

# QUARTERLY REPORT ON THE HUMAN RIGHTS SITUATION IN THE ARMENIAN ARMED FORCES

(JANUARY - MARCH 2018)

*Peace Dialogue is presenting the current issue of its quarterly report on the conditions of Human Rights in the RA Military Forces. Peace Dialogue is an Armenian non-governmental organization active in peace building, democracy and human rights. One of the main spheres of its activities is monitoring of human rights violations in the RA Armed Forces, in pursuit of justice and initiation of public debate on current issues in the Armenian Armed Forces, particularly aimed at, but not limited to, seeking relevant solutions and promoting those solutions by presenting them to the Armenian authorities and relevant international actors.*



© 2018 PEACE DIALOGUE  
NON-GOVERNMENTAL  
ORGANIZATION

Address: 40 ap. 12 Myasnikyan str., 2002,  
Vanadzor, Armenia;  
Tel: +374 (322) 21340;  
Mob: +374 (55) 820 632; (93) 820 632  
E-mail: ekhachatryan@peacedialogue.am;  
mailbox@peacedialogue.am URL:  
<http://www.peacedialogue.am>;  
<http://www.safesoldiers.am>

## 1. THE CONCEPT “NATION-ARMY”: PROSPECTS OF IMPROVEMENT OF HUMAN RIGHTS CONDITIONS IN THE ARMENIAN MILITARY FORCES

Three of the four fractions of the RA Parliament - the Republican Party of Armenia (RPA), the Tsarukyan Alliance and the Armenian Revolutionary Federation (ARF)- avoided responding to the inquiry initiated by “Peace Dialogue” NGO regarding the “Nation-Army” concept, particularly the RA law on “Military Service and the Status of Military Servicemen”, which was suggested and approved by the aforementioned fractions in November, 2017. Moreover, while the RPA declined to provide any information in its reply, the ARF and Tsarukyan Alliance did not respond to the inquiry at all. The only comprehensive reply came from “Yelk”.

On January 31 “Peace Dialogue” NGO sent an inquiry to the RA MOD and the heads of all parliamentary fractions, asking them to comment on the following questions concerning their position on the “Nation-Army” concept:

1. To what extent does the current situation of the human rights protection in the RA Armed Forces benefit from the “Nation-Army” concept and the relevant activities (adoption of bills, implementation of projects, etc.)?
2. How will the “Nation-Army” concept influence the democratization process in Armenia?
3. Which mechanisms will allow the concept and the relevant activities to:
  - reduce the number of non-combat fatalities;
  - reinforce the oversight of the civilian society over the activities carried out in the RA Armed Forces;
  - address the corruption risks issues that are raised repeatedly by the civil society?

The report covers the  
following topics:

1. The concept “Nation-Army”: prospects of improvement of human rights conditions in the Armenian Military Forces.
2. Health Checkups for Conscription and Medical Examination
3. The MOD Hinders the Demobilization of Officers
4. Statistics of fatalities in the Armenian Army in the first quarter of 2018
5. Information related to the investigation of the death of soldier David Terteryan
6. Information related to the investigation of private soldiers Grigor Avetisyan’s and Souren Aramyan’s death cases
7. Update on the lawsuit on the death of Private Manuchar Manucharyan
8. Update on the lawsuit on the death of Private Haroutyun Hambaryan

1. See “Nation-army ideology to be the fundamental of defense system – Armenian MoD”: <https://armenpress.am/eng/news/864687/pashtpanakan-hamakargi-himqum-drvel-e-azg-banak-gaxapary.html>

The reply from the RPA was short and evasive: *“According to the RA constitutional law on “Rules of Procedure of the National Assembly”, the RPA fraction has no authority to express its official position on your questions”*. Peace Dialogue could not find any article in the RA Rules of Procedure of the National Assembly which forbids a faction to respond to the inquiries of the citizens of Armenia who elected them. In its subsequent letter *“Peace Dialogue”* asked to provide grounds for rejecting the request by stating the relevant rule, norm, or position of law that forbids a political fraction to disclose their official position on the issues in question.

Generally, the fact that the *“Nation-Army”* concept still has not received a proper documentation form accessible to public is a problem, because the only way at the moment to receive needed information and / or to examine the relevant issues is to send inquiries to the MoD or search interviews and public speeches given by the Defense Minister or other relevant officials.



