, food, stationery, etc. was provided to a reporter of “Civil Initiative” Weekly upon request. There is no logical explanation why the same information, in following years, became classified.

Thus, the changes in the list of information containing secrets are made by the head of a department or the Government. Having no logical justification, we may consider it as a violation of the right to freedom of information.

Taking into consideration that the Ministry of Defense regularly refers to the “Extensive Departmental List of Classified Information of the RA Ministry of Defense,” enacted by the confidential order of the RA Minister of Defense, as well as to the RA Law on State and Official Secret, and the MoD always refuses to provide information, in 2010, HCA Vanadzor filed a lawsuit against the RA Ministry of Defense. Prior to that, on February 10, 2010, HCA Vanadzor had submitted an inquiry to the RA Ministry of Defense, regarding the following issues:

- The number of conscripts and contract soldiers who died while serving in the RA Armed Forces in 2009
- Their full names
- Their addresses

HCA Vanadzor also submitted an inquiry to the MoD on March 15, 2010, requesting the list of companies, which are supplying clothing, stationery, food, and other goods to the RA Armed Forces.

In response to the letters, the RA Ministry of Defense stated that, according to the “Extensive Departmental List of Confidential Information of the RA Ministry of Defense” enacted by the confidential order of the RA Minister of Defense, the requested information is considered to be confidential and according to the requirements of Article 4 of the RA Law “On State and Official Secrets”, it is considered to be an official secret.

On February 27, 2010, HCA Vanadzor submitted a new inquiry to the ministry which requested them to provide the corresponding confidential order of the RA Minister of Defense and “Extensive Departmental List of Confidential Information of the RA Ministry of Defense” enacted by the confidential order of the RA Minister of Defense.

The RA Ministry of Defense responded that, according to Sub-point d), Part 3, Article 8 of the RA Law “On State and Official Secret,” the RA Government develops and approves the list of information classified as state secret. The ministry informed HCA Vanadzor that the RA Ministry of Defense was

³⁵ http://www.arlis.am/DocumentView.aspx?DocID=67628&DocID_AM=67628&DocID_RU=0&DocID_EN=0

unable to provide the “Extensive Departmental List of Confidential Information of the RA Ministry of Defense” enacted by the confidential order of the RA Minister of Defense.

On April 7, 2010, HCA Vanadzor applied to the RA Administrative Court, demanding that the court:

1. cancel the order regarding the “Extensive Departmental List of Confidential Information of the RA Ministry of Defense”
2. oblige the RA Ministry of Defense to provide information
3. subject the head of the staff of the RA Ministry of Defense, G. Hayrapetyan, to an administrative liability in the amount of AMD 50 000
4. subject the head of the juridical department of the RA Ministry of Defense, S. Sedrakyan, to an administrative liability in the amount of AMD 50 000

On April 26, 2010, the RA Administrative Court made a decision that the application of HCA Vanadzor is partially to be refused and partially taken into proceedings on the following grounds:

“The Constitutional Court, by its 864 decision February 5, 2010 recorded, that the Court finds that HCA Vanadzor is not liable to claim what was stated by Points 3 and 4 and therefore HCA Vanadzor’s claims are refused to be taken into consideration according to Point 4, Part 1, Article 79 of the RA Administrative Procedure Code. The court also finds that Point 1 and 2 of HCA Vanadzor’s claim submitted according to the requirements of Articles 72 and 73 of the RA Administrative Procedure Code are to be taken into proceedings.”

On November 23, 2010, the RA Administrative Court rejected the claim of HCA Vanadzor, justifying that the information requested by the organization is not the type of information to be considered under the RA Law “On Freedom of Information.” At the same time, the court justified the decision by Point b) of Article 12 of the RA Law “On State and Official Secret,” according to which the RA Ministers have the right to give orders about classified lists and to consider those orders confidential.

On December 22, 2010, the legal representative of HCA Vanadzor, Artak Zeynalyan, filed an appeal against the November 23, 2010 decision of the RA Administrative Court.

On January 13, 2011, the Court of Appeal took the appeal into proceedings.

On March 16, 2011, the Administrative Court of Appeal rejected the organization’s appeal.

Within a month, HCA Vanadzor appealed the decision of the Administrative Court of Appeal in the RA Court of Cassation, and demanded they reverse the decision of the RA Administrative Court of Appeal.

On May 18, 2011, the RA Court of Cassation decided to overturn the HCA Vanadzor’s cassation appeal.

On November 23, 2011, HCA Vanadzor submitted a claim to the RA Constitutional Court to recognize that the 8th and 12th Articles of the RA Law “On State and Official Secret” contradict the 3rd, 5th, 6th, 27th, 43rd, 83.5th, and 117th Articles of the RA Constitution and are invalid. Currently, the RA Constitutional Court has taken the claim into proceedings³⁶. On March 6, 2012 the RA Constitutional Court made a decision: “The provision of the RA law “On State and Official Secret”, that is: “The Departmental lists are classified and are not subject to releasing” is to be recognized contradictory to Articles 27 and 43 of the RA Constitution and therefore it should also be recognized invalid. However, the other point concerning Sub-point f) Part 4, Article 8 and Part 6, Article 12 of the RA law “On State and Official Secret” was recognized valid and corresponded to the RA Constitution.

In 2011, HCA Vanadzor tried to get similar information about the same issues of 2011, but the RA ministry of Defense again referred to the RA law “On State and Official Secret” and the confidential order of the Minister of Defense defining the “Extensive Departmental List of Confidential Information.”³⁷

Thus, despite the RA constitutional and legislative norms, as well as the international obligations undertaken by the RA, there are no legal mechanisms for civil, democratic, and public control over the military budget, even over the sections that are not of a military character (stationery, food, clothing, etc.)

The RA Law “On Procurements” is important in terms of control over the defense budget. According to Point 4 of Article 8 of the law, “Within five work days, after the receipt of the request the client/

³⁶ http://www.hcav.am/articles.php/language_arm/date_2011-12-12/article_4390/page.html

<http://www.concourt.am/armenian/timeline/index.htm>

http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.concourt.am%2Farmenian%2Fdecisions%2Fcommon%2F2012%2Fpdf%2Fsdv-1010.pdf&h=sAQFrc5H_

³⁷ <http://henaran.am/?p=58692#.TuNdITZp6ws.facebook>

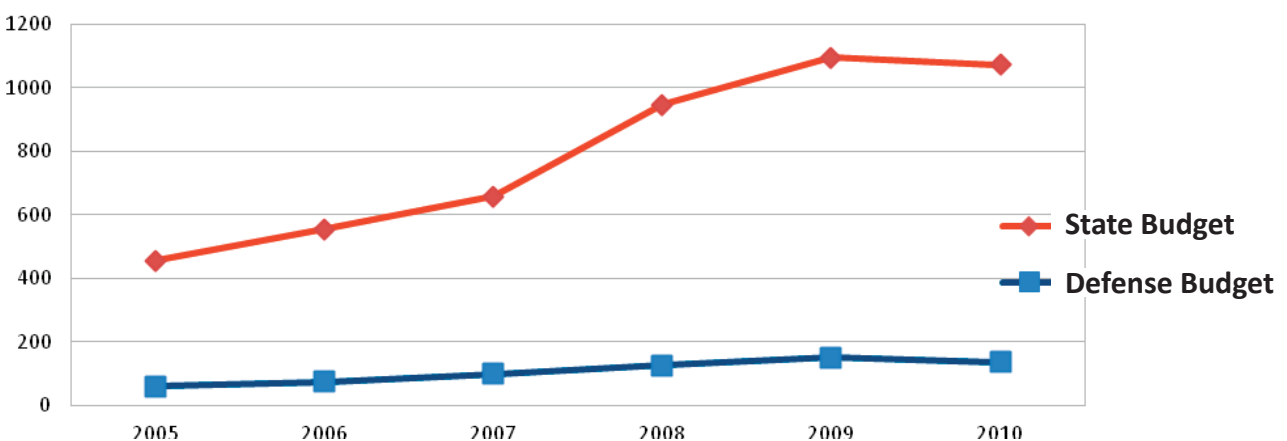
procuring entity must submit to any individual, upon request, a copy of the protocol or the document on the procurement procedure, except the information containing state, official or banking secrets”. As we can see, since the list of companies supplying food, medication, stationery, and other products for the defense sector and the amount of procurements are considered state secrets, then the information about their procurement procedure is also considered confidential. Similarly, the announcement about the signed contract containing classified procurement (Article 10), procurement planning and financing (Article 14), and announcing tender invalid (Article 35) are also considered secret. The requirement towards the members of the evaluating committee and the secretary to maintain confidentiality is noteworthy (Article 23). A question arises: how can the members of the committee, or the secretary, determine whether the presented information is classified or not?

The RA Law *“On State Budget”* contains only the total amount of the defense budget. The dynamics of changes in the RA State Budget and Defense Budget in 2005-2011, is presented in Table 2 and Image 1.

Table 2. The dynamics of changes in the RA State Budget and Defense Budget in 2005-2011

Year	State Budget (thousand AMD)	Defense Budget (thousand AMD)	Defense Budget Ration in the State Budget In %-age
2005	394,600,142.7	61,004,602.1	15.45%
2006	482,193,912.5	74,125,561.1	15.37%
2007	558,677,064.6	100,435,685.7	17.9%
2008	822,054,378.3	125,436,245.3	15.25%
2009	945,449,770.0	149,611,982.0	15.82%
2010	935,524,584.0	135,715,659.4	14.5%
2011	1,001,054,275.8	146,222,766.3	14.6%

Image 1. The dynamics of changes in the RA State Budget and Defense Budget in 2005-2011



The dynamics of changes in the 3 Countries of the South Caucasus in 2000-2010 is represented by USD in Table 3 and Image 2 for comparison.

Military Budget in US Dollar (in millions)

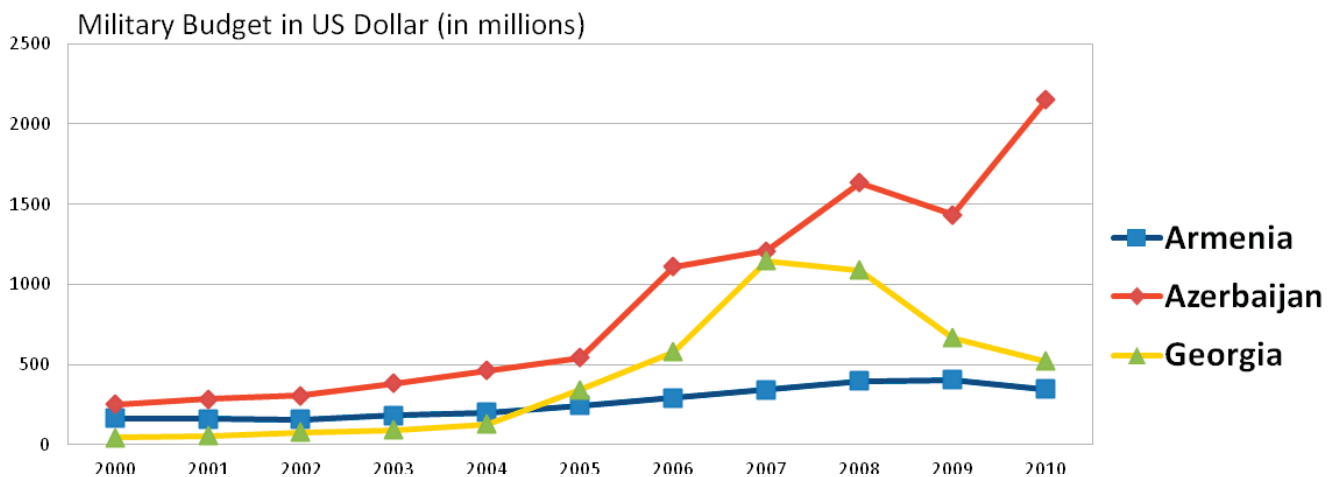


Table 3. Military Budget of Armenia, Azerbaijan and Georgia in 2000-2010

Year	Armenia	Azerbaijan	Georgia
2000	165	251	43.4
2001	160	284	55
2002	159	306	78.7
2003	183	382	92.2
2004	201	463	129
2005	246	542	341
2006	291	1112	580
2007	341	1210	1148
2008	396	1635	1090
2009	405	1434	665
2010	347	2150	520

Source: <http://milexdata.sipri.org/result.php4>

Image 2. Military Budget of Armenia, Azerbaijan and Georgia in 2000-2010



Without having a detailed defense budget in possession (including the military section, which can be secret), an attempt was made to assess the logic of changes in the defense budget over the years.

The Possibility of Monitoring Change in the RA Defense Budget³⁸

The financial analysis of the budget is an essential and key component of budget monitoring. It comprises the analyses of the purposefulness and effectiveness of the expenses anticipated in the budget.

The purposefulness of budgetary expenses can be evaluated on two levels. The purposefulness of the specific project is evaluated on the first level: how the financial resources spent on the implementation of a specific project contribute to the fulfillment of the government (public) goals connected with the defense sector. The purposefulness of the budget lines anticipated in the project is analyzed on the second level: the necessity of obtaining the specific products and services approved for the project. A commonly used method for such analyses is an Analysis of Alternatives. This method is applicable both for project evaluation and for justifying the specific budget expenditures. Such an analysis helps to clarify the goal and the necessity of the implementation of the project or procurement of goods and services, and to determine the expected results, which lays the ground for analyzing the outcome of the project implementation. Such analyses are conducted on the government level; however, the results provide an opportunity for control by civil society entities. Based on the RA Government

³⁸ The analysis was done by Abraham Artashesyan, a member of the military budget monitoring group, specialist of Community Finance Officers Association

Protocol Decision N 48 from November 27, 2008, which prescribes the introduction of the project-based budgeting system on the state government level, the potential of such analyses and information should be noted, because the projects and project based budgeting is the basis for applying the method of the Analysis of Alternatives and other similar methods. The current budgeting system does not provide this opportunity, and the absolute size of the budget, the growth, and performance do not shed light on the evaluation of the purposefulness of military expenditures.

The effectiveness of budget expenditures, unlike the purposefulness of the expenditures, observes the economic aspect of the expenditures. The analysis of effectiveness is based on the evaluation of the economically possible cost-effective options for conducting the activities, and obtaining goods or services.

The monitoring of the procurement process is one of the components of civil control. Monitoring evaluates such aspects of the procurement process as the comparability: the comparison of biddings from other agencies, and the comparison of the statistical data about the prices for obtaining the same products in previous years. The timeliness can also be observed: the correspondence to the time periods indicated by law, the accessibility of the information about the procurement and information dissemination, which provides an opportunity for increasing the number of bidding suppliers and the possibility of obtaining the goods and services for the lowest price.

The official website of the RA MoD regularly publishes targeted and periodical tender announcements, which ensure the dissemination of information about the tenders. At the same time, the information contained in the announcements does not give an opportunity to have a complete image of the quality and quantity of the required products even for the suppliers of those goods and services. Moreover, the confidentiality³⁹ of the information about procurement process creates an obstacle for conducting corresponding public observations and analyses.

Cost-effectiveness, value-for-money and other methods of evaluation of effectiveness are also used in international practice. These methods are ways of economic analysis, which are based on the synthesis of expenditures and results deriving from them. However, such an analysis of the RA MoD expenditures is also unrealistic because of the confidentiality of the necessary data and, often because of the absence of such data.

Statistical and econometric methods are also applicable to defense budget analysis. The use of such methods provides an opportunity to have an idea about the purposefulness and effectiveness of financial expenditures through models. The method is based on the idea that a model should be created to predict the defense budget based on the factors affecting the size of this budget. Any significant deviation from the anticipated budget scale can become a reason for assuming that financial resources have not been used effectively. However, deviation can also occur because of extrapolation, because of not observing the assumptions made during the creation of the model or because of the impact of another factor (information). Moreover, the latter will simply indicate that there was some expenditure from the budget, which the public was not informed about.

Depending on the model and the assumptions made for creating the model, the factors affecting the budget can be different. In order to subject the RA MoD Budget to such an analysis, we can assume that the state budget is linearly dependent mainly upon the prices of food products, fuel, and oils, the size of paid salaries and the amount of contributions. Such assumptions create analytic models based on the data published in publicly accessible sources.

In particular, the prices on food products are available from the website of the RA National Statistical Service⁴⁰. The statistical services also publish the prices on fuel and oils in Armenia. Presumably,

³⁹ The law "On Procurements", Articles 8, 10, 14, 35, 23

⁴⁰ www.armstat.am

the price of these products should not deviate much from the procurement prices of the MoD. The information about salaries is available partially, based on the written inquiry to the RA MoD. The increase of salaries and the change in the number of military personnel can be used instead of the absolute amount of the salary. Such an approach can be used for calculating contributions as well. The changes in the amount of ammunition can give an idea about the incurred expenses. Moreover, although the size of the military personnel and the amount of ammunition is not available from local sources, the information is regularly published by the International Institute for Strategic Studies.⁴¹ Such information is also available from a number of unofficial sources⁴².

Although the use of such methods solves the obstacle created by the confidentiality and the lack of information to some extent, it has its limitations as well. The first limitation is lack of data. Such analyses require a minimum of 30 observations, providing that the observations do not deviate too much. Therefore, if we take into consideration the relatively young age of the army and add the war-time and post-war situations to it, which create strong deviations, it becomes clear that the data is not sufficient for conducting such analyses. The task can be accomplished for any other sphere, if data is collected monthly or even quarterly; however collecting such data is impossible in cases of the defense sector.

The second significantly limiting factor is the selection of the model. As none of the models are able to thoroughly explain the reality, and all models operate on some specific range and with some degree of accuracy, in the conditions of confidentiality of defense expenses, the justification of the selection of the model becomes a rather difficult task. In this case, it is better for the state government body to suggest a model, based on the information available to them, which would best describe the defense budget and would allow civil society to conduct analyses.

Summarizing the possibilities of the financial analysis of the defense budget, it can be noted that the abovementioned tools, which are applied in the international setting, are currently not applicable in Armenia for effective analysis of the budget by civil society. In addition, such analyses are one of the most important factors of establishing civil control over public finances, the sole goal of which is to ensure purposeful and effective use of public funds and not to reveal or publicize state or military secrets. The econometric analysis is presented below.

The regression analysis model was created based on the factors, which, in our opinion, have the most significant impact on the defense budget. In particular, the model includes:

- a) price index of food products: the increase in the prices on food products can have a significant impact on the budgetary expenses, because food expenses take up a large share of budget expenses and the price changes on these products should have a tangible impact on the absolute size of the budget. Assuming that prices on food products do not deviate too much from the average national prices, the data published by the RA National Statistics Service were used in the model.
- b) prices on diesel fuel: taking into consideration the significant correlation between diesel fuel, gasoline, and oils, we should take only one of the mentioned products to avoid parallel multicollinearity between the variables. It is also assumed here that the prices on fuel and oils are not significantly different from the average national prices and take up a significant share of the defense budget.
- c) salary: As the absolute size of the salary fund of the defense budget is not publicized, the yearly increases in the salaries paid from the state budget to the state employees was observed. It was assumed that the salaries of state employees and military personnel correspond or are close. The product of the logarithm of the salary growth and the number of contractual

⁴¹ The International Institute for Strategic Studies, London <http://www.iiss.org/>

⁴² http://img.rg.ru/i/mics/sng_army.gif; <http://www.kp.ru/daily/24497.3/650037/>; <http://www.armscontrol.ru/pubs/eta-az-nk-ar-061121.pdf>;
<http://milkavkaz.net/?q=node/20>

military personnel was considered the growth indicator of the salary fund of the defense budget.

According to our data⁴³, there is no significant change in the number of temporary servicemen in the RA Armed Forces. There was no change in the number of ammunition and equipment as well. Thus, the investments in maintenance of the ammunition and equipment are regularly stable. This means that the size of investments should be relatively stable and should not cause tangible diversions in the defense budget. Therefore, neither the number of temporary servicemen nor the size of the investments was considered in the analysis.

The final function of the evaluation model of the defense budget was determined with the following formula:

$$Y'_t = a + \beta_1 * x_{1t} + \beta_2 * x'_{2t} + \beta_3 * x_{3t}$$

Where:

$Y' = \ln(Y)$ and Y is the absolute value of the military budget by year

x_{1t} – is the increase of the price of food products by year

$x_{2t} = \ln(x_2)$ and x_2 are the price of diesel fuel by year

x_{3t} – is the growth of the salary fund of the defense budget

The regression result is:

$$Y' = 1.115 + (-1.392) * x_{1t} + 2.183 * x'_{2t} + (-.057) * x_{3t}$$

t_{test}	(-1.500)	(-0.427)	(1.737)	(-1.097)
sig.	(0.205)	(0.619)	(0.111)	(0.197)

Judging from the results, we can state that the changes in the food products, fuel, and salaries cannot statistically justify the variations in the defense budget. Therefore, we can conclude that these factors do not have a significant or any impact on the budget, providing that we accept these assumptions to be true and ignore the small number of observations.

