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PROJECT DIRECTOR: EDGAR KHACHATRYAN

FOR ALL QUESTIONS PLEASE CONTACT MARIANNA KHAZHAKYAN AT
KHAZHAKYAN.MARIANNA@PEACEDIALOGUE.AM

DEFENSE SECTOR-RELATED ACTIONS IN THE SCOPE OF 2020-2022 ACTION PLAN DERIVING FROM ARMENIA'S NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION

MONITORING REPORT

THE REPORT PREPARED BY
ANI HARUTYUNYAN

PROJECT DIRECTOR:
EDGAR KHACHATRYAN

TRANSLATOR:
ANI DERDZIAN

PROJECT EXPERTS:
ARMEN GRIGORYAN
DIANA TER-STEPANYAN
ARTUR SUKIASYAN

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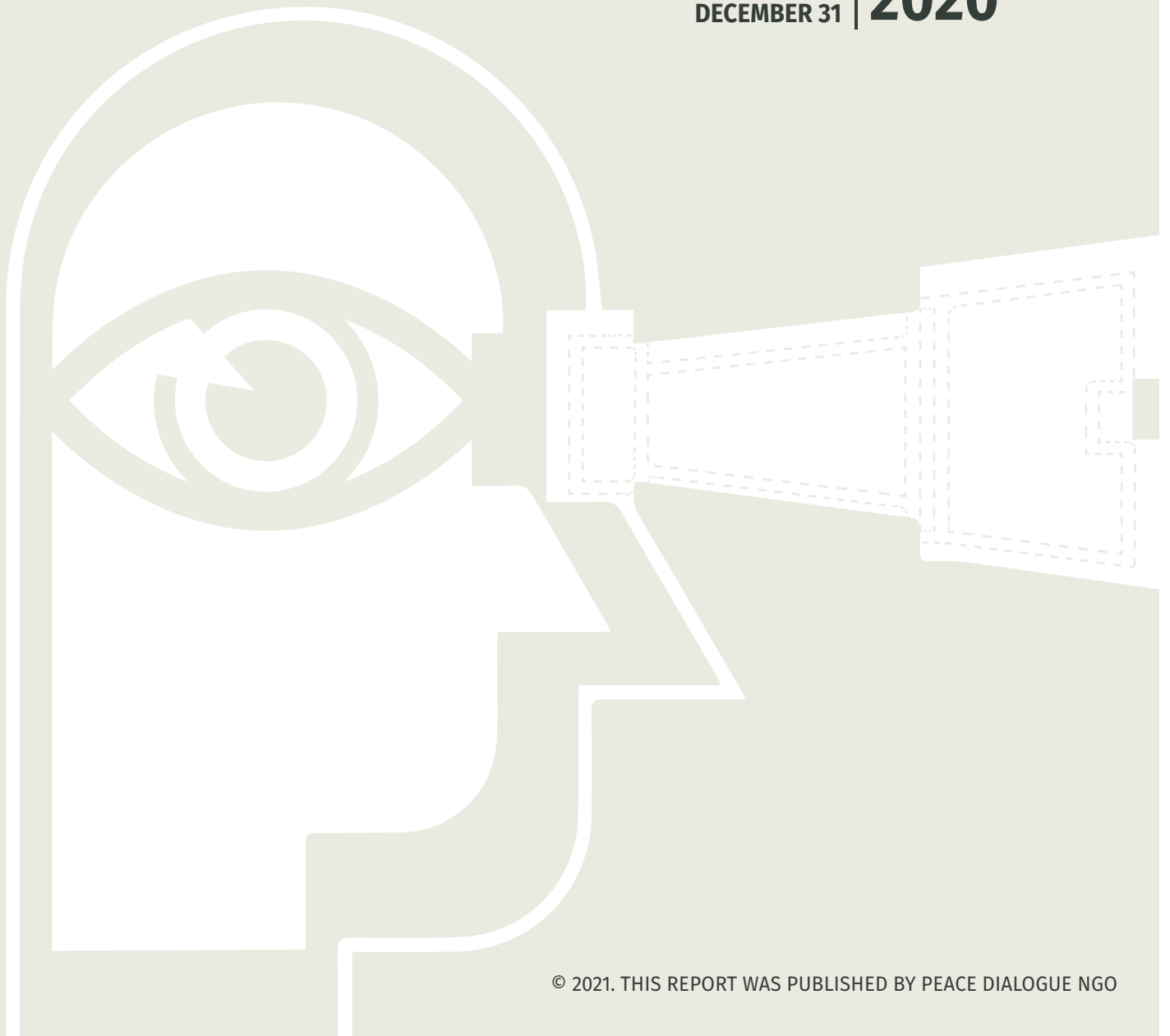


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KHAZHAKYAN.MARIANNA@PEACEDIALOGUE.AM

Peace Dialogue NGO

40 ap. 12 Myasnikyan str.,
2002, Vanadzor, Armenia;

Tel/Fax: +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>

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VANADZOR, 2021

CONTENT

ABBREVIATIONS AND ACRONYMS	4
INTRODUCTION	5
METHODOLOGY	7
ABOUT THE NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION OF THE REPUBLIC OF ARMENIA	8
THE MONITORING RESULTS OF THE DEFENSE SECTOR RELATED ACTIVITIES OF THE ACTION PLAN 2020-2022 DERIVING FROM THE RA NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION	10
THE RIGHT TO LIFE	11
- ACTION 1	12
- ACTION 2	25
- ACTION 3	35
- ACTION 4	38
PROHIBITION OF TORTURE	41
- ACTION 12	43
- ACTION 14	45
- ACTION 15	47
- ACTION 18	48
- ACTION 26	52
THE RIGHT TO FAIR TRIAL	65
- ACTION 27	66
- ACTION 28	67
- ACTION 34	68
EQUALITY OF RIGHTS AND NON-DISCRIMINATION	77
- ACTION 48	78
COVID-19	81
CONCLUSION AND RECOMMENDATIONS ON THE HRAP 2020-2022	85

ABBREVIATIONS AND ACRONYMS

AP	Action Plan
CoE	Council of Europe
CSF	Command Staff Faculty
CSO	Civil Society Organization
EBRD	European Bank for Reconstruction and Development
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FMC	Financial Monitoring Center
GIZ	German Agency for International Cooperation
HELP	Human Rights Education for Legal Professionals Program of CoE
HRD	Human Rights Defender (RA Ombudsman)
IAJ	International Association of Judges
IDLO	International Law Development Organization
INL	Bureau of International Narcotics and Law Enforcement
IRZ	German Foundation for International Legal Cooperation
MoD	Ministry of Defense
MP	Military Police
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
PD	Peace Dialogue NGO
QECO	Qualification Enhancement Center for Officers
RA	Republic of Armenia
SIS	Special Investigation Service
UN	United Nations
UNICEF	The United Nations Children’s Fund

INTRODUCTION

Since 2015, Peace Dialogue NGO (hereinafter PD) has contacted the monitoring of implementation of the Action Plans 2014-2016 and 2017-2019 deriving from the Armenia's National Strategy for the Protection of Human Rights. In particular, the organization monitored the human rights situation in the Armed Forces and the Ministry of Defense (hereinafter MoD) of the Republic of Armenia (hereinafter RA).

The organization believes that sectoral monitoring is more effective and allows for targeted and in-depth research in the field, even with limited resources.

In recent years, reports from international and local authorities have frequently mentioned issues of death, torture and ill-treatment in the Armed Forces of the Republic of Armenia, as well as issues related to the effectiveness of the investigation, the conditions for exercising the right to a fair trial, and the independence and impartiality of the judicial system. These serious issues are evidenced not only by the statements and reports of human rights groups, but also by the questions raised by authoritative international organizations (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and Committee against Torture (CAT)), as well as a number of judgments of the European Court of Human Rights (ECtHR) against the Republic of Armenia and relevant decisions by the Committee of Ministers of the Council of Europe.

On 26 December 2019, by the decree N1978-L, the Government of the Republic of Armenia approved the new Action Plan 2020-2022 (hereinafter referred to as HRAP 2020-2022) deriving from the National Strategy for the Protection of Human Rights (hereinafter National Strategy). With the National Strategy, the Government expects to ensure the implementation of acts, instructions and recommendations issued by the bodies acting on the basis of international agreements and settle the issues mentioned in periodic and special reports.

At the beginning of 2020, PD initiated the program **Promotion of civil society's role in the development and implementation of state policy in the field of human rights protection in the Armed Forces**. With this initiative, the organization seeks to promote the protection of human rights in the Armed Forces of the Republic of Armenia by establishing an effective mechanism for the civil society representatives for monitoring the defense sector-related activities within the framework of the National Strategy for the Protection of Human Rights. The monitoring group formed within the framework of the initiative, consisting of representatives of civil society organizations operating in the city of Yerevan and the regions of the Republic of Armenia, monitors the implementation of the HRAP 2020-2022 in the defense sector.

Taking into account the importance of neutralizing the effects of coronavirus (COVID-19) pandemic all over the world and taking measures to prevent further spread of the infection, during the monitoring special attention was paid to the study of actions taken to prevent the spread of virus in the RA Armed Forces.

This report is devoted to the monitoring of the implementation of the defense sector-related actions in the period from January 1 to December 31, 2020.

METHODOLOGY

In order to monitor the implementation of certain actions defined by the Strategy and HRAP 2020-2022, PD has sent inquiries to the state bodies authorized as responsible and/or co-implementing bodies for the protection of those rights in the defense sector under the Action Plan.

An analysis was carried out on the basis of the received response letters. Information on the implementation of actions was obtained from open sources as well, in particular from the website e-rights.am dedicated to the National Strategy and the Action Plan, including the first semi-annual report of 2020, the official websites of the Academy of Justice, the Ministry of Defense and the Council of Europe Yerevan Office.

Based on a previously developed and regularly improved methodology, the Monitoring Group, formed on the initiative of Peace Dialogue NGO, conducted standardized interviews with conscripts in August, 2020 to find out measures the state had taken to ensure the safe organization of conscription in the face of the Covid-19 pandemic, as well as to find out to what extent conscripts are aware of the rights under the National Strategy and what experience they have in exercising those rights.

The monitoring was carried out in the military commissariats, taking into account that part of the actions envisaged by the HRAP are related to the military commissariats.

The monitoring was carried out both in Yerevan and in all regions of Armenia.

The selection of the respondents was carried out by a snowball sampling in the main places of accumulation of conscripts - military commissariats, territorial subdivisions and medical examination institutions. It was impossible to conduct a representative sampling, as the members of the monitoring group could not have access to the full list of conscripts. Within the framework of the monitoring, a survey was conducted with 196 conscripts.

The implementation of the annual actions planned for 2020 was also monitored through a systematic analysis of the National Strategy and the Action Plan 2020-2022 to identify issues that may be an obstacle to the full implementation of the Strategy and the AP.

ABOUT ARMENIA'S NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION

The 2019 National Strategy for the Protection of Human Rights of the Republic of Armenia was adopted by the government that came to power as a result of the Revolution in 2018, which assumed that thereafter the goal was to create a law-based governance.¹

The newly formed government declared the restoration of the violated rights of individuals, as well as the development and implementation of institutional and systematic policies for the guarantee and protection of human rights.² Consequently, along with a number of other sectoral strategies, the National Strategy was also developed.

This new human rights strategy addresses the issues of legislative and practical application of human rights raised in the reports of international organizations. These include, for example, fatalities in the Armed Forces, as well as ill-treatment and ineffective investigation of criminal cases related to them; insufficient conditions for exercising the right to a fair trial; insufficient steps to ensure the atmosphere and practice of equality and the fight against discrimination; and inadequate response of the state to human rights violations.³

The strategy identified three strategic priorities:

- protection of civil and political rights,
- protection of social and economic rights,
- provision of equal rights and equal opportunities.

The document had identified four possible risks for the implementation of the National Strategy and that of the Action Plan: **lack of financial resources and insufficient provision of financial resources, additional/unplanned works, organizational challenges, insufficient cooperation between state bodies.**

The COVID-19 pandemic, which broke out around the world in early 2020 and later the military actions unleashed on September 27 by Azerbaijan, revealed the fact

1. National Strategy, page 9.

2. National Strategy, page 9.

3. National Strategy, page 9.

that during the drafting of the strategic document, neither the risks related to the warfare or even the escalation of border tensions, nor the limitations and crisis caused by the pandemic were taken into account.

Both of the above-mentioned factors have drastically changed the political, civic and socio-economic environment of the Republic of Armenia, multiplying the challenges that the state currently is facing both in security sector and human rights protection.

The monitoring group believes that this circumstance will serve as a basis not only for the review of the defense sector-related activities in the scope of the Action Plan 2020-2022, but also for the review and renewal of the RA National Strategies for Human Rights Protection and National Security.

It is worth mentioning that in 2019, Peace Dialogue NGO joined the National Platform on democratic security sector oversight, initiated by OSCE. Under the lead of the National Assembly, the platform enhances democratic-civilian oversight of the security sector in Armenia as a pivotal tool in building public confidence towards security institutions. Moreover, in 2020, the organization has been elected by the Coordination Council of the Action Plan 2020-2022 deriving from the National Strategy on Human Rights Protection as one of the civil society organizations (CSO) that will be involved in the activities of the Council.

We strongly believe that the issues identified as a result of the monitoring activities and the recommendations made by the monitoring group can be a valuable contribution to the essential process of human rights policy reforms in the defense sector in the Republic of Armenia.

THE MONITORING RESULTS OF THE DEFENSE SECTOR-RELATED ACTIVITIES OF THE ACTION PLAN 2020-2022 DERIVING FROM THE ARMENIA'S NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION

Within the framework of the monitoring, PD focused specifically on monitoring the implementation of human rights protection activities in the Armed Forces, in particular, the actions concerning **the right to life** in the Armed Forces, **the prohibition of torture, the right to a fair trial**, as well as activities related to women's rights in the context of the **equality and prohibition of discrimination**.

THE RIGHT TO LIFE

The National Strategy for Human Rights Protection and its derivative Action Plan for 2020-2022 targets specifically the protection of the right to life of persons under the care of the state and of those in life-threatening situations. The list of such persons also includes servicemen whose death was the result of violations of statutory relations in peacetime. In the scope of protection of the right to life, the strategy recognizes the deaths of these group of servicemen a serious challenge for the state.⁴

At the same time, the purpose and objectives of all actions aimed at ensuring the right to life in the HRAP 2020-2022 are based only on domestic violence statistics. Only in the context of domestic violence⁵ is the objective set to increase the number of initiated criminal proceedings by a certain percentage.

No such measurable goal is set in terms of reducing the number of fatalities in the Armed Forces and (or) increasing the number of cases investigated. Added to this is the fact that there are no baseline data on the current situation either.

In the absence of this data, it becomes impossible to measure the expected outcome of the actions; that is, it is impossible to record what positive situational change will be witnessed as a result of the implementation of a specific strategic action.

Although some of the initial data were clarified in the draft amendments to the Action Plan in the second half of 2020, they again referred only to domestic violence.

4. National Strategy, page 19.

5. HRAP 2020, page 1.

ACTION 1

To conduct a training (courses) on the right to life in compliance with international standards, including for commanding officers of the Armed Forces, military police personnel, investigators, prosecutors, judges, lawyers, and correctional facility staff

By the first action of the strategy, dedicated to the right to life, it is planned to conduct trainings (courses) on the right to life in accordance with international standards, including for

- commanding officers of the Armed Forces,
- military police personnel,
- investigators,
- prosecutors,
- judges,
- lawyers.

The expected output for the period 2020-2022, is to have the subject **Human Rights in the Armed Forces** introduced in the curricula of the Qualification Enhancement Center for Officers (QECO) and Command Staff Faculty (CSF) of the Vazgen Sargsyan Military University, as well as conduct trainings on the topic of the right to life for

- 18% of the commanders,
- 17% of the military police personnel,
- 8% of investigators,
- 4% of prosecutors, and
- 41% of judges.

It is expected that introducing the subject **Human Rights in the Armed Forces** in the curricula of the Qualification Enhancement Center for Officers (QECO) and Command Staff Faculty (CSF) of the Vazgen Sargsyan Military University, as well as conducting trainings for the commanders will **reduce the number of fatalities in the Armed Forces**.