*Nikol Pashinyan,  
the head of the fraction “Yelk”*

Nikol Pashinyan, the head of the fraction *“Yelk”*, the only fraction that voted against the law of military service, gave the only reply to our query: *“The concept of “Nation-Army” and the activities organized within its framework, particularly, the law of “Military service and the status of military servicemen” adopted in October 2017, contain numerous risks due to which the “Yelk” fraction voted against the bill. The risks are as follows:*

- 1. No justice and equality are established due to the elimination of academic deferment, an idea that was so actively promoted by the authors of the law.*
- 2. New corruption risks emerge, the management mechanisms of which are not provided by the aforementioned law.*
- 3. The army-escaping privileged class will find other measures of bypassing the law, such as exemption from military by manipulating health problems, which currently comprises the highest percentage among the exempted from military service.*
- 4. Suchlike manifestations of the “Nation-Army” concept result in the disproportionate growth of militarization in Armenia, which in the long run may be disadvantageous to the democratization process by transforming the army into a tool for solving internal problems.*

*We consider the involvement of various groups of civil society actors in the implementation of the “Nation-Army” concept insufficient, which is a serious drawback in terms of the civilian control over the activities of the RA Armed Forces.*

On the other hand, in his extended response to the PD inquiry, First Class State Counselor for Civilian Service Garnik Hayrapetyan, chief of MOD staff, indicates the initiatives *“Yes Em”*<sup>2</sup> (*“Yes Sir”*), *“Pativ Unem”*<sup>3</sup> (*“I Have the Honor”*), and *“Ditaket”*<sup>4</sup> (*“Watchtower”*), in the meantime expressing conviction that the above mentioned initiatives constitute the implementation of the system of democratic values in the armed forces.

As it is stated in the letter by the MOD representative: *“The implementation of activities within the scope of the program “National-Ideological Education Program for the Defenders of the Homeland” has been highly appreciated by the public and the military servicemen, inasmuch as it contributes to the formation of their ideological believes and raises their legal awareness. The implemented activities have benefited both the military and patriotic education of military servicemen and their development as citizens.”*

It is also mentioned that the implementation of anonymous social surveys and the operation of the hot line of the MOD Center of human rights and Integrity Building bear special significance in the provision and protection of the military servicemen’s rights.

---

2. The *“Yes Em”* project is designed to encourage those who have made the decision to serve in the front-line. The recruits who have expressed willingness to carry out their military service in the military unit in combat duty will have the right for a new type of military service, namely, a contract for three years.

3. The *“Pativ Unem”* program aims at boosting the interest towards the profession of an officer. The motto of the program is *“to connect the university deferment with the future officer service”*, and any young men studying at a state accredited higher educational institution may apply to the program. It implies granting the right of deferment from military service to the citizens who have decided to undertake a three-year paying officer appointment.

4. The *“Ditaket”* initiative is a feedback tool between discharged servicemen and the MOD, which will help to identify issues related to military service.

Nikol Pashinyan, head of the fraction “Yelk”, believes that the “Nation-Army” concept will only boost the disproportionate growth of militarization in Armenia; consequently, he considers the involvement of different groups of civil society in the process of implementation of the concept to be insufficient. A number of SCOs adhere to the same viewpoint on this matter, regularly voicing the idea that the MOD is a closed structure. Contrary to these opinions, the MOD is content with the organization of public hearings on various initiatives under the aforementioned concept.

Essentially, neither in the official statement by the parliamentary fraction “Yelk” nor in that of the MOD have there been any references to the mechanisms of prevention and reduction of fatalities in the Armed Forces suggested by the Concept. Instead, First Class State Counselor for Civilian Service Garnik Hayrapetyan states that the heads of the departments and the commanding officers “*consistently work in that direction and that there has been a significant decrease in the number of fatalities in the Armed Forces*”.



Arman Tatoyan,  
the RA Ombudsman

**At the same time, in the report<sup>5</sup> of the Ombudsman of the Republic of Armenia on “The activities of the RA Ombudsman in 2017 and the current state of the protection of human rights and freedoms” it is stated that according to the data provided by the RA MOD 75 fatality cases have been registered in the Armed Forces in 2017. It should be noted that only 66 cases of fatality in the RA Armed Forces and the NK Defense Army were known to “Peace Dialogue” NGO in 2017; and before the release of the official statement by the Ombudsman, the MOD Speaker claimed that 56 servicemen died in the Armed Forces in 2017.**

In his written response to the aforementioned inquiry, the MOD has not made any reference to the activities suggested by the concept aiming at the reduction of corruption risks in the army. At the same time, Nikol Pashinyan expresses his concern over the corruption risks within the concept and the laws generating from it.