An Analysis of the RA Defense Budget, according to the military personnel salaries and the resources allocated for solving their social issues (based on the data published in media)

HCA Vanadzor tried to analyze the logic of the changes to the RA Defense Budget, based on the dynamics of the changes of the salaries of the RA MoD staff and military personnel.

According to the data provided by the RA Ministry of Defense, based on Article 30 of the RA Law “***Social Security of Servicemen and Their Family Members,***” Points 2 and 3 of the 27.11.2000 Decision N 778 of the RA Government, and the 13.12.2007 Decision N 1554 of the RA Government, the salaries of the RA MoD is calculated the following way:

- a) position-based rate, in the following categories: positions in the central body, positions in the military units and subdivisions, ordinary contractual military service staff.
- b) rates of military ranks of contractual personnel
- c) supplements for years of military service by corresponding percentage of the position-based rate and military rank-based rate.

Aside the abovementioned, according to Point 2.1 of the 13.12.2007 Decision N 1554-N, the military personnel is paid supplements and bonuses within the limits of the amount saved in the salary fund, but there is no official report form defined for the quantitative indicators of these bonuses. There are no other accessible official documents about changes in the salaries of MoD employees and military personnel and the media publications were the only source of information about these changes.

⁴³ The number of servicemen is available from the data published by the International Institute for Strategic Studies; Military Balance report

There is limited information available through media on salaries and budget allocations for solving housing, social, and other problems of military personnel.

On November 2, 2007, the RA Minister of defense, M. Harutyunyan declared that “In 2008, the increase in the budget of the Ministry of defense will provide an opportunity to raise the salaries of the military personnel. Thus, the salaries of the officers would be 560 USD, that of junior officers would be 338 USD, and that of contractual servicemen would be 277 USD, while the salary of civil servants would be over 185 USD”⁴⁴.

During a press conference on January 18, 2008, the RA Minister of Defense, M. Harutyunyan stated that “there were structural changes in 2007, in particular the staff list of the peacekeeping brigade was developed, and the head office and another battalion were in the process of formation. New field engineering and intelligence companies as well as rifle battalions were created on a contractual basis. Recruitment of contractual servicemen, sergeants, and special civil servants, replenishment of ammunition and military equipment, and modernization of the intelligence system antiaircraft defense are in the process. 11 residential buildings were built in 2007; as a result, servicemen received 346 service apartments (6 blocks with a total of 132 apartments in Nagorno Karabakh). It is anticipated to raise the number to 475 in 2008 in Armenia, and to 150 in Nagorno Karabakh; it is also planned to give 233 completely renovated apartments for exploitation.

The allocations from the state budget for defense needs were executed by 100% and were used as intended. In 2007, the payments to staff increased by 20%, and the allocations for replenishment and maintenance of the material and technical base, as well as for capital construction and renovations increased by 30%, compared to previous years. The financial satisfaction of the military personnel will increase by another 10% in 2008; thus the salary of civil servants will be about 180.000 AMD; the salary of junior officers will be 109.000 AMD; the salary of contractual servicemen will be 91.000 and 57.000 AMD for other non-mandatory servicemen. The recruitment of new professional sergeant staff will begin in 2008, with an average financial satisfaction of 125.000 AMD. (To compare: in 2006, the average monthly salary of officers was 137.000 and in 2007, it was 165.000).⁴⁵

According to the report presented to mass media representatives by the RA Minister of Defense, M. Harutyunyan, since January 1, 2008 the pension allocated to servicemen and the relatives of the servicemen who died and fell victim increased by 60%.

In 2007, Government allocated 3 billion AMD for obtaining apartments for 448 homeless families of servicemen who fell victim and for disabled servicemen (1st and 2nd groups of disabilities); Government plans to provide another 3 billion AMD in 2008. In 2007, the RA Ministry of Defense provided a total of 421 million AMD in financial assistance to servicemen, families of those who fell victim and disabled freedom fighters (azatamartik), and non-governmental organizations.

According to 2008 data, there are 8000 private and sergeant servicemen in professional service, 10 thousand officers and 5 thousand corporals in the RA Armed Forces, which is 1/3 of the total army. The total number of staff in the RA Armed Forces is 60 thousand people⁴⁶.

According to the Chief Financial Officer of the Ministry of Defense, General Vagharshak Avetisyan, in 2010, the defense budget was to be cut by 30% compared to 2009. Actually, if we compare the official numbers, the defense budget of 2010 decreased by 14% compared to 2009. The budget cut was connected with the difficulties caused by the financial crisis in 2008.

If we review the changes in the dram-dollar transaction rate from 2005-2012, which the RA State Budget is based on, we can conclude that it can have a serious impact on the actual expenditures of the defense budget. While as the Chief Financial Officer of the Ministry of Defense, General Vagharshak Avetisyan, states: “In any case, devaluation of dram will not affect the “main spending directions” of

⁴⁴ <http://www.nr2.ru/148287.html>

⁴⁵ <http://www.mil.am/old-1299194272> <http://www.mil.am/old-1299194272>

⁴⁶ <http://www.mil.am/old-1299194272>

the Ministry of Defense"⁴⁷.

If we compare the size of officer salary based on Article 30 of the RA Law "On **Social Security of Servicemen and Their Family Members**," Points 2 and 3 of the 27.11.2000 Decision N 778 of the RA Government, and the 13.12.2007 Decision N 1554 of the RA Government, to the financial satisfaction data presented by the media, we will see that the salary amount is only 50% of the financial sufficiency. Considering the fact that pensions are calculated based on salaries and not on financial satisfaction, one can conclude that the pensions of military personnel are far lower than the salary they receive during service.

Let us try to compare the changes in the data about the average financial satisfaction of officers in 2006, 2007, and 2008, to the changes in the military budget in the same years. The results are presented in Table 4.

Table 4.

Year	Changes in the average financial satisfaction of an officer			The RA Defense Budget		
	Absolute amount in AMD	Increase in AMD	Increase in percentage	Absolute amount in AMD (thousand)	Increase in AMD (thousand)	Increase in percentage
2006	137,000	-		74,125,561.1	-	-
2007	165,000	28,000	20.44	100,435,685.7	26,310,124	35.5
2008	180,000	15,000	9.1	125,436,245.3	25,000,560	24.9

As data comparison shows, in 2007 and 2008 the defense budget had almost the same increase in absolute numbers (26,310,124,000 AMD in 2007, compared to 2006; and 25,000,560,000 AMD in 2008, compared to 2007); but in terms of percentage change, there was a decrease of 10%. The average monthly financial satisfaction of an officer increased by 20.44/% in 2007, compared to 2006, and only by 9.1% in 2008, compared to 2007. In other words, the growth decreased twice.

This means that the decrease in the growth of defense budget had a greater negative impact on the salaries and financial satisfaction of the military personnel, despite the numerous cases of official assurances of the opposite.

Assessment of Defense Budget Expenditures on Obtaining Ammunition

Considering that the Karabakh conflict remains unresolved, and that there are no diplomatic or other relations with Azerbaijan, one of the objectives of the national security strategy of the Republic of Armenia, as the guarantor of security in Nagorno Karabakh, is "increasing the effectiveness and modernizing the fighting capacity and security of the armed forces and the activities of the law enforcement bodies"⁴⁸. The national Security Strategy plainly states: "There are obvious threats by the Republic of Azerbaijan to use armed force against Armenia and the Republic of Nagorno Karabakh"⁴⁹.

The RA Military Doctrine records as a threat to military security: "The existence of the Nagorno Karabakh conflict; the aspirations of the Republic of Azerbaijan to establish military superiority over the Republic of Armenia and to resolve the Nagorno Karabakh Conflict through military means; and preparation of military actions against the Republic of Armenia and (or) the Republic of Nagorno Karabakh, for that purpose"⁵⁰.

It is clear that in terms of the necessity to ensure appropriate defense, the armed forces should be

⁴⁷ <http://yan-news.ru/news/2009-10-07-1715>

⁴⁸ <http://www.mil.am/files/NATIONAL%20%20SECURITY%20STRATEGYeng.pdf>

⁴⁹ See the same source

⁵⁰ <http://www.mil.am/files/mil-doctrine-eng.pdf>

supplied with modern military equipment and means. That is why an important part of the defense budget lines is the expenditures for maintenance, acquisition, and operation of ammunition and equipment. The implementation of these expenses has a different classification degree in different countries.

The RA Official Bodies do not disseminate any information about what part of the RA defense budget resources is spent on maintenance, operation, and acquisition of military equipment, because it is considered to be a state secret⁵¹.

At the same time, various research centers, namely: the International Institute for Strategic Studies (IISS), Stockholm International Peace Research Institute (SIPRI), and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), conduct research in different countries, including Armenia, on acquisition of ammunition and the changes in its quality and quantity.

The quantity of the ammunition prescribed for Armenia based on the OSCE Treaty on Conventional Armed Forces in Europe (CFE), is presented in Table 5. The data about Azerbaijan and Georgia is provided as well for comparison.

Table 5.

Country	The actual equipment present as of January 1, 2011	Country proportion	The actual equipment present as of January 1, 2011	Country proportion	The actual equipment present as of January 1, 2011	Country proportion	The actual equipment present as of January 1, 2011	Country proportion	The actual equipment present as of January 1, 2011	Country proportion
	TANK		ACV		100 mm artillery systems		Military Aircraft		Attack Helicopter	
Armenia	110	220	140	220	239	285	16	100	15	50
Azerbaijan	381	220	181	220	469	285	79	100	26	50
Georgia	200	220	878	220	400	285	27	100	6	50

As we can see from the table, in most cases, in some countries the quotas were exceeded and in some cases they were significantly lower.

While the public assessment given by officials present an entirely different picture.

In particular, the RA MoD Seyran Ohanyan told a reporter of "Azatutyun" radio (Radio Liberty): "The expansion of our military capacity will continue in 2011, and it will be no less than it was in 2010. Let me not specify numbers"⁵².

According to the same information on December 20, the RA Minister of Defense officially confirmed that the Armenian Armed Forces possessed S-300 highly accurate zenith Missiles."

As a note, on January 27, 2011, the RA Governmental Press Service informed www.news.am that "The Armenian government allocated 4,022,066 AMD to the National Security Service to compensate expenses on transportation of military cargo"⁵³.

An article, published in Eurasia Daily Monitor of the Jamestown Foundation, states that in December 2010, the President of Armenia, Serzh Sargsyan and Armenia's National Security Council approved the State Program of Developing Weaponry and Military Hardware in 2011-2015. The article also states that the Armenian Army will procure more "state-of-the-art weapons."⁵⁴ According to the same source,

⁵¹ <http://www.arlis.am/>

⁵² <http://www.azatutyun.am/content/article/24509556.html>

⁵³ <http://news.am/eng/news/46022.html>

⁵⁴ <http://news.am/eng/news/45282.html>

in August, the Minister of Defense stated that Armenia will enhance its “long-range strike capacity.”

Considering the aspirations of the parties of the frozen conflict, to increase their ammunition and equipment in order to preserve the military balance or in order to act from a position of power, it is natural that the parties closely watch the process of acquiring ammunition and equipment. Some information is disseminated through media only, as a result of disclosure of so called “classified information”.

In particular, according to the information published in 2009 by “Versia,” newsletter⁵⁵ the Russian Federation transferred arms and ammunition with a cost of 800 million USD to Armenia, which caused a serious outcry among Azerbaijani officials.

The latest news on obtained ammunition was disseminated in September 2011. According to this news, Armenia bought approximately 60 tons of weapons from Moldova⁵⁶.

Moreover, “Some of the weapons sold to Armenia are checking complexes 9B862, 9B863 for “Cobra” missiles as well as 9B871-3 complexes for Konkurs-M anti-missiles. Each of them costs over 60 000 USD”⁵⁷.

It is interesting that, according to the research published by the “Noviy Region” Internet Media Outlet, even the world economic crisis did not limit the military expenditures in the Post-Soviet Area⁵⁸. According to this source, experts estimate Armenian military expenses at a minimum of 600 million USD. For comparison, the military expenditures of Azerbaijan are estimated at 3-4 billion USD; and concerns over this issue were expressed within OSCE. However, these data do not include international military assistance, as well expenses connected with supporting allies.

A research published in 2006 states that according to Azerbaijani military experts, Armenia is armed with 32 “Scud” and “Zemlya” tactical ballistic missiles, which is a serious restraining factor in terms of prevention of military actions⁵⁹.

According to research conducted by Jane’s Intelligence Review: “Armenia has 300 units of T-72 tanks, instead of the 110 stated in the official Yerevan record, and Azerbaijan has 350-400 of the same tanks, instead of the stated 217”⁶⁰.

The information presented in the mentioned and other publications allows insistence that, in the conditions of unresolved conflict, there are large financial resources allocated towards obtaining new ammunition and in fact, to further increase that amount.

Certainly, this is a completely logical approach from the security perspective; unless the parties do not seem to appreciate the idea of switching to less costly security systems. However, considering the high level of corruption based on local and international assessments, concealing the number of obtained ammunition from citizens raises several questions about the effectiveness and purposefulness of the use of budget resources and the justification or excuse of confidentiality does not answer those questions.

⁵⁵ <http://www.apsny.ge/analytics/1232993721.php>

⁵⁶ <http://www.tert.am/en/news/2011/09/20/moldova/?sw>

http://www.1in.am/arm/armenia_politics_35229.html

<http://kp.md/daily/25758.4/2743110/>

<http://kp.md/daily/25758.4/2743110/>

⁵⁷ <http://www.tert.am/en/news/2011/11/09/latvia-armenia/?sw>

⁵⁸ <http://www.nr2.ru/inworld/274842.html>

⁵⁹ http://dumaem.ru/index.php?iq=st_show&pr_id=4&rm_id=13&tm_id=5&st_id=867&lid=0&page=1

⁶⁰ http://www.1in.am/arm/regional_expert_12291.html

THE POSSIBILITIES FOR HUMAN RIGHTS DEFENSE IN THE ARMED FORCES OF ARMENIA

One of the most important issues of public control over the armed forces is the provision and strengthening of mechanisms of human rights protection in the armed forces, formation of effective mechanisms of preventing human rights violations, and restoration of violated rights.

We may distinguish three areas of human rights protection in the armed forces:

1. call-up process and entering military service
2. military service
3. military demobilization

Mechanisms of human rights protection during the call-up process and entering military service

The processes of call-up and entering military service are regulated by the following legal acts:

1. RA law "On Military Service"⁶¹
2. The Procedure of Medical Examination of Compulsory Servicemen and Military-Medical Examination of Servicemen⁶²
3. RA law "On Entering Military Service"⁶³
4. RA law "On Citizens Who Failed to Complete Compulsory Military Service through Violation of the Established Procedure"⁶⁴

According to the RA law "**On Military Service**" male conscripts aged 18-27 are subject to compulsory military service (except for the cases prescribed by the law, which relate to granting deferment to those conscripts who continue education in special cases).

The RA law "On Military Service" prescribes a number of norms which regulate issues related to releasing conscripts from military service, getting deferment, decisions on the placement of service. It's interesting that the law "On Military Service" defines various mechanisms related to granting deferment or release from military service:

- a) RA Government, in accordance with Point 2, Article 16 of the law "On Military Service," makes a decision on citizens' categories and grants deferment from military service. According to Sub-point c), Point 1, Article 12 of the same law, the Government itself decides to release citizens from military service.
- b) Republican/national Recruitment Commission can release a citizen from compulsory military service (Sub-point a) of Point 1, Article 12 and Point 3, Article 15) on the grounds of the citizen's health condition. In this case, the basis for the decision of the Republican/national Recruitment Commission is the conclusion of the Central Recruitment Commission.
- c) RA Minister of Defense makes a decision on granting deferment for family reasons based on the conclusion of the Republican Recruitment Commission (Point 5, Article 13 and Point 2, Article 18 of the law "On Military Service").

Thus, three different bodies - RA Government, the Republican Recruitment Commission and the RA Minister of Defense – grant deferment from military service to citizens on various grounds. It is difficult to understand why there exist three different mechanisms granting deferment from military service. It means that the principle of legal certainty is not maintained, as a consequence of which, the citizens do not understand the norms which regulate the call-up process. This, in turn, creates difficulties to implement civil control.

⁶¹ <http://www.arlis.am/>

⁶² See the same source

⁶³ <http://www.parliament.am/legislation.php?sel=show&ID=1317&lang=arm>

⁶⁴ http://www.parliament.am/law_docs/130104HO8eng.pdf?lang=eng

Such a “variety” of decision-making bodies on granting deferment or release from compulsory military service on various grounds can be considered as a discriminative attitude towards citizens. If we study the RA Government’s decisions on granting deferment or release from compulsory military service, then we can see that it mainly refers to the clergymen of the Armenian Apostolic Church and students abroad⁶⁵. It is also hard to understand why resident students should not be granted deferment by the Government’s decision as well.

The process of recognizing a person fit or unfit for military service based on health condition should be in the focus of attention.

The list of diseases is defined in the Procedure of Medical Examination of Compulsory Servicemen and Military-Medical Examination of Servicemen approved by the order of the Minister of Defense.

HCA Vanadzor studied the list of diseases approved by Minister’s # 378 order of March 30, 2006 and #175 order of February 26, 2010, and a comparative analysis of those lists shows that changes have been made both in the list of diseases and in the definitions of being fit or unfit for military service.

It should be noted that in 2008, HCA Vanadzor sent a letter of inquiry to the Minister of Defense to obtain the list of diseases, which was refused with the justification that it was an official secret. However, the Ministry of Defense provided the same information to “Asparez” journalists’ club, though Minister’s # 378 order of March 30, 2006 was not publicized in official databases and was not available on the website www.arlis.am and therefore was not available to the public. So, during the years 2006-2009, the decisions made on the health conditions of conscripts were not available for the conscripts and their relatives. Moreover, it was impossible to verify their correspondence to the list defined by that order.

#175 order of February 26, 2010 is now available on www.arlis.am and citizens can have access.

It should be underlined that conscripts and their relatives are not provided with the medical conclusions made on the health conditions and, as a consequence, they are deprived of the possibility to appeal. This is demonstrated by the many conscripts or their relatives who apply to HCA Vanadzor for help.

In response to the organizations request dated June 16, 2009 to get the procedure of non-combat service, the RA MoD stated that “the issue of being fit or unfit for military service is defined by 30.06.06 #378 order of RA Minister of Defence. For physically healthy citizens the decision of “Fit for combat service” is made. There is no restriction of service duties and type for the citizens of such a category. The duties of citizens who have been recognized fit for combat military service are defined by the RA Armed Forces statutes and rules. For citizens who have various diseases, slight physical defects get the decision of “Fit for non combat service”. Non combat service includes restrictions for physical trainings, while being on military duty.”

In 2011, in response to the same request, the Ministry of Defence stated that in the Ministry of Defense the procedure of non-combat service is currently functioning. However, it can’t be found in any official database. That is to say, the legal document, which regulates non-combat service, is not available for society.

The Defense Department adopts legal acts or makes changes in legal acts without properly informing society which according to Point 5 of Part 2 of the RA MoD Public Information Concept, society should be informed on legislature changes. However, the Defense Department fails to inform or to maintain public awareness on legislature changes.

An analysis of the issues raised in citizens’ applications and complaints, shows that the legal standards

⁶⁵ http://www.arlis.am/DocumentView.aspx?DocID=7423&DocID_AM=7423&DocID_RU=0&DocID_EN=0
http://www.arlis.am/DocumentView.aspx?DocID=7911&DocID_AM=7911&DocID_RU=0&DocID_EN=0
http://www.arlis.am/DocumentView.aspx?DocID=34838&DocID_AM=34838&DocID_RU=0&DocID_EN=0

on call-ups are not properly maintained. In particular, the complaints are related to the fact that the procedure of carrying out military-medical examination is not properly maintained but also there is concern about improper diagnosing of health problems, although the Ministry of Defense officials insist that they do not need unhealthy soldiers⁶⁶.

On June 1, 2011, the RA Military Commissar S. Chalyan sent a letter to the head of the RA Medical Social Examination Agency wherein he stated: "I would like you to check and advise about the information on the disability eligibility for citizens during the call-up process." Therefore, the head of the RA Medical Social Examination Agency organized investigation into disability standards for the call-up process. As a result of this re-examination the disability group of some citizens changed, and therefore their children became eligible to serve in the armed forces.

Therefore, in this case, there is direct intervention by the RA Military Commissar concerning the functions of the RA Medical Social Examination Agency.

As far as after each call-up it is announced during the discussions of call-up results which military commissariat accomplished the so-called "call-up plans"⁶⁷, we should assume that the mentioned letter of the Military Commissar aimed to reveal the so-called "hidden" call-up resources, which was "properly" executed by RA Medical Social Examination Agency.

An important legal act regulating the call-up process is the RA law "***On Citizens Who Failed to Complete Compulsory Military Service through Violation of The Established Procedure***"⁶⁸ which was adopted in 2003 and entered into force in 2004. This law was adopted, taking into consideration the fact that many citizens of Armenia, who are subject to call-up, are living abroad to escape military service. This is a criminally punishable act (Article 363 of the RA Criminal Code). The law permits to cease criminal persecution against citizens in return for compensation.