It is expected that

- as a result of the training of military police, **the number of fatalities in the Armed Forces will be reduced**, as well as **human rights violations during the investigation of criminal cases related to them**;
- in the case of investigators, **human rights violations during the preliminary**

investigation of fatalities in the Armed Forces will be reduced;

- in the case of prosecutors, **the number of fatalities in the Armed Forces and human rights violations during pre-trial criminal proceedings will be reduced;**
- in the case of judges, **the number of human rights violations during the trial will decrease in criminal cases related to fatalities in the Armed Forces.**

The Ministry of Defense of the Republic of Armenia has been recognized as the state entity responsible for including the subject **Human Rights in the Armed Forces** in the curricula of Vazgen Sargsyan Military University and for the training commanders on the right to life, while the Office of the RA Representative to the ECtHR has been appointed as a co-implementing body.

The responsible entity for the training of military police officers on the right to life is also the Ministry of Defense, while the co-implementing bodies are the RA Police Academy, by consent, and the Office of the RA Representative to the ECtHR.

The Ministry of Justice is the entity responsible for the training of investigators, prosecutors and judges.

Co-implementing bodies for the training of investigators are the RA Academy of Justice, by consent, the RA Investigative Committee by consent, and the Office of the RA Representative to the ECtHR; for the training of prosecutors, the RA Academy of Justice, by consent, and the Office of the RA Representative to the ECtHR; while for the training of judges, the RA Academy of Justice, by consent, the Committee on Educational Affairs of the General Assembly of Judges, by consent, and the Office of the RA Representative to the ECtHR.

The funding for the implementation of Action 1 will be provided from the state budget and other sources not prohibited by law.

MONITORING RESULTS: GENERAL OBSERVATIONS

This action does not include the training of lawyers on the topic of the right to life as an expected output, although it is intended in the actual action.

From January to December, 2020, the training on the Right to Life for commanders, military police, investigators, and the annual training of the Academy of Justice on **Current issues of international human rights law** developed for prosecutors were not held due to the situation caused by the coronavirus.⁶

According to the RA legislation, the RA Academy of Justice conducts annual trainings for investigators, prosecutors, and judges. The Ministry of Justice of the Re-

6. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020; 12/12/ 47261-20, August 28, 2020; Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

public of Armenia referred to these courses as trainings on the right to life defined by the HRAP 2020-2022.

According to the RA legislation, the RA Academy of Justice conducts trainings for investigators, prosecutors, judges, approving the training programs and the lists of participants within the terms defined by law. The decision for each subsequent year is made in the previous year.⁷

The National Strategy for Human Rights and its derivative Action Plan for 2020-2022 were approved by the RA Government Decision No. 1978-L on December 26, 2019.

Decisions on involving trainee investigators and prosecutors, and the decision on conducting training programs were made earlier. This means that the range of topics and participants were defined independently and prior to the National Strategy and the Action Plan. Therefore, they cannot act as an action stemming from the HRAP 2020-2022.

In addition, as we have learned from the Committee on Educational Affairs of the General Assembly of Judges, the latter had submitted to the Academy of Justice for the 2020 annual training its proposals on subject courses (topics) for inclusion in the training programs of judges and candidates for judges by the decision of July 31, 2019; therefore, they could not be included in the HRAP 2020-2022.⁸

According to the Ministry of Justice, trainings on the right to life for investigators, prosecutors and judges will be conducted in cooperation with

- Council of Europe,
- United Nations Population Fund,
- UNICEF,
- United Nations Development Program,
- European Union,
- International Law Development Organization (IDLO),
- German Agency for International Cooperation (GIZ),
- German Foundation for International Legal Cooperation (IRZ),
- European Bank for Reconstruction and Development (EBRD).⁹

Details on the formats and content of these collaborations were not provided.

7. See RA Law on the Academy of Justice, Article 14 (1) (3), Article 19 (2) (2) and 19 (2) (3), Article 19 (6.1), Article 19 (7.1), Article 20 (1) and (2), Article 21 (6); RA Law on the Prosecutor's Office, Article 38.1.

8. Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020.

9. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

According to the Ministry of Justice, for the training of investigators, prosecutors and judges at the Academy of Justice, students are provided with a list of theoretical literature and court precedents for each course that are required for study. The authors of the theoretical literature are either the trainers themselves or prominent lawyer-scientists in the field.¹⁰

In particular, in cooperation with the Council of Europe, the European Union and the Academy of Justice, a handbook entitled **Examination of cases related to the right to life, prohibition of torture and other types of ill-treatment** was developed. The authors are S. Arakelyan and Dj. Cosma.¹¹

In response to the enquiry of Peace Dialogue NGO on the participation of specific investigators, military prosecutors and judges of a specific instance in the General Military Investigation Department in the trainings and the principle of their election, the Ministry of Justice referred to the RA legislation and mentioned that investigators and judges participate in the training without separate specializations, and in case of judges, regardless of the instance.¹²

As mentioned above, the annual and regular trainings of investigators, prosecutors and judges at the Academy of Justice are outside the scope of the HRAP 2020-2022, as they are implemented regardless of the requirements of the AP, at least for the period of 2020-2021.

The Ministry of Justice, referring to the courses conducted by the Academy of Justice, noted that the following institutions are involved in the preparation of educational materials:

- Academy of Justice,
- RA Prosecutor's Office,
- Financial Monitoring Center (FMC),
- United Nations Population Fund,
- UNICEF,
- United Nations Development Program,
- The European Union,
- Council of Europe.¹³

No details were provided about the involvement of the organizations.

10. The same source.

11. The same source.

12. The same source; Article 24 (1) of the RA Law on Special Investigation Service (SIS); RA Law on the RA Investigative Committee, Article 36 (1); RA Law on the Prosecutor's Office Article 48 (1) (7); "Judicial Code of the Republic of Armenia" Constitutional Law, Article 70 (2) (9).

13. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

In response to the question regarding the evaluation of trained investigators, prosecutors and judges, the Ministry of Justice again referred to the RA Law on the Academy of Justice, according to which investigators, prosecutors, and judges are considered to have passed the training or additional training, if they have participated in all the hours¹⁴ of the relevant subject course of the training or additional trainings, or were involved in the Academy as lecturers of the trainings¹⁵ provided for in Article 14, Part 1, Clause 3.

In other words, the law does not provide for the evaluation¹⁶ of the training results of investigators, prosecutors and judges. Certificates are not provided either.¹⁷

The materials of the trainings on the right to life conducted by the Academy of Justice, including publicly available training manuals, are available on the official website of the Academy of Justice at the following webpage:
<http://www.justiceacademy.am/#143>.

The Ministry of Justice did not provide unpublished educational materials, justifying it by the author's copyrights.¹⁸

The Ministry of Justice also informed Peace Dialogue NGO that the investigators and prosecutors of the Nagorno-Karabakh are also involved in the training courses. However, no details were provided.¹⁹

MONITORING RESULTS: TRAINING OF COMMANDERS

According to the information received from the RA Ministry of Defense, from January to December, 2020, the Ministry discussed the format of developing training programs on the right to life and the specialists.²⁰

According to the first semi-annual report on the National Strategy and the HRAP 2020-2022, as of July 20, 2020, the format of the training course was also dis-

14. RA Law on the Academy of Justice, Article 28 (4).

15. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; RA Law on the Academy of Justice, Article 21 (8); RA Law on the Academy of Justice, Article 28 (4), Article 14 (1) (3).

16. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; see also Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-00/20-U, E-6451, September 11, 2020.

17. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

18. The same source.

19. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

20. RA Ministry of Defense / 510-GQ / 1575-20, May 15, 2020; Letter from the RA Ministry of Defense, August 25, 2020.

cussed.²¹ On May 23, 2020, the Minister of Defense issued an order defining the responsible subdivisions and the Action Plan timeline to be implemented by the subdivisions.²²

At the time of publishing the report, Peace Dialogue NGO did not have access to that plan-timeline or information on whether it was public or confidential. According to the information received from the Ministry of Defense, the Council of Europe Office in Yerevan also participates in the organization and implementation of training courses for commanders.

As of December, 2020, within the framework of cooperation between the Office of the Council of Europe and the Ministry of Defense of the Republic of Armenia, an agreement was reached to involve international experts in the development of training materials and in the organization of training.²³

The HRAP 2020-2022 does not mention the Human Rights Defender (Ombudsman) as a co-implementing body in the training of commanders, however, according to the Ombudsman office, the Human Rights Defender's staff, in cooperation with the Council of Europe, is involved in the development of the HELP online course on Human Rights in the Armed Forces, which aims to train not only servicemen but also officers.²⁴

At the time of publishing the report, Peace Dialogue NGO does not possess information whether the HELP program is in line with the HRAP 2020-2022.

As of December, 2020, the Office of the Representative of the Republic of Armenia to the ECtHR was not involved in the training of commanders.²⁵ However, according to the information provided by the Office of the Representative of the Republic of Armenia to the ECtHR, the Office and the Ministry of Defense plan to initiate a negotiation process to develop training modules and conduct training on the right to life in the Armed Forces of the Republic of Armenia.²⁶

In connection with the provision of training materials used for the training of commanders to Peace Dialogue NGO, the Ministry of Defense stated that they will address this issue after the final version of the training program is approved.²⁷

21. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 18.

22. The same source.

23. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020.

24. Human Rights Defender, 01 / 13.7 / 4678-20, September 28, 2020.

25. Letter from the Office of the Representative of the Republic of Armenia to the ECtHR, August 26, 2020.

26. The same source.

27. Letter from the RA Ministry of Defense, August 25, 2020.

The Ministry of Defense did not provide information on the affiliation of the trained commanders with specific units and whether the training materials were public or closed. Regarding the evaluation and issuance of certificates, the Ministry of Defense noted that the evaluation and certificates of the trained staff are not envisaged by the National Strategy.²⁸

MONITORING RESULTS: INCLUSION OF THE SUBJECT HUMAN RIGHTS IN THE ARMED FORCES IN THE CURRICULA OF QUALIFICATION ENHANCEMENT CENTER FOR OFFICERS AND THE COMMAND STAFF FACULTY OF VAZGEN SARGSYAN MILITARY UNIVERSITY

According to the information provided by the Ministry of Defense, from January to August, 2020, in cooperation with the Ministry of Defense of the Republic of Armenia and the Yerevan Office of the Council of Europe, the CoE experts developed a program on the subject **Human Rights in the Armed Forces**.²⁹

It is also planned to include lectures on the right to life in the program of advanced training courses for officers to be held at the Vazgen Sargsyan Military University and Armenak Khamperyants Military Aviation University during the 2020-2021 academic year.³⁰

From August to December, 2020, about 130 officers were enrolled in advanced training courses at the Ministry of Defense. Modules on the right to life were also included in the training courses.³¹

According to the Ministry of Defense, Armenian manuals on human rights and human rights in the Armed Forces, their teaching, Russian ECHR commentary, human rights manuals and ECHR article guides authored by local and international experts were used for the development of curricula and materials.³²

In particular, the following literature was used: **Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel** (OSCE Office for Democratic Institutions and Human Rights, Asoghik, 2008); training manual on **Organizing and Conducting Human Rights and Fundamental Freedoms Training for Armed Forces Personnel**, author V. Avetisyan, S. Sahakyan, K. Badalyan (OSCE Office for Democratic Institutions and Human Rights, Asoghik, 2008); **Council of Europe Documents on Human Rights in the Armed Forces** (Yerevan, Antares, 2017); **Human Rights Course** manual, V. Karastilov (2012); **Commentary on the Convention for the**

28. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020.

29. RA Ministry of Defense / 510-GQ / 2919-20, September 17, 2020.

30. Letter from the RA Ministry of Defense, August 25, 2020.

31. HRAP 2020, Annual Report, page 1.

32. RA Ministry of Defense / 510-GQ / 2919-20, September 17, 2020.

Protection of Human Rights and Fundamental Freedoms and the Practice of its Application V.A.Tumanov, L.M. Entin, M. Norma 2002, Course Human Rights: text-book / (compiled by V. Karastelev). - M. Moscow Helsinki group, 2012; **Guidance on Article 6 of the Convention: the right to a fair trial** (criminal law aspect). Council of Europe / European Court of Human Rights; an introduction to international human rights protection. Tutorial. Ed. R. Hansky and M. Suksi, Human Rights Institute. Abo Academy University, Turku / Abo 1997.³³

It is planned to provide an initial 10 hours of training at the Faculty of Command and Staff, Qualification Enhancement Center for Officers and Strategic nuclear forces centers.³⁴

As of September 17, 2020, subject taught at the Vazgen Sargsyan Military University and the programs developed by CoE experts were combined into one program.³⁵ No information was provided on how the new program differs from the previously taught **Human Rights in the Armed Forces subject**.

As of September 17, 2020, within the framework of cooperation between the CoE Office in Yerevan and the RA Ministry of Defense, an agreement was reached to train specialists teaching the subject, the Ministry of Defense informs.³⁶

The curriculum was not provided because of not being finally approved.³⁷

MONITORING RESULTS: TRAINING OF MILITARY POLICE

According to the semi-annual report on the activities carried out in the first half of 2020 under HRAP 2020-2022, as of July 20, 2020, the plan-timeline of activities to be implemented through this action was defined, the format of the training course was discussed;³⁸ however, at the time of publication of this report, the plan-timeline was not available to Peace Dialogue NGO.

The Council of Europe Office in Yerevan was also involved in the development of training materials and in the organization of the training.³⁹

Besides, within the framework of the cooperation between the CoE Office in Yerevan and the RA Ministry of Defense, an agreement was reached to involve in-

33. RA Ministry of Defense / 510-GQ / 2919-20, September 17, 2020.

34. The same source.

35. The same source.

36. The same source.

37. The same source.

38. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 18.

39. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020.

ternational experts in the development of training materials and organization of courses.⁴⁰

Despite the fact that the RA Police Academy is involved in the operation as a co-implementing body, in response to the enquiry sent by Peace Dialogue on the training of military police, it was stated that as of August 18, 2020, no training (course) on the right to life in accordance with international standards was conducted at the RA Police Educational Complex, including the trainings for the commanders of the Armed Forces, military police, investigators, prosecutors, judges, and lawyers.

The reason is that, according to the first point of the HRAP 2020-2022 approved by the RA Government Decision No. 1978-L of December 26, 2019, the responsible entity is the Ministry of Defense of the Republic of Armenia, while the co-implementer is the Office of the Representative of the Republic of Armenia in the ECtHR.⁴¹

The Ministry of Defense did not provide information on the educational materials and their authors, noting that it will address the issue of providing educational materials after the approval of the final version of the training program.⁴²

According to the letter of the Ministry of Defense, it is planned to include the employees of the military police departments and divisions of the RA Ministry of Defense in the courses on the right to life, while the scope of participation of those will be determined based on official duties.⁴³

The Ministry of Defense also informed that no evaluation of the trained staff or certificates for the participants is envisaged.⁴⁴

MONITORING RESULTS: TRAINING OF INVESTIGATORS

The RA Investigative Committee also informed Peace Dialogue NGO that as of August 28, 2020, the RA Investigative Committee was discussing with the Academy of Justice the formats of trainings on the right to life for the investigators.⁴⁵

According to the information provided by the Ministry of Justice and the annual report of the HRAP 2020, annual training program for the training course of the

40. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020.

41. Police Educational Complex, N 9 / 10-2097, August 25, 2020.

42. RA Ministry of Defense / 510 GQ / 2707-2020, August 28, 2020.

43. The same source.

44. The same source.

45. RA Investigative Committee, 12/12, 28 August, 2020.

employees of the RA Investigative Committee (investigators) conducted by the RA Academy of Justice included the course titled **Current Issues in the Application of ECtHR Legal Positions in Criminal Cases**.⁴⁶ The course covers the case law of the European Court of Human Rights and other international treaties guaranteed by the European Convention and other international treaties, including the case law of the ECtHR and the issues of its application to the Republic of Armenia, as well as the legal positions of the ECtHR on them and the skills of their application in the investigative committee.