Analyzing the opinions expressed in the aforementioned responses and combining them with the concerns voiced by the opponents of the concept and the “Peace Dialogue” NGO’s own observations and studies, it will be possible to restate that the authors and those who implement the “Nation-Army” concept may have prioritized the issue of army replenishment, defense, and external security; whereas the solution to such problems as human rights protection and promotion in the Armed Forces, abolition of social injustice, corruption management, reinforcement of the role of civil society, and other relevant issues have been overlooked.



Vigen Sargsyan,  
the RA Defense Minister

Back in 2017, during one of his talks on the “Nation-Army” concept<sup>6</sup>, the RA Defense Minister noted that the main directions of the concept policy are

- 1.Appreciation of the military profession;**
- 2.Boosting the military willingness and readiness also in terms of armament and front-line equipment;**
- 3.Development of the military-industrial complex;**
- 4.Reinforcement of justice and social responsibility.**

This may lead to the conclusion that the MOD has not initially considered the issues referred to in the letter by “Peace Dialogue” as priority issues for the normal development of the defense sector. The organizations dealing with the issues of human rights protection and the democratization of Armenia have regularly expressed concerns over this matter. They believe that if, for instance, the concept does not include the

5. See the report “The activities of the RA Ombudsman in 2017 and the current state of the protection of human rights and freedoms”: <http://www.ombuds.am/resources/ombudsman/uploads/files/publications/65dd239b3325f12f32eeeba71e73aa7b.pdf> (in Armenian)

6. See the article talks on the “Nation-Army” concept: <http://www.aniarc.am/2017/12/15/vigen-sargsyan-azg-banak-18-september-2017/> (in Armenian)



political will for the fight against corruption in the Armed Forces, then it is impossible for the activities, carried out within the scope of the concept, to boost the improvement of the defense sector.

It is also perplexing that, according to the concept and the activities so far implemented by the MOD, public reliability or appreciation of the military profession are not built upon the protection of the rights and the dignity of the military servicemen.

On the basis of the aforementioned concepts lie the promotion of patriotism through public propaganda and the provision of a partial solution to the social problems of people in a socially disadvantaged position. This approach may not contribute to the abolition of social injustice in the country since under the circumstances the defense of the country is already on the shoulders of those who are in exceptionally disadvantaged social situation; and in order to partially alleviate their social problems they are compelled to prolong their military service on the conditions “offered” by the MOD, that are potentially dangerous to their health and lives. This is also evident from the fact that all the soldiers who died in the front-line in the recent years were all from socially disadvantaged families.

**Ultimately, the authorities are not planning to take any measures for the reduction of corruption risks and abolition of social injustice, and for the creation of a sound and secure atmosphere in the Armed Forces (the “Nation-Army” concept and the laws derived from it do not foresee any measures in this direction). That is probably one of the reasons why the MOD tries to replace the idea of transparency with the “public” discussions of some issues with the participation of the NGOs created or supervised by it.**

Likewise, in answer to questions about human rights, many representatives of other branches of power speak about the necessity of promoting the patriotic ideology among the younger generations. In the same way, they are refusing to take any realistic measures against various issues known to and voiced by the society, by claiming that operating hot lines and conducting social surveys are sufficient for a consistent and relentless struggle against the illegalities.

---

## 2. HEALTH CHECKUPS FOR CONSCRIPTION AND MEDICAL EXAMINATION

**In the material under the same headline in our previous report<sup>7</sup> we presented the statements of the relatives of a number of servicemen, according to which the latter were not granted any privileges, despite the fact that they were deemed suitable for “military service with restrictions”.**

Therefore, the relatives are unclear how the mentioned restrictions effect their children’s service. We stated in the previous report that the new draft law does not make it possible to identify which conditions are limiting to servicemen’s state of health and what kind of restrictions in the service this draft law provides to the servicemen pronounced “suitable for military service with restrictions”.

We expressed concerns over the fact that in case of failing to regulate the issue by other legal acts, there will be an ongoing possibility of illegalities and abuses by the commanding staff. Consequently, as a result of the unfavorable conditions of military service contradicting to their state of health, military servicemen who have been deemed suitable for military service with restrictions will face potential immediate danger to their life and health.