However, the application of the law has some difficulties, in particular, if there is no Armenian Embassy or Consulate in the country where the Armenian citizen is living, then the individual cannot make use of the mechanisms set forth by the law. There are also problems for citizens who want to return to Armenia and make use of the chances the law allows them within the country. However, in a number of cases, the person is immediately arrested upon returning to Armenia (upon crossing the border) and the individual can only get released after paying the necessary fees. That is to say, the person is a "hostage" for which the "ransom" is the amount of money defined by the law.

During the monitored period there have been no complaints related to entering military service. No cases have been recorded by media outlets, either.

Mechanisms of human rights protection during Military Service

HCA Vanadzor carried out monitoring of death cases in the Armed Forces of Armenia in 2010-2011. The summary of the results is presented in Annex 2 and 3.

⁶⁶ http://www.hcav.am/articles.php/language_eng/date_2011-09-08/article_4215/A_soldier_who_Served_for_two_months_was_recognized_Unfit_for_Military_Service.html

⁶⁷ <http://www.mil.am/>

⁶⁸ http://parliament.am/law_docs/130104HO8eng.pdf?lang=eng

Statistics of Death Cases in the RA Armed Forces in 2010-2011

Table 6

Month	Number of Incidents	The Reasons/Consequences of Death											Total	Total Number of Death Cases
		Violation of a cease fire regime	Violation of security rules	Suicides	Violations of subordinate (statutory) relations	Accidents	Health reasons	Intentional Murder	Unknown conditions	Negligent attitude to service	Total	Total Number of Death Cases		
2010														
January	1						1						1	1
February	1				1									1
March	2	1			1									2
April	1				1									1
May	0													
June	7	5			3		1							9
July	2				7									7
August	2				1		1							2
September	3	1		1	2									4
October	8	2	3		3	1								9
November	3				5	1								6
December	1						2							2
Total	31	9	3	1	24	2	5	0	0	0	0	0	44	10
2011														
January	1	1												1
February	2			2										2
March	3	3												3
April	4	3	1			1								5
May	1	1												1
June	2		1	1										2
July	5	1		1	1	2		1						6
August	3		2	1										3
September	3			1	2									3
October	8	1	2	3	1	1								8
November	2	2												2
December	2		1	1			1						1	3
Total	36	11	3	8	6	6	2	1	1	1	1	1	39	32

The official data of death cases during 2005-2011 are presented in Table 7.

Table 7. Statistics of Death Cases in the RA Armed Forces in 2005-2011

Year	The Reasons/Consequences of Death									Total
	Violation of a cease fire regime	Suicides	Accidents	Violations of subordinate (statutory) relations	Health reasons	Violation of security rules	Unknown conditions	Intentional Murder	Negligent attitude to service	
2005										47
2006										33
2007	7	6		15						41
2008	3	8	39	17		2				69
2009	6	4	18	11		3				42
2010	11	3	5	24	5					54
2011	11	8	6	6	2	3	1	1	1	39
Total	38	28	68	73	6	8	1	1	1	325

The data released by the Military Prosecutor's office on death cases (36 cases) in the RA Armed Forces differ from the data (33 cases) of the same period announced by Serge Sargsyan who was the Minister of Defense at that time⁶⁹.

The data shows that the number of death cases due to violation of the ceasefire regime accounts for 12 percent of the total number of deaths.

At the same time, taking into consideration that there is a great difference between the number of death cases (44 cases) in 2010 as revealed by HCA Vanadzor and the data announced by the RA Ministry of Defense (54 cases), we may conclude that the data on the death cases in the RA Armed Forces and the reasons for deaths cannot be considered credible.

It is worth mentioning that official information was released only in cases of 10 deaths out of 54 in 2010. In 2011 it was 32 out of 39 cases. We feel this is a direct result that more attention was shown towards human rights in the military service by society and journalists in 2011. Some of the death cases are officially qualified as sudden death or suicide, but society has some reservations about this, because the studies presented by human rights organizations and journalists show that the real reasons are different.

That is to say the servicemen's right to life is not maintained in the Armed Forces of Armenia and efforts are made to covertly treat them as accidents or connect them with factors which have nothing to do with military service.

This is the reason why the relatives of servicemen who died in the armed forces, are not satisfied with the investigative activities into death cases. We are very suspicious of the reasons attributed to death from the versions of the preliminary bodies from the viewpoint of the evidence, accusations and identifying the responsible individuals (see Annex 2-3).

The data on the investigation of the criminal cases of 2010 and 2011 are presented in the following Table.

⁶⁹ 2005 - <http://www.armtown.com/news/am/lra/20070119/23961/>
 2006 - <http://www.armtown.com/news/am/lra/20070119/23961/>
 2007 - <http://95.140.203.42/am/law/2008/02/08/zindat/>
 2008 - <http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm>

Table 8. The number of death cases of 2010 and 2011 and the statistics of the initiated criminal cases

Year	Number of Cases	Number of Criminal Cases initiated	Preliminary investigation phase	The case was sent to court	Trial Phase	The trial was over	The case was over	The case was over
2010	54	16	9	-	3	-	4	-
2011	38	15	6	1	-	1	-	-

In some cases, the period of preliminary investigation is tedious, in some cases too short and sometimes the court cases drag on for years⁷⁰.

However, if it is possible to get information on death cases from the relatives, then the data on violations of statutory relations, which do not result in death, are very difficult to obtain, such information is harder to find.

In 2010, there was information on 10 cases of physical violence against servicemen and 15 cases in 2011. The cases are presented in ANNEX 4 and 5.

It should be noted that on September 24, 2011, the RA Minister of Defense, Seyran Ohanyan, sent a message to his companions-in-arms where he noted an increase in the number of accidents and incidents in personal relations during the second half of 2011; however society was not informed about this. Society and the relatives of servicemen are not informed about the results of official investigations into the cases on the violation of statutory relations and about the grounds for using disciplinary punishments.

It should be noted that the Human Rights Defender mentioned in his current annual reports about the negative assessments of human rights violations in the armed forces⁷¹.

Therefore we declare, the information on the situation of human rights violations in the RA Armed Forces, from the results of investigations into the cases of human rights violations, are rather restricted and untrustworthy. The existing democratic, civil and public control mechanisms are not effective.

During recent years, extensive discussions were held by NGOs about the problems in the armed forces in Armenia, as a result of these discussions many topics which were previously “prohibited” became subject for critical thinking. However, there still are not structural or systematic changes made in the Armed Forces.

The topic of corruption in the armed forces should be the focus of attention. The studies, complaints and the attitude of law enforcement bodies towards this topic as presented by mass media, shows that corruption cases are not investigated properly. (ANNEX 6)

Moreover, the existing legal mechanisms do not enable implementation of appropriate democratic, civil and public control in order to decrease corruption risks and to prevent corruption in the Armed Forces of Armenia.

⁷⁰ http://www.hcav.am/articles.php/language_eng/date_2011-03-31/article_3995/Mataghis_Case_is_Getting_Complicated.html
⁷¹ http://www.hcav.am/articles.php/language_eng/date_2011-04-01/article_4000/If_one_of_the_Soldiers_turns_out_to_have_been_alive_on_December_31_the_Accusing_Party_willcommence_new_action.html
⁷¹ <http://www.ombuds.am/en/library/library/page/101/type/3>

SUMMARY OF CONCLUSIONS

After analyzing the RA legislation related to the defense sector and the facts of human rights violations we may conclude that:

1. There are no necessary legal norms to implement the mechanisms of democratic, civil and public control over the Armed Forces of Armenia
 2. The information related to the activity of the RA Defense sector is completely non-transparent which is prescribed legally
 3. The military budget is completely non-transparent from the viewpoint of its structure, adoption and execution. Even sections which are not of military significance, are secret.
 4. There are no effective mechanisms of internal appeals in the RA Armed Forces.
 5. Proper investigation is not carried out regarding the facts of human rights violations in the RA Armed Forces
 6. The legal database related to the Armed Forces, especially the departmental normative acts, is not available to citizens.
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RECOMMENDATIONS

1. To develop and adopt the RA law “On Mechanisms of Democratic, Civil and Public Control over the Armed Forces of Armenia
 2. To urgently adopt the RA law “On Internal Disciplinary Statute,” which will ensure the formation and execution of effective mechanisms of internal appeals in the Armed Forces
 3. To define the list of information containing state and official secret in the RA law “On State and Official Secrets”
 4. To ensure implementation of the RA law “On Alternative Service”
 5. To ensure objective, comprehensive, and full investigations into official and criminal cases related to military discipline, corruption risks, any death cases taking place in the armed forces; and to publicize the results in the form of a written report
 6. To develop and to publicize obligatory information from the Minister of Defense, the statistics of human rights violations in the RA Armed Forces
 7. To define, by law, “On Human Rights Defender” the publication of an Annual Thematic Report on Human Rights Situation in the RA Armed Forces before the establishment of a Military Ombudsman in accordance with the PACE 1742 (2006) Recommendation
 8. To decode the non-military section of the RA Military Budget in the phases of design, planning, adoption, execution, etc.
 9. To clarify the functions of the RA Headquarters of the Armed Forces and the RA Ministry of Defense and the responsibilities of the Headquarters of the Armed Forces before the Ministry of Defense
 10. To remove subordination of the RA Military Commissariat from the RA Headquarters of the Armed Forces and involve it in the structure of the RA Ministry of Defense; or to make it a separate agency to ensure responsible call-up
-

ANNEX 1

Information about information inquiries and letters, addressed to the RA Ministry of Defense in 2010-2011, and their responses

Data for 2010

#	Structure	Date sent	Contents	Date received	Result
1	The RA Minister of Defense Seyran Ohanyan	13.01.2010	Information about 2009 spring and fall call-up, in particular, how many received deferment, on what grounds, how many applied for alternative service, how many cases were sent to the Prosecutor's Office, etc.		There was no response.
2	The RA Minister of Defense Seyran Ohanyan	07.04.2010	Open letter about 2009 spring and fall call-up, in particular, how many received deferment, on what grounds, how many applied for alternative service, how many cases were sent to the Prosecutor's Office, etc.	17.05.2010	The required information was provided.
3	The RA Minister of Defense Seyran Ohanyan	10.02.2010	Information about the number and personal information of the soldiers, who died in 2009.	20.02.2010 18.03.2011	The answer to the first letter was not provided as it was considered to be official secret. With the second letter the decision of the RA Administrative Court from March 16, 2011 was received.
4	The RA Minister of Defense Seyran Ohanyan	15.02.2010	Open letter about the health-related issues of serviceman Grigor Hakobyan.	23.02.2010	The required information was provided.
5	The RA Minister of Defense Seyran Ohanyan	27.02.2010	Information about the confidential order of the RA Minister of Defense and the "Extensive departmental list of confidential information of the RA Ministry of Defense," enacted by the mentioned confidential order of the RA Minister of Defense.	10.03.2010	Was not provided as it was considered to be an official secret.

6	The RA Minister of Defense Seyran Ohanyan	15.03.2010	Information about the companies supplying food, clothes, fuel, and stationery for the RA Armed Forces.	25.03.2010	Was not provided as it was considered to be an official and commercial secret.
7	The RA Minister of Defense Seyran Ohanyan	12.04.2010	Information about the activities conducted within the framework of NATO-Armenia Partnership.	29.04.2010	The response stated that there were some legal acts approved and corresponding amendments made in the RA current legislation.
8	The RA Minister of Defense Seyran Ohanyan	17.07.2010	The copies of the approved legal acts and additions and amendments to the RA Legislation, within the framework of NATO-Armenia Partnership, which were indicated by the MoD, were requested.	28.07.2010	The list of legal acts was provided.
9	The RA Minister of Defense Seyran Ohanyan	22.04.2010	The copy of Order 586 of the RA Minister of Defense from December 20, 1996 was requested.	03.05.2010	The information was provided.
10	The RA Minister of Defense Seyran Ohanyan	07.06.2010	Information about the salary of contractual and non-contractual servicemen based on ranks and positions.	30.06.2010	The required information was provided.
11	The RA Minister of Defense Seyran Ohanyan	15.07.2010	Information about the number of contractual and non-contractual servicemen.	28.07.2010	Was not provided as it was considered to be official secret.
12	The RA Minister of Defense Seyran Ohanyan	17.07.2010	An inquiry to obtain the list of information mentioned in the RA Public Awareness Concept and a copy of the legal act confirming the list was requested.	27.07.2010	The response indicated that such a list did not exist.
13	The RA Minister of Defense Seyran Ohanyan	18.09.2010	Information about what percentage of the total defense budget was allocated for planned and actual salary fund and how many people were involved in the RA Armed Forces as contractual servicemen.	19.10.2010	Was not provided as it was considered to be secret information.
14	The RA Minister of Defense Seyran Ohanyan	16.09.2010	Information request related to returning the passport of demobilized Narek Apinyan.	10.07.2010	The response was that Narek Apinyan was provided with all necessary documents to obtain his passport.

15	The RA Minister of Defense Seyran Ohanyan	11.10.2010	Information about officers, who studied abroad.		The required information was provided.
16	The RA Minister of Defense Seyran Ohanyan	25.10.2010	Information about privatization of the land near Tezh Ler, as published in the Zhamanak Daily, in particular, who it belonged to and who it belongs to currently, based on what legal norm and for what amount the land was sold.		There was no response
17	The RA Minister of Defense Seyran Ohanyan	25.10.2010	Information about privatization of and the legal norms for selling the two-storey building of the Vanadzor Corpus, as published in the Zhamanak Daily		There was no response
18	The RA Minister of Defense Seyran Ohanyan	25.10.2010	Information about pumps and pipes stolen away from the Joghaz Water Reservoir, as published in the Zhamanak Daily	17.11.2010	They informed that the Military Prosecutor's Office of the Lori Region Garrison instituted a criminal case based on the materials prepared by the Ijevan Military Police Department of the RA MoD.
19	The RA Minister of Defense Seyran Ohanyan	11.03.2010	Information about determining the travel fee, the criteria, and food expenses for conscripts to undergo a Republican/national medical examination.	15.11.2010	It was suggested to apply to the RA Ministry of Healthcare, as the MoD did not deal with such issues.

Data for 2011

	Body	Date sent	Contents	Date received	Result
1	The RA Minister of Defense Seyran Ohanyan	17.01.2011	Information about appointing a corresponding medical examination for conscript Andranik Margaryan, in order to determine whether or not he is fit for military service.	02.03.2011	The response stated that according to corresponding Point of RA Mod Decision the conscript was recognized fit for combat military service. Medical supervision was appointed and he was to avoid long-term cold.
2	The RA Minister of Defense Seyran Ohanyan	31.01.2011	Information about how many temporary servicemen died while serving in the RA Armed Forces in 2010.	17.02.2011	Was not provided as it was considered to be a official secret.
3	The RA Minister of Defense Seyran Ohanyan	19.04.2011	Information about 2010 spring and fall call-up.	13.05.2011	The response was that in 2010, 54 deaths registered in the army, and the points regarding the number of young men who received deferment, the grounds for deferment, as well as the questions about those who received deferment for health-related issues were not answered, on the basis of not being appropriate (This response, actually referred to another inquiry from HCA Vanadzor)
4	The RA Minister of Defense Seyran Ohanyan	09.06.2011	Information about the inquiry sent on April 19, 2011, regarding 2010 spring and fall call-up.	23.07.2011	The response was that compulsory service was postponed for 336 individuals for family reasons and for 4821 students. 661 young people were considered to be fit for military service and were conscripted. Nobody applied for alternative service. The points regarding the number of young men who received deferment, the number of young men, who received deferment for health-related issues, were not responded on the grounds of being classified.

5	The RA Minister of Defense Seyran Ohanyan	03.06.2011	Request to appoint a second medical examination in order to determine whether or not A. Kharatyan was fit for military service.		There was no response.
6	The RA Minister of Defense Seyran Ohanyan	19.07.2011	Information inquiry about the request submitted on June 3, 2011, (regarding the previous letter on A. Kharatyan)	19.08.2011	The response was that based on written request from his parents from 03.06.2011, Kharatyan was examined by the Central Medical Commission and was recognized as fit for military service. (Actually Kharatyan did not have parents).
7	Chief of Staff of the RA Ministry of Defense G. Hayrapetyan	26.08.2011	A request to provide a copy of the written response N 298 from 25.05.2011 sent to the parents (A. Kharatyan does not have parents, he is under his grandmother's care).	22.09.2011	The response was that the note about conducting another medical examination for A. Kharatyan by the Central Medical Commission, was sent to the military commissioner and a copy of it could be provided only in case of consent from the applicant.
8	The RA Minister of Defense Seyran Ohanyan	09.07.2011	Request to respond to the inquiry submitted by former freedom fighter (azatamartik) Karapet Hovhannisyan on June 4, 2011.	27.07.2011	The commission decided to reject K. Hovhannisyan's request and removed him from the waiting list for obtaining an apartment, because, based on the Government Decision 947-N from 09.06.2005, while there was a registration for obtaining housing, K. Hovhannisyan was not a permanent resident in the mentioned residence for the last 5 years.
9	The RA Minister of Defense Seyran Ohanyan	28.07.2011	Information about the illnesses of conscript Robert Hovhannisyan.	18.08.2011	The response was that the conscript was examined by the Central Medical Commission and was recognized fit for combat military service. The examination showed that he did not have a kidney disease and he did not have complaints before.
10	The RA Minister of Defense Seyran Ohanyan	28.07.2011	Request to provide the protocols of the meeting of the commission, when a decision was made to remove Karapet Hovhannisyan from the waiting list for apartments.	12.08.2011	The requested documents were provided.

11	The RA Military Prosecutor G. Kostanyan, the RA Minister of Defense Seyran Ohanyan	16.07.2011	Information about Robert Hovhannisyán being beaten at the army unit.	20.07.2011	A letter from the Central Military Prosecutor's Office of the RA Prosecutor General's Office, stating that the letter from HCA Vanadzor was forwarded to the Prosecutor General of Yeghegnadzor Garrison.
12	Chief of Military Police of Yeghegnadzor Garrison A. Barseghyan	02.09.2011	A request to provide the copies of the materials prepared by the division.	13.09.2011	Was not provided as it was considered to be official secret.
13	Chief of Military Police of Yeghegnadzor Garrison A. Barseghyan	02.09.2011	A request to provide the copies of the N0911068 materials prepared by the Military Police of Yeghegnadzor Garrison.	15.09.2011	Was not provided on the grounds of containing preliminary investigative materials and for containing official secret.
14	The RA Minister of Defense Seyran Ohanyan	09.09.2011	Information about the 54 contractual and temporary servicemen who died in 2010; as well as a request to provide the extensive departmental list of confidential information of the RA Ministry of Defense.	20.09.2011	The response was that providing the information would require additional research and the answer would be provided within the period prescribed by law.
15	Ararat Military Commissioner, General G. Davidyan	10.10.2011	Information about the reason for providing military Andranik Balayan with documents to present to passport office.	17.10.2011	The response was that there was an inquiry submitted to the Ararat Region Prosecutor's Office, regarding the proceedings and if there was a criminal case launched against him, then his military registration would be solved by law.
16	The RA Minister of Defense Seyran Ohanyan	11.10.2011	Information inquiry about the changes made in the military medical examination of persons liable to military service.	21.11.2011	There was a partial response to the letter E/2011-279 submitted by the organization. It was suggested submitting more details about some of the questions and in response, letter E/2011-09.12/330 was submitted by the organization.

17	The RA Minister of Defense Seyran Ohanyan	09.10.2011	A request from a resident of the town of Hrazdan, Zvart Kirakosyan, to protect the rights of her son, Suren Kirakosyan.	30.10.2011	The response was that Suren had undergone all necessary checkups and was diagnosed correctly and there was no reason for early demobilization.
18	The RA Minister of Defense Seyran Ohanyan	11.11.2011	Request to provide documents regarding the health situation of serviceman Manvel Dunamalyan.	23.11.2011	The received response stated that a specialized medical examination of M. Dumalyan was scheduled and he was being examined. It also stated that the organization would be updated about the results.
19	The RA Minister of Defense Seyran Ohanyan	01.12.2011	Request to provide a copy of the petition N 19/1319-11 from 07.11.2011 filed by the military prosecutor and information about the reasons for re-conscription Norayr Galoyan to the RA Armed Forces, who was actually released from military service before then.	16.12.2011	The response was that the previous diagnosis was correct and Galoyan was recognized as unfit for military service.
20	The RA Minister of Defense Seyran Ohanyan	09.12.2011	Information inquiry about the changes made in the medical examination of persons liable to military service and military medical examination of servicemen; and a request to provide the copies of the X review version of the international classification of "Cases of illnesses, injuries, and Deaths (1992) and the regulations for non-combat military service.		There was no response

ANNEX 2

REPORT ON HUMAN RIGHTS VIOLATIONS IN THE RA ARMED FORCES IN 2010

DESCRIPTION OF DEATH CASES OF SERVICEMEN IN THE RA ARMED FORCES

In 2010, 44 death cases have been registered in the RA Armed Force (According to official data, the number of death cases in 2010 was 54). According to research conducted by Helsinki Citizens' Assembly-Vanadzor the cases are the following.