From July to December, 2020, 5 (5.1%) investigators were trained.⁴⁷

The course covers the case law of the European Court of Human Rights and other international treaties guaranteed by the European Convention and other international treaties, including the case law of the ECtHR and the issues of its application to the Republic of Armenia, as well as the legal positions of the ECtHR and their application to the Investigative Committee. The 2020 annual training program for employees (investigators) of the RA Investigative Committee also included a course entitled **Criminal cases of crimes against the order of military subordination and the code of relations between servicemen**. The course includes a detailed presentation of the current criminal code of the Republic of Armenia and the draft of the new Criminal Code of the Republic of Armenia, the war crimes offenses, the issues of military discipline violations and the separation of war crimes, in particular, from the point of view of the principle of non-responsibility for the same act again, as well as peculiarities of qualification of general and qualified war crimes. It was planned to train 11 (11.3%) investigators in this field from July to December, 2020.⁴⁸

MONITORING RESULTS: TRAINING OF PROSECUTORS

According to the information provided by the Prosecutor's Office, on March 12, 2020, 15 representatives of the Military Prosecutor's Office, i.e., 10.5% of military prosecutors, participated in a joint workshop organized by the Yerevan Office of the Council of Europe and the Academy of Justice on the effective investigation of fatalities in the Armed Forces.⁴⁹

According to the official website of the Council of Europe, 14 prosecutors participated in the workshop. The latter was conducted (chaired) by CoE international

46. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

47. HRAP 2020, Annual Report, page 2.

48. The same source.

49. Prosecutor's Office, 44/6/ 19412-2020, 28 August 2020.

consultants W. Jordash, who presented the issues of the effective examination, and E. Duban, who presented the specifics of the investigation of cases involving female servicemen.⁵⁰

According to the information provided by the Ministry of Justice, the 2020 annual training program for prosecutors implemented by the RA Academy of Justice included the course Current issues of RA criminal law, which also includes the study of international and domestic jurisprudence and legal acts related to the right to life.⁵¹

Issues related to crimes against life are envisaged as a separate topic. The topic studies the description of life as an object of criminal defense, means of criminal protection of a person's life, interpretations of crimes against life, qualification features, etc.⁵²

The syllabus of the course entitled **Current Issues of the RA Criminal Procedure** envisages separate questions on the international standards for the investigation of cases on the right to life, the peculiarities of discussing reports on crimes against the life of a person, and the issues of initiating proceedings on this type of crime.⁵³ From September to December, 2020, 32 prosecutors were trained (47%).⁵⁴

The course Peculiarities of War Crimes Qualification and Investigation Methodology was included in the annual training program, with the aim of training 24 prosecutors (35.2%) from September to December, 2020, as well as the course Current issues of RA Criminal Procedure, envisaging training for 9 prosecutors (13.2%), again from September to December, 2020.⁵⁵

Peace Dialogue NGO also enquired from the Prosecutor General's Office the details on the training materials used for the training of the military prosecutors. The Prosecutor's Office noted that the educational materials are in the stage of further elaboration and re-developing, so they are not subject to publication or provision.⁵⁶

At the time of publication of the report, it is not clear to the monitoring group why the training materials were being developed or redeveloped as of August, 2020, if

50. CoE Yerevan Office, Armenian judges and prosecutors attend training on effective investigation into torture, ill-treatment and fatalities in the Armed Forces, March 12, 2020.

51. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

52. HRAP, Annual Report 2020, pages 2-3.

53. The same source.

54. The same source.

55. Letter from the Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

56. Prosecutor's Office, 44/6/ 19412-2020, August 28, 2020.

the Academy of Justice should have decided on the curriculum for that year the previous year. What was the need for elaboration or redeveloping? Moreover, if the course was redeveloped, it means that there was another version of it, which was also not provided to Peace Dialogue NGO.

MONITORING RESULTS: TRAINING OF JUDGES

According to the semi-annual and annual reports of the HRAP 2020, the training program of the RA Academy of Justice in 2020 included the course entitled **Current issues of RA criminal law**, in the subject course of which, as a separate topic, the issues related to crimes against life were envisaged.

Within the framework of the topic, the characteristics of life as an object of criminal protection are studied, as well as the means of criminal protection of a person's life, the interpretations of crimes against life and the peculiarities of qualification, etc.

This course also examines international and domestic jurisprudence and other legal acts on the right to life.⁵⁷ From September to December, 2020, 12 judges were trained (15.38%).⁵⁸

The training program also included a course entitled **Current issues of application of ECtHR legal positions in criminal cases**, which included, among other things, the current case law of the ECtHR on the protection of the right to life and the issues of its application to the Republic of Armenia.⁵⁹ The training was intended to train 42 judges (53.84%) from September to December.⁶⁰

Within the framework of the course **Current trends in jurisprudence and constitutional justice of the Republic of Armenia** separate topics on the right to life, as well as on the constitutional and conventional grounds for the restrictions on the right to life were envisaged. The implementation of the training during the months of April-May, 2020 was not possible.⁶¹

The curriculum of the course entitled **Current Issues of the RA Criminal Procedure** envisages separate questions on the international standards for the investiga-

57. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 20-21; HRAP 2020, Annual Report, page 3.

58. HRAP 2020, Annual Report, page 3.

59. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 20-21; HRAP 2020, Annual Report, page 4.

60. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

61. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 35; HRAP 2020, Annual Report, page 41.

tion of cases on the right to life, the peculiarities of discussing reports on crimes against life and the issues of initiating proceedings on this type of crime.⁶² This course was designed to train 24 judges (30.76%) from September to December.⁶³

According to the letter of the Educational Affairs Committee of the General Assembly of Judges, in 2020, the judges undergo a mandatory annual training, which includes such topics as the issues of accurate qualification of criminal acts envisaged by a special part of the RA Criminal Code, in particular, the issues of accurate qualification of crimes against the right to life and health, the problems of distinguishing related crimes from each other and the legislative and law enforcement practice in the field of their solution within the framework of the topic **Current issues of RA criminal law**.⁶⁴

According to the website of the Council of Europe, on April 8, 2020, 10 judges in the field of criminal law participated in the eight-week HELP distance learning course on **Reasoning of judgments in criminal cases**. The topic was also related to the reasoning of judicial decisions made by domestic courts in criminal cases in the context of Article 2 of the ECHR on the right to life. It was planned to award graduation certificates by the Council of Europe and the Academy of Justice to all participants who successfully completed the course.⁶⁵ The second HELP distance learning course on **Reasoning of judgments in criminal cases** took place on May 12, 2020, where the reasoning of criminal cases related to the right to life was also discussed. This time, 17 judges with criminal specialization participated in the training. The training lasted eight weeks and the participants who successfully completed it were awarded certificates this time as well.⁶⁶ At the time of publishing the report, Peace Dialogue NGO does not know whether the mentioned HELP distance learning courses are in line with the HRAP 2020-2022.

It is also not known to what extent these courses covered or addressed the nuances of reasoning in cases related to the right to life in the Armed Forces specifically.

62. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 20-21; HRAP 2020, Annual Report, page 4.

63. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

64. Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020; see also Curriculum, Annual training of persons included in the list of judges and candidates for judges, Annex 1, 2019 Academy of Justice Governing Board Decision No. KK-010/19/1 of November 29.

65. CoE Yerevan Office, Judges and Judicial servants successfully completed the new HELP distance learning course, April 8, 2020.

66. CoE Yerevan Office, Second Group of Judges Participates in HELP Distance Learning Course on "Reasoning of judgements in Criminal Cases", May 12, 2020.

ACTION 2

To raise awareness of the right to life among military conscripts and military personnel

The second action of the HRAP 2020-2022 envisages raising the awareness on the right to life among military conscripts and military personnel. The expected output for the period of 2020-2022 is the following:

- posters on human rights (right to life, prohibition of torture) exhibited in 60% of military bases and military conscription offices;
- 15 awareness activities on the right to life conducted in the military bases and military conscription offices;
- At least 3 sets of informational materials on human rights and legal remedies developed and disseminated in military bases and military conscription offices;
- 3 videos on human rights in the Armed Forces developed and disseminated through mass media.

It is expected that the implementation of these informative measures and raising the awareness of conscripts and servicemen about the right to life will reduce the number of fatalities in the Armed Forces.

The entity responsible for carrying out the action is the Ministry of Defense of the Republic of Armenia, the co-implementing bodies are the Board of the Public Television and Radio Company, by consent, the staff of the RA Human Rights Defender, by consent, and the Office of the RA Representative to the ECtHR.

Funding is provided from the state budget and other sources not prohibited by law.

MONITORING RESULTS: GENERAL OBSERVATIONS

The description of the activity does not contain criteria for assessing the impact of the mentioned actions on reducing the number of fatalities in the army, particularly the impact of the awareness activities and dissemination of information materials in the military units, as well the dissemination through mass media.

MONITORING RESULTS: POSTERS

According to the HRAP 2020 annual report, information posters on **Right to Life** and **Prohibition of Torture** were developed and published in cooperation with the Yerevan Office of the Council of Europe and the RA MoD and were placed in all

military units, military commissariats and MP territorial subdivisions.⁶⁷ As of May, 2020, the website of the Yerevan Office of the Council of Europe; however, states that posters are provided only to military units and military commissariats.⁶⁸

In order to monitor the availability of posters on human rights, the Monitoring Group of Peace Dialogue NGO visited military commissariats in Yerevan and all regions in August 2020.

The posters dedicated to the right to life were posted in 35 of the 39 military commissariats or territorial subdivisions observed.

There were no posters on the right to life in Ararat, Masis and Stepanavan subdivisions. The poster dedicated to the prohibition of torture and other ill-treatment was posted in 30 of the 39 military commissariats or territorial units observed. There were no posters on the prohibition of torture and other ill-treatment in the military commissariat of Abovyan, as well as in the subdivisions of Aparan, Talin, Chambarak, Nairi, Akhuryan, and Ashotsk. Only in one case, in the second military commissariat of Yerevan, the observer was not allowed to enter the territory of the military commissariat.

The implementation of the action aimed at raising awareness of conscripts and servicemen about the right to life is supported by the **Human Rights and Women in the Armed Forces of Armenia** program which is implemented by the office of the Council of Europe in Yerevan.⁶⁹

As for the placing of posters on the right to life and the prohibition of torture in the military units of Nagorno-Karabakh, the Ministry of Defense noted that on their initiative they were also delivered to the military units of the Nagorno-Karabakh Defense Army.

The fact that the posters were printed in excess of the required number and containing information related to human rights, in particular the right to life, the prohibition of torture, and the obligations of States in the field of protection of the right to life was taken into account.⁷⁰ Peace Dialogue NGO did not receive any information regarding the involvement of the Human Rights Defender and the Office of the Representative of the Republic of Armenia in the ECtHR in the development of posters.

67. HRAP 2020, Annual Report, page 6.

68. CoE Yerevan Office, 1000 copies of posters on the right to life developed for conscripts and servicemen will be provided to Armenian military units and commissariats, May 29, 2020.

69. CoE Yerevan Office, 1,000 copies of Poster on the Right to Life aimed at military conscripts and servicepersons of Armenia to be disseminated amongst the military bases and conscription offices, May 29, 2020.

70. RA Ministry of Defense / 510-GQ / 2709-2020, 28 August, 2020.

According to the Ministry of Defense, the sources for the posters were the 1948 Universal Declaration of Human Rights, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 International Covenant on Civil and Political Rights, the 1984 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Constitution of the Republic of Armenia and other legal acts.⁷¹

THE CONTENT OF THE POSTERS

A sample of a poster dedicated to the right to life is available online.⁷² The poster contains information about the right to life of everyone, the obligations of the state in the field of its protection, including conscription and military service. The poster also includes the data of the bodies to which the serviceman can apply in case of violation of the right.

The poster on the prohibition of torture and other ill-treatment includes information on the definition of torture or ill-treatment, the state's responsibilities to protect servicemen from torture and other ill-treatment.

The poster also presents the contact information of the bodies/authorities that can be contacted in case of violation of the freedom from torture and inhuman or degrading treatment.⁷³

VISIBILITY AND EFFECTIVENESS OF POSTERS

In August, 2020, the monitoring group of Peace Dialogue NGO conducted observations and interviews among conscripts in military commissariats and territorial subdivisions of Yerevan and all regions.

The aim of the group was to find out whether the conscripts had seen posters posted in the military commissariats and if so, how useful they considered them.

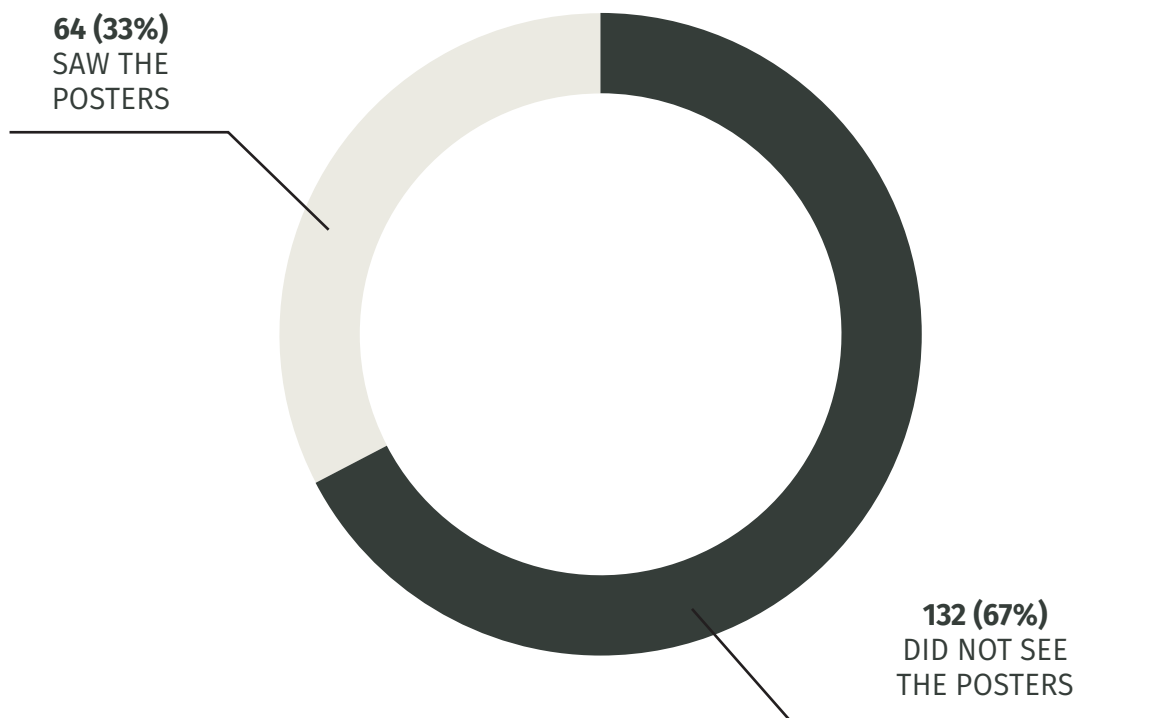
Out of 196 citizens surveyed, 132 (67%) said that they had not seen posters on human rights at the military commissariat, and 64 (33%) had seen them. (See Image 1).

71. RA Ministry of Defense / 510-GQ / 2709-2020, 28 August, 2020.

72. See the poster on the right to life.

73. CoE Yerevan Office, 1000 copies of the Poster on prohibition of torture and other forms of ill-treatment prepared for and disseminated among the military conscripts and servicepersons in Armenia, July 22, 2020.

IMAGE 1. DID THE CONSCRIPTS SEE THE POSTERS PLACED AT THE MILITARY COMMISSARIATS? (N = 196)



Half of the respondents who noticed the posters mentioned that they had not read them. Half of the interviewed conscripts also refused to go and read the posters after learning about their existence. 17% expressed their willingness to get acquainted with the posters, who later stated that they had learned that their superiors or other servicemen could not use violence against them or other servicemen, as well as that servicemen could receive free medical care.