We hereby present the letter of the MOD in response to the inquiry of Peace Dialogue NGO:

*“In answer to your inquiry addressed to the RA Minister of Defense, we state that as per Article 17 (Part 5) of the RA Law on “Military Service and the Status of Military Servicemen”, a citizen has the right to get acquainted with the process of his health checkup and medical examination and receive the conclusions and other relevant documents; to offer suggestions, explanations, or objections; to appeal against the conclusion on their state of health in the manner prescribed by the present law and other laws.*

*The right of the citizen to become acquainted with the above-mentioned findings and other*

---

7. See “Quarterly Report on the Human Rights Situation in the Armed Forces of Peace Dialogue NGO/ Vol.6 “: [http://peacedialogue.am/en/2018/01/27/newsletter\\_6\\_eng/#chapter2](http://peacedialogue.am/en/2018/01/27/newsletter_6_eng/#chapter2)

*documents includes the conditions provided in Parts 2 and 3 of the same Article."*

Thus, in response to the inquiry by Peace Dialogue NGO concerning the prospect of regulating the aforementioned issue with other legal acts, the MOD is pointing once again to the Law on "Military Service and the Status of Military Servicemen", which does not imply an adequate solution to the present issue.



### 3. THE MOD HINDERS THE DEMOBILIZATION OF OFFICERS

Due to human rights issues in the RA armed forces not only private soldiers but also NCOs suffer human rights violations. Occasionally officers' human rights are being violated as well.

Particularly within the course of the past month, a scandal broke on the violation of the officers' rights of demobilization and enrolment in the reserve register by senior officer staff. Ten officers, who have applied with a similar issue to a military lawyer Norayr Norikyan, claim to have been forced to wait from several months to one year before their request for demobilization and enrollment in the reserve register would be met; eventually they were forced to file a complaint to the military court while continuing their service in the RA armed forces<sup>8</sup>.

The aforementioned officers do not want to continue their military service; they have submitted relevant reports to the commanders of the respective military units asking them to mediate the issue of their demobilization and enrollment in the reserve register with the superior authorities. Some of their reports have been submitted to the headquarters of the respective military units but no further procedures have been undertaken, and the officers, in fact, have not been demobilized. In other cases, the commanders of the military units, as well as some company commanders, abused their authority by literally tearing apart the reports or denying the request, assigning to themselves the powers of the Defense Minister.

According to the military lawyer Norayr Norikyan, an officer is deprived of the right to apply; it is his immediate commander who decides for him, who allows or forbids an application to the superior authorities; whereas having no power assigned to them over this matter, the commanders of the military units are merely in charge of proceeding the reports in the manner prescribed by the legislation. According to the decision N347-N adopted by the RA Government on April 6, 2017, **"A military serviceman who during the post-study contractual military service wishes to resign from service, in a manner prescribed by law has to submit to the commander of his military unit (the head of the structural subdivision), and a military serviceman at the disposal of the staff of the State Authorized Body has to submit to the head of the personnel department, a report whereby the grounds for discharging from military service are indicated. The commander who has received the soldier's report must send the report with an inscrip-**

8. See the article "Authority tearing apart the reports of officers who wish to resign from military service": <http://www.tert.am/am/news/2018/02/14/Norayr-norikyan/2614479> (in Armenian)

**tion to the Personnel subdivision of State Authorized Body within no later than three working days. In case of the entry of the documents received from the military units into the personnel body or the entry of the report of the military servicemen at the disposal of the staff of the State Authorized Body into the personnel body or in case of a military discharge without the consent of the military serviceman, the head of the Personnel subdivision of State Authorized Body coordinates the military discharge with the interested subdivisions of State Authorized Body within no later than 15 days after the date of the origin of the grounds prescribed by law, and presents to the serviceman in writing the information on the total amount of penalty imposed by law and the bank account for the amount to be charged.**

The aforementioned cases are currently in the Administrative court; the officers filed a formal request for a court order to force the MOD to take relevant measures and present the calculations of tuition fee reimbursement. The Administrative court usually upholds the claims but due to the overload in the court proceedings, the investigation may take 6 months to 1 year. Consequently, an officer is obliged to continue his military service in the case when the maximum period of demobilization and enrollment into the reserve register after the application is one month.

This problem is not new. As back in 2012 the staff of the Ombudsman of the RA had discovered a violation of law requirements by the MOD and had suggested to subject the officials, who have committed infringements, to disciplinary responsibility for the following case: after accomplishing 10 years of military service and earning the military title of officer, a military serviceman had wanted to terminate the contract and had submitted a report to the authorities, expressing at the same time the readiness to compensate for the tuition fees. The MOD has not responded to the officer's demand for seven months; whereas, according to the Government's decision, the Authorized body that has received a report on resigning from post-study contractual military service must provide an answer within no more than 15 days. Thus, the MOD violated the aforementioned requirement<sup>9</sup>.