- 9 occurred due to violation of a cease fire regime,
- 24 resulted from violations of subordinate (statutory) relations,
- 2 are due to accidents,
- 1 suicide,
- 3 cases is due to violation of security rules
- 5 cases due to health conditions

A. Death Cases Due to Violation of Ceasefire

1. On the border lines of Tavush region of Armenia, near Chinar village a regular breach of ceasefire was recorded as a result of which a soldier of the Armenian Armed Forces from military unit 21127, Junior Sergeant **Sargis Voskanyan** born in 1981, was killed⁷².
2. On June 16, 2010 **Anushavan Kirakosyan** died due to violation of ceasefire⁷³.
3. On June 18, around 11.30 pm armed intelligence group intruded into the territory of NKR from Azerbaijan. The Azerbaijanis who crossed the border got into the northeastern part of the line of contact between the Karabakh and Azerbaijani forces. In the result of the close combat four Armenian soldiers got killed, four others were injured. Junior sergeant **Mnatsakan Gasparyan**, soldiers **Arayik Barseghyan**, **Edvard Manukyan** and **Paruyr Melkonyan** were killed.⁷⁴
4. On September 17, 2010 corporal **Andranik Sargsyan**, born in 1990, was wounded to death at the northeastern part of the contact line between NKR and Azerbaijan.⁷⁵
5. On October 14, 2010 at about 19:00 **Vitali Igityan** born in 1988 was killed at the borderline between Nagorno Karabakh and Azerbaijan⁷⁶.
6. **Harut Grigoryan**, a temporary military soldier, was killed by Azerbaijani armed forces at 4:45 p.m. on October 26, 2010 due to the violation of ceasefire on the line of contact between the Azerbaijani and Karabakhi armed forces.⁷⁷

B. Death Cases due to the Violation of Security Rules

1. On October 2, 2010 soldier **Harutyun Brsoyan**, resident of Hrazdan town, died due to car accident⁷⁸.

⁷² <http://www.lragir.am/engsrc/country17016.html3>

⁷³ <http://karabakh-news.com/7290-pyadovoj-anushavan-kirakosyan-geroicheski-pogib-na-linii-soprikosnoveniya.html>

⁷⁴ <http://www.lragir.am/engsrc/country18301.html3>

⁷⁵ <http://www.a1plus.am/en/official/2010/09/17/border>

⁷⁶ <http://www.panorama.am/en/politics/2010/10/15/pb1/>

⁷⁷ <http://www.aysor.am/en/news/2010/10/26/mil-solider-killed/>

⁷⁸ <http://news.am/eng/news/33086.html>

2. On October 12, 2010 **Gevork Manukyan**, born in 1988, died during the military trainings at night while the tank turned over. On October 12, a fatal incident took place in the NKR Defense Army. During a tank combat maneuver, the soldier fell out of the car's hatch and remained under the tank⁷⁹.
3. On October 23, 2010, an officer from Nubarashen special military unit died while jumping during the training at the Arzni training center.

C. Suicides

1. On September, 2010 at 9:30 in the morning, resident of Vayk **Artur Hakobyan**, junior sergeant, serving on contract, who was also the responsible for store-house, committed a suicide in one of the Vayk military commissariats⁸⁰.

He performed the suicide with the weapon of one of the members of the depot battalion. He asked one of the depot battalion members to help him carry a box. The latter agreed and put his weapon against the wall to help Artur. Artur took the weapon and shot at himself and died immediately.

A criminal case has been initiated in the garrison investigative department by part 1 of article 110 of RA Criminal Code (Causing somebody to commit suicide).

Thorough medical forensic, forensic ballistic and forensic tracing experiment has been carried out.

A year ago soldier Aram Mkrtchyan died in the same military unit due to beating. On August 28, at about 6:00-6:45 the commander of Vayk company Andok Galstyan severely beat Aram Mkrtchyan, resident of Verin Getashen village of Gegharkunik region. As a result he was taken to the central military hospital, was operated on but the doctors could not save his life. He died on September 1.

A criminal case was initiated against Andok Galstyan by RA MoD 8th garrison investigative department on August 28 by part 2 of article 375 of RA Criminal Code (Abuse of power, transgression of authority or administrative dereliction which negligently caused grave consequences).

The next day captain Galstyan was arrested. The officer admitted his guilt but asked to carry out forensic examination for the soldier and to confirm that the 18-year-old soldier died because of his beating.

D. Death Cases due to Violation of Violations of Subordinate (Statutory) Relations

From the period of January 1 to December 31, 2010 24 soldiers died due to violation of Statute Relations. In spite of the fact that in some cases, according to official information, the death cases are referred to as sudden death or suicide, a number of non-official data prove that death cases are due to violation of internal Code of Conduct.

1. On February 1, 2010, resident of Marmarashen village, soldier **Andranik Sargsyan** (born in 1989) died in Kubatlu.

In the beginning, there were different assumptions on the soldier's death. Firstly, the relatives were informed that A. Sargsyan had died because of intoxication. Secondly, they were informed that the reason for his death had been the stomach ulcer, and third, the MoD department of Information and Public Relations informed that A. Sargsyan's death reason had been the sudden disease of the cardiac muscle, which was confirmed during the autopsy.

After four-month service, on January 30, 2010, according to the file documents, A. Sargsyan applied to the military unit medical point for pains in the belly. The doctor of the military unit, Mr. Balayan, diagnosed "Functional disorder of digestive tract" and prescribed relevant treatment. After two days' treatment A. Sargsyan's health situation worsened and seeing that A. Sargsyan is on the verge of death Mr. Avayan sent him to Sisian military hospital but A. Sargsyan died on the way.

⁷⁹ <http://www.a1plus.am/en/official/2010/10/14/senor-hasratyan>

⁸⁰ <http://www.a1plus.am/en/social/2010/09/9/army-suicide>

According to the medical forensic examination the following was recorded for A. Sargsyan: “Scratches in the upper eye-brow and forehead, in the chest, in the right waist area, in the left and rights parts of the back, which were caused by blunt articles, shortly before his death.”

The investigator to the case Khalatyan did not find out the injuries on A. Sargsyan’s body. He tried “to prove” that the soldier had got the injuries in the car on the way to the hospital.

The relatives insist that the investigator did not take into account that the winter clothes the soldier was wearing, disappeared and were not sent for examination. Instead, the investigator persuaded doctor Bisharyan to give testimonies and the latter covered the part of the injuries as much as possible and presented the cuts as scratches.

According to the same conclusion A. Sargsyan died of “Atherosclerosis.” It means that there are contradictory points in the expert conclusions.

Bisharyan, who is the employee of the Republican medical forensic scientific-practical center at the Ministry of Healthcare mentioned in the medical forensic conclusion that Andranik had inner bleeding in the belly area but keeps silence about the causes for such.

Investigator Khalatyan also mentions that during the preparation of case documents as a result of the medical forensic examination A. Sargsyan’s death cause has been proved – cardiovascular disease, which started 5-6 months ago. But the parents say that this is the period when A. Sargsyan was drafted to the army and that he has been healthy, otherwise he would not be taken to the army.

Based on the medical forensic examination results no criminal case has been initiated. However, the relatives’ information differs from the official one.

According to A. Sargsyan’s father, A. Sargsyan’s brother was in service in the same military unit with him who told his father that on January 30, after going for a run his brother disappeared and that he could not find him for an hour. Then one of the co-soldiers informed that Andranik Sargsyan felt bad and that the doctor did not help him demanding to bring the company book first. According to Andranik’s brother, he stayed in the medical point for two days and then his brother saw that Andranik grew pale. The doctor was sent for and Andranik was taken to the Sisian hospital in the commander’s car where he died on the way. All the abovementioned circumstances - that the soldiers did not get medical assistance, hiding the physical injuries, the fact that they did not find the one who beat him – serve a basis for the relatives to think that there was murder.

The relatives blame the commander of the military unit Komitas Davtyan and head of medical service Avayan, who are still in service.

2. On March 14, 2010, **Valeri Muradyan**, conscript from Sardarapad village, died in Haykazov military unit of Nagorno Karabakh. According to the official version Valeri Muradyan committed suicide through hanging. The horizontal bar, from which the youth was hanging, is 149 cm high, while the height of the youth is 180 cm⁸¹.

According to the official version he committed suicide. After Valeri Muradyan’s death, the Ministry of Defense opened a criminal case for forcing a person to commit suicide.

According to the pre-trial four persons humiliated and subjected V. Muradyan to sexual violence for money reasons. Criminal case revealed that these four people went to visit Valeri on March 14 at 24:00 and found him hanging. The detainee has been charged under Article 359 of the Criminal Code (Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, expressed in humiliation of the person’s honor and self-esteem, persecution or violence). A serviceman of the same military unit was arrested after a year. The detainee has been charged under Article 359 of the Criminal Code (Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, expressed in humiliation of the person’s honor and self-esteem, persecution or violence).

⁸¹ <http://www.armtown.com/news/en/Ira/20110513/21758/>
<http://www.tert.am/en/news/2012/02/16/protest/>
<http://www.a1plus.am/en/social/2012/01/09/boxoq>

The relatives of the serviceman refuse the official version of suicide and are sure that their son was killed. According to the parents, there were traces of violence on their son's body, which though were not recorded in the medical forensic examination report. They tend to think that their son was strangled as there were traces of rope on his neck.

3. On April 23, 2010, **Tigran Frankyan**, young officer from Vanadzor died in one of the military units in Yerevan due to violation of the rules of handling with weapon⁸².

A criminal case has been initiated on the basis of careless murder and another officer serving with T. Frankyan was charged.

No official report has been made on this case.

4. On June 10, 2010 **Valeri Shonov** (19 years old), Greek conscript of National Security Service (NSS) border troops military unit 5060, committed a suicide by shooting himself in the head. He was a resident of Gugark village of Lori region⁸³.

A criminal case has been initiated by part 3 of article 359 of RA Criminal Code - Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, expressed in humiliation of the person's honor and self-esteem, persecution or violence which caused grave consequences.

Self-confession "testimony" of junior sergeant Garik Gharibyan of the same military unit, which he gave to the mother of the defendant in the case, is available and was recorded by her. According to the "testimony" the bribe was given by the father of G. Gharibyan, so that his name was not mentioned in the criminal case. As a result, another serviceman was included as sole defendant in the criminal case. Sofia Stepanyan, the mother of the defendant accused of the death of V. Shanov, informed about the recording to military prosecutor Gevorg Kostanyan. The latter showed relevant attitude in the presence of the woman, however failed to take up any measures. While bringing charges in the court the fact was neglected by the prosecutor.

The pre-trial of the case is over and the case was sent to court. V. Shonov's father became his assignee.

5. 22-year-old soldier, sergeant **Arman Avagyan** from Yerevan died in one of the military units of Martakert, Nagorno Karabakh, on June 16, 2010⁸⁴.

No official information was released on the case. A criminal case has been initiated. Major B. Melkonyan, deputy of battalion commander responsible for work with staff and the head of headquarters A. Galstyan were released from service.

According to non-official information Arman (a soldier being in service for 13 months) was in the front-line that day. Commander Vahe Hovinkyan's came and saw Arman standing a few meters from the observation post. They started quarreling, then the 25-year-old commander hit the soldier on his head with the gun helve, due to which the soldier fell down, hit the head against the stone and died. There are various opinions on the time the death took place. The soldier's father, Arsen Avagyan said it happened at 12:00, others say 10 o'clock.

According to another information source, deputy of military unit commander saw that the person on duty was not in place made a remark to Vahe Hovinkyan and the latter checked that Arman Avagyan should have been on duty, called and hit him and as a result he fell down, hit against the concrete brick and died.

⁸² <http://transparency.am/media.php?id=1660>

⁸³ <http://hetq.am/arm/articles/1913/inchic-e-mahacel-aats-i-zinvory-spanutyun-te-partadravts-inqnaspanutyun.html>

⁸⁴ <http://www.armtimes.com/en/node/15287>

6. On June 16, 2010 military recruit **Yervand Sargsyan's** body was found in a water-pipe. According to the medical forensic examination results, Yervand Sargsyan, recruited from Armavir military commissionaire on May 12, 2010, and a serviceman from military unit number 37447 of Aygestan (former Baludga) of Nagorno Karabakh Defensive Army, died of suffocation due to a respiratory tract failure because of water in his lungs.

According to the official data, on July 16 around 9 a.m. Yervand Sargsyan, along with other recruits in the company went to an obstacle field near their military unit. At 10:00a.m. after finishing their morning exercises, a group of recruits (6 servicemen) went to the pool near the river for swimming. To raise the level of the water, Yervand Sargsyan closed the edge of the water pipe in the pool with his back, during which the high pressure dragged him into the pipe where he subsequently was drowned. On June 28, 2010, a criminal case was brought under Article 376 Part 2 of the RA Criminal Code (negligent attitude to service if caused essential damage) in the First Garrison Investigation Department of the Investigatory Service of RA Ministry of Defense.

On August 25, 2010, Karlen Arushanyan, the commander of the military unit company, and a Senior Lieutenant, was brought in for questioning under Article 376 Part 2 of the RA Criminal Code. As a precautionary measure, he was asked to sign a statement that he would not leave the country.

Yervand Sargsyan's relatives do not believe in the official version.

Manuk Sargsyan, Yervand Sargsyan's father, visited Nagorno Karabakh where his son drowned. He has personally carried out various investigations and observations and has concluded that the official version is false.

According to the military documents in the case, it is alleged that Yervand Sargsyan closed the edge of the water pipe, which was 500 milometer in diameter, with his back. Yervand's father has measured the edge of the pipe and it is 700 milometer in diameter.

Manuk Sargsyan has also been in the military unit, has talked to the servicemen who were present at the incident. According to Yervand's father, the recruits looked scared and wouldn't say anything, except the following: "Whatever the officers say is the truth".

The relatives mentioned that there were scratches and bruises on Yervand's back and the back side of his ear. His elbow was also broken. It seemed like Yervand had been dragged along the ground.

Also, relatives cannot understand why their son went to the swimming pool during the morning as he had been sick two days prior and had been receiving treatment in the medical department of the military unit. Yervand Sargsyan's father also mentioned that he had been in the same swimming-pool before, and the water is so very cold in the morning that no one can stay in the water for more than several minutes.

Yervand Sargsyan's father, Manuk Sargsyan, is the assignee of the case.

Because of not having enough money, the relatives were not able to involve a defender in the case so an investigator from Nagorno Karabakh involved a defender in the case.

According to the facts, the investigation is over and the case has been sent to the RA Court of Common Jurisdiction of Syunik Region.

7. **Artak Nazaryan**, 31 years old, an Armenian army contract lieutenant, was found dead on the spot of his military service (border with Azerbaijan) on July 27th, 2010⁸⁵.

Five fellow servicemen (two officers and three privates) were arrested and charged for "instigating suicide," which became the official version of the lieutenant's death. Meanwhile, the Nazaryan family and their lawyers challenge the official version. They insist that what happened was murder, and that the murderers are not brought to justice.

The preliminary investigation by the Operative Service under the Ministry of Defense took 12 months.

⁸⁵ <http://www.lragir.am/engsrc/country18721.html>
<http://www.lragir.am/engsrc/country18819.html>
<http://www.lragir.am/engsrc/country19132.html>
<http://www.lragir.am/engsrc/society22369.html>
<http://www.lragir.am/engsrc/society23889.html>

It was supervised by the Military Prosecutor's office. The latter is defending the charge at the court. For the period of the investigation, Nazaryans were refused most of the case materials thus being kept away from having their position in the investigation. Even after the latter was completed and the case was handed to Nazaryans, pictures from the autopsy and the examination of the spot were missing. Nazaryans applied to the courts of all three instances but they were refused. Now they are challenging the accordance of the law and its interpretation to the Constitution.

According to the case materials the body of Artak Nazaryan was found first in the trench, and then by a rock. The investigation didn't answer how this could happen. Nazaryan received 120 bullets and 120 bullets were found with him after his death. The bullet-shell found near his body disappeared on the way to expertise. Instead, another bullet-shell was examined and found as shot from Nazaryan's rifle. The coroner had told the family that he examined the spot, checked the rifle, counted the bullets, and made "test shots" without gloves. Not a single fingerprint was found on Nazaryan's rifle—neither the coroner's, nor Nazaryan's. The body was swelling and destroying right before the funeral—in three days after the death. A witness testified at the court that Nazaryan had been killed a day before the official date. The medical expertise found more than 50 traces of torture on Nazaryan's body. According to the expert, they appeared 1) immediately before the death, 2) six hours before his death, 3) two and more days before his death. The officials didn't investigate what had happened immediately and six hours before Nazaryan's death. In spite of warnings by the lieutenant's family that he used to have diaries, Nazaryan's house was not sealed until its examination in 10 days after the incident. Two days later the coroner let the family know that Nazaryan's notebook was found. The diary notes in it were interrupted in two pages. The rest of diaries were torn and missing. Instead, a "suicide note" was found in the notebook with a handwriting differing from that of Nazaryan and a grammatical mistake that Nazaryan had never done in his other notes. However, the official expertise confirmed it was his handwriting.

The case entered the court in Tavush, a far North-East region of Armenia in September, 2011. After many requests, it was moved to Yerevan, the capital city of Armenia, in November as most of the participants of the process live in Yerevan or satellite regions. On January 18, 2012 the judge suddenly made decision to move the trial back to Tavush. All the parties beside the prosecutor made a statement refusing to go to Tavush. Mostly the prosecutor's position on various questions differs from those of the other parties, including the sufferer, and mostly the judge makes decisions based on prosecutor's opinion.

8. On July 28, 2010, six soldiers were shot dead at the frontline at the 2nd army unit N 56534 in Martuni, NKR⁸⁶.

Allegedly, Senior Lieutenant **Vardges Tadevosyan** and conscripts, **Garegin Hovsepyan**, **Andranik Sargsyan**, **Robert Hovhannisyan**, **Artyom Manasyan**, and **Karo Ayvazyan** died as a result of an accident caused by a gross violation of the rules of combat duty.

According to the same official version, conscript Karo Ayvazyan had shot and killed the lieutenant and the sergeant, then other 3 conscripts who approached the crime scene, after which Ayvazyan committed a suicide.

The case was initiated under the provisions of point 1 of the 2nd part of Article 104 of the Criminal Code ("murder of two or more persons"). According to the Department of Public Relations and Information of the Ministry of Defense, a number of urgent actions were performed within the framework of the investigation of the case: the examination of the crime scene and the bodies; the forensic medical examinations of the 6 bodies; as well as 10 forensic ballistic and 3 forensic biological examinations; a group of conscripts and officers were interrogated as witnesses.

The preliminary investigation is conducted by the investigation group formed by the decision of the Head of the Investigation Department of the RA Ministry of Defense.

However, there is some information available about the circumstances of the tragedy, the number of people at the crime scene, and the time, which is significantly different from the official version.

⁸⁶ http://www.armeniapedia.org/index.php?title=Karo_Ayvazyan

A representative of HCA Vanadzor and a reporter of “Zhamanak” Daily met with the family members of the victims to study some details of the tragedy.

- The parents of one of the victims, Artyom (Artem) Manasyan, were in Russia at the time of the tragedy. They heard about their son being wounded on July 27th, at approximately 9:30 p.m. through an acquaintance. A. Manasyan’s mother, Knarik Manasyan, states that she talked to her son at 3:00 p.m., on July 27th. Artyom told that he had relayed the duty and gone down to have a rest. According to the parents’ information, during the shooting Artyom was sitting nearby, outside the dugout he got shot and fell on the ground headfirst.

However, a day later A. Manasyan’s mother told that she had confused the dates and she had talked to her son on the 28 and not on the 27th of July; she had also heard about the tragedy on July 28th, at approximately 9:30 p.m.

- According to the family members of Garegin Hovsepyan, there were apparent traces of violence on Garegin’s body. The parents informed that his fingers were broken, there was a swelling on the area of the carotid artery, and there was a deep wound on the neck caused with a sharp item. The autopsy of Hovsepyan’s body lasted 5 hours and none of the family members was allowed to be present at the autopsy. G. Hovsepyan’s mother, Shoghik Kirakosyan, does not believe the official version, as, according to her, if there was a fight between the soldiers and Karo Ayvazyan shot everyone, why would he break Garegin’s fingers?

Something is also unclear to the family members: when talking to his parents, Garegin told them that there were 8 people on duty at the frontline, 1 officer and 7 conscripts. If 6 people died in the tragedy where were the other 2 conscripts, who were also supposed to be there?

- The family members of another victim, platoon commander, Vardges Tadevosyan, inform that Vardges had gone to the frontline with the platoon 5 days earlier than planned, on July 23. Vardges had gone down to the dugout from one of the frontline posts, which were under his responsibility, in order to go to the post but that is exactly when the tragedy happened, at around 5:30 p.m. The parents assure that Vardges was in good terms with the soldiers, including Karo Ayvazyan.