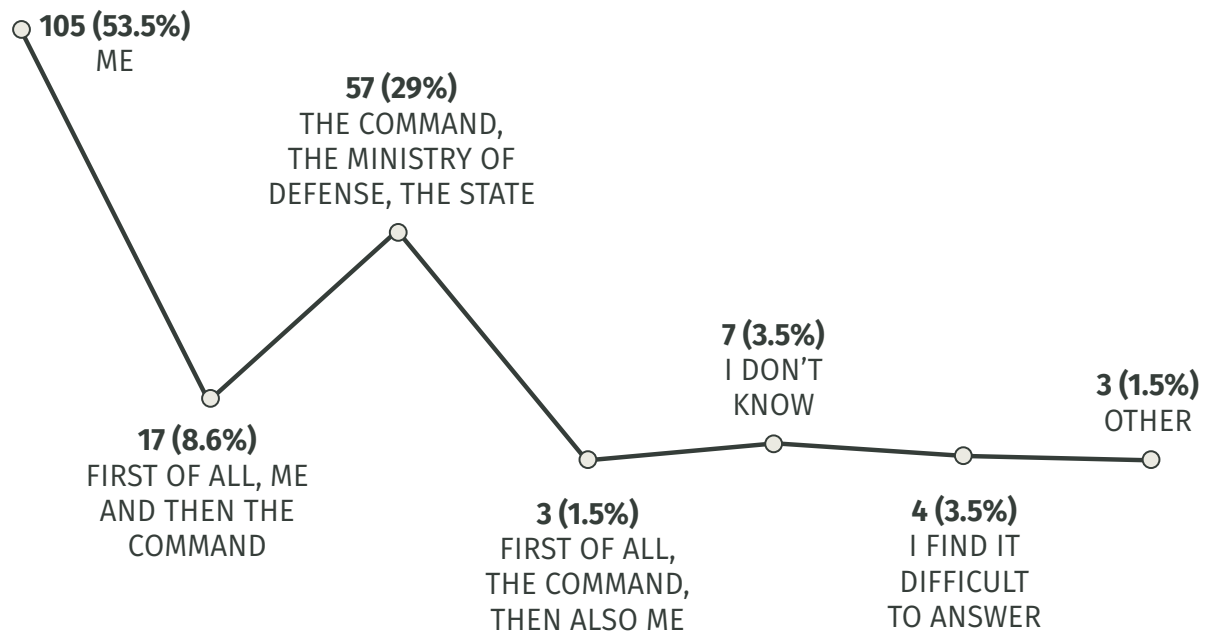
Some also said that they knew what bodies they could apply to restore their violated rights. 9% of the respondents mentioned that the posters could hardly be helpful in the army.

Interestingly, a survey by the monitoring group revealed that 122 out of 196 conscripts (about 62%) believe that they alone, or primarily themselves, are responsible for protecting their lives and health during military service.

60 persons (about 30.5%) think that the state is responsible, or first of all responsible for the protection of their life and health.

In response to the question “**During the service, who is responsible for the protection of your life and health?**” the conscripts gave the following answers. (See Image 2).

IMAGE 2. DURING THE SERVICE, WHO IS RESPONSIBLE FOR THE PROTECTION OF YOUR LIFE AND HEALTH? (N = 196)

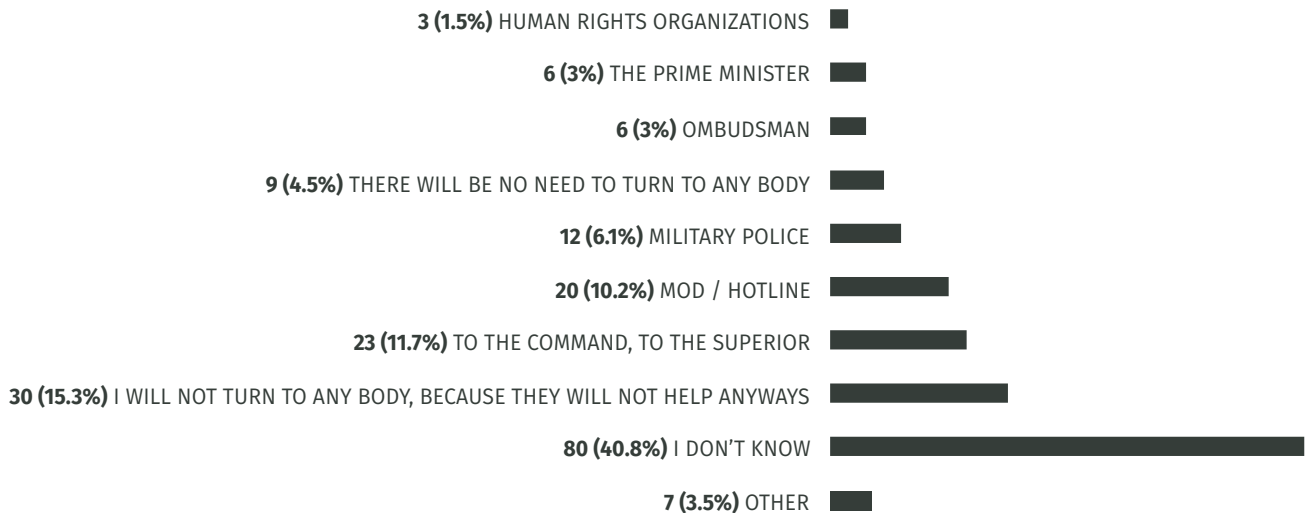


- Me - 105 respondents (53.5%),
- First of all, me and then the command - 17 respondents (8.6%)
- The command, the Ministry of Defense, the state - 57 respondents (29%)
- First of all, the command, then also me - 3 respondents (1.5%)
- I don't know - 7 respondent (3.5%)
- I find it difficult to answer - 4 respondents (2%)
- Other- 3 respondents (1.5%)

In response to the question whether they are aware of which bodies they can turn to in case of violation of their or their friends' rights during the military service by the servicemen or the command, the interviewed conscripts gave the following answers. (See Image 3).

- I don't know - 80 respondents (40.8%),
- I will not turn to any body, because they will not help anyways - 30 respondents (15.3%),
- To the command, to the superior - 23 respondents (11.7%),
- MoD / Hotline - 20 respondents (10.2%),
- Military police - 12 respondents (6.1%),
- There will be no need to turn to any body - 9 respondents (4.5%),
- Human Rights Defender/Ombudsman - 6 respondents (3%),
- The Prime Minister - 6 respondents (3%),
- Human rights organizations - 3 respondents (1.5%),
- Other - 7 respondents (3.5%).

IMAGE 3. DO YOU KNOW WHICH BODIES YOU CAN TURN TO IN CASE OF VIOLATION OF YOUR OR YOUR FRIENDS' RIGHTS DURING THE MILITARY SERVICE BY THE SERVICEMEN OR THE COMMAND? (N = 196)



Although the content of the posters was useful in raising awareness about the right to life and the right to be free from torture and other ill-treatment, most conscripts did not notice that they were posted at military commissariats, and half of the conscripts did not read them.

Half of the respondents also refused to go and read the posters on the spot. Therefore, it is not clear to the monitoring group to what extent the placing of posters in the military commissariat helps to raise awareness among conscripts about their rights.

**MONITORING RESULTS:
AWARENESS-RAISING ACTIVITIES ON THE RIGHT TO LIFE**

From January to August, 2020, no awareness-raising activities on the right to life were held in military units and military commissariats due to pandemic restrictions. However, the heads of the subdivisions were instructed to raise awareness with the involvement of the subdivision's lawyers, in particular that the right to life of every citizen / serviceman is protected by law.⁷⁴ From August to September, 2020, 4 awareness trainings were held.⁷⁵

74. RA Ministry of Defense / 510-GQ / 2709-2020, August 28, 2020.

75. HRAP 2020, Annual Report, page 5.

At the time of publication of the report, Peace Dialogue NGO was not provided with information on the awareness activities held in the military units of the Nagorno-Karabakh Defense Army.

No information was provided on cooperation with international and / or local organizations in conducting such awareness activities.

The Ombudsman's office noted that the Ombudsman's staff, as a working principle, has private conversations during monitoring visits to military units, including awareness-raising activities among servicemen.⁷⁶

Peace Dialogue NGO also did not receive information about the exact nature of the awareness activities, how and in what schedule they will be implemented, how long they will last, what materials will be used during them and who are the authors of the materials, as well as what was the principle of including military units and (or) military commissariats in such actions.

In response to the question whether the process of awareness-raising campaigns can be monitored on the spot, the Ministry of Defense noted that the question of participation of civil society representatives in awareness-raising activities for monitoring purposes will be addressed during the campaigns.⁷⁷ However, Peace Dialogue NGO was not informed in advance about the possibility of monitoring the above-mentioned 4 awareness-raising exercises.

The essence of the awareness-raising campaigns on the right to life to be carried out in military units and military commissariats is not clear to the monitoring group.

In particular, what does an awareness-raising activity mean, what measures does it include, what methods will be used to carry out these campaigns and how will their impact on the change in the number of fatalities in the army be measured?

The issue of measurability also arose in connection with the development and dissemination of information on human rights in military units and military commissariats, as well as videos on human rights in the Armed Forces through the mass media.

MONITORING RESULTS: DISSEMINATION OF INFORMATION MATERIALS ON HUMAN RIGHTS

According to the Ministry of Defense, as of August 31, 2020, at least 3 information

76. Human Rights Defender, 01 / 13.7 / 4678-20, September 28, 2020.

77. RA Ministry of Defense / 510-GQ / 2709-2020, August 28, 2020.

materials on human rights, as well as on protection of human rights, which were intended to be distributed in military units and military commissariats, had not been developed.⁷⁸

6 information materials on human rights, including means of protection of rights, were delivered to military units from the relevant department of the Armed Forces to be included as information topics in the weekly staff work plans in the second half of 2020 and in subdivision class schedules.⁷⁹

On September 27, 2020, in connection with the war unleashed by Azerbaijan, the Chief of the General Staff of the Armed Forces issued an order on the observance of the provisions of international humanitarian law by the personnel of the Armed Forces during hostilities.⁸⁰

At the time of publishing the report, Peace Dialogue NGO did not possess information on the dissemination of information materials in military units and (or) military commissariats, cooperation with international or local organizations in the development of materials, involvement of the Ombudsman's office and that of the representative of the Republic of Armenia to the ECtHR, as well as information on the methods of distribution methods and the principle of selection of military units and (or) military commissariats.

MONITORING RESULTS: DISSEMINATION OF VIDEO MATERIALS ON HUMAN RIGHTS IN THE ARMED FORCES

According to the letter of the Ministry of Defense, as of August 31, 2020, the planned 3 videos on human rights in the Armed Forces had not been developed, whereas they were planned to be developed during the first half of the year.⁸¹

As of the second half of 2020, according to the HRAP annual report for 2020, a video on human rights remedies was developed within the framework of cooperation between the Council of Europe Office in Yerevan and the Office of the RA Human Rights Defender. The content of the video was discussed with the representative of the RA Human Rights Defender's Office.⁸²

At the time of publishing the report, the video was not available to Peace Dialogue NGO.

During the first half of the year, the Board of the Public Broadcaster of the Repub-

78. RA Ministry of Defense / 510-GQ / 2710-2020, August 31, 2020.

79. HRAP 2020, Annual Report, page 5.

80. The same source.

81. RA Ministry of Defense / 510-GQ / 2710-2020, August 31, 2020.

82. HRAP 2020, Annual Report, page 5.

lic of Armenia provided Peace Dialogue NGO with links to 9 reportages, which were broadcast in the **News** programs of the First Channel of the Public Television from January to August, 2020.⁸³

Three of these reportages refer, in particular, to the deaths of a number of conscripts in the army in non-combat conditions.

The reportage broadcast on 18 January, 2020 is about the case of Arsen Mkhitarian, who died of a gunshot wound on July 3, 2016 in non-combat conditions in the army, which, according to the official version, was qualified as suicide.

The serviceman's parents and lawyer claim that the investigators are not doing enough to uncover the case and demand that the real circumstances, causes and culprits of their son's death be found out.⁸⁴

In the reportage aired on February 20, 2020, the parents of the deceased servicemen, "Mothers in Black", demand a meeting with Prime Minister Nikol Pashinyan in front of the RA Government building. Vice Speaker of the National Assembly Alen Simonyan promises to pass the parents' demand to the Prime Minister.⁸⁵

The reportage of July 3, 2020 refers to the June 13 meeting of Prime Minister Nikol Pashinyan with the parents of servicemen who died in non-combat conditions in the army. The Prime Minister suggests that the servicemen's parents study the cases with the involvement of 6 lawyers representing each side, 3 lawyers per side - the parents and the Prime Minister.

The formed group starts examining 8 cases, including the above-mentioned case of Arsen Mkhitarian. The parents express their confidence in the Prime Minister to start the process and express hope that the initiative will have a positive result.⁸⁶

Two reportages, aired on May 2, 2020 and August 31, 2020, are dedicated to the new food supply system introduced in the military units of the Nagorno-Karabakh Defense Army,⁸⁷ as well as the visit of the RA Prime Minister and the President of Nagorno-Karabakh to one of the military units.⁸⁸ According to the new regulations, food in the military units of the army is provided by a private company, and the soldiers are no longer in charge of the canteen.

83. RA Public Broadcaster Council, Chairman of the Council, 01/1152 / 1-2020, December 4, 2020.

84. 1TV, Public TV, "Was it murder or suicide? The fact of the soldier's death has not revealed for over three and a half years", January 18, 2020.

85. 1TV, Public TV, "News" 20.02.2020 , February 20, 2020, timecode: 8:19.

86. 1TV, Public TV, "The criminal cases of the deceased servicemen will be investigated by 6 lawyers represented by the relatives of the deceased servicemen and the Prime Minister", July 3, 2020.

87. 1TV, Public TV, Another military unit in Nagorno-Karabakh switched to a new food supply system, May 2, 2020.

88. 1TV, Public TV, Pashinyan and the President of Nagorno-Karabakh were present at the opening of a newly built canteen in one of the military units of the Defense Army, August 31, 2020.

The report of April 19, 2020 presents the daily life of the **Defender of the Motherland** center's medical staff and treated servicemen during the Covid-19, including the means of isolation.⁸⁹

Two reportages were sent on the events of July, 2020, in which His Holiness Catholicos of All Armenians Garegin II and President Armen Sargsyan, visit the wounded servicemen.⁹⁰

Citing the Ministry of Defense, details are provided about the health condition of the wounded.⁹¹

The reportage of August 6, 2020 is dedicated to the idea of creating a **Soldiers' Insurance Foundation**, the details of its activities and compensation.⁹²

The above-mentioned videos, reportages, cover human rights topics to some extent, such as the fair investigation of non-combat service fatalities in the army, the state obligations related to the material and procedural aspects of the right to life, proper organization of food and medical care as a means of ensuring the right to health of servicemen.

However, the dissemination of at least three videos on human rights in the Armed Forces is intended as a direct result of the action taken to raise the awareness of conscripts and servicemen about the right to life. The monitoring group considers that the purpose of this action is to make conscripts and servicemen better aware of their rights and effective protection measures in case of their violation. Therefore, the requirements for this action could be met by videos that were developed in collaboration with relevant human rights professionals and contained information on the state's commitment to the right to life, as well as practical mechanisms for the elimination and restoration in case of violations of the right.

The video materials, which were released between January and August, 2020 in the form of reportages only partially cover information on human rights in the Armed Forces and are not inherently a means of raising awareness of conscripts and servicemen about their rights and effective mechanisms for their protection.

89. 1TV, Public TV, Berlin Wall in Yerevan: doctors, nurses, and the cooks have not left the Homeland Defender's Rehabilitation Center for already a month, April 19, 2020.

90. 1TV, Public TV, News 22.07.2020, July 22, 2020, timecode: 8:19.

91. 1TV, Public TV, Situation on the border, News: Special issue, 18.07.2020, July 18, 2020, timecode 42:22.

92. 1TV, Public TV, 600 thousand dollars were donated to the Soldiers' Insurance Fund in 2020, August 6, 2020.

ACTION 3

To enhance the climate of tolerance and mutual respect in the Armed Forces

The third action of the HRAP 2020-2022, aimed at ensuring the right to life, is intended to enhance the climate of tolerance and mutual respect in the Armed Forces for the period 2020-2022, which is expected to reduce the number of fatalities caused by practices contrary to codebooks in the Armed Forces. The expected outputs are:

- Research conducted to look into the causes of demonstrations of intolerance in the military forces, its contributing factors, and coping methods;
- Classes by psychologists organized in 30% of military bases.

The entity responsible for carrying out the action is the Ministry of Defense of the Republic of Armenia, and the co-implementing bodies are the staff of the Human Rights Defender of the Republic of Armenia, by consent, and the Office of the Representative of the Republic of Armenia to the ECtHR.

Funding is provided from the state budget and other sources not prohibited by law.

