



# QUARTERLY REPORT ON THE HUMAN RIGHTS SITUATION IN THE ARMED FORCES OF THE REPUBLIC OF ARMENIA FOR JUNE, AUGUST AND SEPTEMBER 2016.

(PEACE DIALOGUE NGO, ARMENIA,  
[HTTP://WWW.SAFESOLDIERS.AM](http://www.safesoldiers.am))

*For many years, the issue of human rights in the military remains one of the most urgent problems of concern to human rights groups and organizations around the world. Today, this situation in the relatively young Armenian army concerns the representatives of civil society groups active in Armenia, as well as various international organizations. The Armenian independent public organizations indicate in their reports a high degree of mortality among soldiers, expressing their concern over regular violations by and inaction on part of the military investigative bodies and responsible military structures.*

## 1. BACKGROUND AND CURRENT HUMAN RIGHTS SITUATION IN THE ARMENIAN MILITARY

This is a quarterly report on the human rights violations in the Republic of Armenia (RA) military as monitored and reported by the Peace Dialogue NGO, based in Vanadzor, Armenia. The report is a concise version of the comprehensive information that we publish on our site [www.safesoldiers.am](http://www.safesoldiers.am). The site is updated regularly.

### THE REPORT HAS THREE UNITS:

1. BACKGROUND AND CURRENT HUMAN RIGHTS SITUATION IN THE ARMENIAN MILITARY;
2. CURRENT COURT CASES OF PEACE DIALOGUE NGO AGAINST THE MINISTRY OF DEFENSE OF REPUBLIC OF ARMENIA AND THEIR STATUS UPDATE;
3. VIOLATIONS OF THE RIGHT TO LIFE IN THE RA ARMED FORCES.

Armenia's human rights activists estimate that, since the cessation of hostilities in Nagorny Karabakh (NK) in 1994, as many as 1,500 men have died while serving in Armenian armed forces. Our organization managed to collect information about 938 of them and continues to update its database via the deceased soldiers' families and the additional research. For comparison it should be noted that during the NK war the Armenian side lost approximately 6000 people from 1992 to 1994 while, according to our research, 122 soldiers died in non-combat situations in the army during 2014-2015 only. Moreover, during the first half of 2016, 144 soldiers died in the Armenian Army, including incidents recorded as a results of ceasefire violations at the Armenian Azerbaijani border and the line of contact. The increase in the number of victims of ceasefire violations can be explained by the tensions on the Armenian-Azerbaijani border, however, the increase in the number of other fatalities is not conditioned by any factor.

Despite the fact that in the recent years the large segments of the Armenian society have been aware of the fatalities in the army during the peace times, the Armenian GoV does not do enough because the military personnel continue to die. There are other negative trends and developments also.



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Photos by [www.armtimes.com](http://www.armtimes.com). The vehicles with the license plates of the Ministry of Defense were bringing special military equipment to the area of the Police Patrol to use the equipment against the protesters.

### MERGING OF POLITICS AND THE ARMY

The Armenian army is linked to the political processes directly. During the elections, the military is turning into an electoral tool for the authorities where soldiers and officers across Armenia are ordered to vote for the ruling party. It is also due to the fact that the relations between the Armenian state authorities and the military leadership are based on political clans, paternalism and corruption. The thorough politicization of the military leads to cover-ups, widespread abuses and impunity. On July 25 the [armtimes.com](http://armtimes.com) website published an article "Special equipment of the Police, National Security Service and Ministry of Defense- the 'IMP'<sup>1</sup>s- are brought into the area of the police patrol". The article informed that the vehicles with the Ministry of Defense license plates were transporting special military equipment to the area of the Police Patrol to use the equipment against the protesters. Responding to a reporter's question, Press Secretary of the Ministry of Defense Artsrun Hovhannisyan said: ***"there are some special military equipment that are for common use of the RA armed forces, (including all security agencies)"***. Peace Dialogue NGO requested<sup>2</sup> the Minis-

try of Defense to provide information regarding the list of special military technical means within the jurisdiction of the MoD, which are for common use for all law enforcement agencies. Peace Dialogue asked to indicate the legal act that regulates the use of certain special military equipment by all law enforcement agencies and provide the copy of this legal act.

However, referring to number of legal acts and legislative norms on State and Official Secrets no answers were given to any of the questions requested by the organization and no legal acts were provided that justify the actions of Ministry of Defense.

### CORRUPTION AND LAWLESSNESS

Armenia is in the 94<sup>th</sup> place (out of 175 countries) in the 2013 global corruption perception index of Transparency International. According to the civil society representatives corruption is a widespread phenomenon in Armenia<sup>3</sup>.

In 2010-2013 a number of corruption scandals<sup>4</sup> broke out involving high-ranking officials of the Armed Forces. Some of these officials were removed from the armed forces, but later they were returned to their respective positions. The reports made by the civil society organizations

1. See details under the link below: <http://armtimes.com/hy/article/90255> (only Armenian version).
2. See details under the link below: [http://peacedialogue.am/en/2016/08/12/army\\_used/](http://peacedialogue.am/en/2016/08/12/army_used/).
3. See details under the link below: <http://galatv.am/hy/news/150556/> (only Armenian version).
4. See details under the link below: <http://hetq.am/eng/news/56557/court-slaps-man-with-4-year-conditional-sentence-for-supplying-artsakh-army-with-indian-buffalo-meat.html>

consider corruption in the army an important issue and criticize the authorities for lacking a genuine will to fight this crime.