Vardges’ body was brought to Yerevan wrapped in a cover, with a shirt on. Vardges’ cousin, who was present at the autopsy notes that there were about 20 gunshots on Vardges’ body (the death certificate stated that he had several blind, through gun injuries on the chest, abdomen, and upper right limb). Vardges Tadevosyan’s family members state that they do not have a reason not to believe that investigation body.

- According to the father of killed Andranik Sargsyan, Sargis Sargsyan, Colonel Grigoryan, serving at the Martuni Army Unit and lieutenant-colonel were present at the funeral and kept repeating the name of the Deputy Commander of the Battalion, Hovhannes Danielyan, as the initiator of the incident.

The Colonel and Lieutenant-Colonel had told H. Danielyan that the soldiers performing the military duty at the frontline were asleep and Danielyan had started cursing the sleeping soldiers, telling that he would go to the posts and call them to order.

Sargis Sargsyan assumes that H. Danielyan was the one who violently beat up the soldiers, because one of the soldiers of the army unit told that he had heard someone scream “what are you doing?” on that day. Sargis Sargsyan told that he had seen a list of 4 dismissed people and the names of Hovhannes Danielyan and Regimental Commander, Felix Baghdasaryan were there.

Andranik Sargsyan’s mother, Svetlana Karapetyan, states that she talked to her son on the day of the tragedy at approximately 6:20-6:50 p.m., on July 28th. Her son told her that he was at

the posts and everything was normal. It is noteworthy that the call was not fixed in the list of phone calls made during that time.

Svetlana Karapetyan also notes that she met a former conscript of the same army unit who told her that there were some rumors that “someone entered the posts and killed them”.

The parents also learned that there was a conscript named Davit at the crime scene, who had been hiding under the bed during the tragedy. The latter is still serving. Andranik’s parents are waiting for Davit to get demobilized, to find out details about the case.

- Karo Ayvazyan’s mother complains that they do not receive any information about the criminal case and are not involved as victim’s successors or in any other capacity. Regularly talking to her soldier son, the mother knew that there were different illegal activities happening there: they would take money from soldiers and intimidate them.

The mother excludes the allegations of her son committing the murder, as Karo would interfere to help his friends but with fists not with a weapon, and also why would he kill his friends?

One other circumstance as well: one of the people responsible for the army unit had told (in an informal conversation) Karo Ayvazyan uncle, Anushavan Mikayelyan, that one of the witnesses was alive, then he had called back and told that one had gone crazy and two were in a terrible situation.

The family members are convinced that taking advantage of the circumstance that Karo had been convicted before, they were simply trying “to set Karo up”, because the wife of one of the victims, Andranik Sargsyan, had also heard good things about Karo.

Karo Ayvazyan’s death certificate states: “Acute disorder vital functions of the cerebrum, through bullet injury of the skull, open, multiple fractures and partial smashing of the head.”

K. Ayvazyan’s family is puzzled that Karo’s body was first taken to Hadrut and then brought to Yerevan naked. K. Ayvazyan’s autopsy was performed in Yerevan, and his uncle was present at the autopsy. He testifies that there was a large bruise of 10 cm radius, on Karo Ayvazyan’s body, on the lower part of his back, with a color ranging from dark to light. This could be caused by the butt of a rifle but they told during the autopsy that this was a putrid bruise, which could occur during the transportation of the body. However specialists insist that such a bruise could not occur on the corpse. That is, K. Ayvazyan was hit while he was alive.

- Regarding Robert Hovhanissyan’s death the investigators told that he died when he approached the crime scene after hearing the shots.

Robert Hovhannisyan was the driver of Deputy Commander of the Battalion, Hovik Danielyan. The family members believe that H. Danielyan is an accessory to their son’s murder.

The meetings with the family members reveal that the official version is not grounded, because besides the gunshots, there are several traces of violence on the bodies of the victims. Second, G. Hovsepyan’s parents were unable to talk to their son since the morning of July 28th, and Andranik Sargsyan’s mother talked to her son on the evening of July 28th. Thus the official version that the soldiers were in one area is questionable. Third, the investigators describe that K. Ayvazyan used an entire magazine of cartridge, then took another one, then killed himself with an MGK (machine gun Kalashnikov). While MGK has a long barrel and one needs to be at least 190 cm tall to commit a suicide with it, whereas Karo was 165 cm tall.

The results of the forensic medical examinations of the 6 bodies and the 10 forensic ballistic and the 3 forensic biological examinations have not been provided to the family members up to date.

A few months since the tragedy, the parents of the dead are still in the dark about what really happened that day. That is why the parents decided to meet with the only witness of the tragedy, the young man

who already got demobilized.

The latter told the following: on the day of the tragedy, July 28th, 2 officers came up to the base and saw that the 2 soldiers on duty, Andranik Sargsyan and Karo Ayvazyan were asleep. They woke them up and took them down to the dugout to see Officer Vardges Tadevosyan, who was on duty. The latter was instructed to apply appropriate punishment towards the soldiers.

Officer Vardges Tadevosyan turned to the soldiers and asked whether they knew what expects a soldier falling asleep on the posts. The soldiers told that they did. V. Tadevosyan added “Well, if you know, take off your pants right now.” These words revolted the other soldiers and caused a skirmish. Conscript Robert Hovhannisyan took an automatic rifle and told the officer to stay away from his fellow servicemen. Seeing that the officer attacked Robert and the other servicemen came forward trying to part Robert and the officer. At that moment, Karo Ayvazyan took another automatic rifle and shot at the officer. During the skirmish the bullets hit the other soldiers as well. Realizing what happened, Karo Ayvazyan committed a suicide.

However a few days later Andranik Sargsyan’s father, Suren Sargsyan, retracted all the information and told that it was said without checking and he apologized to the successors of the victims, particularly Vardges Tadevosyan.

9. The next death case resulting from the violation of the internal regulations happened on August 17, 2010. At a frontline base of the army unit of the RA Ministry of Defense, contractor, Junior Sergeant Harutyun Vardanyan, born in 1984, shot and killed a contractor of the same army unit, Junior Sergeant **Arsen Chobanyan**, born in 1966.

The 6th Garrison Investigation Department of the Investigation Service of the RA Ministry of Defense initiated a criminal case on the fact, under the 1st part of Article 104 of the Criminal Code (illegal willful deprivation of one’s life). The preliminary investigation is being conducted. There are corresponding examinations scheduled. H. Vardanyan was arrested on August 18, 2010 and charged with the 1st part of Article 104 of the Criminal Code.

10. Another murder case was registered of the 2nd infantry battalion of the NKR 5th defense region. On September 20, 2010, Private **Khozbekyan** (in other sources it was mentioned **Khoshbekyan**) was deadly injured at a military dugout, by Private Tigranyan’s, “careless use of the weapon.” According to the official report, an investigation is being conducted⁸⁷.

V. Khozbekyan was killed by a fellow soldier Vazgen Tigranyan. On the same day, they had a quarrel over the bread scraps in the dining- room. Vazgen Tigranyan took the rifle of the commander and shot at V. Khozbekyan, who died because of the deadly wound⁸⁸.

The investigation of the case showed that the fellow soldier permanently humiliated V. Khozbekyan and subjected him to psychological pressure. Now the case is in the Court of Common Jurisdiction in Goris⁸⁹.

11. According to the official report, on September 25, 2010, Private **Artur Mkhitaryan** was deadly injured as a result of a violation of the rules of using a weapon by the 19-year-old conscript Grigor Hovhannisyan, at the military base of an army unit of the RA Ministry of Defense located on the north-eastern borderline.

According to the information provided by the Investigation Department of the RA Ministry of Defense,

⁸⁷ <http://www.hraparak.am/2010/10/04/spanutyun-erkrord-depqe-nuyn-gumartakum/>

⁸⁸ http://www.itekngo.com/2012/01/blog-post_31.html?sref=fb

⁸⁹ http://www.itekngo.com/2012/01/blog-post_31.html?sref=fb

a criminal case was initiated with the 1st part of Article 104 of the Criminal Code, and Grigor Hovhannisyan was arrested.

According to the conscripts of the same army unit the relations of A. Mkhtaryan and G. Hovhannisyan were not tense or complicated.

12. On October 3, 2010, at approximately 7:00 p.m., the body of 18-year-old Private **Samvel Khachatryan**, recruited from the military commissariat of Artashat, was found hanging in the basement of the barracks of the Hadrut Army Unit of Nagorno Karabakh. S. Khachatryan was participating in camp gatherings since September 13, 2010, as a part of the sub-unit personnel⁹⁰.

A criminal case was initiated under the 3rd part of Article 359 of the RA Criminal Code: “Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, which caused grave consequences.” The investigation is lead by the Deputy Chief of Staff of the RA MoD, Valeri Grigoryan.

The commander of the battalion of the army unit, 3 conscript sergeants and 6 privates are arrested as suspects for committing acts provided under the 2nd part of Article 375 of the RA Criminal Code (Abuse of power, transgression of authority or administrative dereliction, which negligently caused grave consequences), the 1st part of Article 359 (Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, which caused grave consequences), and the 1st part of Article 360 (Insulting a serviceman).

Samvel Khachatryan’s family believes that there was a cruel murder.

S. Khachartyan telephoned a relative a few days before his death, and told that he had fallen asleep in class and seeing that he was asleep, the officer had insulted and hit him.

Samvel Khachatryan’s mother also remembers a case: on September 23rd, they received a phone call from the Head of the Anti-Aircraft Defense (AAD) and were told that Samvel would not obey “the internal rules” and would not do the dishes, would not sweep, and 4-5 people had made him sign a paper that he refused to serve. The Head of AAD called back in a few hours and told that everything was settled.

And 7 hours before the tragedy he someone called a relative of Samvel and told that he had problems and that several servicemen beat him up in the bathroom. That is why there were over 15 wounds of different degree on Samvel’s body, injuries on his back, legs, hands and head. The strikes on his head had caused hemorrhage. There were 2 blue lines on his neck, which were traces of strings that could have been used for strangling, which proves the murder hypothesis.

13. On October 23, 2010, the Yerevan Erebuni Police Department received a report that there were two murder cases registered at the RF Frontier Division in Gyumri⁹¹.

According to the released message the bodies of 2 contractors, RF Citizens, **Armen Zakharyan** and **Artur Yenokyan**, with several cut-stabbed injuries were found in one of the rooms of the Division.

The investigation is conducted by the military investigation department of the investigation committee by the RF Prosecutor’s Office.

According to some initial information, one of the victims was in a relationship with a married woman and now the husband of the woman is suspected of killing the servicemen.

According to another source, the victims are not RA but RA citizens and they were not murdered where the bodies were discovered, but in the building of the division. It is also suspicious that the alert was received at the Yerevan Erebuni Police Department.

⁹⁰ http://tert.am/en/news/2010/10/04/army/?sms_ss=twitter&at_xt=4ca9a49bfca339fb,0

⁹¹ <http://massispost.com/?p=593>

The press service of the military investigation department of the investigation committee by the Prosecutor's Office of the Russian Federation informed on November 3rd, that the suspect was arrested. The arrested person is an RA citizen.

14. In the morning of November 18, 2010, 23-year-old conscript, Junior Sergeant **Robert Avetisyan**, recruited from Armavir Military Commissariat, died of gunshot injuries at Chambarak Army Unit of Gegharkunik Region. Robert Avetisyan was a graduate of the Yerevan Agrarian University and was called up in fall 2009⁹².

According to some preliminary information, when crossing the first line of the prohibited section he did not obey the order of the group on duty at the post "to say the watchword" and moved towards the second post. The watchers fired after he disobeyed the "Stop" order.

According to another source, Robert Avetisyan got sick with chickenpox and was being treated at the first-aid post of the army unit. The family members believe that Robert was in a difficult psychological state lately. According to the preliminary information, Robert was called out of the army unit and fired at. At least 5-6 bullets were fired, of which he died on the spot.

According to some other source, there was a fight between Robert Avetisyan and another conscript at the frontline base, consequently the conscript fired at Avetisyan. According to the preliminary information the murderer was recruited 6 months ago and was a private.

According to some unofficial information the army unit was "closed" after the incident, i.e. phone calls and in-and-out were prohibited. The reason was the exclusion of information release. There were several investigators at the army unit, who interrogated almost all servicemen to find out the circumstances of the case.

Robert Avetisyan's death certificate states that he received "combined, through gun injuries on the chest, the abdomen, and left upper and lower limbs, internal bleeding, and injuries of internal organs."

A criminal case was initiated under the 1st part of Article 104 of the Criminal Code for illegal willful deprivation of one's life.

Two privates, Hmayak Martirosyan and Artyom Poghosyan, are arrested connected to Robert Avetisyan's death. They are charged with the provisions of the 2nd part of Article 367 ("Breach of guarding or patrolling regulations") of the RA Criminal Code, grave consequences caused due to the breach of guarding or patrolling regulations, negligently or in bad faith".

Robert Avetisyan's father, Gurgen Avetisyan, considers the proposed charges unacceptable. He believes that his son was murdered intentionally.

"Why would Robert, who was sick with chickenpox and was being treated at the first-aid post, come out at 1:00 a.m. in hospital clothes and slippers, what motives would he have?" wonders the father.

On May 20, 2011, the Investigation Service of the RA Ministry of Defense informed Azatutyun Radiostation that the case initiated on Robert Avetisyan's death was submitted to the court.

The two defendants, 19-year-old privates, Hmayak Martirosyan and Artyom Poghosyan, were initially arrested breaching of guarding or patrolling regulations. They were charged with the provisions of Article 108 of the Criminal Code, Murder by exceeding necessary defense. On June 2, 2011, the

⁹² <http://www.azatutyun.am/content/article/2225176.html>

Gegharkunik Region Court of Common Jurisdiction, presided over by Judge Asatryan, applied the general amnesty and released them.

The family members of Robert Avetisyan and their attorney, Ara Zakaryan do not consider the investigation to be objective and insist that the proposed charges do not reflect the reality.

“This is a case of intentional murder,’ told Ara Zakaryan in a conversation with Azatutyun Radio station, “we will fight for changing the charges in court.”

15. On November 19, 2010, an incident occurred at the frontline under the protection of Jabrayil Army Unit in Nagorno Karabakh. As a result of the incident conscripts **Levon Yesayan** (Berd Town, Tavush Region), **Nerses Galoyan** (Spandaryan Village, Kotayk Region), **Narek Sahakyan** (Hrazdan Town, Kotayk Region), and **Nver Sargsyan** (Nagorno Karabakh) died of gun injuries. Conscripts Manvel Hazroyan (Nalbandyan Village, Armavir Region), Sargis Melkumyan (Getashen Village, Armavir Region), Khachik Aleksanyan (Astghadzor Village, Gegharkunik Region), and Masis Grigoryan (Martuni Region, Nagorno Karabakh) received gun injuries of different degrees⁹³.

The Investigation Service of the RA Ministry of Defense initiated a criminal case on the fact, under the provisions of Article 104 of the Criminal Code.

Allegedly, the motive of the crime was a CD player, the possession of which was disputed and the argument continued at the posts as well.

Conscripts Manvel Hazroyan, Khachik Aleksanyan, and Masis Grigoryan, who received gun injuries of different degrees, were transported to Stepanakert Military Hospital, and Sargis Melkumyan was taken to Yerevan Central Military Hospital, where he underwent to surgeries. He had multiple fractures on his left hand and a gun injury on the chest area. His right lung was injured.

Manvel Hazroyan received 4 gun injuries: three in the area of the abdomen and one in the head. He was taken to Stepanakert Military Hospital immediately after the incident.

On November 23rd, Manvel Hazroyan was charged with the 1st point of the 2nd part of Article 104, murder of two or more people, with the 1st point of the 2nd part of Article 34-104, attempt of murder of two or more people, and with the 1st part of Article 365, violation of combat service rules. The measure of restraint against him was detention.

According to the Investigation Service of the Ministry of Defense, Hazroyan found himself guilty as charged.

M. Hazroyan’s father, Armen Hazroyan states that it would be easy to intimidate Manvel while he was in a serious health condition. He had hardly regained consciousness when they took him to a separate room from the intensive care department, along with an appointed defense attorney and 7-8 military officers, who were watching Manvel. This is when Manvel admitted his guilt.

“Manvel was unable to speak, he was in a rather serious situation. When he recovered from narcosis he was not able to recognize me for a few minutes,’ told the father.

The father was also puzzled how his son could shoot 7 people. According to the military officers there

⁹³ <http://news.am/eng/news/41532.html>
<http://www.Iragir.am/engsrc/print.society23073>
<http://news.am/eng/news/70878.html>

were two different weapons used during the incident, an automatic rifle and a machine gun. According to the same officers, Manvel Hazroyan had shot at the other 7 with the Automatic rifle, and then shot at himself with the machine gun, which was attached to him.

The family members of Manvel Hazroyan are convinced that Manvel would not be able to cause injuries to himself in the area of abdomen after causing head injuries to himself.

Khachik Aleksanyan, Masis Grigoryan, and Sargis Melkumyan were recognized as victims and are under the strict supervision of the military law enforcement bodies, in particular, Sargis Melkonyan, who is at Yerevan Muratsan Hospital, is being watched day and night and no one can visit him freely

HCA Vanadzor has engaged lawyers Karen Tumanyan and Edmon Marukyan as Hazroyan's attorneys.

On December 6th, lawyers Karen Tumanyan and Edmon Marukyan submitted a petition to the Hadrut Investigation Department to provide protection for Manvel Hazroyan.

The lawyers submitted a petition to provide protection measure for Manvel Hazroyan and transfer him to the Republic of Armenia, and in case of detention transfer him to the "Hospital of Convicts" PI of the RA Ministry of Justice⁹⁴.

The petition of the attorneys was granted and Manvel Hazroyan was transferred to the Military Hospital of Yerevan Garrison on December 11th, where he is being treated.

In March 2011, the case was still at the preliminary investigation stage, as stated by the Department of Public Relations of the RA Ministry of Defense⁹⁵.

On June 16, 2011 the trial of the case started. On August 3, 2011, the court passed a verdict and Manvel Hazroyan was sentenced to life imprisonment.

E. Death Cases due to Health Conditions

1. On January 9, 2010, a resident of Hrazdan, 18-year-old conscript **Narek Nikoghosyan** died in one of the NKR Martakert Army Units, 14 days after call-up⁹⁶.

According to the forensic medical examination, N. Nikoghosyan suffered from myeloblastic leukemia, blood cancer, which caused his death.

The first forensic medical examination concluded that Narek had had the characteristic symptoms. And the second forensic medical examination stated that N. Nikoghosyan had not had a general blood test, that was why the blood disease was not diagnosed and he was drafted to the army. There is no one charged in connection with the case, there is no criminal case initiated.

The parents insist that the circumstances and causes of Narek's death are not clear. The parents believe that Narek Nikoghosyan did not have any illness and was completely healthy when he was drafted.

As to the general blood tests, Narek's mother states that Narek gave a general blood test in Hrazdan. He was examined by a medical committee on 4 acts. And if it was stated that Narek had the characteristic symptoms, then he shouldn't have been drafted.

⁹⁴ http://www.hcav.am/articles.php/language_arm/date_2010-12-07/article_3875/page.html

⁹⁵ <http://www.hra.am/am/hr-reviews/2011/03/02/soldiers>

⁹⁶ http://tert.hraparak.am/hodvac.php?h_id=5073

2. On August 28, 2010, serviceman **Hakob Babuchyan** was taken to hospital for urinary problems. According to media reports, H. Babuchyan died of a heart attack at the hospital.
3. On December 24, 2010, **Artur Maksimi Ghazaryan**, recruited from Makravan Village of Hrazdan, died at Yerevan Military Hospital⁹⁷.

Artur Ghazaryan was conscribed to Askeran Army Unit in Nagorno Karabakh, where is served only 24 days. On December 5th, he was taken to Stepanakert, and a day later he was taken to Yerevan Military Hospital, where he died 18 days later.

According to the official version, A. Ghazaryan died of general intoxication and bilateral pneumonia. A criminal case was initiated 6 months after Artur Ghazaryan's death under the 2nd part of Article 376 of the RA Criminal Code, negligent attitude to service, which caused grave consequences.

Artur Ghazaryan's mother remembers that when she went to the hospital her son was completely unrecognizable.

After Artur's death the doctors started inquiring what illnesses Artur had in the past. The parents told that he did not suffer from anything and only fractured his arm once.

Materials are prepared based on the complaint of Artur Ghazaryan's parents and a committee examination is scheduled.

4. On June 16, 2011, a media website published information about another serviceman who died in 2010.

The serviceman was **Artur Ghazaryan**, who died on December 17, 2010 at the hospital. There are no more details about the case⁹⁸.

F. Death Cases Caused by Accidents

1. On October 12, 2010, an officer of a Hadrut Army Unit in Nagorno Karabakh was attacked by a wolf, when he was going home. **The officer** died as a result.
2. On November 11, 2010, a resident of Nor Amanos Village of Aragatsont, serviceman **Ishkhan Movsisyan**, born in 1990, fell off a cliff near Tsiranadzor District of Meghri Town⁹⁹.