MONITORING RESULTS: GENERAL OBSERVATIONS

The Ministry of Defense informed that due to the risk of penetration of coronavirus infection, the planned study in the context of the operation to ensure an atmosphere of tolerance and mutual respect in the Armed Forces was not conducted. The study was supposed to be on the causes of intolerance in the Armed Forces, contributing factors and ways to overcome them.⁹³

MONITORING RESULTS: RESEARCH

According to the information provided by the Ministry of Defense, as of June 4, 2020, in order to ensure the implementation of the measures envisaged by the HRAP 2020-2022, an order of the Minister of Defense was adopted, defining the Action Plan-timeline to be implemented by the subdivisions and appointing a responsible subdivision for the implementation of each activity, including an im-

93. RA Ministry of Defense / 510-GQ / 1793-20, June 4, 2020; RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020; Human Rights Defender, 01 / 13.7 / 4678-20, September 28, 2020.

plementation of a study on causes of intolerance in the Armed Forces, contributing factors and ways to overcome them.⁹⁴ No details were provided about the plan-timeline.

As of July 16, 2020, according to a letter from the Ministry of Defense to Peace Dialogue NGO, an analytical material was sent to the Armed Forces regarding the need to discuss the causes of non-statutory relations and to take effective measures.⁹⁵

As of September 2, 2020, the relevant department of the Armed Forces conducted a sociological survey in the military units among contract soldiers and conscripts, which was analyzed and the results were sent to the commanders of military unions and military units to carry out the necessary actions. In addition, the officers of the same department carried out educational activities for the subdivision personnel.⁹⁶

At the time of the publication of the report, detailed information on the above-mentioned sociological surveys and educational activities is not known.

In 2020, within the framework of cooperation with the Council of Europe Office in Yerevan, a group of experts prepared a draft research methodology on **Behavioral norms of informal relations in the RA Armed Forces and social and psychological issues of criminal subculture among soldiers**. It was discussed with the participation of stakeholders, but has not been implemented yet.⁹⁷

As of the date of publishing the report, no information was provided on the timeline of the research, its methodology, authors, cooperation with local and international organizations in conducting the study, as well as on the involvement of the Ombudsman's office or the Office of the Representative of the Republic of Armenia in the ECtHR, and the follow up actions to be taken based on the results of the study.

MONITORING RESULTS: CLASSES DELIVERED BY PSYCHOLOGISTS

According to the information provided by the Ministry of Defense, as of June 4, 2020, in order to ensure the implementation of the measures envisaged by the HRAP 2020-2022, an order of the Minister of Defense was adopted, which defined the timeline of activities to be implemented by the subdivisions and a responsible subdivision was appointed for the implementation of each activity, including the lectures by psychologists.⁹⁸

94. RA Ministry of Defense / 510-GQ / 1793-20, June 4, 2020.

95. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020.

96. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

97. HRAP 2020, Annual Report, page 6.

98. RA Ministry of Defense / 510-GQ / 1793-20, June 4, 2020.

According to the letter of the Ministry of Defense, based on the order of the RA Minister of Defense, from September 1 to November 28, 2020 special courses were to be organized for officer-psychologists, within the framework of which a lecture on **Strengthening the atmosphere of tolerance and mutual respect was planned with the officer-psychologists.**

The lecture materials included specific cases, examples of service exams, where the locations and numbers of military units were mentioned; therefore, the educational materials were not subject to be revealed.⁹⁹

According to the annual report of the HRAP 2020, based on the order of the RA Minister of Defense **On organizing a training course for officer psychologists at the Military University after Vazgen Sargsyan of the RA Ministry of Defense**, training courses for officer psychologists started on September 1, 2020, but were interrupted starting from September 27 as a result of hostilities.¹⁰⁰

According to a letter from the Ministry of Defense to Peace Dialogue NGO, as of July 16, 2020, in cooperation with the ARAR Civilizational Research Foundation, the topics of lectures for the psychologists were being developed.¹⁰¹ Apart from the ARAR Foundation, no information was provided on cooperation with other local or international organizations.

The monitoring group was not provided with any information on the materials of the lectures organized for the psychologists in military units, about their development, methodology, implementers, the involvement of the Office of the Ombudsman or the representative in the ECtHR, the lecturers and target groups, as well as on the lectures for the psychologists organized in military units located in Nagorno-Karabakh.

The organization of the lectures in military units for the psychologists is mentioned in the AP as a direct expected result of the action aimed to strengthen the atmosphere of tolerance and mutual respect in the Armed Forces.

However, the monitoring group believes the courses for the psychologists should be considered not so much as a direct result of the action, but as a way to achieve its fulfillment. In other words, it is not as a result of tolerance that psychologists are trained, but the training of psychologists contributes to the strengthening of tolerance in the Armed Forces.

99. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

100. HRAP 2020, Annual Report, page 7.

101. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020.

ACTION 4

To establish criteria for prompt and transparent investigation of fatalities in the Armed Forces

The fourth Action of the HRAP 2020-2022 aimed at ensuring the right to life envisages setting standards for awareness-raising on prompt and transparent investigation into the fatalities in the Armed Forces.

This action is expected to reduce the cases of human rights violations during the pre-trial proceedings in criminal cases on fatalities in the Armed Forces.

To implement this, it is expected that by the first half of 2022, regulatory instruments (guidelines) for prompt and transparent investigation of fatalities in the Armed Forces and correctional facilities with reference to deadlines for investigatory and judicial activities, procedures, legal successors/representatives of survivors and general public notification periods were established.

The Prosecutor General's Office of the Republic of Armenia was established as the entity responsible for the implementation of the action and the immediate result, by consent, while the co-implementing bodies are the Ministry of Justice, the Ministry of Defense, the RA Investigative Committee, by consent, the RA Police, the Office of the RA Representative to the ECtHR. According to the AP document, the funding will be provided from sources not prohibited by law, and no funding is required from the state budget.

MONITORING RESULTS

According to the 2020 annual report, The Prosecutor General's Office of the Republic of Armenia has developed a draft order of the Prosecutor General of the Republic of Armenia on setting standards for prompt and transparent investigation of fatalities in the Armed Forces of the Republic of Armenia, which, on January 20, 2021 was sent for discussion to other co-implementing bodies set by the action.¹⁰²

102. HRAP 2020, Annual Report, page 7.

SUGGESTIONS FOR ENSURING THE RIGHT TO LIFE IN THE RA ARMED FORCES

- *It is necessary to set a measurable goal in terms of reducing the number of fatalities in the Armed Forces and increasing the investigation of cases related to them, in addition to defining baseline data for the current situation.*
- *The in-depth knowledge and practical skills of lawyers on the substantive and procedural aspects of the right to life are an additional guarantee in terms of protecting the rights of victims of violations of the right to life and preventing violations of their procedural rights. This is especially true in cases of violations of the right to life in the Armed Forces, as the rights of victims become more vulnerable considering the sensitivity of the sector and the confidentiality of the information. Therefore, it is necessary to involve lawyers as well in the training on the right to life in the Armed Forces.*
- *According to the decision of the Government of the Republic of Armenia of March 16, 2020 on declaring a state of emergency in the Republic of Armenia, the educational process in educational organizations had been suspended throughout the whole period of the state of emergency, except for distance learning.*
- *This restriction did not apply to military educational institutions.¹⁰³ Therefore, it would have been possible to organize trainings in the conditions of the coronavirus pandemic, using online teaching tools. Hence, it is necessary to develop and apply measures/tools, including online, for safe training and courses in the face of Covid-19 pandemic.*
- *Separate training specifically on the right to life in accordance with international law and standards for investigators, prosecutors and judges should be included in the Action Plan.*
- *It is necessary to develop and apply clear criteria by which it will be possible to assess the impact of awareness-raising actions in the military commissariats and military units, as well as that of the information materials and video materials regarding them disseminated through mass media on reducing the number of fatalities in the army.*

103. Decision N 298-N of the Government of the Republic of Armenia "On establishing a state of emergency in the Republic of Armenia", March 16, 2020.

- *It is necessary to prepare and disseminate such videos, which would be developed jointly with relevant human rights specialists and will contain information on the state's obligation to ensure the right to life, practical mechanisms for their elimination and restoration in case of violations.*
- *To clarify what exact awareness-raising activities the HRAP mentions that should be carried out in military units and military commissariats.*
- *Develop clear criteria for defining the impact of posters on military commissariats on raising conscripts' awareness of human rights.*
- *To envisage mechanisms for conducting studies on the causes of intolerance in the Armed Forces and conducting trainings for psychologists, which will allow to carry out the actions in the context of the coronavirus pandemic.*
- *It is necessary to consider the lectures of psychologists in military units not as a direct result of strengthening tolerance and mutual respect, but as a way to achieve it.*
- *Develop and apply clear criteria for measuring the impact of both the lectures for psychologists in the Armed Forces and the study on the causes of intolerance in the Armed Forces, contributing factors and ways to overcome them, on ensuring an atmosphere of tolerance and mutual respect in the Armed Forces and, as a result, the reduction of the number of fatalities that were caused by non-statutory relations in the Armed Forces.*

PROHIBITION OF TORTURE

The Strategy notes that despite recent legislative reforms aimed at combating torture and the introduction of mechanisms to implement them in practice, there are still a number of legislative and practical gaps and problems in Armenia that do not fully ensure effective protection and guarantee of this right.¹⁰⁴

The National Strategy states that in addition to the cases reflected in official statistics, many cases of torture may remain unknown, and that cases of torture that have become known to the public are also of concern, because although the cases are known to the public, they remain undisclosed.¹⁰⁵

In the HRAP 2020-2022 there is no information on the official statistics of cases of torture and on what principle such cases were considered “cases of torture”. It is also not clear on what principle such cases were considered disclosed or undisclosed.

The HRAP 2020-2022 set a goal to achieve at least 5% in the number of criminal cases brought to court on the grounds of torture.¹⁰⁶ However, the question arises whether only the stage of sending cases to court allows concluding that cases of torture are revealed, which in turn, according to the AP, will lead to a decrease in cases of torture and ill-treatment.

Peace Dialogue NGO is not aware of any cases in which any official who has committed torture has been found guilty and convicted, in accordance with Article 309.1 of the RA Criminal Code. Unlike the topic of the right to life, the HRAP 2020-2022 does not provide for awareness campaigns, videos, or other information materials on the topic of prohibition of torture in the Armed Forces. And this is in the case that the National Strategy also emphasizes the absolute prohibition of torture, inhuman or degrading treatment or punishment.¹⁰⁷

104. National Strategy, page 22.

105. The same source.

106. HRAP 2020, Annual Report, page 10.

107. The same source.

This prohibition is also absolute under international law, including international norms of armed conflict, as opposed to the right to life. Moreover, training on torture, inhuman or degrading treatment was not provided for commanders.

Meanwhile, in the military units, the commanders are the ones responsible for preventing the tortures, as well as for the investigation at the initial stage in case of their occurrence.

ACTION 12

To install video and audio recording equipment in police and military police stations of the Republic of Armenia

The twelfth action of the HRAP 2020-2022 dedicated to the prohibition of torture envisages the installation of video and audio recording equipment in police and military police stations of the Republic of Armenia by the second half of 2021. It is expected that 8 video cameras placed in each of 13 military police stations, 3 detachments, and 1 military base in each of

- 13 military police stations,
- 3 detachments,
- 1 military base.

The expected outcome of this action is the following: the incidents of torture, inhuman or degrading treatment in military police departments decreased; violations of rights enjoyed by parties to criminal trials during pre-trial criminal proceedings decreased along with incidents of obtaining evidence in violation of regulations on investigative and procedural practices; video and audio recordings used as evidence in criminal cases.

The state entity responsible for the implementation of the action related to the Military Police and for the expected output is the Ministry of Defense, while no co-implementing entity has been established.

Funding is envisaged from the state budget and other sources not prohibited by law.

MONITORING RESULTS

From January to August, 2020, no cameras were installed in military police departments, divisions and military units.

According to the letter of the Ministry of Defense, in 2020 the cost of installing cameras was being calculated.¹⁰⁸ A more detailed schedule for the installation of the cameras was not provided.

At the time of publication of the report, Peace Dialogue NGO was not aware of

108. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020.

any information on cooperation with international and / or local organizations in the installation of video recording equipment in the military police, on the involvement of the Ombudsman and that of the Office of the Representative of the Republic of Armenia in the ECtHR, on the principle of selection of units, divisions and one military unit and the choice of specific places for the placement of cameras in them, on the types of cameras, the scope of persons or agencies with access to video recordings, and the duration of the storage of the recordings.

As of February 13, 2021, the draft amendments to the HRAP 2020-2022 propose a change in the date: to move the implementation from the second half of 2021 to the second half of 2022.

ACTION 14

To establish legislation on applying the statute of limitations for cases of torture

The fourteenth action of the HRAP 2020-2022 dedicated to the prohibition of torture envisaged legislating restrictions on the use of the statutory limitations for the crime of torture by the second half of 2020.

It is expected that as a result of the adoption of the draft law, the cases of torture, as well as decisions to reject or dismiss criminal cases of torture will decrease.

The state entity responsible for the implementation and expected outcome is the Ministry of Justice, while the co-implementing bodies are the Prosecutor General's Office of the Republic of Armenia, by consent, The RA Investigative Committee, by consent, the RA Police and the Office of the RA Representative in the ECtHR.

No funding is required from the state budget.

MONITORING RESULTS

According to the information provided by the RA Ministry of Justice, according to the legal regulations contained in the draft of the new RA Criminal Code, statutory limitations shall not apply to crimes against peace and security of mankind, as well as to persons who have committed torture.¹⁰⁹

Meanwhile, in the HRAP 2020-2022, it was envisaged to legislate restrictions on the application of the statute of limitations. According to international standards, for the crime of torture, instead of imposing restrictions on the application of the statute of limitations, it is necessary to not apply the statute of limitations for this crime at all.

In other words, the execution of the action in this case exceeded the actual action set by the AP, which we consider a positive reality.

The draft of the new RA Criminal Code adopted by the RA National Assembly on December 9, 2020 in the first reading envisages that the statute of limitations does not apply to the crime of torture.¹¹⁰

109. Letter from the RA Ministry of Justice, May 14, 2020; HRAP 2020, Annual Report, page 15.

110. HRAP 2020, Annual Report, pages 15-16.

The AP also states that as a result of the adoption of the draft law, the cases of torture will be reduced, as well as the decisions on rejecting or terminating the initiation of criminal cases against them.

We have already mentioned above the problem of lack of baseline data in connection with the reduction of such cases.

In addition, it should be noted that in case of fulfilling the requirement of the law not to apply statute of limitations, the decisions to reject or dismiss torture cases should not be reduced, but abolished altogether, if such decisions are based solely on the statute of limitations.

ACTION 15

To develop guidelines for interpreting and applying the terms “severe physical pain” and “mental suffering” in compliance with international standards

The fifteenth action of the HRAP 2020-2022 dedicated to the prohibition of torture envisages studies conducted on definitions of the terms “**severe physical pain**” and “**mental suffering**” in the context of torture by the first half of 2021.

It is also expected that in the same period the RA Academy of Justice will adopt a guideline for law enforcement officers on interpretation and application of these terms, and the guideline will be applied within the framework of the courses implemented by the RA Academy of Justice.

In terms of expected outcome, it is expected that the cases of torture, as well as decisions to reject or dismiss criminal proceedings on cases of torture will decrease.

The entity responsible for carrying out the action is the RA Ministry of Justice, while the co-implementing bodies are

- the Academy of Justice, by consent,
- the RA General Prosecutor’s office, by consent,
- the RA Special Investigation Service, by consent
- the RA Police.

Funding is planned from the state budget and other sources not prohibited by law.

MONITORING RESULTS

Taking into account that this action was planned to be implemented until the first half of 2021, Peace Dialogue NGO did not monitor its implementation from January to August, 2020.

The 2020 annual report does not address this action.

As of February, 2021, the draft amendments to the HRAP 2020-2022 propose a change in the deadline: to move the deadline from the first half of 2021 to the first half of 2022.

ACTION 18**To put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment**

To put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment, which will guarantee the protection of the applicant.

The eighteenth action of the HRAP 2020-2022 on the prohibition of torture envisages putting in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment or punishment by the first half of 2022, through the introduction of means for anonymous reporting of torture, inhuman or degrading treatment in the Armed Forces.

As of February, 2021, the draft amendments to the AP proposed to amend this action by removing the word “anonymous” from it, adding a mechanism “which would guarantee the protection of the applicant”.

With the introduction of such a mechanism, it is expected that the cases of torture, inhuman or degrading treatment in the Armed Forces will decrease.

The entity responsible for the implementation of the action and for the expected outcome is the Ministry of Defense, while the co-implementing entity is the Office of the Representative of the Republic of Armenia in the ECtHR.