According to Transparency International's Defense and Security Programme survey, Armenia ranked in the **Group D**<sup>1</sup> in 2015 Anti-Corruption Index of the Defense System, which corresponds to the presence of high corruption risks in the defense and security sector.

Highest rates of risks were recorded in the areas of finance and operations and procurement, corresponding to the standards of **Group E**, which are characterized by the presence of very high corruption risks.

## LACK OF HUMAN RIGHTS PROTECTION AND THE PREVAILING ATMOSPHERE OF IMPUNITY

In response to the announcement on the RA Ministry of Defense inviting non-governmental organizations to send proposals for designing a draft action plan for the period of 2017-2019 stemming from the provisions of the strategy for the protection of Human Rights, Peace Dialogue NGO sent its suggestions including proposal to the Armenian Ministry of Defense to introduce human rights courses into the regular curriculum of the military academies to raise the awareness and to improve the knowledge of human rights and fundamental freedoms among the military personnel<sup>2</sup>.

*MoD responded that some of the points will be included in the Human Rights Action Plan of the Ministry for 2017-2019.*

## 2. CURRENT COURT CASES AND THEIR STATUS UPDATE

*NB: Peace Dialogue NGO provides pro bono legal assistance to the civilians whose rights were violated in the armed forces as well as to the successors of the victims. For example, in the cases of Manuchar Manucharyan and Hrayr Hambaryan the organization acts as the representative of the victim's successors in the preliminary investigation and judicial processes.*

### CASE #1: ALLEGED SUICIDE OF PRIVATE MANUCHAR MANUCHARYAN

Peace Dialogue NGO continues its activities regarding the alleged suicide case<sup>3</sup> of Private Manuchar Manucharyan. According to the official version on July 31, 2013 at approximately 1:40 pm. Private RA army Manuchar Meruzhan Manucharyan (Born in 1994, drafted in spring 2012 from Vanadzor commissariat, serving at military unit # 24923 located in Kanaker) while on service on the watchtower, shot himself to the chin three times from 5.54 mm rifle gun and died instantly. A few days later, the victim's brother Onik Meruzhan Manucharyan who is representing the victim in the murder case and his legal representative Peace Dialogue NGO expert Ruben Martirosyan were convinced that a false and biased investigation was carried out.



1. See details under the link below: <http://transparency.am/en/publications/view/124>.
2. See other recommendations of Peace Dialogue NGO under the link below: <http://safesoldiers.am/en/4406.html>.
3. See details under the link below: <http://safesoldiers.am/3278.html> (only Armenian version).



Thus, it is envisaged that considering the newly discovered circumstances, the forensic psychologist Elda Grin Abrahamyan will give a new expert opinion, although before she said that the psychological conditions of Manuchar might have led to suicide, as one of the witnesses stated that he saw Manuchar on the day he died and the latter was upset. Peace Dialogue's expert explains that the situation of this case is unique and unprecedented: all the evidence points that there was a fourth gunshot wound on Manuchar Manucharyan (from behind, in the area of the thigh bone). Mr. Martirosyan insists that it was not a suicide but a murder.

During the court hearing<sup>1</sup> on July 21, 2016 over the suicide case of Private Manuchar Manucharyan (according to the official version he was driven to suicide), the Judge partially accepted the joint motion of the defendant and the injured party to have a new posthumous forensic medical examination.

If Elda Grin Abrahamyan changes her opinion based on the newly revealed evidence, the supplementary examination may result in an acquittal verdict and the case may be returned to the preliminary investigative body for a new investigation.

*The case is still in the court.*

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## CASE #2 ALLEGED SUICIDE OF PRIVATE HARUTYUN HAMBARYAN

According to the criminal case, Private Haroutyun Hambaryan shot himself to the forehead on May 8, 2015 from a rifle gun attached to him. The same day the RA Investigative Committee initiated a criminal case<sup>2</sup> and an investigative group was formed.

On May 21 a soldier of the same unit one D. Haroutyunyan<sup>3</sup> was arrested and charged under Article 359, Part 1 and Article 360, Part 1 of the RA Criminal Code. D. Haroutyunyan did not and still does not accept the charges.

7 months following the incident charges were brought to Arthur Sevumyan, Haykaz Matevosyan, Hovhannes Melkonyan, and Smbat Hayrapetyan. The accused soldiers, unlike Havid Haroutyunyan, confessed that they were guilty.



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1. See details under the link below: <http://safesoldiers.am/en/4528.html>.
  2. See details under the link below: <http://investigative.am/en/news/view/hambaryan.html>.
  3. See details under the link below: <http://investigative.am/en/news/view/hambaryan0.html>

The legal successor of the victim (his father) does not agree with the suicide hypothesis brought by the preliminary investigative body. He is convinced that his son did not commit a suicide but was murdered. He turned to the Peace Dialogue NGO and the organization's expert criminologist Rouben Martirosyan became involved in the case and now, during the preliminary investigation and judicial phases of the case, he acts as the representative of the victim's successor.