The legal expert of "Peace Dialogue" NGO, Arthur Sukiasyan, currently handles two similar cases. Based on at least one, it is clear that the officers' rights are being violated not only by the commanders of their military units or their immediate authorities, but also by the MOD.

One of the officers still has a year left before the termination of the contract. After submitting more than one report and waiting for a long time, the officer has finally received the answer on the amount of the compensation for the tuition fee which exceeds his own calculations by around 1 million AMD.



Arthur Sukiasyan, lawyer

*"Subsequently receiving the amount we understood that the calculation of the costs during his years of study had been based on the amount of expenses presently allocated to cadets. This means that now the officer has to pay the amount of money that hasn't been spent on him, which cannot be considered compensation although, as stated in the law, the calculations must be carried out based on the current prices. The officer has now filed an application requesting them to include into the calculations also the work performed by him on non-working days and to deduct the transfer from the amount to be paid", says lawyer Arthur Sukiasyan.*

In the case of another officer, the artificial impediment to officers' demobilization based on their own report by the MOD, is even more vivid. An officer, who has been carrying out his military service for more than 10 years and no longer has to refund any amount, has submitted a military resignation report to the MOD, but the report is not being processed, and the officer is not demobilized. Moreover, instead of submitting the report to the commander he has submitted it immediately to the Defense Minister since the law stated that the report should be submitted to the superior.

*"They don't even indicate any significant errors in the report, which is why we have applied to the Administrative Court with the requirement to obtain an order for demobilization to the officer",* stated Peace Dialogue's legal expert Arthur Sukiasyan.