In the draft amendments to the AP, it was also proposed to move the deadline from the first half of 2020 to 2022.

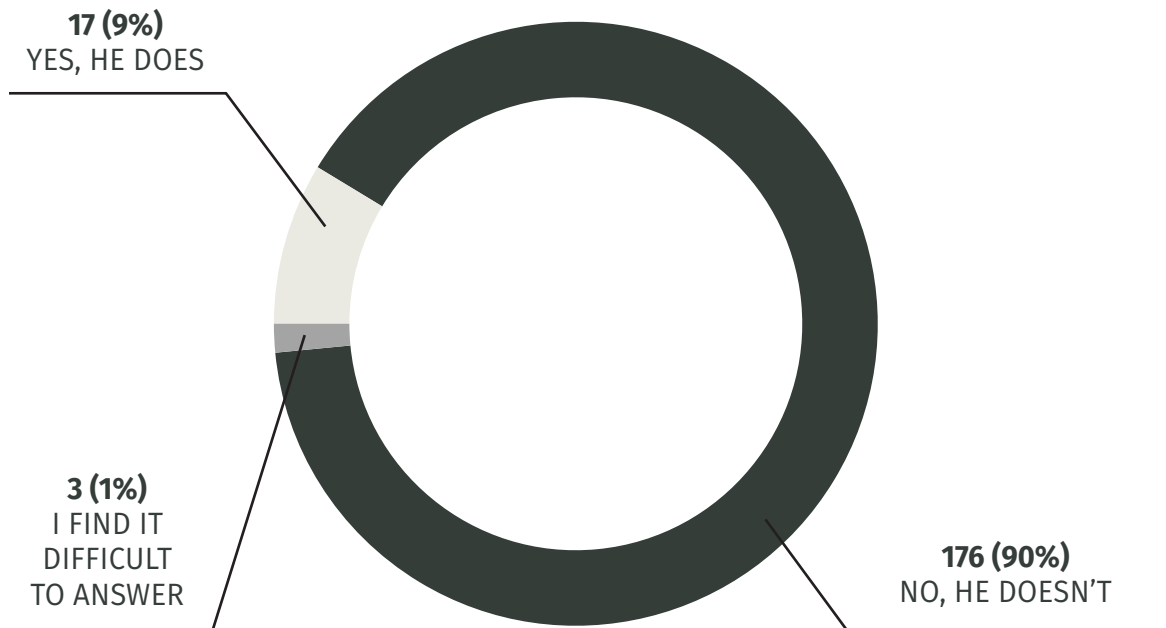
MONITORING RESULTS

In 2020, the phone numbers of the “Hotline” and “Trust Line” were placed in the military units of the Armed Forces.

The telephone number of the military police of the Ministry of Defense is mentioned in the information poster on the right to life, which was planned to be posted in military commissariats, military units, according to the Action 2.¹¹¹ As stated in the letter of the Ministry of Defense, the aim is to raise awareness among servicemen and to ensure the submission of anonymous reports on torture, inhuman or degrading treatment.

111. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020; HRAP 2020, Annual Report, page 16.

IMAGE 4. DOES THE COMMANDER HAVE THE RIGHT TO HIT THE SERVICEMAN? (N = 196)



THE PERCEPTIONS OF CONSCRIPTS ABOUT TORTURE, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

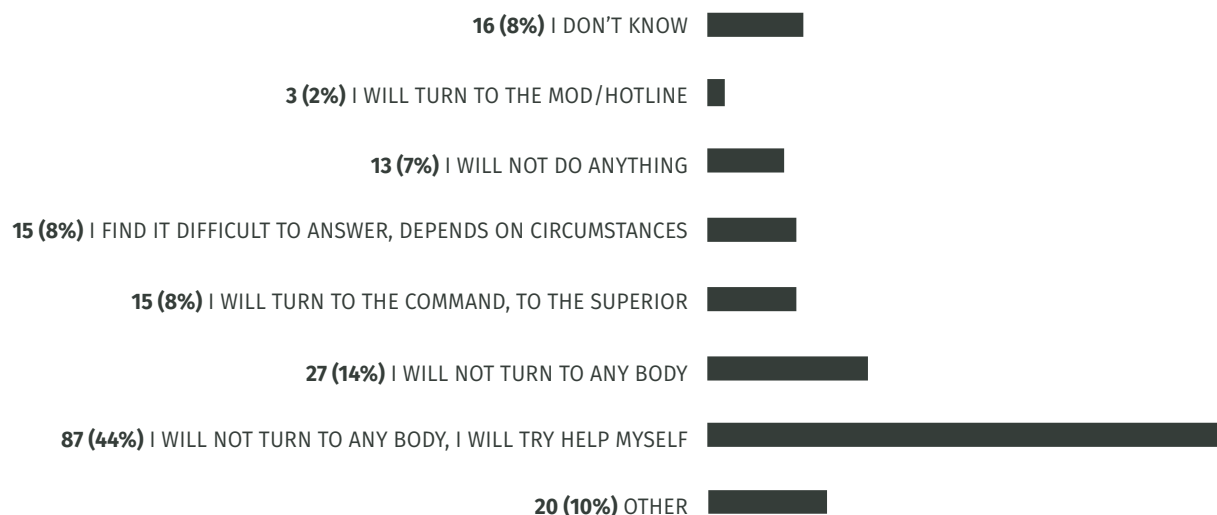
To find out the conscripts' perceptions of torture, inhuman or degrading treatment, the monitoring group tried to find out from the respondents and answer to the question whether the commander had the right to hit the serviceman, and if so, in what cases and under what circumstances.

Out of 196 conscripts surveyed, 17 (9%) believe that in some circumstances the commander has the right to hit a serviceman. (See Image 4).

According to the conscripts, violence by a commander against a serviceman would be "justified" if the latter refused to carry out the order, disobeyed his superior or was the first to use violence against the commander. When asked which body they would turn to if they were mistreated or witnessed a co-serviceman being mistreated, 114 (58%) said they would not turn to any body or will try to solve the problem on their own. (See Image 5).

In other words, more than half of the respondents do not even consider the possibility of applying to any state body in case of ill-treatment.

IMAGE 5. WHICH BODY WILL YOU TURN TO IF YOU ARE MISTREATED OR YOU WITNESS A CO-SERVICEMAN BEING MISTREATED? (N = 196)



“HOTLINE” AND “TRUST LINE”

Based on the previous experience of Peace Dialogue NGO, according to the citizens, there are often difficulties to connect to the “Hotline”. The Ministry of Defense mentioned that the reason is the congestion, therefore, it is planned to increase the number of lines for receiving citizens’ calls. Peace Dialogue NGO has had experience in several cases, when it was effectively used to submit anonymous reports for the violation of rights through the “Hotline”.

According to the website of the Ministry of Defense, the “Trust Line” operating in the General Staff of the Ministry of Defense since 2019 has been in service on a daily basis since April 13, 2020. It allows applications, suggestions or complaints, to be submitted anonymously, if necessary, and the confidentiality of calls is guaranteed.

From the website of the Ministry of Defense, we also learn that the goal of the “Trust Line” is to neutralize the factors hindering the realization of servicemen’s rights, to promptly respond to complaints and suggestions, to control the situation and make necessary decisions, as well as to strengthen the mutual trust between the commanders and the soldiers.¹¹²

We also learn from the website that strict control has been established to exclude discriminatory treatment and persecution of servicemen who have applied to the

112. Ministry of Defense, Armed Forces General Staff “Trust Line” will operate on a daily basis, April 17, 2020.

“Trust Line”, and in case of its occurrence, an official investigation is appointed and an adequate decision is made. If necessary, legal and advisory assistance is also provided on the issues raised.¹¹³

Peace Dialogue NGO has not yet had specific experience with the activities of the “Trust Line” and cannot draw conclusions about its operation and effectiveness in practice.

The same applies to anonymous reports in the Military Police. At the time of publishing the report, the monitoring group is trying to find out the effectiveness of all these mechanisms in reporting anonymously on torture, inhuman or degrading treatment in the Armed Forces.

113. Ministry of Defense, Armed Forces General Staff “Trust Line” will operate on a daily basis, April 17, 2020.

ACTION 26**Provide training on torture, inhuman or degrading treatment in accordance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges**

The twenty-sixth action of the HRAP 2020-2022 on the prohibition of torture envisages to provide training on torture, inhuman or degrading treatment in accordance with international standards.

For the period of 2020-2022 it is expected to train

- 35% of military police,
- 51% of investigators,
- 7% of prosecutors,
- 10% of judges.

It is expected that as a result of the trainings, cases of torture, inhuman or degrading treatment of persons in military police units, as well as that of the participants in criminal proceedings will decrease.

The entity responsible for the training of military police officers is the Ministry of Defense of the Republic of Armenia, the co-implementing bodies are the staff of the Human Rights Defender of the Republic of Armenia, by consent, and the Office of the Representative of the Republic of Armenia to the ECtHR. The Ministry of Justice is the entity responsible for training investigators, prosecutors and judges on the prohibition of torture. The RA Academy of Justice, by consent, the RA Investigative Committee, by consent, the RA Special Investigation Service, by consent, the staff of the RA Human Rights Defender, by consent and the Office of the RA Representative to the ECtHR were established as co-implementing bodies for the training of investigators. The RA Academy of Justice, by consent, the General Prosecutor's Office of the Republic of Armenia, by consent, the staff of the RA Human Rights Defender, by consent and the Office of the RA Representative to the ECtHR were established as co-implementing bodies for the training of prosecutors, and for the training of judges, the co-implementing bodies have been established to be the RA Academy of Justice, by consent, the Committee on Educational Affairs of the General Assembly of Judges, by consent, and the Office of the RA Representative to the ECtHR.

Funding will come from the state budget and other sources not prohibited by law.

MONITORING RESULTS: GENERAL OBSERVATIONS

Unlike the training on the right to life, no training on the prevention of torture was envisaged for lawyers.

The in-depth knowledge and practical skills of lawyers on the substantive and procedural aspects of the prohibition of torture are an additional guarantee in terms of protecting the rights of victims in cases of its violation and preventing violations of their procedural rights.

This is especially true in cases of torture and other ill-treatment in the Armed Forces, as the rights of victims become more vulnerable considering the sensitivity of the sector and the confidentiality of the information.

In 2020, due to restrictions on coronavirus pandemic, the trainings of prosecutors, investigators and military police organized by the RA Academy of Justice on the topic of prohibition of torture did not take place.¹¹⁴

According to the decision of the Government of the Republic of Armenia dated March 16, 2020 on declaring a state of emergency in the Republic of Armenia, the educational process in educational organizations has been suspended throughout the whole period of the state of emergency, except for distance learning.¹¹⁵

The RA Academy of Justice conducts annual trainings for investigators, prosecutors and judges. The Ministry of Justice of the Republic of Armenia referred to these courses as trainings on the topic of prevention of torture defined by the HRAP 2020-2022.

These courses address a number of issues in the RA criminal law, including the prohibition of torture and other ill-treatment and the case law of the European Court of Human Rights.

According to the RA legislation, the RA Academy of Justice conducts trainings for investigators, prosecutors, judges, approving the training programs and the lists of participants within the terms defined by law.¹¹⁶ The decision for each subsequent year is made in the previous year. The National Strategy for Human Rights and the Action Plan 2020-2022 were approved by the RA Government Decision No. 1978-L on December 26, 2019.

114. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020; National Strategy 01 / 13.7 / 4678-20, September 28, 2020; RA Investigative Committee, 12/12 / 47261-20, 28 August 2020; Prosecutor's Office, 44/6 / 19412-2020, 28 August 2020; see also Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

115. Decision N 298-N of the Government of the Republic of Armenia "On establishing a state of emergency in the Republic of Armenia", March 16, 2020.

116. See RA Law on the Academy of Justice, Article 14 (1) (3), Article 19 (2) (2) and 19 (2) (3), Article 19 (6.1), Article 19 (7.1), Articles 20 (1) and (2), Article 21 (6); RA Law on the Prosecutor's Office, Article 38.1.

Decisions on involving trainee investigators and prosecutors and on training programs are made sooner.

This means that the range of topics and participants had been defined (Peace Dialogue NGO is trying to obtain concrete information) before the National Strategy and AP were approved and separately from them.

Therefore, they can not be considered as a result of the 2020-2022 AP. In addition, as we have learned from the Education Committee of the General Assembly of Judges, it has submitted to the Academy of Justice for the 2020 annual training its proposals on subject courses (topics) to be included in the training programs of judges and candidates by the decision of July 31, 2019; therefore, they could not have been included in the HRAP 2020-2022.¹¹⁷

According to the Ministry of Justice, the trainings for investigators, prosecutors and judges on the prohibition of torture will be implemented by

- Council of Europe,
- United Nations Population Fund,
- UNICEF,
- United Nations Development Program,
- European Union,
- International Law Development Organization (IDLO),
- German Agency for International Cooperation (GIZ),
- German Foundation for International Legal Cooperation (IRZ), and European Bank for Reconstruction and Development.¹¹⁸

No details were provided on the formats and content of these collaborations.¹¹⁹

According to the Ministry of Justice, for the training of investigators, prosecutors and judges at the Academy of Justice, for each course, students are provided with a list of theoretical literature and court precedents, which are required for research study. The authors of the theoretical literature are either the trainers themselves or prominent lawyers in the field.¹²⁰

In particular, in cooperation with the United Nations Population Fund, UNICEF, the United Nations Development Program and the Academy of Justice, a handbook entitled *Criminal Law Characteristics and Peculiarities of Investigation* was devel-

117. Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020.

118. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

119. The same source.

120. The same source.

oped and used in the training programs. The authors are: S. Galyan, D. Tumasyan, A. Nikoghosyan.¹²¹

In addition, in cooperation with the Council of Europe, the European Union and the Academy of Justice, a handbook entitled Examining Cases Concerning the Right to Life, Torture and Other ill-treatment was effectively incorporated into the training programs. The authors are: S. Arakelyan, J. Cosma.¹²² According to the National strategy and the first semi-annual report for 2020, the RA Academy of Justice has also developed and adapted the HELP distance learning course Prohibition of Ill-Treatment to the RA legal system.¹²³

The Ministry of Justice, in response to an enquiry submitted by Peace Dialogue NGO about the participation of specific investigators, military prosecutors and judges of the special instance in the trainings and the principle of their selection, referred to the RA legislation, noting that investigators and judges participate in trainings without separate specializations, and the judges regardless of the court instance.¹²⁴

As mentioned above, the annual and regular trainings of investigators, prosecutors and judges at the Academy of Justice are beyond the scope of the HRAP 2020-2022, as they are implemented regardless of the requirements of the AP at least for the period of 2020-2021.

The Ministry of Justice, referring to the courses conducted by the Academy of Justice, noted that the following parties were involved in the preparation of educational materials:

- The Academy of Justice,
- The RA Prosecutor's Office,
- Financial Monitoring Center,
- United Nations Population Fund,
- UNICEF,
- United Nations Development Program,
- European Union,
- Council of Europe.¹²⁵

Further details of the involvement of the organizations were not provided.

121. 118. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

122. The same source.

123. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 26.

124. The same source; Article 24 (1) of the RA Law on the Special Investigation Service; RA Law on the RA Investigative Committee, Article 36 (1); RA Law on the Prosecutor's Office Article 48 (1) (7), Article 51 (1); "Judicial Code of the Republic of Armenia" Constitutional Law, Article 70 (2) (9).

125. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

The Ministry of Justice also referred to the RA Law on the Academy of Justice regarding the evaluation of trained investigators, prosecutors and judges, according to which the investigator, the prosecutor, the judge are considered to have passed the training or additional training, if they have participated in all the hours¹²⁶ of the relevant subject or additional training course, or have been involved in the training process of the persons as lecturers in the Academy envisaged by Article 14, Part 1, Clause 3 of the law.¹²⁷

In other words, the law does not provide for the evaluation of the training results of investigators, prosecutors and judges.¹²⁸ Certificates are not provided either.¹²⁹

Training materials on the prevention of torture, including public education manuals provided by the Academy of Justice, are available on the official website of the Academy of Justice at: <http://www.justiceacademy.am/#143>. The Ministry of Justice did not provide unpublished educational materials, justifying this by the copyright of the author.¹³⁰

The Ministry of Justice also informed Peace Dialogue NGO that the investigators and prosecutors of the Nagorno-Karabakh Republic are also involved in the training courses. However, no details were provided.¹³¹

MONITORING RESULTS: TRAINING OF MILITARY POLICE PERSONNEL

No information was provided on the timeline activities for the Military Police training schedule on the prohibition of torture. However, it is envisaged that the staff of the disciplinary unit of the Ministry of Defense, the receiving-transferring authority and the disciplinary isolator will be involved in the trainings.¹³²

According to the letter of the Ministry of Defense and the semi-annual report of 2020, as of July, 2020, the format of the training course was discussed with international partners.¹³³

126. RA Law on the Academy of Justice, Article 28 (4).

127. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; RA Law on the Academy of Justice, Article 21 (8); RA Law on the Academy of Justice, Article 28 (4), Article 14 (1) (3).

128. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; see also Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-00/20-U, E-6451, September 11, 2020.

129. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

130. The same source.

131. The same source.

132. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

133. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020; RA Ministry of Justice, 14.1 / 19846-20, September 3, 2020, see also Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 26.

Within the framework of cooperation between the RA Ministry of Defense and the Council of Europe, international experts have developed a draft training program, which will be implemented in 2020. As of September, it was under study.¹³⁴

In 2020, the international partners developed the topics of the training course and the timeline, but due to the hostilities the same year, they have not been implemented.¹³⁵

The Ombudsman office, in cooperation with the Council of Europe, participates in the development of the HELP online course **Human Rights in the Armed Forces**, which, as a target audience, provides training not only for servicemen, but also for officers.¹³⁶

At the time of publishing the report, Peace Dialogue NGO has no information on the involvement of the Office of the Representative of the Republic of Armenia in the ECtHR in the training of military police officers on the prevention of torture and their materials.

Evaluation of trained military police officers and issuance of certificates is not envisaged by the National Strategy.¹³⁷

At the time of publication of the report, Peace Dialogue NGO was not provided with information on training materials for military police on torture prevention, as well as about the authors of these materials, the involvement of local or international organizations in the development, training of specific police officers and their selection principle, as well as about the involvement of the military police of the Ministry of Defense of Nagorno-Karabakh in the trainings.

MONITORING RESULTS: TRAINING OF INVESTIGATORS

As of August 28, 2020, the format of training investigators on the prevention of torture is being discussed.¹³⁸

According to the Ministry of Justice, it was planned to train 28.7% of investigators in 2020.¹³⁹

The 2020 program of annual training of investigators includes the course **Current issues of application of legal positions of the ECtHR in criminal cases**. The syllabus

134. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

135. HRAP 2020, Annual Report, page 17.

136. HRAP, 01/13.7/4678-20, September 28, 2020.

137. RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

138. Investigation Committee, 12/12 / 47261-20, August 28, 2020.

139. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

bus of this course has a separate topic on the prevention of criminal law, prohibition of torture, other ill-treatment, racism and discrimination.¹⁴⁰

According to the HRAP annual report for 2020, from July to December, 2020, 5 investigators were trained (5.1%).¹⁴¹

The program also includes the course **Criminal cases of crimes against the order of military subordination and the code of relations between servicemen**. The course includes a detailed presentation of the current criminal code of the Republic of Armenia and the draft of the new Criminal Code of the Republic of Armenia, as well as the war crimes offenses, violations of military discipline and separation of war crimes, in particular, from the point of view of the principle of non-responsibility for the same act again, the peculiarities of qualification of general and qualified crimes of war crimes.

It is planned to train 11 (11.3%) investigators from July to December, 2020.¹⁴²

Within the framework of the 2020 annual training program for RA Special Investigation Service officers, a course entitled **Criminal Legal Characteristics of Torture - Peculiarities of Investigation** was included. The course explores issues related to the protection of the right to not be subjected to torture, inhuman or degrading treatment, the ECtHR criteria for the investigation of cases of torture, the criminal law description of torture, the peculiarities of its delimitation and qualification from related crimes.¹⁴³

It was planned to train five (18.5%) SIS investigators on the topic of the prohibition of torture from February 3 to 7, 2020¹⁴⁴ which have been implemented as planned as we learned from HRAP annual report.¹⁴⁵

Training is also provided on torture, inhuman or degrading treatment or punishment, as part of the HELP Distance learning course on **Prohibition of ill-treatment**.¹⁴⁶

According to the National strategy and first semi-annual report in 2020, as of July 20, 2020, the Academy of Justice held a seminar **On the Effective Investigation**

140. HRAP 2020, Annual Report, pages 17-18.

141. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; HRAP 2020, Annual Report, pages 17-18.

142. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

143. HRAP 2020, Annual Report, pages 17-18.

144. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

145. HRAP 2020, Annual Report, pages 17-18.

146. The same source.

of Torture, Ill-Treatment and Death in the Context of the Armed Forces.¹⁴⁷ Details about the seminar and the participants are not presented in the report.

The Council of Europe website informs about another course on the prohibition of torture. On July 31, 2020, a six-week HELP distance learning course on Combating ill-treatment was launched with the participation of 20 legal professionals, including 10 investigators. All participants who successfully completed the course were to be awarded certificates of completion by the Council of Europe and the Academy of Justice.¹⁴⁸

Neither the Ministry of Justice nor the Prosecutor General's Office referred to this program and course. At the time of publication of the report, it is not clear to the monitoring group whether and to what extent this course is in line with the National Strategy and the HRAP 2020-2022, in particular from its actions to be carried out from January to August, 2020.

There is also no information on whether the cases of ill-treatment in the Armed Forces were discussed, or whether there were any investigators from General Department of Military Investigation among the investigators who participated in the training. It is not clear from the received reply letters whether the HELP program is connected with the HRAP 2020-2022.

MONITORING RESULTS: TRAINING OF PROSECUTORS

According to the information provided by the Prosecutor's Office, on March 12, 2020, 15 representatives of the Military Prosecutor's Office, i.e., 10.5% of military prosecutors, participated in a joint workshop organized by the Yerevan Office and the Academy of Justice, dedicated to torture, inhuman or degrading treatment in the Armed Forces.¹⁴⁹

According to the official website of the Council of Europe, 14 prosecutors participated in the workshop.¹⁵⁰ The workshop was conducted (chaired) by CoE international consultants W. Jordash, who presented the issues of the effective examination, and E. Duban, who presented the peculiarities of the investigation of cases involving female servicemen.¹⁵¹

147. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 27.

148. CoE Yerevan Office, The second group of legal specialists participates in the HELP distance learning course on "Fighting ill-treatment", July 31, 2020.

149. Prosecutor's Office, 44/6/ 19412-2020, August 28, 2020.

150. CoE Yerevan Office, Armenian Judges and Prosecutors Participate in Training on Effective Investigation into Torture, Ill-Treatment and Death in the Armed Forces, March 12, 2020.

151. Prosecutor's Office, 44/6/ 19412-2020, 28 August 2020; CoE Yerevan Office, Armenian Judges and Prosecutors Participate in Training on Effective Investigation into Torture, Ill-Treatment and Death in the Armed Forces, March 12, 2020.

According to the information provided by the Ministry of Justice, the **Current Issues of RA Criminal Law** course is included in the 2020 annual training program for prosecutors implemented by the RA Academy of Justice.¹⁵²

This course was intended to train 32 prosecutors (47%) from September to December, 2020. The course **Peculiarities of War Crimes Qualification and Investigation Methodology** was included in the annual training program, envisaging training of 24 prosecutors (35.2%), from September to December, 2020, as well as the course **Current issues of the RA Criminal Procedure** with training for 9 prosecutors (13.2%), also set from September to December, 2020. In particular, the topic of torture on the criminal law and peculiarities of the investigation was included in the course on torture, which was planned to be held from April to May, 2020, but was postponed from September to December, 2020 due to the coronavirus pandemic.¹⁵³

According to the HRAP annual report for 2020, from September to December, 2020, 32 prosecutors were trained (47%).¹⁵⁴

Course on Criminal **Characteristics of Torture - Peculiarities of Investigation** examines the issues of protection of the right not to be subjected to torture, inhuman or degrading treatment, the ECtHR criteria for the investigation of cases of torture, the criminal legal characteristics of torture, the peculiarities of its demarcation and qualification from related crimes.¹⁵⁵

Training is also provided on torture, inhuman or degrading treatment or punishment within the HELP distance learning course **Prevention of ill-treatment**.¹⁵⁶

The Council of Europe website informs about another course on the prohibition of torture. On July 31, 2020, a six-week HELP distance learning course on **Combating Mistreatment** was launched with the participation of 20 legal professionals, including 10 prosecutors.¹⁵⁷ All successful participants were to be awarded graduation certificates by the Council of Europe and the Academy of Justice.

Neither the Ministry of Justice nor the Prosecutor General's Office referred to this program and course. At the time of publication of the report, it is not clear to the monitoring group whether and to what extent this training stems from the National strategy and the HRAP, in particular from its activities to be carried out

152. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

153. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

154. HRAP 2020, Annual Report, page 18.

155. The same source.

156. The same source, page 19.

157. CoE Yerevan Office, The second group of legal specialists participates in the HELP distance learning course on "Fighting ill-treatment", July 31, 2020.

from January 2020 to August. There is also no information on whether the cases of ill-treatment in the Armed Forces were discussed, or whether there were also military prosecutors among the prosecutors who participated in the training.

According to the National Strategy and the first semi-annual report of HRAP 2020, as of July 20, 2020, the Academy of Justice held a seminar entitled **Effective investigation of torture, ill-treatment and death in the context of the Armed Forces**.¹⁵⁸ Details about the seminar and the participants are not presented in the report.

Peace Dialogue NGO also applied to the Prosecutor General's Office for details on the training materials used to train military prosecutors. The Prosecutor's Office noted that the educational materials are in the stage of further elaboration and / or redeveloping; therefore, they are not subject to publication or provision.¹⁵⁹

At the time of publication of the report, it is not clear to the monitoring group why the training materials are being elaborated or redeveloped as of August, 2020, if the Academy of Justice must have decided on the curriculum for that year the previous year. What was the need for elaboration or redevelopment, and if the course was redeveloped, it means that there was another version of it, which was also not provided to Peace Dialogue NGO.

In cooperation with the Council of Europe, the RA Academy of Justice has developed and adapted the Prohibition of Ill-Treatment HELP distance learning course to the RA legal system.¹⁶⁰

MONITORING RESULTS: TRAINING OF JUDGES

In 2020, the training program for judges and candidates for judges organized at the Academy of Justice included a course entitled **Criminal Characteristics of Torture - Peculiarities of Investigation**. The training program covers the issues of protection of the right not to be subjected to torture, inhuman or degrading treatment, the ECtHR criteria for the investigation of cases of torture, the criminal-legal characteristics of torture, the peculiarities of its delimitation and classification from related crimes.¹⁶¹

According to the HRAP 2020 annual report, from September to December, 2020, 24 judges were trained (30.76%).¹⁶²

158. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 27-28.

159. Prosecutor's Office, 44/6 / 19412-2020, August 28, 2020.

160. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 27.

161. HRAP 2020, Annual Report, page 19.

162. The same source.

The training program also includes the course **Current issues of application of ECtHR legal positions on criminal cases**, which itself includes the topics on modern case law of the ECtHR related to the protection of criminal law, the prohibition of torture, other ill-treatment, racism, and the prohibition of discrimination.¹⁶³

Training in torture, inhuman or degrading treatment or punishment is part of the HELP distance learning course on **Combatting ill-treatment**.¹⁶⁴

According to the website of the Council of Europe, on April 8, 2020, 10 judges in the field of criminal law participated in the eight-week HELP distance learning course on **Reasoning of judgments in criminal cases**.

The topic was also related to the reasoning of judicial decisions made by domestic courts in criminal cases in the context of Article 3 of the ECHR, which prohibits torture.

It was planned to award graduation certificates by the Council of Europe and the Academy of Justice to all participants who successfully completed the course.¹⁶⁵

The second HELP distance learning course on **Reasoning of judgments in criminal cases** took place on May 12, 2020, where the reasoning of criminal cases related to the prohibition of torture was also discussed. This time, 17 judges with criminal specialization participated in the course. The latter lasted eight weeks and the participants who completed the course successfully were awarded certificates this time as well.¹⁶⁶

At the time of publishing the report, Peace Dialogue NGO does not know whether the mentioned HELP distance learning courses derive from the National Strategy and the HRAP 2020-2022. It is also not known to what extent these courses covered or addressed the nuances of reasoning in specific cases involving the prohibition of torture in the Armed Forces.

In particular, training on the prohibition of torture and ill-treatment in the Armed Forces took place on March 12, 2020, which, according to the website of the CoE Yerevan Office, was attended by 8 judges of the Criminal Court of Appeal, and the Courts of First Instance in Yerevan and other regions of Armenia. The training was organized within the framework of the **Human Rights in the Armed Forces** program of the Council of Europe in cooperation with the RA Academy of Justice.

163. HRAP 2020, Annual Report, page 19.

164. The same source.

165. CoE Yerevan Office, Armenian judges and judicial servants successfully completed a new HELP distance-learning course. April 8, 2020.

166. CoE Yerevan Office, Second group of judges in Armenia to follow HELP course on reasoning of judgments, May 12, 2020.

Issues related to the effective investigation of torture, ill-treatment and fatalities in the Armed Forces were discussed during the training.

The training was conducted by Council of Europe experts W. Jordash and E. Duban, who addressed the issue of effective investigation into torture, ill-treatment and deaths in the Armed Forces, as well as the specifics of the investigation of cases involving female soldiers.¹⁶⁷

In response to the inquiry of Peace Dialogue NGO on cooperation with international and local organizations in the implementation of trainings, the Committee on Educational Affairs of the General Assembly of Judges mentioned that in addition to the above-mentioned structures, in collaboration with the International Narcotics and Law Enforcement Affairs (INL) Office of the U.S. Embassy in Yerevan, The Netherlands Helsinki Committee, the University of Leiden and the Academy of Local Government in The Hague, with the participation of, International Association of Judges, (IAJ), European Office for Asylum Support under the Council of Europe, European Bank for Reconstruction and Development, as well as the RA Prosecutor's Office, Special Investigation Service, National Security Service and other domestic structures and subdivisions, seminars, trainings, workshops, conferences, round tables and business trips abroad have been regularly organized with judges on various legal issues.¹⁶⁸

The RA Academy of Justice held a seminar on **Effective investigation into torture, ill-treatment and death in the context of the Armed Forces.**¹⁶⁹

167. CoE Yerevan Office, Armenian judges and prosecutors were trained on effective investigation of torture, other forms of ill-treatment and death cases in the Armed Forces, March 12, 2020.

168. Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-00/20-U, E-6451, September 11, 2020.

169. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 28-29.

PROPOSALS FOR ENSURING THE PROHIBITION OF TORTURE IN THE RA ARMED FORCES

- *Establish clear criteria for considering cases of torture as such, whether they are detected or not, and publish statistics based on them.*
- *Ensure the investigation of cases of torture in accordance with Article 309.1 of the RA Criminal Code and the conviction of the guilty.*
- *It is necessary to carry out awareness-raising measures not only on the right to life, but also on the right to be free from torture and other ill-treatment in military units and military commissariats.*
- *Training for commanders and officers on torture, inhuman or degrading treatment is also required.*
- *Lawyers should also be involved in training in the Armed Forces on the right to refrain from torture and other ill-treatment.*
- *Develop and implement tools, including online, for safe training and education in the Covid-19 pandemic.*

THE RIGHT TO FAIR TRIAL

The National Strategy emphasizes that the right to a fair trial is a guarantee of human legal security in a democratic society.¹⁷⁰ This strategy and the HRAP 2020-2022 primarily target Fair Trial in the field of criminal justice, in particular through measures to improve the preliminary investigation.

The objective of the HRAP 2020-2022 is to decrease the number of complaints filed to the ECtHR for violations of the right to a fair trial and to reduce the defendants' human rights violations and number of complaints. Unfortunately, neither the strategy, nor the HRAP 2020-2022 provides quantitative data on such violations available at the time of government decision. Therefore, it becomes impossible to measure the decrease of the cases of violation of the right to a fair trial and especially of that right of the defendants.

170. National Strategy, page 23.

ACTION 27

To ensure video and audio recording of investigative and procedural actions

The twenty-seventh action on the Right to a Fair Trial of HRAP 2020-2022 is intended to ensure video and audio recording of investigative and procedural actions by the first semester of 2022.