⁹⁷ <http://aravot.am/old/am/arti%20cles/politi%20cs/82687/view>

⁹⁸ <http://www.lragir.am/armsrc/right49448.html>

⁹⁹ <http://lragir.am/engsrc/country19714.html>

REPORT

ON HUMAN RIGHTS VIOLATIONS IN THE RA ARMED FORCES IN 2011

DESCRIPTION OF DEATH CASES OF SERVICEMEN IN THE RA ARMED FORCES

In 2011, 39 death cases have been registered in the RA Armed Forces. According to research conducted by Helsinki Citizens' Assembly- Vanadzor the cases are the following.

- 11 occurred due to violation of a cease fire regime,
- 5 resulted from violations of subordinate (statutory) relations,
- 6 are due to accidents,
- 9 suicides,
- 3 cases are due to violation of security rules
- 2 cases due to health conditions
- 1 death occurred in unknown conditions and there are no details about it.
- 1 case is due to intentional murder
- 1 case is due to negligent attitude towards service

A. Death Cases Due to Violation of Ceasefire

1. On January 20, 2011, at approximately 18:00 pm. Nagorno-Karabakh Republic Defense Army serviceman, **Hovik Sukiasyan**, was killed due to a violation of cease fire regime at the Nagorno-Karabakh and Azerbaijan borderline¹⁰⁰.
2. On March 4, 2011, Nagorno-Karabakh Republic Defense Army Serviceman, **Grigor Shakhkryan**, born in 1991, was killed due to a violation of a cease fire regime in the north-eastern part of the border line between the NKR and Azerbaijani armed forces (Upper Chaylu)¹⁰¹.
3. On March 10, 2011, Defense Army serviceman, 19-year-old **Artur Aghababyan**, was killed as a result of a violation of a cease fire regime by the enemy from a trench located at Nagorno-Karabakh in Kourapatkino Village¹⁰².
4. On March 17, 2011, Defense Army term serviceman, 19-year-old **Aharon Hayrapetyan**, died from a fatal gunshot fired by the enemy from one of the trenches located near the Nagorno-Karabakh Askeran Region as a result of violation of a cease fire regime¹⁰³.
5. On April 28, 2011, Defense Army Serviceman **Vazgen Karlen Bakhshyan**, born in 1992, died from a fatal gunshot wound from enemy fire from one of the trenches located near the Martuni District of the Nagorno-Karabakh and Azerbaijan border line as a result of a violation of a cease fire regime.¹⁰⁴
6. On April 29, 2010, **2 servicemen** of the Nagorno-Karabakh Republic Defense Army, conscripts from the Martuni Military Commissariat, were killed due to a violation of a cease fire regime at the Nagorno-Karabakh and Azerbaijan border line. The names of the deceased serviceman are unknown.¹⁰⁵
7. On May 11, 2011 **Arayik Balasanyan**, born in 1978 was shot in the head and on the way to hospital he died at about 19:20. According to the locals of Kyuratagh village he was a contract

¹⁰⁰ <http://www.armtown.com/news/en/a1p/20110121/201101218/>

¹⁰¹ <http://www.panarmenian.net/eng/news/63299/>

¹⁰² <http://www.tert.am/en/news/2011/03/11/armeniansoldier/?sw>

¹⁰³ <http://www.tert.am/en/news/2011/03/18/armeniansoldier/?sw>

¹⁰⁴ <http://www.tert.am/en/news/2011/04/28/soldier/?sw>

¹⁰⁵ <http://news.am/eng/news/57578.html>

- soldier but according to official data he was a civilian.
8. On October 5, 2011 **Yuri Sargsyan**, born in 1987 died Nagorno-Karabakh and Azerbaijan border line as a result of a violation of a cease fire regime.
 9. On November 19, 2011 19-year-old soldier **Aren Simonyan** died at the NK and Azerbaija border-line¹⁰⁶.
 10. On November 20, 2011, at about 08:50, **Mihran Margaryan**, born in 1992, died from a gunshot wound¹⁰⁷.

B. Death Cases Due to Violation of Subordinate (Statutory) Relations

1. **Gevorg Kotsinyan** - On February 6, 2011, regular soldier **G. Kotsinyan**, born in 1992, died as a result of an incident in # 25918 military unit, located near the Dashkestan (Ara Mountain) settlement in Hadrut, an area of Nagorno-Karabakh. A criminal case was filed pursuant to Point 2, Part 2 of Article 359 of RA Criminal Code: "Violation of fundamental laws of the RA Criminal Code by military servicemen interrelations conditioned by subordination and degradation of individual's dignity and honor or neglect parallel with violations or persecutions, carried out 2) by a group of individuals as well as according to Point 6 and 14, Part 2 of Article 112 of RA Criminal Code: "Deliberately inflicting severe damage to health..., which was implemented by 6) an individual or a group of individuals, 14) unintentionally causing victim's death"¹⁰⁸.

On February 11, 2011, the Investigation Service of the RA Ministry of Defense note that regular soldiers, Taron Suvaryan and Vahe Aghajanyan, were detained, and charged according to Point 2, Part 2 of Article 359 of RA Criminal Code: "Violation of fundamental laws of the RA Criminal Code on military servicemen interrelations conditioned by subordination and expressed by degradation of an individual's dignity and honor or disrespect parallel with violations or persecutions... carried out by an individual or a group of individuals as well as Point 6 and 14, Part 2 of Article 112, of RA Criminal Code: "Deliberately inflicting severe damage to health..., which was implemented by individuals or a group of individuals, unintentionally causing the victim's death". Junior Sergeant, Margar Davtyan, was arrested in this case, and is charged under Point 2, Part 2 of Article 359, as well as under Point 2, Part 2 of Article 38-359 of the RA Criminal Code(supporting the crime), Point 6,9,14, Part 2 of Article 112, and Part1 of Article 375 on "Exceeding authorities and command negligence". Detained Senior Lieutenant Armen Rafayelyan is charged under Part 1 of Article 375.

A forensic medical examination of Gevorg Kotsinyan's body, along with supporting forensic; psychiatric, chemical, medical examinations, and examination of trace and soil evidence, have been conducted. A number of eyewitnesses have been interrogated.

The Minsiter of Defence announced that the death occurred due to violation of interpersonal relations, argument and beating, which was proved during the autopsy.

Apart from official data, the representative from HCA Vanadzor, and a correspondent of "Azatutyun"/RFL Radio Station, visited Gevorg Kotsinyan's relatives to clarify some details related to the case.

According to these date, at first, the Military Commissariat noted that the young man's death was as a result of a heart attack or stroke. G. Kotsinyan's uncle, who had been present during the autopsy, stated that various injuries were noticed on Kotsinyan's body. As a cause of death, cardiac arrest was stated; however, the following findings were also recorded: hemorrhage around the soft tissues of the chest, the left lung, the right kidney, soft tissues of the right waist area, cardiac hemorrhage, and dislocation of the clavicle.

The conclusion was indisputable that Kotsinyan had been severely beaten, which also insist the relatives

¹⁰⁶ <http://www.lragir.am/engsrc/country24265.html>

¹⁰⁷ <http://www.aysor.am/en/news/2011/11/21/mihran-margaryan/?sw>

¹⁰⁸ <http://www.hra.am/en/tag/Kotsinyan>

of the soldier.

The first court session took place in Stepanakert on July 27, 2011.

On November 14, 2011 the court passed its verdict, according to which junior sergeant Margar Davtyan was sentenced to 11 years and 6 months imprisonment, regular servicemen Taron Suvaryan and Vahe Aghajanyan were sentenced to 11 years of imprisonment, senior lieutenant Armen Rafayelyan was sentenced to 3 years of imprisonment. But amnesty was applied for Armen Rafayelyan and he was released.

The decision was appealed in the Court of Appeal. The defender of G. Kotsinyan claims that Kotsinyan's right to life should be recognized.

2. **Eduard Alaverdyan** - On July 29, 2011 regular soldier **Eduard Alaverdyan** was killed from a gunshot under his jaws during the shift in Hadrut, Nagorno Karabakh.

A criminal case has been filed and on August 10, 2011 regular soldier Sahak Asilbekyan was detained with the charge of the provisions of the first part of article 359 of RA Criminal Code: Breach of relations, prescribed by the statute rules, between servicemen not subordinated to each other, expressed in humiliation of the person's honor and self-esteem, persecution or violence; and the first part of article 110 of RA Criminal Code: causing somebody to commit a suicide.

Eduard Alaverdyan's father – Semyon Alaverdyan - says that traces of violence have been found on his son's body and that the body was becoming rotten. He does not believe that his could have committed a suicide. When he went to the military unit to get some information, he was told that Eduard was a good soldier and that he had committed suicide¹⁰⁹.

3. **Aghasi Abrahamyan** - On August 26, 2011 regular soldier **Aghasi Abrahamyan** died in the military hospital in Stepanakert. Aghasi Abrahamyan was beaten severely and was left to die at the military unit of Yeghnikner on August 26. Aghasi Abrahamyan was beaten in the military unit and then was left lying at the medical station of the military unit helpless for 10 hours, then he again underwent violence. He got no medical aid. There very numerous injuries on Agasi's body¹¹⁰.

A criminal case was brought on the case and as a result of preliminary investigation one officer was taken in custody and one serviceman was arrested. The serviceman is charged with violation of rules of conduct with servicemen.

Later on September 5, 2011 arrest was used against the soldier as a precautionary measure by this upholding the petition of the investigator.

Then on September 6, two other officers were detained.

In the beginning, the relatives were told he had been poisoned, but then at the morgue, Aghasi's relatives were told that death was caused by brain injury, and the explanation of the military commission that the boy, in an unconscious state, made a careless movement, fell down between two beds, injuring his head, which caused his death.

According to the information obtained by HCA Vanadzor, Aghasi was unconscious on August 26, at 04:00 and was taken to the medical sentry. Suren Tadevosyan, the doctor on duty was there. He did some injections and prescribed treatment, after which Aghasi came round. The same day, at 10:00, someone called him and he spoke on the phone, after which he lay down but fell three times from his bed. The third time he fell down no one took him back, they left him on the floor and put a cover on him. When Vardges Poghosyan, the head of the medical sentry came and saw the soldier lying on the floor, he started beating him with his feet. Doctor Tadevosyan told him that Aghasi was feeling bad and he was really sick but doctor Poghosyan continued hitting Aghasi and ordered to stand up and hit him

¹⁰⁹ <http://tert.am/en/news/2011/08/12/solder/>

<http://www.panarmenian.net/eng/news/75206/>

¹¹⁰ <http://www.lragir.am/engsrc/society23138.html3>

<http://www.lragir.am/engsrc/society23219.html3>

<http://news.am/eng/news/72167.html>

again, as a consequence of which Aghasi hit his head either against the wall or the bed and fainted. This case attracted too much public attention. On September 1, public action was organized by NGOs, relatives of killed soldiers and all interested citizens in support of an army without murders. After this case the public initiative “Army in Reality” started.

4. **Hayk Mkrtchyan** - Early in the morning of September 7, death was reported at the military unit of Askeran, NKR. According to Defense Ministry source, Hayk Mkrtchyan, 19, from Echmiadzin was killed. No details are available¹¹¹.

On September 7, the ministry of defense of Armenia informed in regard to the death of Haik Vasili Mkrtchyan, 19, passing his military service in the defense army of NKR that Haik Mkrtchyan died from gunshots made in the result of violation of the rules of handling a gun by Lendrush Nazlukhanyan, who has been detained. At first a criminal case was brought under Article 373 of RA Criminal Code (Breach of rules for handling weapons, ammunition and items dangerous for others). Then a criminal case has been brought under first part of Article 1 of the Criminal Code (Murder is illegal willful deprivation of one’s life punished with imprisonment for 8 to 15 years.)

5. On October 9, 2011, 19-year-old **Vladimir Asatryan** shot himself and got a deadly wound while being on duty in the post. A criminal case has been filed¹¹².

Though Asatryan is said to have committed suicide, there was information that a person will be detained on murder charges. RA Ministry of Defense David Karapetyan confirmed that the preliminary inquiry body had identified the names of the soldiers that had written on the left hand of Asatryan, but denied the information in the presses according to which the names of the officers were written on the left hand of the deceased.

Karapetyan informed that the preliminary inquiry body has also identified the circle of people who could have pushed soldier Asatryan to commit suicide at one of the military units in Martakert.¹¹³

C. Suicides

1. **Torgom Sarukhanyan** - A death case of a soldier at one of the military units of Stepanakert was recorded on February 12, 2011. 21-year-old **Torgom Sarukhanyan** died as a result of self-induced gunshot wound. He had been in the military service for one and a half years¹¹⁴.

A criminal case was filed on the incident pursuant to Part1 of Article 110 of the RA Criminal Code: “Causing somebody to commit suicide, or make an attempt at a suicide, by indirect willfulness or negligence, by means of threat, cruel treatment or regular humiliation of one’s dignity”.

The Investigation Department of RA Ministry of Defense arrested three servicemen from the same military unit: Junior Officer Vihlem Yengibaryan, Junior Sergeant Hrant Karapetyan, who are charged under Part1 of Article 375 of the RA Criminal Code: Abuse of power and transgression of authority. Robert Badalyan is suspected of violation of the soldier’s statutory rules and for instigating Yengibaryan and Karapetyan in their actions.

However, Torgom Sarukhanyan’s relatives do not agree with the official version. Lena Sarukhanyan, Torgom Sarukhanyan’s mother, claims that her son had been killed while he slept. His mother recalls

¹¹¹ <http://www.tert.am/en/news/2011/09/07/soldier/?sw>
<http://tert.am/en/news/2011/09/08/gasparyan/>
<http://hetq.am/eng/news/4234/19-year-old-soldier-laid-to-rest-in-amberd.html>

¹¹² <http://www.a1plus.am/en/politics/2011/10/10/death>
<http://www.tert.am/en/news/2011/10/10/soldier/?sw>
<http://www.slaq.am/eng/news/43054/>
<http://www.epress.am/en/2011/10/10/another-death-in-armenian-army-official-cause-of-death-suicide.html>

¹¹³ <http://www.a1plus.am/en/social/2011/10/11/suicide-soldier>

¹¹⁴ <http://news.am/eng/news/47805.html>
<http://www.epress.am/en/2011/11/08/mother-of-killed-soldier-says-suicide-note-not-her-sons-told-not-to-bother-to-complain.html>
<http://www.arminfo.info/english/society/article/21-02-2011/04-27-00>

that the day before her son's death, he had called her and wanted to tell her something. She also recalls that Torgom had never complained about his service but only mentioned that some were jealous of him. Torgom Sarukhanyan's relatives state that signs of trauma had been identified on his body, particularly on his face. Lena Sarukhanyan does not believe that her son left a letter asking not to blame anyone for his death and to eliminate an autopsy. In his mother's words, her son would not have left such a letter. She believes it was made up to prevent an autopsy and reveal the fact of murder.

2. On April 21, 2011, a suicide case was registered at a military unit located near Balahovit Village. On April 21, at approximately 22:50 pm soldier **Artur Geghami Ghazaryan** (called up from the city of Hrazdan), was injured as a result of self-inflicted gunshot wound and died on the way to hospital ¹¹⁵.

A criminal case was filed on the incident at the RA MoD #4 Garrison Investigation Department pursuant to Part 1 of Article 110 of RA Criminal Code on causing somebody to commit a suicide. Nobody has been arrested so far.

According to Artur Ghazaryan's relatives, Artur was on military shift at around 22:50 pm, and when there was no one around, shot himself and left a message in his hand which said: "Please, do not blame anyone for this." The Hrazdan Military Commissariat employees first notified Artur's uncle about the incident and then the latter told his brother, Gegham Ghazaryan.

Artur's uncle was present during the autopsy, according to which, there were no signs of torture on his body. The gunshot wound perforated his body: the bullet went through his intestines, damaged his gallbladder, and broke his spinal cord. Artur Ghazaryan's relatives don't believe he would have committed suicide as he had no reason to do it.

One of his acquaintances states that Artur Ghazaryan was a very quiet and reserved person and did not have problems with his family or at the military unit.

3. On June 26, 2011 **a regular soldier** in Margi military unit in Syunik region made a suicide by falling down from a rock¹¹⁶.

But according to non-official information he had problems in the military unit and it is said that he has been killed.

4. **Tigran Hambardzumyan** - On June 29, 2011 **Tigran Hambardzumyan**, soldier of RA MoD 54809 Kapan military unit was found in the nearest forest without the skin, the soft tissues on the head and neck.

A criminal case was filed on the incident pursuant to Part 1 of Article 110 of the RA Criminal Code: "Causing somebody to commit suicide, or make an attempt at a suicide, by indirect willfulness or negligence, by means of threat, cruel treatment or regular humiliation of one's dignity."

According to official data a razor was found near the body and there was a wound with depth of 1.5-2 cm on his arm.

Anyway, the first version was circulated was that Tigran went to the forest to sleep and the wolves tore the head and neck.

The second version was that Tigran committed a suicide and then the wolves tore his head and neck. However, the relatives do not believe the official version and according to the information and details about the soldier provided by the relatives to the HCA Vanadzor representatives, T. Hambardzumyan was killed. The relatives insist that Tigran had problems with one of the officers.

The case is now under pre-trial. The military Police is conducting investigative actions by interrogating the other soldiers. Nobody has been charged with the case.

¹¹⁵ <http://www.lragir.am/engsrc/print.country22833>

¹¹⁶ <http://www.hraparak.am/2011/06/28/zoh-2/>

5. On August 19, 2011 a case of suicide was recorded in one of the military units of Goris. **Vardan Sevyan**, a 19-year-old soldier entered the tent during the camp gatherings and shot himself in the head and got a deadly wound¹¹⁷. And according to the Ministry of Defense he left a note where he said that he could not live without her beloved girl. A criminal case has been filed and the preliminary investigation is carried out on the version of suicide. Nobody has been detained yet.

However the relatives do not accept this version and his mother and sister are sure he would never do that.

Vardan's sister, Armine, 20, says he was not the kind of person who would commit a suicide for a woman. He had a strong will, he was reserved, she says.

The soldier's mother and sister saw the deadly wound under the left ear, a small black hole, and two parallel stitches on the neck, under the chin.

In three months Vardan would finish service and come back home. The mother talked to the son, she says he felt good. His mother sent him clothes to wear back home. If he was going to commit a suicide, he would telephone me to talk to me last time, the sister says. Her voice trembled, she desperately fought back her tears.

The investigative unit of the ministry of defense told the media outlets that suicide is grounded best, about 10 witnesses were interrogated. Besides, the soldier committed a suicide in a tent and at the time of the accident, he was alone.

However, the deputy chief of the investigative unit of the ministry of defense Arman Poghosyan said there was another soldier sleeping in the tent who was awakened by the shot. Poghosyan also believes in the story of suicide.

6. On August 29, 2011, 19-year-old **Artur Grigoryan's body** was found in one of the districts of Yerevan, who was found lying unconscious with cut veins. According to non official data, Artur committed this action for religious reasons – his mother is from the religious organization “Jehovah's witnesses”¹¹⁸.
A criminal case has not been filed yet.
7. On October 12, 2011, 19-year-old **Yurik Nersisyan** shot himself and got a deadly wound while being on duty in the post.
8. On October 13, 2011, 21-year-old **Aram Ashot Melkonyan** shot at himself and got a deadly wound while cleaning his weapon.
9. According to the “We Won't Keep Silent” youth initiative's reliable sources, temporary soldier **Narek Davtyan**, who was recruited in June, committed suicide at “Duts” military unit in Vanadzor on the evening of December 2¹¹⁹. The Ministry of Defense (MOD) has opened a criminal investigation into the death of conscript Narek Davtyan.
The relatives say that during autopsy no traces of violence have been found. They also believe that Narek could not commit a suicide. According to Narek's mother, his service was going on without any incidents in the beginning, but during recent months Narek was complaining about the behavior in the army, and she said that Narek was made to commit suicide and she rules out the version of suicide.

¹¹⁷ <http://www.lragir.am/engsrc/society23093.html3>

<http://www.lragir.am/engsrc/country24457.html3>

<http://www.epress.am/en/2011/09/16/video-mother-of-deceased-soldier-to-demand-investigations-findings.html>

¹¹⁸ <http://www.jwsupportforum.com/index.php?PHPSESSID=b0401da662fa97062c0b12e066c16185&topic=13103.msg203198#msg203198>

¹¹⁹ <http://www.a1plus.am/en/politics/2011/12/03/soldier>

<http://www.armeniadiaspora.com/news/7638-vanadzor-soldiers-suicide-under-investigation.html>

D. Death Cases due to Violation of Security Rules

1. A death case was recorded in the army on July 15, 2011 as a consequence of violation of security rules. The 23-year-old Khachatur Tadevosyan violated the order of treating the weapon and injured the 19-year-old **Kolya Mesropyan** who died. A criminal case has been filed by article 373 - Breach of rules for handling weapons, ammunition and items dangerous for others. According to official sources Khachatur Tadevosyan was arrested.
2. On October 4, 2011 during one of the military training a car accident happened. 6 soldiers got injured and were taken to hospital. One of them, **Hayk Davtyan**, died due to the accident.
3. On October 25, 2011 a military vehicle, turned over while returning from the trainings to the military unit. As a results 28 year-old **Aramayis Hrachik Sargsyan** died. A criminal case has been filed on violating the security rules of driving and exploiting the vehicle.