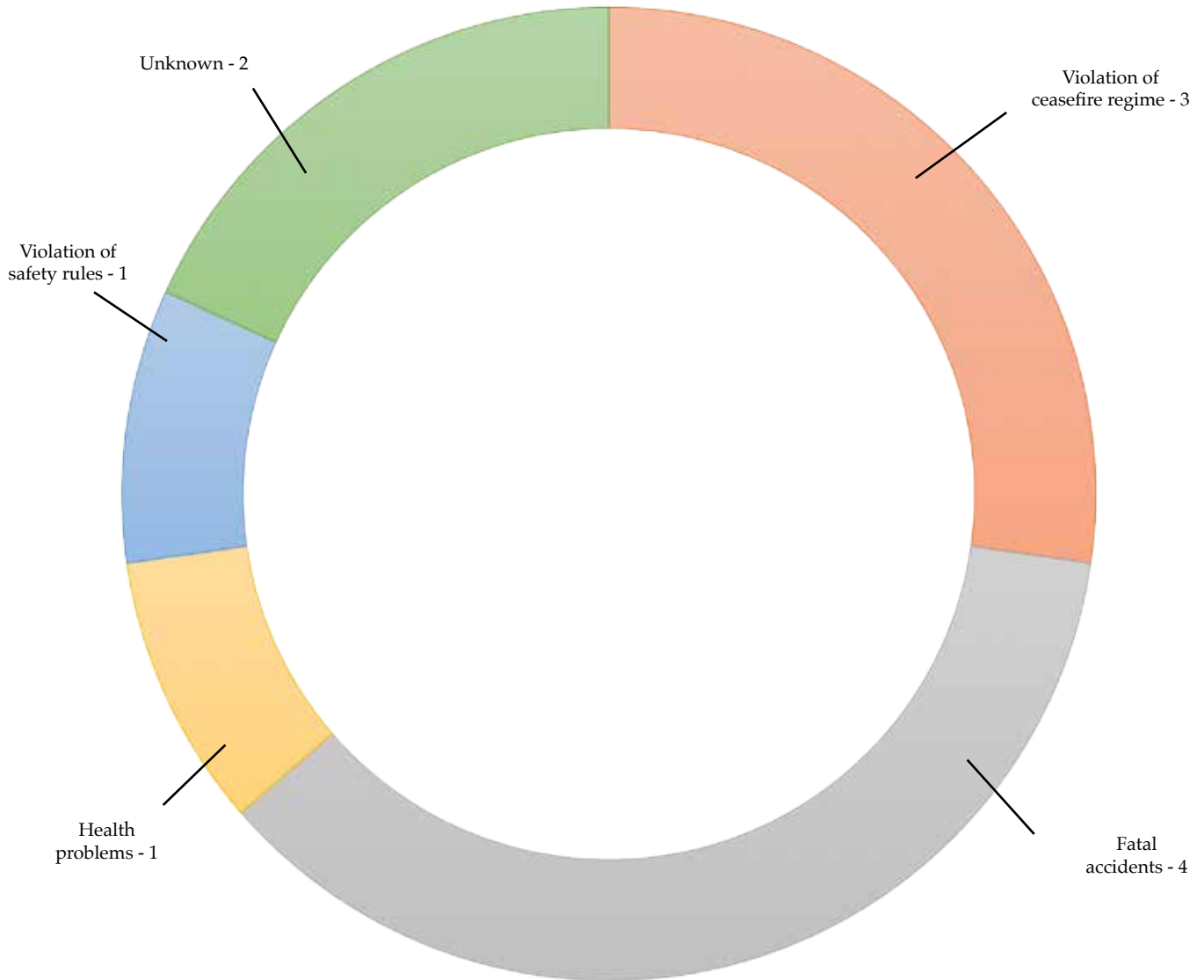
---

9. See the article "Ombudsman: Defense Ministry violates human rights of officers who wish to resign from military service": <http://www.aravot.am/2012/11/30/312660/> (in Armenian)

#### 4. STATISTICS OF FATALITIES IN THE ARMENIAN ARMY IN THE FIRST QUARTER OF 2018

In the first quarter of 2018, 11 (eleven) cases of fatality in the RA Armed Forces and the NK Defense Army have been reported to “Peace Dialogue” NGO. Two cases have been registered in the territory of RA and nine cases were registered in the territory of NK.

**During the period of reporting, no cases of murder or suicide have been registered. Three (3) of the overall fatalities were caused by the violation of ceasefire regime, four (4) were casualty cases, one (1) case was the result of the violation of safety rules, and another case was caused by health problems. In two (2) of the cases the cause of the death of the military servicemen is still unknown.**



*Infographic 1. The number of fatalities in the RA and NK Armed Forces for the period January - March 2018.*



## Appendix

# THE ONGOING LAWSUITS OF PEACE DIALOGUE AND THEIR CURRENT STATUS

## 5. INFORMATION RELATED TO THE INVESTIGATION OF THE DEATH OF SOLDIER DAVID TERTERYAN



*Private Davit Terteryan*

The prejudice of the Preliminary Investigation Body may also be evidenced by the fact that on April 18, 2017, the Deputy Head of the 1st Garrison Investigation Department had dropped the investigation of the criminal case due to the lack of evidence. After the appeal by the victim's legal successor on June 21, 2017, the RA Military Prosecutor V. Harutyunyan satisfied the mediation of the aggrieved party and reversed the decision of the investigator.

The aggrieved party has filed an objection to the Preliminary investigation body, which had dropped the case, stating that it had no right to continue the preliminary investigation as the biasedness of the body in the investigation had already been proven. The aggrieved party has also filed mediation on passing the case to another investigative body and initiating a criminal case on the preliminary investigation body, which had concealed the criminal case, and the employees of the prosecutor's office which controls the aforementioned body.

The aggrieved party has substantiated its claims by a 29-page complaint regarding the illegalities committed by the preliminary investigation body and the disagreement with the official version of the death of the soldier.

The response to the complaints and motions has not been received so far. Instead, the criminal case has been handed to the Central Military Investigation De-

*According to the RA Investigative Committee's statement, on February 18, 2016, at approximately 1:00 p.m. in the combat post under the supervision of military unit N, Private Davit Terteryan's body was found with a mortal gunshot wound to the frontal part of the head.*

*After the preliminary examination of the scene and the body, a criminal case for driving to suicide was filed in the first Garrison investigation department. The aggrieved party does not agree with the suicide version, and based on a number of objective reasons, claims that a murder was committed; whereas the preliminary investigation body is trying to conceal the alleged murder. In our previous report we have referred to the illegalities committed during the preliminary investigation and the discrepancies in the investigation materials found by the representative of the victim's legal successor, criminalist Ruben Martirosyan, expert of "Peace Dialogue" NGO.*

partment of the RA Investigative Committee, to which the aggrieved party had filed the objection.

Following the reinitiation of the case, the investigators of the department have been disturbing the aggrieved party continually. First there were telephone calls, later Lieutenant Colonel of Justice A. M. Sargsyan, investigator of specially commissioned cases at the Investigation department of Specially Commissioned Cases sent 4-5 notifications demanding that Vahe Terteryan, the father of the killed soldier, be present at the investigative body and testify as a witness.