During the court proceedings, R. Martirosyan filed the appropriate complaints to all relevant authorities and presented facts that the preliminary investigative body, particularly the investigator N. Avetisyan, committed 3 violations in the case:

- ***Openly covered up the murder through false and biased investigation.***
- ***Extracted and destroyed a number of important documents from the criminal case which were pointing to one or more people who committed the actual murder that the Army is trying to present as the suicide.***
- ***In gross violation of the Criminal Procedural Code, he sent the case to the Court depriving the aggrieved party of the opportunity of motions, provided by law. The motions that could file the missing aspects of the investigation and disclose the intentional murder.***

In the response to a number of complaints, a letter was received by the Peace Dialogue NGO saying that by the decree of the Head of the Investigative Committee a service investigation is carried out by the Security Department of the Investigative Committee. However, later the employee of the same department in a phone conversation with the aggrieved party mentioned that an investigation is carried out by the order of the RA President's office. On August 10 the Peace Dialogue NGO received a letter from the Head of the Security Department stating that a penalty was appointed against the investigator.

The investigation failed because it had no effect for the aggrieved party - the criminal case was not sent back to the prosecutor.

It should be noted that the prosecutor appealed to the Court with a similar complaint, claiming that the case must be sent back to the prosecutor. D. Haroutyunyan's lawyer informed that the preliminary investigative body violated the law and:

- ***did not officially inform the prosecutor about the end of the preliminary investigation.***
- ***did not provide the materials of the case.***

*The case is still in the court.*

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CASE #3 PEACE DIALOGUE NGO VS THE  
RA MINISTRY OF DEFENSE (MOD)

In 2015 the Administrative Court started the proceedings<sup>1</sup> on the case filed by Peace Dialogue NGO to partially annul the executive order #9 of the RA Ministry of Defense.

The Peace Dialogue NGO challenged the legitimacy of the classification of secret information as described in Section 17, Point 42 and 43 of the list provided by Executive Order #9 of the RA Ministry of Defense.

Point 42 and 43 of Section 17 of the same executive order state that:

***"The incidents in the Armed Forces, as well as the information revealing their causes are considered classified information, based on the level of their secrecy and given the changes in the political and operative situation of the country;***

***Information revealing the investigation materials regarding the infringements in the Armed Forces is considered classified information, based on the level of their secrecy."***

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1. See details under the link below: <http://safesoldiers.am/en/3679.html>.

According to Peace Dialogue NGO, the information mentioned in Point 42 and Point 43 of #9 executive order of the RA Minister of Defense and in the "Expanded list of departmental information system of the RA Ministry of Defense, appropriate to classification" is not included in the list of the classified information provided by the RA Law on State and Official Secret, does not fit into the formulations prescribed by law and does not ensure the implementation of the provisions of the law.

The restriction of the information mentioned in Point 42 and Point 43 obviously does not aim at preventing possible arbitrariness of the law and

does not guarantee the rights of the persons or the groups of people as it is provided by the RA Law on Fundamentals of Administrative Action and Administrative Proceedings.

However, on September 29, 2016 the Supreme Court of Armenia rejected Peace Dialogue NGO's complaint challenging the legitimacy of the classification of secret information mentioned in Section 17, Point 42 and 43 as provided by Executive Order N9 of the Ministry of Defense, dated July 9, 2015, and requesting to partially annul the Executive Order N9. Currently, Peace Dialogue prepares an appeal to the European Court of Human Rights.

### 3. VIOLATIONS OF THE RIGHT TO LIFE IN THE RA ARMED FORCES

Based on the monitoring of Peace Dialogue, during the period from January to September 2016, 66 Armenian soldiers died in comparatively non-combat situations, apart from that number 80 soldiers died as a result of the so-called 4 Day war between Armenian and Azerbaijani military forces in August of 2016. 24 of the casualties registered during this period were the result of violations of the ceasefire regime signed between Armenia and Azerbaijan in 1994.

Ceasefire regime violations -	24
Murder -	5
Fatal accidents -	10
Safety rules violations -	3
Suicide -	8
Health issues -	1
Negligence/Inaction -	1
Unkown -	14

**NB: 14 more death cases are under investigation.**

For in-depth complete information please visit the Peace Dialogue NGO's website [www.safesoldiers.am](http://www.safesoldiers.am)

See also: **"The fatal accidents statistics in the Armenian army for the period 2010 - 2015"**  
([http://peacedialogue.am/en/2016/08/26/statistics\\_accidents/](http://peacedialogue.am/en/2016/08/26/statistics_accidents/))

**"The suicides and murders statistics in the Armenian army for the period 2010 - 2015".**  
([http://peacedialogue.am/en/2016/08/30/suicides\\_murders\\_eng/](http://peacedialogue.am/en/2016/08/30/suicides_murders_eng/))



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