E. Death Cases due to Health Conditions

1. On October 29, 2011 a death case was recorded in one of the military units of Nagorno Karabakh, in the region of Hadrut. 19-year-old **Armen Moghrovyan**, who was a conscript from Artik, was found dead.

According to official information from the Ministry of Defence he died suddenly. The results of the autopsy showed that there was an acute disorder of his heart vessels. The official information says there were no traces of violence on the body. Anyway, the examination did not mention the reasons for the disease.

However, the relatives of the soldier want to know about the reasons of his health problems if he went to the army healthy. And if he had problems before recruitment then why he was taken to the army.

2. Armenian soldier **Mher Hakobyan**, died on December 18, 2011. He was commissioned for training for the Boxing Federation of Armenia, between December 11 and January 30, to take part in a championship¹²⁰. The Federation's Vice President Derenik Gabrielyan said that Mher Hakobyan had no prior health problems. He was taken to hospital due to health problems, on December 14, but the doctors were unable to save his life.

F. Death Cases Caused by Accidents

1. On April 6, 2011, an accident was recorded on the Kapan-Shvinadzor-Meghri highway. Contract soldier of the Russian Federation Frontier troops, 27-year-old **Aram Tarverdyan**' car rolled down the canyon and he died at the scene of the accident.
2. On July 22, 2011 the car with soldiers had an accident as a consequence of which **Norayr Hakobyan** (born in 1971, drafted from Yeghegnadzor troops commissariat) and elected infantryman **Gegham Davtyan** (born in 1991, Shahumyan troops enlistment office) died¹²¹. 12 soldiers got injuries.
3. On September 12, 2011, at about 03.20 a car accident took place in Myasnikyan street in Yerevan. Armenian soldiers – V. Khachaturov and Rafayel Aloyan - serving in a military unit in Etchmiadzin were in a car. After the accident they were taken to Hospital 1, where **V. Kha-**

¹²⁰ <http://news.am/eng/news/86731.html>

¹²¹ <http://www.modernarmenia.com/modern-armenia-blog/tag/gegham/page/2/>

chaturrov died. The employees of the Ministry of Defence and Military Police came to the accident site and 10 minutes later they left. It is said that hookah was found in the car.

4. On September 27, 2011 at about 13.00, a car accident happened on the road Irind-Katnaghbyur. 18-year old soldier from the village of Irind, Seryoja Melkonyan died.
5. On October 16, 2011 a car accident happened on the road Yerevan-Sevan. As a result of the accident 3 servicemen suffered, one of them, Edmon Alexanyan, died in the hospital.

G. Death Cases in Unknown Conditions

1. On July 15, 2011 Andrey Harutyunyan, born in 1977, died in unknown conditions. The soldier was called-up from NK Martuni Military Commissariat¹²².

H. Intentional Murder

1. On July 26, 2011 Alik Abrahamyan was shot by a fellow soldier Vahe Derdzyan, when they were on one of the posts. Vahe shot the soldier thinking that he was from the opposite side (Azerbaijani soldier), because an Armenian soldier should not be in that location. A criminal case has been initiated and now the case is under trial.

It is important to note, that no official statement was released on this case. No media outlet released any information.

HCA Vanadzor was informed about this case by the defendant's father.

I. Neglecting Attitude towards Service

1. Hayk Khachatryan died at 11.40 p.m. on Dec. 30, 2011, as a result of negligent medical treatment of the military unit¹²³. During the latest conversation between his father and Hayk, the serviceman told he is be blamed for simulation and forced to run for 10 km, when he complained of having pains. Later he was hospitalized with the diagnose facial nerve damage. Hayk felt acute pains in the belly on Dec.29, 2011, including seizures. Whereas, the doctors claimed it is appendicitis¹²⁴.

Hayk's father demanded to transfer his son to Nork infection hospital.

The medical examination revealed chickenpox in its most complicated stage, which caused the acute pains and epileptic phenomena.

Hayk Khachatryan's parents assure that Hayk was very healthy, he could run kilometers before going to the army.

The parents say the indifference of commanders and the doctors of the military hospitals was the reason for their son's death on December 30. From December 10 to the day Hayk died, the doctors did not do anything to improve Hayk's health. Hayk had been neglected and helpless. Wrong treatment was carried out, though chickenpox should not be cured by anti-biotic medicaments, the doctors used them to cure him. Hayk's parents are very displeased that all the time the official information is that Hayk's health worsened very quickly. they do not agree with this.

¹²² <http://grupoezequieli.com/eng/news/37633/>

¹²³ <http://news.am/eng/news/88803.html>
<http://news.am/eng/news/88912.html>

¹²⁴ <http://news.am/eng/news/88912.html>

PHYSICAL VIOLENCE, DEGRADING AND INHUMAN TREATMENT IN THE ARMED FORCES IN 2010

As a rule, information about such cases remains undisclosed and inaccessible.

The information regarding physical violence against servicemen disseminated through media in 2010 referred to the following cases:

1. Allegedly, on April 28, 2010, at N60925 Army Unit in Armavir, Battalion Commander, Lt. Colonel **Khosrov Shadyan**, intentionally injured himself and was hospitalized.

Official Information

A criminal case was initiated by the Fourth Garrison Investigation Division of the Investigation Service of the RA Ministry of Defense under Article 110 (incitement to suicide) Part 2 (the same act committed in relation to a person in financial or other dependence on the perpetrator) of the RA Criminal Code.

Information obtained through Research

According to unofficial information, Kh. Shadyan was beaten up by his superior for using foul language against the Minister of Defense. Shadyan was tied to a chair, and soldiers were ordered to walk past the Lt. Colonel and insult him. Kh. Shadyan was able to free his tied hands to stab himself four times¹²⁵. According to the information provided by the family members, after being treated at the hospital, Kh. Shadyan was put on leave, and no official information was published regarding the initiation of a criminal case, on the fact of violence or about the process of the case.

2. On August 11, 2010, at approximately 8:30 a.m., while doing physical exercises at the drill site of the 3rd Battalion, 27 year old Senior Lieutenant, Arman Aloyan, Commander of the 1st Platoon of the 9th Company of the 3rd Battalion of N 51191 Army Unit of the RA Ministry of Defense, rudely reproved and tugged at the uniform of **Simon Arakelyan**, a soldier, serving in the 3rd Platoon of the 10th Company of the same battalion. Arakelyan retaliated against Aloyan whereby Aloyan punched Arakelyan in the face around his nose and left eye. As a result, Simon Arakelyan received medium gravity damage for an extended health disorder.

Official Information

Based on Aloyan's petition, the Tavush Region Court of Common Jurisdiction conducted a summary trial of the case and sentenced Aloyan to 2 years of imprisonment under Part 1 of Article 375 of the RA Criminal Code.

When issuing a verdict, the court considered the fact that Aloyan admitted his fault and felt regret about the incident. It was also taken into consideration that he had a little child under his care. The aggrieved party did not propose any claims.

Arman Aloyan appealed the decision of the Court of First Instance in the Court of Appeal, requesting a milder punishment and not to apply it conditionally.

Please note, this was not the first time that Arman Aloyan had been held criminally liable. On June 5, 2006, he was sentenced to 1 year of imprisonment by the Tavush Region Court of Common Jurisdiction

¹²⁵ <http://www.armtimes.com/8345>

<http://pn.am/mobile/rus/society/news/48056/>

http://www.armtoday.info/default.asp?Lang=_Ru&NewsID=25349&SectionID=0&RegionID=0&Date=05/13/2010&PagePosition=11

under Part 1 of Article 356 of the RA Criminal Code (Failure by a subordinate to carry out a properly given legitimate order), and Part 3 of Article 361 of the RA Criminal Code (Absence without leave from the military unit or place of service).

However, under Article 70 of the RA Criminal Code, the punishment was not applied conditionally and a probation period of 1 year was established.

On October 16, 2006, he was discharged by the decision of the Tavush Region Court of Common Jurisdiction, applying Sub-point b) of Point 1 of the RA NA Decision from 07.07.2006, on “Declaring General Amnesty connected with the 15 Anniversary of the Independence of Armenia”¹²⁶.

3. On August 11, 2010, while running at the drill site in the Martuni army Unit of Nagorno Karabakh, soldier, Private Shahen Aghasyan, assaulted soldier, Private. **Mayis Aghababyan** in the face several times with a belt and also swore at him.

Official Information

On August 12, the day after the incident, Mayis Aghababyan was first taken to Martuni, then to Stepanakert Military Hospital, and finally to the Central Military Hospital of the RA MoD, where it appeared that he had a 7 mm split above his eye which needed urgent surgery. However, surgery was not performed and instead a treatment was prescribed. . As a result of the treatment, only 2 mm of the split healed together, while the 5 mm split remained open. After remaining 40 days in the hospital Mayis was ordered back to service.

A criminal case was initiated by the First Garrison Investigation Division of the Investigation Service of the RA Ministry of Defense under Part 1 of Article 359 of the RA Criminal Code (Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, expressed as humiliation of the person’s honor and self-esteem, persecution or violence)¹²⁷.

Parsadanyan, the Head of the Military Medical Department of the RA Armed Forces, found Mayis Aghababyan’s health condition satisfactory; and on December 8, 2012, the Central Military Medical Commission recognized him as fit for non-combat military service¹²⁸.

On February 9, 2011, upon the RA Minister of Defense, S. Ohanyan’s order, Mayis Aghababyan was transferred to the Yerevan Military Hospital for another medical examination¹²⁹.

On February 23, 2011, Seyran Ohanyan met with Mayis Aghababyan and doctors from the Central Military Hospital. The doctors reported that Mayis had normal vision, although Mayis insisted that his eyesight was bad¹³⁰.

Judge Hamlet Davtyan decided that the blind eye and nervous breakdown is medium gravity harm. Under Article 359 Para 2, he decided to sentence Shahen Aghasyan to 18 months in the disciplinary battalion. Within two months he was released from serving his sentence because of illness.

The judge dismissed the claim of the injured party for 1 million drams. Attorney Seda Safaryan appealed this verdict but the Court of Appeal dismissed the appeal while the Court of Cassation has recently responded that no process will be launched¹³¹.

Information obtained through Research

Roza Karapetyan, mother of Mayis Aghababyan, insists that her son continues to serve although his eyesight gets worse day by day, which may eventually lead to blindness. She met with the RA Minister of Defense, who promised to personally handle the case. Mayis was taken to Yerevan for another medical examination.

Although Mayis Aghababyan was fit for non-combat service only, he continued to go on sentry duty, which was supposed to be prohibited considering his bad eyesight¹³².

¹²⁶ «Zhamanak» daily, 14.12.10

¹²⁷ <http://www.armtown.com/news/en/ira/20111020/23848/>

¹²⁸ <http://www.lragir.am/engsrc/society23848.html>

¹²⁹ <http://www.lragir.am/armsrc/right43910.html>

¹³⁰ <http://www.lragir.am/armsrc/right44660.html>

¹³¹ <http://www.lragir.am/engsrc/society23848.html3>

¹³² <http://www.lragir.am/engsrc/society23848.html3>

4. On August 23, 2010, serviceman **Varuzhan Davtyan**, was attacked by officers in an army unit in Kubatlu, Nagorno Karabakh. The serviceman was taken unconscious to the Muratsan Military Hospital. The Investigation Service of the RA Ministry of Defense denies the information¹³³.
5. On September 9, 2010, in one of the army units of Ararat, soldier, Private Vardan Nersisyan, shot at another term soldier, **Hovhannes Baghdasaryan**, who was from the same unit.

Official Information

While on sentry duty, **Vardan Nersisyan** heard footsteps and asked who it was. After not receiving an answer, he fired a shot.. H. Baghdasaryan was injured around the abdomen and underwent surgery the same day.

Information obtained through Research

According to unofficial information, H. Baghdasaryan's leg was amputated as a result of complications of the injury from the gunshot wound. Official sources deny the allegations.¹³⁴

6. On September 11, 2010, video footage was posted on www.youtube.com showing how an officer humiliating two servicemen, **Garik Harutyunyan and Bakur Yeghikyan**, by hitting them on the head and ears and pouring water in their ears. Based on the video footage, a criminal case was initiated under Part 1 of Article 375 of the RA Criminal Code.

On September 18, 2010, Sasun Galstyan, who was attacking the servicemen in the video footage, and who was a Major and the Deputy Commander for ammunition of the 2nd motorized infantry battalion of N 38862 Army Unit of Nagorno Karabakh, was charged with Part 1 of Article 375 of the RA Criminal Code and was detained.

In December 2010, the Court found Sasun Galstyan guilty as charged (abuse of power, transgression of authority or administrative dereliction) and sentenced him to 3 years of imprisonment¹³⁵.

7. On October 28, 2010, in one of the army units in Nubarashen, serviceman, **Vachik Sargsyan**, while peeling potatoes stabbed another serviceman, who was then taken to the hospital. V. Sargsyan was arrested. No information was disseminated regarding the launching of a criminal case.¹³⁶
8. On October 28, 2010, Armen Bareghamyan, Deputy Commander of the Nubarashen Army Unit, violently beat up 18-year-old **Erik Grigoryan**, who was conscripted 5 months previously from Noratus Village, Gegharkunik Region.

Official Information

E. Grigoryan was taken to the Maxillofacial Department of Muratsan Hospital with numerous bruises and injuries which included a broken nasal bone, concussion, and fractures.¹³⁷

A criminal case was initiated by the Fourth Garrison Investigation Division of the Investigation Service of the RA Ministry of Defense under Part 1 of Article 375 of the RA Criminal Code (Abuse of power, transgression of authority or administrative dereliction, by a commander or official).

According to information provided by the Investigation Department of the RA Ministry of Defense, A. Bareghamyan was arrested on November 4, 2010.

According to information provided by the Investigation Department of the RA MoD, Armen Bareghamyan

¹³³ <http://www.armtimes.com/16060>

¹³⁴ <http://www.armtimes.com/17369>; <http://www.mil.am/arm/index.php?page=2&p=0&id=1561&y=2010&m=10&d=11>

¹³⁵ http://www.armenianow.com/social/human_rights/24876/armenian_ministry_defense_publish_information_on_youtube_army_video
http://armenianow.com/social/human_rights/26422/youtube_officer_jailed

¹³⁶ <http://zhamanak.com/news/12583/>

¹³⁷ <http://www.azatutyun.am/archive/english/20101104/1089/1089.html?id=2209940>

<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154411.htm>

was also charged a few months earlier under Part 1 of Article 375 of the RA Criminal Code, for attacking another conscript, Private Bagrat Eghishyan and the case was sent to court on October 18.¹³⁸ The precautionary measure against him was not detention but recognizance not to leave.¹³⁹

Information obtained through Research

According to the family members, on October 28, E. Grigoryan did not take part in the morning drill, because he injured his foot by stepping on a nail. A. Barseghyan attacked the serviceman for 1 hour and 40 minutes, even though the latter was unconscious. He then dragged him to the sink, poured some water over him to revive him, and proceeded to attack him again but, this time with a chair.

9. On October 10, 2010, in one of the army units in Nubarashen, serviceman, Vachik Sargsyan, stabbed a 20-year-old serviceman, **Andranik Aramyan**, from the Nubarashen Special Detachment, , who was conscripted from Getap Village, Vayots Dzor.

Official Information

The alleged reason for stabbing was a joke. Andranik Aramyan told a joke about people from Aparan, which offended his fellow serviceman, Vachik Sargsyan. The latter stabbed Andranik, slashing an artery in his arm. He was taken to the Central Military Hospital in Yerevan, where he had an unsuccessful operation because he received the wrong treatment.

Sometime in Mid-February 2011, Andranik was taken to the Physical Treatment Scientific Institute to recover the mobility of his upper limb through physical therapy treatment.

Vachik Sargsyan was charged under Part 1 of Article 112 of the RA Criminal Code for “Infliction of willful bodily damage, which is dangerous for life or caused loss of eye-sight, speech, hearing or any organ, loss of functions of the organ, or was manifested in irreversible ugliness on face, as well as caused other damage dangerous to life or caused disorder, accompanied with the stable loss of no less than one third of the capacity for work, or with complete loss of the professional capacity for work obvious for the perpetrator, is punished with imprisonment for the term of 3 to 7 years.”

According to the latest information available, the first court hearing was scheduled for March 10, 2011.

Information obtained through Research

According to Andranik Aramyan’s sister, his situation worsened after the surgery and that the doctors did not help him at all which is why he had to undergo another surgery. On November 19, 2010, Andranik was taken to an Armenia Hospital for surgery however the doctors did not give any hope that the injured hand would recover its full capacity.

Andranik Aramyan stated that he received several calls from a private number, threatening that him that he should not complain or his brother will be deprived of his life.

According to unofficial information, Vachik Sargsyan continued to serve in the same army unit, without any measure of restraint¹⁴⁰.

10. On November 19, 2010, there was an incident on the contact line protected by the Hadrut Army Unit of Nagorno Karabakh. As result of the incident, term soldiers, Levon Yesayan (Berd Town, Tavush Region), Nerses Galoyan (Spandaryan Village, Shirak Region), Narek Sahakyan (Hrazdan Town, Kotayk Region) and Nver Sargsyan (Nagorno Karabakh) died from fire gunshot wounds. Soldiers, **Manvel Hazroyan** (Nalbandyan Village, Armavir Region), **Sargis Melkumyan** (Getashen Village, Armavir Region), **Khachik Aleksanyan** (Astghadzor Village, Gegharkunik Region) and **Masis Grigoryan** (Martuni Region, Nagorno Karabakh) received injuries¹⁴¹.

¹³⁸ <http://ragir.am/engsrc/country19646.html3>

¹³⁹ <http://www.armenialiberty.org/content/article/2212166.html>

<http://asbarez.com/87970/another-incident-at-the-army/>

<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154411.htm>

¹⁴⁰ http://www.1in.am/arm/armenia_society_10347.html; http://1in.am/arm/armenia_society_2426.html

¹⁴¹ <http://www.a1plus.am/en/politics/2010/11/24/manvel-hazroyan>

<http://www.lragir.am/engsrc/print.society23073>

<http://news.am/eng/news/70878.html>

PHYSICAL VIOLENCE, DEGRADING AND INHUMAN TREATMENT IN THE ARMED FORCES IN 2011

The information regarding physical violence against servicemen disseminated through media in 2011 referred to the following cases:

1. In January 2011, in the Army Unit of the NK Mataghis Defense Region, **Hovsep Rafik Sargsyan**, conscripted from Goris, was attacked by a resident of Stepanakert, Junior Sergeant ,Harutyun Hrant Gabrielyan¹⁴².
Serviceman Hovsep Sargsyan was taken to Stepanakert Hospital with grave injuries on his face and body.
2. On February 3, 2010, in Kartchaghbyur Army Unit, Gegharkunik Region, when a combat-engineer squad returned to quarters for a rest after a meal, Lt. Colonel, 33-year-old Sargis Tarakhchyan, entered the quarters and seeing the resting **servicemen**, attacked them.¹⁴³
First, he started punching the term soldiers, and beating their heads against the wall, and then he continued attacking them with a wooden chair. Some days prior to that incident, the same Lt. Colonel, Sargis Tarakhchyan, took the brigade to the military dining facility however returned back to quarters without allowing them to have lunch. According to our information, after a massive outcry, Sargis Tarakhchyan protected himself by checking into the military hospital on the same day.

The Spokesperson for the Ministry of Defense, Davit Karapetyan denied the information.¹⁴⁴ Sometime during the morning of February 23, 2010 ,(2011?) 36-year-old Captain, Garik Vanesyan, slapped and insulted a subordinate, Private **Virap Sahakyan**, for falling asleep in class. Vanesyan was let go on recognizance not to leave and continued to serve. The serviceman requested to punish but not to imprison the chief. In his turn, the chief admitted the charges. Considering that he was a good soldier, was diligent, had not been convicted before, and had three children, the Court sentenced Garik Vanesyan to 3 months of imprisonment and conditionally did not apply it. Court set probation of 1 year under the command of the Army Unit Administration. Later, Vanesyan was discharged in amnesty.

4. Servicemen, **Sargis Hakobyan and Aleksey Sargsyan** breached relations prescribed by the disciplinary statute rules. Sargis and Aleksey fought for an unknown reason and Sargis hit Aleksey in the face, causing slight damage. Both were placed under the control of their commanders.¹⁴⁵
5. 20-year-old Taron Mesropyan was sentenced to 3 years of imprisonment for defending a fellow serviceman¹⁴⁶. In this case, in one of the army units in Askeran, the driver of a anti-tank battery platoon, did not like how the chief talked to a fellow soldier. On March 7, 2011, around 10:00 a.m., Private Taron Mesropyan entered one of the auditoriums in the quarters and saw

¹⁴² <http://www.epress.am/en/2011/01/27/armenias-defense-minister-responds-to-report-on-assault-in-armenias-army.html>

http://www.1in.am/arm/regional_karabagh_8007.html

¹⁴³ <http://www.tert.am/am/news/2011/02/04/zhamanak/>

http://www.1in.am/arm/armenia_right_8770.html

¹⁴⁴ <http://www.news.am/arm/news/46876.html>

¹⁴⁵ http://www.1in.am/arm/armenia_society_32813.html

¹⁴⁶ http://1in.am/arm/armenia_society_35985.html

how the deputy commander of the platoon and his immediate supervisor, Sergeant Bagrat Alaverdyan were explaining obligations to the individual on duty. Private Karen Tikbikyan. Mesropyan did not like how the commander spoke to a fellow serviceman(he called him dumb) which incited a squabble.