Based on the decision by the investigative group, on January 11, Vahe Terteryan was taken to court from his house by police. He had refused to appear and to testify to the investigative body he did not trust. Therefore, he had filed an objection and had stated that after the murder of his son back in 2016, he had given testimony and had provided exhaustive information on all the facts that were known to him; consequently, he had no new information on the case and could not provide any other information. According to the aggrieved party, all this is a mere attempt to impose on him the Investigation body of the General Military Department of the Investigative Committee, which he does not trust and considers corrupt. The aggrieved party also considers the notification to be an attempt of blackmailing, since the father of the deceased has not witnessed the crime and cannot present the details of the murder.



A number of complaints and petitions on these attempts by the preliminary investigation body to intimidate and exert pressure on the aggrieved party have repeatedly been filed to the Ombudsman's Office, the RA President, the National Assembly, and the Prosecutor's Office.

"It is possible that in this way the preliminary investigation body responds to one of the many violations detected during the investigation, particularly, the facts about the mass disappearance of the telephones of the military base. This had been mentioned in the complaint of the aggrieved party, since Vahe Terteryan had made inquiries on that matter after the arrest. So, while we find out the disappearance of the telephones, the incoming and outgoing calls of which could essen-

tially shed light on the circumstances of the case; we mediate to find them and to punish those responsible for this omission; the investigators find it appropriate to arrest the victim's father and to interrogate him in order to find the missing phones", states criminalist Ruben Martirosyan, who considers the arrest of the victim's legal successor as unprecedented.

**Although at the end of 2016 the preliminary investigation body had illegally suspended the criminal case, no one has been held accountable.**

**On March 19, the aggrieved party filed another objection to the RA Investigative Committee and mediated with the Chief Prosecutor to hand on the military case to another body.**

## 6. INFORMATION RELATED TO THE INVESTIGATION OF PRIVATE SOLDIERS GRIGOR AVETISYAN'S AND SOUREN ARAMYAN'S DEATH CASES



*Private soldiers Grigor Avetisyan and Souren Aramyan*

*According to the preliminary investigation body, on April 6, 2016, based on the phone call made by the Vardenis Military Police of the RA MOD Sevan Garrison to the 5th Garrison Investigation Department of the General Investigation Department of the RA Investigation Committee, on the night of April 5-6, at approximately 02:30-03:00 a.m., under unclear circumstances, in the artillery firing position of the MOD 75937 military unit compulsory military servicemen of the MOD 28418 military unit, Grigor Avetisyan and Suren Aramyan died of injuries resulting from gunshot wounds, and term military servicemen Hakob Gevorgyan and Areg Baghdasaryan received lower limb gunshot injuries.*

In this case, an attempt was being made to accuse Hermon Avetisyan, father of one of the victims, Grigor Avetisyan, of allegedly ordering the murder of David Dumikyan, the accused in the present case. The Preliminary Investigation Body repeatedly invites Hermon Avetisyan, threatening to arrest him in case of failing to appear. However, months ago he testified for the case filed on the basis of the fact<sup>10</sup> of this forged treachery and exhaustively answered all questions of the investigator.

In 2018 the aggrieved party sent a 39-page complaint to Sevan city court, where the trial of Hermon Avetisyan's murder is underway. With the aforementioned complaint the aggrieved party proves that a false investigation has been carried out on the case and that Dumikyan is unjustifiably accused of Grigor Avetisyan's murder. On the basis of the complaint he has filed a motion to the court with the request to hand the case back to the prosecution party. Although nearly two months have passed, Sevan court has not yet ex-

10. See <http://safesoldiers.am/4801.html> (in Armenian)

amined the complaint and the motion of the aggrieved party, has not made any decision concerning the matter, and has not informed the aggrieved party about it in the manner prescribed by law.

As to Suren Aramyan's murder artificially separated from the case, the Preliminary Investigation body first suspended the case considering that all investigative actions to detect the murderer produced no results. Later, following the complaint of the aggrieved party, the decision on suspending the case was withdrawn. The aggrieved party still does not know if the fact of suspending the case of Aramyan's murder was legal. If it was legal, why has the Preliminary Investigation body withdrawn the decision? If the fact of suspending the case was illegal, why no penalty has

so far been put on either the investigator or his superior or the supervising prosecutor? The aggrieved party also questions the legality of the fact that the criminal case continues to be examined by the same investigator who suspended the investigation, and supervised by the same prosecutor who confirmed the illegal decision of the investigator to suspend the case.

In response to the inquiry of the aggrieved party, the RA Military Central Prosecutor's office has merely stated: "The investigator who suspended proceedings of the case No. 90655516 and the prosecutor who supervised the judicial management of the legality of the preliminary investigation of the criminal case have not been punished."

---

## 7. UPDATE ON THE LAWSUIT OF THE DEATH OF MANUCHAR MANUCHARYAN

*According to the statement by the Ministry of Defense, on July 31, 2013, at approximately 1:20 p.m. while being on the checkpoint watchtower of the Kanaker military unit, private Manuchar Manucharyan caused deadly gunshot wound to himself with his AKS-74 self-propelled rifle.*

*A criminal case has been filed on the fact in the RA MOD Investigation Service as per Article 110 part 1 (driving a person to suicide) of the RA Criminal Code.*



*Private Manuchar Manucharyan*

It should be noted that on 2017 First Instance Judge of Arabkir and Kanaker-Zeytun district, A. Mkrtychyan, made a decision on the case, according to which it was proven that Manuchar Manucharyan had committed a suicide and that two other soldiers were allegedly guilty in his suicide. All the evidence contradicting the hypothesis of "suicide" were neglected by the court; we have touched upon this fact in our previous reports. The aggrieved party had made an appeal to the Appeal Court against the aforementioned verdict.

The Appeal Court allowed a number of illegalities: particularly, it didn't report properly about the sittings to the legal successor of the victim or his representatives. Now, according to the information of the aggrieved party, on February 21 the Appeal Court made a verdict, failing to inform about it to the aggrieved party as of March 19.

---

## 8. UPDATE ON THE LAWSUIT OF THE DEATH OF PRIVATE HAROUTYUN HAMBARYAN

*A criminal case on the death of military serviceman Harutyun Hambaryan has been filed in the 3rd Garrison Investigation Department of the General Military Investigation Department of the RA Investigative Committee.*

*On May 8, 2015, at approximately 03:15 p.m. according to preliminary information, Private Harutyun Hambaryan, military serviceman in the MOD N military unit, died as a result of the gunshot on the front part of his head from his self-propelled AKMS machine gun.*

The investigation of the case on the death of Harutyun Hambaryan under the version of "suicide" is underway. By the way, the investigation is carried out by the same investigation department which had "proven" that Hambaryan had committed a suicide without any reason. It should be restated that Harutyun Hambary-

an's case under the same version had been dismissed in 2016, and after the withdrawal of the decision by the court, the preliminary investigation body continued to investigate the case under the same version, although all the evidences suggest that a murder was committed.



Subsequently, a case against five servicemen for committing official negligence was separated from the aforementioned case. After a year delay, Judge D. Sargsyan initiated the investigation of the complaint filed by the aggrieved party and had made a decision to interrogate a number of military servicemen, to hold a number of other investigation activities, and to assign expertise. Later he announced that the defense party had filed a motion for an accelerated trial, and in

case the aggrieved party failed to appear in the court session, the aforementioned motion would be satisfied. This implies that the two defendants accused of driving the victim to suicide confessed their guilt, and consequently, the trial was over. No witnesses were invited for questioning; no evidence was examined. As a result of the accelerated trial of the five suspects, three out of the accused were exempted from punishment due to the expiration of the limitation period, and the other two were convicted to conditional imprisonment. The aggrieved party has now lodged an appeal against the decision of the accelerated trial.

In the meantime, the preliminary investigation of Harutyun Hambaryan's case is still underway. In essence, all the activities and measures directed to proving the aforementioned hypothesis in the case filed on the falsified version of "suicide" have been exhausted.

The Preliminary Investigation Body itself has already proven that Harutyun Hambaryan did not commit a suicide. The aggrieved party has filed numerous objections to the RA Military Investigative Committee and has mediated to hand the case to another investigation body. Yet, all the aforementioned mediations have been unjustifiably denied.

Although the preliminary investigation body rejects all the mediations of the aggrieved party openly showing its interestedness in the case, it is obvious that being in a deadlock, it cannot terminate the criminal case or initiate and impartial investigation, since the case will definitely appear in the ECHR.



© 2018, PEACE DIALOGUE  
NON-GOVERNMENTAL ORGANIZATION

Editorial staff:  
E. Khachatryan,  
V. Antonyan,  
M. Grigoryan.  
Translation:  
Ruzanna Abovyan

Address: 40 ap. 12 Myasnikyan str., 2002, Vanadzor, Armenia;  
Tel: +374 (322) 21340;  
Mob: +374 (55) 820 632; (93) 820 632  
E-mail: [ekhachatryan@peacedialogue.am](mailto:ekhachatryan@peacedialogue.am); [mailbox@peacedialogue.am](mailto:mailbox@peacedialogue.am)  
URL: <http://www.peacedialogue.am>; <http://www.safesoldiers.am>