The altercation continued in a different location, where Taron broke Bagrat's nasal bone. During the trial, Taron Mesropyan admitted his guilt and stated that the incident was initiated because Tikbikyan had asked Alaverdyan to remove a chair from the quarters so that he could clean the area. Sergeant B. Alaverdyan got upset because he had already taken out his chair and felt he should not have been asked to do it. It was revealed that after finding out that his nasal bone was broken, Alaverdyan went to the bedroom in the quarters and hit T. Mesropyan in the hand with a wooden chair. The officers entering the bedroom stopped the fight. The inquest body did not find corpus delicti in the actions of Bagrat Alaverdyan and terminated this part of the case.

During the trial, Bagrat Alaverdyan did not have complaints or demands from T. Msropyan. The Syunik Region Court of First Instance sentenced Mesropyan to 3 years of imprisonment for violence against a commander and causing him medium-gravity damage. Mesropyan appealed the decision in the RA Court of Appeals.

6. During March of 2011, Squad Leader and Junior Sergeant, 20-year-old Gurgen Mikayelyan from Kanaker, was on duty at the control-pass point sometime in the afternoon. Someone brought a package to the control point for a serviceman. Gurgen wanted to open the package but his assistant, **Artur Poghosyan**, would not allow it. The incident turned into a fight and Gurgen Mikayelyan punched and insulted his assistant. The inquest body argued that Mikayelyan's actions did not constitute a serious crime and placed him under control of his commanders, who gave a positive reference about him. In May 2011, the Court found him guilty of crimes under Part 2 of Article 360 of the RA Criminal Code and sentenced him to 1 month of detainment. He was later released in amnesty.
7. On April 21, 2011, during a camp gathering at Baghramyian Training Center, one of the army units of the RA Armed Forces, a conscript, was attacked by his fellow servicemen and forced to wash the dishes, which he ultimately refused to do¹⁴⁷. As a result of the altercation, the serviceman sustained injuries, of hemorrhaging, and a concussion. The participants of fight were brought in to the police station.
8. On April 30, 2011, soldier **Volodya Tumanyan** was attacked by the Platoon Commander, Lieutenant Yervand H. V. Tumanyan received a nasal bone fracture and was taken to the military hospital. The reason given for the beating was that the private left the trench post and was in view of the enemy¹⁴⁸.
9. On July 16, 2011, Robert Hovhannisyan applied to HCA Vanadzor, requesting to protect his son's rights. R. Hovhannisyan stated that after seeing his son with a cell phone, an officer in the battalion took it away and ordered Hovhannisyan to do some exercises by crawling on the ground¹⁴⁹.

The young man refused and was subjected to beating, violence and inhuman treatment. HCA Vanadzor applied to the RA Military Prosecutor and the RA Minister of Defense to institute a criminal case on the fact of a beating and to also make a decision about the crime report. In response to the report, T. Sargsyan, the Military Prosecutor of the RA Military Prosecutor General's Office, stated to the Organization that a criminal case would not be initiated on the report of a beating of Private

¹⁴⁷ http://1in.am/arm/armenia_society_17183.html
<http://www.news.am/arm/news/56470.html>

¹⁴⁸ <http://www.armtown.com/news/am/zam/20110507/18914/>

¹⁴⁹ <http://hcav.am/en/events/a-soldier-who-served-for-two-months-was-recognized-unfit-for-military-service/>

Rafik Robert Hovhannsiyan, based on Point 1 of Part 1 of Article 35 of the RA Criminal Procedure Code, for the absence of any criminal act.

10. In an army unit of Hadrut Defense Region, Junior Sergeant, Narek Stepanyan, while serving as the post leader, indecently humiliated his subordinate, **N. Mkhitaryan's** honor and dignity. Narek was charged with transgression of authority and insulting a serviceman. Narek Stepanyan did not have a criminal history¹⁵⁰.

11. Senior Officer of the Artillery Battalion of an army unit in Martakert, Lieutenant Vasil Tsarukyan, delegated **Derenik Ananyan**, the clerk of the battery, to make a syllabus. The latter did not make the syllabus on a correct topic and Ananyan ordered him to redo the work. The serviceman complained about it and Tsarukyan attacked him causing slight damage to his health. The Syunik Region Court of Common Jurisdiction took into consideration that the defendant did not have a criminal background, was a young staff officer who regretted his actions and that the victim did not express any complaints or demands. However, on August 11, 2011, Court sentenced him to 2 years of imprisonment. The defendant appealed to the Court of Appeal and requested to release him on probation.

12. On May 6, 2011, near the dining facilities of an army unit in Syunik Region, 26-year-old Lieutenant Murad Poghosyan from Yerevan, who was the acting commander of the artillery battalion battery, humiliated and slapped Private **Davit Yesayan**, for failing to obey his legitimate order to stand in ranks to participate in physical training.

Yesayan returned the blow and punched M. Poghosyan in the face, causing slight injury which humiliated his honor and dignity.

On August 5, 2011, Murad Poghosyan was found guilty of the crime under Part 2 of Article 360 of the RA Criminal Code and was sentenced to 3 months of imprisonment. Private Davit Yesayan was sentenced to 4 months in a disciplinary battalion and was taken in custody from courtroom¹⁵¹.

13. On October 17, 2011, there was another incident manifesting a breach of relations prescribed by statute rules¹⁵². Seven sergeants brutally beat up and swore at a fellow serviceman. The victim received several injuries as well as his nasal bone was broken. The argument began as a joke, turned into profanity and then, into a fight. The Ministry of Defense received video footage of the incident and quickly responded.

14. In October 2011, there was a conflict between two soldiers in one of the army units in Ararat Region. Because of the conflict, one of the soldiers stabbed the other with a knife. The latter was taken to the aid station of the army unit¹⁵³.

Meri Sargsyan, Chief of the Press and Public Relations Department of the Investigation Service of the RA Ministry of Defense, stated that there was a fight between Hayk Gareginyan and Garegin Lalayan, during which Lalayan stabbed Gareginyan in the back with his bayonet, which caused injuries.

15. On October 9, 2011, family members of a soldier serving in the "Yeghnikner" Army Unit telephoned a reporter for www.henaran.am, and stated that there was another case of violence against a serviceman in the "Yeghnikner" Army Unit¹⁵⁴.

¹⁵⁰ http://1in.am/arm/armenia_society_33559.html

¹⁵¹ http://www.1in.am/arm/armenia_right_37523.html

¹⁵² <http://news.armeniatv.com/2011/10/%D5%B5%D5%B8%D5%A9-%D5%BD%D5%A5%D6%80%D5%AA%D5%A1%D5%B6%D5%BF%D5%B6%D5%A5%D6%80-%D5%AE%D5%A5%D5%AE%D5%A5%D5%AC-%D5%A5%D5%B6-%D5%AB%D6%80%D5%A5%D5%B6%D6%81-%D5%AE%D5%A1%D5%BC%D5%A1%D5%B5%D5%A1%D5%AF/>

¹⁵³ <http://news.am/eng/news/79818.html>

¹⁵⁴ <http://www.a1plus.am/en/social/2012/01/10/exnikner>

<http://www.armtown.com/news/en/a1p/20120110/2012011054>

<http://news.am/eng/news/78867.html>

<http://www.azatutyun.am/content/article/24356597.html>

<http://www.azatutyun.am/content/article/24357258.html>

<http://www.hraparak.am/2011/10/12/noric-exnikner/>

http://www.1in.am/arm/armenia_society_37478.html

Zhora Mkrtchyan, conscripted from Artik, was attacked by his fellow servicemen, who also put out a cigarette on his body. Allegedly, he was subjected to sexual assault as well. The serviceman was taken to one of the military hospitals in Yerevan, where he became conscious on October 9, 2011.

A criminal case was initiated by the Third Garrison Investigation Division of the Investigation Service of the RA Ministry of Defense under Part 1 of Article 359 of the RA Criminal Code (Breach of relations, prescribed by statute rules, between servicemen not subordinated to each other, expressed in humiliation of the person's honor and self-esteem, persecution or violence).

Private Zhora Mkrtchyan was taken to the Psychiatric Department of the Yerevan Garrison Military Hospital with acute psychosis. The suspects arrested in relation with the case, were soldiers of the same army unit, Sergeant Vachik Gabriel Grigoryan (under Part 2 of Article 360 of the RA Criminal Code, "Insulting a serviceman, committed by a subordinate to a commander, as well as, by a commander to a subordinate, concerned with implementation of one's service duties.") and Private Movses Ashot Badalyan (under Part 1 of Article 359 of the RA Criminal Code, "Breach of relations, prescribed by field manuals, between servicemen not subordinated to each other, expressed in humiliation of the person's honor and self-esteem, persecution or violence."). The preliminary investigation continues.

CASES OF CORRUPTION IN THE RA ARMED FORCES IN 2010-2011

This research is based on the information published in mass media and on information obtained by HCA Vanadzor.

The Cases of 2010

1. On September 10, 2010 the “Zhamanak” weekly published the letter of Mikayel Harutyunyan, General of the Joint Military Unit of the Russian Federation and the Republic of Armenia. The letter was addressed to the Minister of Defense, Seyran Ohanyan. Mikayel Harutyunyan and described the situation in the army. He characterizes the army in the following way: “It is a mess in the army, there is no understanding of “motherland, “or “honor,” everything is stolen and nothing is done to prevent it. Theft, bribe, embezzlement is widespread. The junior commanders don’t have social security guarantees, there is no housing improvement, and all those problems cause theft in the military unit. Deceit is so systemic that people, who would like to do something to prevent this, feel their life would be threatened.” In his letter, M. Harutyunyan also refers to the issue of officials’ vacations and holidays and questions who is funding it; In particular at whose expense Yuri Khachaturov, the head of Headquarters of the Armed Forces, spends his holiday in Italy, or at whose expense another general spends his holiday in Cyprus. This indicates that corruption in the social security sector of the Ministry of Defense is centralized in the hands of a few high-ranking officials.
2. On September 18, 2010 the „Hraparak” Daily published an article on their website, in which a former soldier tells about illegal actions taking place in a military unit named after Vazgen Sargsyan, in the town of Ararat and the commander of whom was Vardan Martirosyan. According to the former soldier, he noticed a serviceman using alcoholic drinks, and instead of subjecting him to a relevant punishment, he calls the soldier and hits him in the kidneys and the back. He also humiliates him by, ordering the soldier to kiss his shoes. The soldier refuses to do so, and as a result Martirosyan leans the soldier’s head against the ground, puts his foot on it, and leaves his footprints on the soldier’s face, which could be seen the next day. The soldier was barely able to stand straight after that. According to this soldier, the commander always cruelly beat the soldiers and would hit them mainly around the kidneys and the back, so that the bruises would not be visible. When 17 soldiers did not receive their summer uniforms they did not go the site and instead stayed at the company quarters, realizing that they couldn’t stand there without their caps, which they hadn’t received, the battalion commander made them kneel down and hit them in the face with a belt. The present commander of the battalion, Arsen Nersisyan, acts in another way. He takes the passwords of the soldiers phone cards and uses himself, and if the soldiers are unable to provide him with phone cards, he starts beating them. One of the lieutenant-colonels used to hit the soldiers when he saw them taking food to give to the sick soldiers across the site. He hit them hard so that their caps would fall down. However, the soldiers complained that this was the only way from the kitchen to the medical point¹⁵⁵.

¹⁵⁵ <http://www.azatutyun.am/content/article/2290632.html>

<http://www.azatutyun.am/content/article/2224024.html>

<http://www.hraparak.am/2010/09/18/nranc-tikunqum-xachaturovi-vordine/>

After the article had been printed, new facts appeared about the illegal actions, in particular of the military unit staff:

Vardan Martirosian allegedly forced soldiers to borrow loans from commercial banks and give the money to him. Karapetian, for his part, was accused of illegally collecting about 1 million drams (\$2800) from servicemen. And those who would not give money had even more problems.

A criminal case against Vardan Martirosian, known as Rozh, has been initiated under Part 1 of Article 375 of the RA Criminal Code.¹⁵⁶

According to Hraparak, Martirosyan's protector was the son of the Chief of Staff of Armenian Armed Forces, Yuri Khachaturov. He was the Deputy Commander of the 4th Corps of the same unit but was considered the "supervisor" of the Military Unit of Ararat.¹⁵⁷

Several days later, the deputy commander of the regiment who worked with the staff, Artur Karapetyan, was also arrested.¹⁵⁸

According to media outlets, Vardan Martirosyan was released on AMD 1 million (\$2,800), whereas Arthur Karapetyan was released on AMD 820.000 (\$2.300).¹⁵⁹

3. On October 13, 2010 an article was published in "Zhamanak" Daily, which presented information that fuel allocated for the airplanes and helicopters of the Ministry of Defense, which is needed for trainings, is instead distributed to Yerevan petrol filling stations. These airplanes and helicopters perform their trainings from the military airport "Erebuni" twice a week. But, according to some sources, these trainings are of a formal character, as they don't use as much fuel and this fuel is then sold to the petrol filling stations.¹⁶⁰
4. On September 16, 2010 an article was published in "Zhamanak" Daily, which presented information about the disappearance of the pumps and pipes of the Joghaz Artificial Reservoir at the border of Ijevan-Kazakh. The pumps and pipes, which weighed more than ten tons, disappeared in 2009 and this continued into 2010. The cost is roughly 2.5 million dollars¹⁶¹. HCA Vanadzor made an inquiry to the Ministry of Defense on this information several times and finally the Lori Garrison Military Prosecutor's Office of the RA Military Prosecutor's office indicated that the theft was done during the time when the territory was under the control of Azeri militaries and was perpetrated by unknown people. Therefore it is impossible to conduct an investigation in Azeri territory and there is a (force majeure?) which hinders the investigation.
5. On September 17, 2010 an article was published in "Zhamanak" Daily which presents information that the three-storey building of the Vanadzor 3rd Corps of the Ministry of Defense was sold to the Corps Commander, General Lyova Yerosyan as well as a resident of Vanadzor, whose name is Armen.¹⁶²
6. Information was published that a few years ago, the territory, which is situated on Vanadzor-Dilijan road was privatized by Hakob Harutyunyan, Commander of Vanadzor DUTS Military Unit and by Arshaluys Paytyan (who was the commander of the 3rd Corps) at a very low price¹⁶³.

Then this territory was sold back to the Ministry of Defense. HCA Vanadzor has made several inquiries on this issue but no satisfactory responses have been received.

¹⁵⁶ <http://www.lragir.am/armsrc/right-lrahos39645.html>

¹⁵⁷ <http://www.lragir.am/engsrc/country19607.html3>

¹⁵⁸ <http://www.azatutyun.am/content/article/2198208.html>

¹⁵⁹ <http://news.am/eng/news/36456.html>

¹⁶⁰ „Zhamanak" daily, October 13, 2010

¹⁶¹ „Zhamanak" daily, September 16, 2010

¹⁶² „Zhamanak" daily, September 16, 2010

¹⁶³ <http://www.zhamanak.com/news/12046/>

The Cases of 2011

1. According to media information, a member of the Armenian Revolutionary Party, the former Deputy Minister of the Minister of Defense, Artur Aghabekyan, asked the Minister of Education, Armen Ashotyan, to solve the issue of granting his son postponement from the military service. Ashotyan proposed to include the issue of granting Aghabekyan's son postponement for the 2012 call-up on the agenda of the RA Government. It is stated that Aghabekyan does not want his son to serve in the army as he knows very well about the situation there¹⁶⁴.
2. In the fall of 2011, the Ministry of Defense refused to pay 140 AMD for a kilogram of potatoes for the army and enabled another organization to provide the army with potato powder; however, the powder caused allergies to the soldiers. This information was passed to media, in particular, www.hrparak.am by the parents of soldiers who are concerned about the health of their sons. The media outlet tried to find out from the Ministry of Defense why they prefer to feed the soldiers with potato powder instead of fresh vegetables. They responded that they provide the soldiers with both, potatoes and potato powder which is common in armies of many developed countries. The same media outlet stated that since April, the army has not been provided with eggs and they compensate this with providing them with more condensed milk. Thus, they try to keep up the calorie intake¹⁶⁵.
3. A criminal case has been initiated against Gevorg Monchyan, Deputy Head of the Sevan Garrison of the Military Police Department with the charge of taking a bribe. He was arrested for taking 1500 USD from a conscript. According to the representative of the Ministry of Defense, the preliminary data indicated that no money was found with him, he was just arrested based on suspicions¹⁶⁶.
4. According to information of the "Chorord Inknishkhanutyun" newspaper there are some medications in the military units, which are allocated for treatment in the hospitals; however, they are not used by the military unit doctors because it is impossible to treat some illnesses at the hospital unit. So, it is unknown why such expensive medications can be found in the military units. There is suspicion that the medications, which are not used in the military units but are allocated to them, are removed from the units and re-appear in civil pharmacies. Thus, in this way the medications bought with the state budget and are intended for soldiers medical care, are not used in the military units and are re-sold¹⁶⁷.
5. Officers of the military police at Armenian Defense Ministry detained a Lieutenant Colonel of military police on suspicion of taking a bribe. A Lieutenant Colonel was detained for demanding money from a soldier's parents¹⁶⁸.
6. According to the press release of the Prosecutor's office, by the decision of the RA Prosecutor General, a criminal case has been initiated on a case because of a bribe taken by an official who abused his official position. The grounds for this criminal case was a report of a Platoon Commander of N military unit, according to which the official took a bribe in the amount of

¹⁶⁴ <http://www.news.am/arm/news/47409.html>

<http://www.news.am/arm/news/47900.html>

¹⁶⁵ <http://www.hrparak.am/2011/04/29/banak-2/>

¹⁶⁶ <http://news.am/eng/news/71885.html>

<http://transparency.am/media.php?id=1739>

<http://www.armtown.com/news/en/lra/20110826/23095/>

¹⁶⁷ <http://www.chi.am/index.cfm?objectid=A2C55DC0-EAA2-11E0-B38CF6327207157C>

<http://www.chi.am/index.cfm?objectid=4E6E3550-EB63-11E0-B38CF6327207157C>

<http://www.chi.am/index.cfm?objectid=7DEEB220-F1D8-11E0-B38CF6327207157C>

¹⁶⁸ <http://news.am/eng/news/81216.html>

R7500 USD for assisting the soldier who had killed his fellow soldier. He passed \$7000 USD to the prosecutor of the relevant garrison military prosecutor's office¹⁶⁹.

7. Armenian MOD's Yerevan Garrison Military Hospital's Head of Psychiatric Department, Medical Service Major Vaghinak Hovhannisyan, on Monday was taken into custody on charges of bribery.

As a result of joint operations by the law enforcement agencies of Armenia's Military Prosecutor's Office, Police Force, and MOD, Hovhannisyan was arrested on suspicion of accepting \$2,000 USD as a bribe from a citizen.¹⁷⁰

8. The inhabitants of Azatan village of Shirak region were collecting signatures and preparing a letter addressed to the RA Ministry of Defense. The Ministry bought potatoes from them two years previously; however, did not pay for them. Therefore, they owe 3 million drams to the villagers. The Ministry of Defense bought the potatoes through a third party. The problem was that the Ministry said they had paid, but the third party insisted that the Ministry had not paid for the potatoes and promised to give the villagers their money as soon as they got it from the Ministry of Defense.

The mayor of Azatan, Vardan Ilikyan informed the villagers that the Minister was informed about it and that the Ministry representatives promised to pay¹⁷¹.

9. The newspaper "Chorord Inknishkhanutyun" wrote that on September 13, 2011 the newspaper published an article with the title "The Ministry of Defense brought coal from Dombas to Armenia: A criminal Case has been launched." The newspaper stated that with the article they publicly asked their questions to the responsible individuals but they did not receive a response. Instead, the author of the article received a notification with which he was invited to the Investigative Service of the RA Ministry of Defense in relation to the criminal case # 90154311. He was invited as a witness to give evidences.

One person was arrested on that case who was one of the heads of a department at the Ministry of Defense and who is engaged in the abuses, as the newspaper "Chorord Inknishkhanutyun" stated.

¹⁶⁹ <http://www.hra.am/am/events/2011/10/19/bribe>

¹⁷⁰ <http://news.am/eng/news/78320.html>

http://www.1in.am/arm/armenia_society_38002.html

¹⁷¹ <http://news.am/arm/news/47661.html>