It is expected that by the deadline, 85 subdivisions of the RA Investigative Committee will have video recording equipments but the number of video recording equipments provided to the Special Investigation Service is not specified.

The entity responsible for the installation of video recording equipment in the RA Investigative Committee is the RA Investigative Committee, by consent, and for the installation in the SIS is the SIS also by consent. No co-implementing entity has been defined.

Funding will be provided from the state budget and other sources not prohibited by law.

MONITORING RESULTS

As the deadline for the implementation of this action is the first half of 2022, the monitoring group did not monitor the status of its implementation from January to December, 2020.

ACTION 28

To equip investigation units for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact

The twenty-eighth action dedicated to the right to a fair trial of the HRAP 2020-2022 is intended to equip investigation units for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.

It is expected that by the first half of 2021 in 10 subdivisions of the RA Investigative Committee, and by the first half of 2022 in 2 subdivisions of the SIS, rooms will be set up for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.

The RA Investigative Committee has been appointed as the entity responsible for setting up such a room in the RA Investigative Committee, and the SIS has also been appointed by consent to set up a room in the SIS. No co-implementing entity has been defined in either of these cases.

Funding will be provided from the state budget and other sources not prohibited by law.

MONITORING RESULTS

At the time of publication of the report, from January to December, 2020, the monitoring group does not possess information about the equipment investigation units for identification and confrontation purposes in the subdivisions of the RA Investigative Committee and the Special Investigation Service.

ACTION 34

To conduct training on the right to a fair trial in compliance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges

The thirty-fourth action of the HRAP 2020-2022 dedicated to Fair Trial provides training on the Right to a Fair Trial in accordance with international standards, including

- military police,
- investigators,
- prosecutors,
- judges.

During 2020-2022, it is expected to train

- 30% of military police,
- 11% of SIS investigators,
- 25% of prosecutors,
- 41% of judges.

The expected outcome is that violations of the right to a fair trial by the police of the Republic of Armenia during the pretrial criminal proceedings will decrease.

The entity responsible for the training of military police is the RA Ministry of Defense, while no co-implementing body has been established.

The entity responsible for the training of SIS investigators, prosecutors and judges is the RA Ministry of Justice.

The RA Academy of Justice, the RA Investigative Committee and the Special Investigation Service were outlined as the co-implementing bodies for the training of SIS investigators, by consent.

The coordinating bodies for the training of prosecutors are the RA Academy of Justice and the RA General Prosecutor's Office by consent.

The coordinating bodies for the training of judges are the RA Academy of Justice and the Committee on Educational Affairs of the General Assembly of Judges upon agreement.

Funding will come from the state budget and other sources not prohibited by law.

MONITORING RESULTS: GENERAL OBSERVATIONS

In 2020, due to restrictions on coronavirus pandemic, no training was provided for military police and investigators on a fair trial.¹⁷¹ According to the decision of the Government of the Republic of Armenia on March 16, 2020 on declaring a state of emergency in the Republic of Armenia, the educational processes in educational establishments have been suspended during the whole state of emergency, except for distance learning.¹⁷²

The RA Academy of Justice conducts annual trainings for investigators, prosecutors and judges. The Ministry of Justice of the Republic of Armenia referred to these courses as trainings on the Right to a Fair Trial defined by the 2020-2022 AP. These courses address a number of issues of RA criminal law, including some issues on the Right to a Fair Trial.

According to the RA legislation, the RA Academy of Justice approves the training programs and the lists of participants within the terms defined by law and conducts trainings for investigators, prosecutors, judges within the timeframe set by the law. The decision for each year is made the previous year.¹⁷³ The National Strategy and the Action Plan for 2020-2022 deriving from it were approved by the RA Government Decision No. 1978-L on December 26, 2019. Decisions on involvement of investigators and prosecutors in the trainings and the training programs were made earlier. This means that the range of topics and participants were defined before the strategy and the decision of the AP and regardless of the strategy and AP. Therefore, they cannot act as an expected outcome of the HRAP 2020-2022.

In addition, as we were informed by the Committee on Educational Affairs of the General Assembly of Judges, they submitted proposals for subject courses (topics) to the Academy of Justice for inclusion in the training programs of judges and candidates for judges in the 2020 annual training by the decision of July 31, 2019 and these proposals couldn't have been included in the 2020-2022 AP either.¹⁷⁴

According to the Ministry of Justice, trainings for investigators, prosecutors and judges on fair trial will be conducted in collaboration with

- Council of Europe,
- United Nations Population Fund,
- UNICEF,

171. National Strategy 01 / 13.7 / 4678-20, September 28, 2020.

172. Decision N 298-N of the Government of the Republic of Armenia "On establishing a state of emergency to the Republic of Armenia", March 16, 2020.

173. See RA Law on the Academy of Justice, Article 14 (1) (3), Article 19 (2) (2) and 19 (2) (3), Article 19 (6.1), Article 19 (7.1), Articles 20 (1) and (2), Article 21 (6); RA Law on the Prosecutor's Office, Article 38.1.

174. Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020.

- United Nations Development Program,
- European Union,
- International Law Development Organization (IDLO),
- German Agency for International Cooperation (GIZ),
- German Foundation for International Legal Cooperation (IRZ),
- European Bank for Reconstruction and Development (EBRD).¹⁷⁵

No further details were provided on the formats and content of these collaborations.¹⁷⁶

According to the information provided by the Ministry of Justice, the investigators, prosecutors and judges to be trained at the Academy of Justice are provided with a list of theoretical literature and court precedents that are compulsory for each course. The trainers are either the authors of the theoretical literature themselves or prominent law scholars in the field.¹⁷⁷

The Ministry of Justice, in response to an inquiry from Peace Dialogue NGO about the participation of particular investigators, military prosecutors and judges of specific courts in the trainings and the principle of their selection, referred to the RA legislation, noting that investigators and judges participate in the trainings without any division in specializations and judges are independent of the court.¹⁷⁸

As mentioned above, the annual and regular trainings of investigators, prosecutors and judges at the Academy of Justice are out of the scope of HRAP 2020-2022, as they are carried out independently of the requirements of the AP for at least 2020-2021.

The Ministry of Justice, referring to the courses conducted by the Academy of Justice, noted that the following organizations are involved in the preparation of educational materials:

- Academy of Justice,
- RA Prosecutor's Office,
- Financial Monitoring Center (FMC),
- United Nations Population Fund,
- UNICEF,
- United Nations Development Program,

175. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

176. The same source.

177. The same source.

178. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; Article 24 (1) of the RA Law on the Special Investigation Service; RA Law on the RA Investigative Committee, Article 36 (1); RA Law on the Prosecutor's Office, Article 48 (1) (7), Article 51 (1); Judicial Code of the Republic of Armenia Constitutional Law, Article 70 (2) (9).

- The European Union,
- Council of Europe.

Details of the involvement of the organizations were not provided.¹⁷⁹

Regarding the evaluation of trained investigators, prosecutors and judges, the Ministry of Justice also referred to the RA Law on the Academy of Justice, according to which investigators, prosecutors, judges are considered to have undergone all trainings or additional trainings if they have participated in all relevant courses or additional trainings¹⁸⁰ either as a lecturer or were involved in the planned training processes for the personnel according to Article 14, Part 1, Clause 3 of the Academy.¹⁸¹ In other words, the law does not provide for the evaluation of the training results of investigators, prosecutors and judges.¹⁸² Certificates are not issued either.¹⁸³

The training materials provided by the Academy of Justice on the subject of Fair Trial, including public manuals, are available on the official website of the Academy of Justice in the following page: <http://www.justiceacademy.am/#143>. The Ministry of Justice did not provide unpublished training materials justifying it by the author's copyright.¹⁸⁴

The Ministry of Justice also informed Peace Dialogue NGO that the investigators and prosecutors of the Nagorno-Karabakh are also involved in the training courses. However, no details were provided.¹⁸⁵

MONITORING RESULTS: TRAINING OF MILITARY POLICE

According to the information provided by the Ministry of Defense, as of May 2020, the format of training curriculum and the scope of involvement of military police, according to the expediency of the training topic, were discussed.¹⁸⁶ No further information was provided on the involvement of employees in specific training units.

179. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

180. Law of the Republic of Armenia on the Academy of Justice, Article 28 (4).

181. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; RA Law on the Academy of Justice, Article 21 (8); RA Law on the Academy of Justice, Article 28 (4), Article 14 (1) (3).

182. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice; see also Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-00/20-U, E-6451, September 11, 2020.

183. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

184. The same source.

185. The same source.

186. RA Ministry of Defense / 510- GK / 374, May 19, 2020.

Later, in 2020, the training partners developed the topics of the training course, but due to hostilities, they were not implemented.¹⁸⁷

Details of international or local organizations and cooperation with them were not provided to Peace Dialogue NGO.

No information was provided on the timeline, training materials, their authors, the involvement of international organizations in the development of the materials, the criteria for selecting trainers or organizations, the evaluation of military police officers undergoing the trainings, the issuance of certificates and the evaluation of training effectiveness either.

MONITORING RESULTS: TRAINING OF SIS INVESTIGATORS

Although the immediate result of this action is the conduct of trainings only for SIS investigators, the investigators of the RA Investigative Committee are also involved in the trainings on the fair examination of the case defined by this action. The RA Investigative Committee informed Peace Dialogue NGO about their involvement.¹⁸⁸

As of August 28, 2020, training formats are being discussed.¹⁸⁹ According to the Ministry of Justice, it was planned to train 28.7% of investigators in 2020.¹⁹⁰

According to the HRAP 2020 annual report, the training program entitled **Current Issues of Application of ECtHR Legal Positions in Criminal Cases** included in the training program of RA Investigative Committee officers (investigators) envisages the current case law of the ECtHR on the protection of the right to a fair trial and issues of its application against Armenia.¹⁹¹

From July to December, 2020, 5 investigators were trained within the course (5.1%). The annual report does not refer to a specific course, but to a general training.¹⁹²

The training program for investigators also included a course entitled **Criminal Issues of Crimes against Military Order and Code of Conduct between Servicemen**. The course includes a detailed presentation of the crimes under the current Criminal Code of the Republic of Armenia and the new draft of Criminal Code of the Republic of Armenia, the issues of separation of military discipline violations and

187. HRAP 2020, Annual Report, page 24.

188. General Department on Special Assignments, Organizational-analytical Activity and Criminalistics, N 12/12/47261-20, RA Investigative Committee, August 28, 2020.

189. Investigative Committee, 12/12/47261-20, August 28, 2020.

190. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

191. HRAP 2020, Annual Report, pages 24-25.

192. HRAP 2020, Annual Report, pages 24-25.

war crimes, in particular, the principle of non-responsibility for the same act again. It was planned to train 11 investigators (11.3%) from July to December, 2020.¹⁹³

MONITORING RESULTS: TRAINING OF PROSECUTORS

According to the information provided by the Ministry of Justice, the 2020 annual training program for prosecutors implemented by the RA Academy of Justice includes the course **Current issues of RA criminal law**,¹⁹⁴ which also discusses the right to a fair trial and its components and the issues of their provision in criminal proceedings in relation to ECtHR practice.¹⁹⁵ This course was intended to train 32 prosecutors (47%), from September to December, 2020.

The program also includes the topic **Current issues of international human rights law**, which was intended to train prosecutors from April to May, 2020, but due to the COVID-19 pandemic, it was postponed from September to December.¹⁹⁶

The course **Peculiarities of the method of qualification and investigation of war crimes** was included in the annual training program, envisaging training of 24 prosecutors (35.2%), from September to December, 2020, as well as the course **Current issues of the RA Criminal Procedure** with training for 9 prosecutors (13.2%), also from September to December, 2020.¹⁹⁷

According to the HRAP 2020 annual report, from September to December, 2020, 9 prosecutors were trained (13.2%).¹⁹⁸

PD also requested information from the Prosecutor General's Office of details on the training materials used to train military prosecutors. The Prosecutor's Office informed us that due to the Covid-19 pandemic, the trainings on fair trial did not take place, and the training materials are in the process of further elaboration and / or processing, so they are not subject to publication or provision.¹⁹⁹ At the time of report publication, it was not clear to the monitoring group why the training materials were being elaborated or processed as of August, 2020, if the Academy of Justice should have decided on the curriculum for that year in the previous year. What was the need for elaboration or processing, and if the course was being

193. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

194. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

195. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, pages 32-33; HRAP 2020, Annual Report, page 25.

196. Prosecutor's Office, 44/6/ 19412-2020, 28 August 2020; see also Letter of the RA Ministry of Justice, October 14, 2020 on the courses conducted by the Academy of Justice.

197. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

198. HRAP 2020, Annual Report, page 25.

199. RA General Prosecutor's Office, 6/6 / 21492-2020, October 13, 2020.

processed, it means that there had been another version of it, which was also not provided to PD?

MONITORING RESULTS: TRAINING OF JUDGES

According to the semi-annual and annual reports on the activities under HRAP 2020-2022, the RA Academy of Justice's annual training program for 2020 includes courses on **Current issues of RA criminal proceedings**, **Current issues of RA administrative proceedings**, and **Current issues of RA civil proceedings**. Within the framework of these trainings, among other things, the legal relations concerning the fair examination of the case in 7 criminal, administrative and legal spheres and the issues of ensuring the rights to be disputed in those proceedings will be discussed, including the legal nature of the right to a fair trial, fair hearings, the principle of competition, reasonable timelines of public examination, equality of Arms.²⁰⁰ The training program entitled **Current issues of application of ECtHR legal perspectives in criminal cases** included in the 2020 program of the Academy of Justice foresees a separate topic on the ECtHR's precedential law on the protection of the right to a fair trial and the issues of its application to Armenia.²⁰¹ The trainings were planned to be carried out from September to December, 2020.²⁰²

According to the HRAP annual report for 2020, from September to December, 2020, 24 judges (30.76%) were trained within the framework of the **Current Issues of RA Criminal Procedure** course, and 23 judges (48.93%) of the judges were trained in the **Current Issues of RA Administrative Procedure** course, and within the framework of **Current Issues of RA Civil Procedure** course, 119 judges (98.34%).²⁰³

According to the website of the Council of Europe, on April 8, 2020, 10 judges in the field of criminal law participated in an eight-week HELP distance learning course on **Reasoning of judgments in criminal cases**. The topic was also related to the context of Article 6 of the ECHR which deals with the fair trial of case in reasoning of judicial acts made by domestic courts in criminal cases. It was planned by the Council of Europe and the Academy of Justice to award completion certificates to all participants who successfully completed the course.²⁰⁴

200. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 33; see also Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-66/20-U, E-7343, October 22, 2020; Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020; see also Curriculum, Annual Training of Persons Included in the List of Judges and Judges Candidates, Appendix 1, Governing Council of the Academy of Justice, 2019. Decision No. KK-010/19/1 of November 29.

201. Semi-Annual Report on the activities carried out in the first half of 2020 under HRAP 2020-2022, July 20, 2020, page 33; HRAP 2020, Annual Report, page 25.

202. Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

203. HRAP 2020, Annual Report, page 25.

204. CoE Yerevan Office, Judges and Judicial Officers Successfully Complete New HELP Distance Learning Course, April 8, 2020.

The second HELP distance learning course on **Reasoning of judgments in criminal cases** took place on May 12, 2020, where the reasoning of criminal cases related to the fair trial set by the ECHR was also discussed. 17 judges with criminal specialization participated in this course. The training lasted eight weeks and the participants who successfully completed it were also awarded certificates.²⁰⁵ At the time of publication of the report, PD did not know whether the HELP distance learning courses were based on the strategy and the 2020-2022 Action Plan. It is also not known to what extent these courses reflected or addressed the nuances of reasoning in the context of fair criminal investigations in the Armed Forces.

In response to a request from PD about the cooperation with international and local organizations in the implementation of trainings, the Education Committee of the General Assembly of Judges replied that in addition to the above mentioned structures, the US Embassy Drug Enforcement and Law Enforcement Agency (NCFE) Helsinki, in cooperation with the University of Leiden and the Academy of Local Government in The Hague, the International Union of Judges (IAJ), the European Office for Asylum Support under the Council of Europe, the European Bank for Reconstruction and Development (EBRD), and the Prosecutor General's Office, Special Investigation Service, National Security Service and with the participation of other domestic structures and subdivisions, seminars, trainings, workshops, conferences, round tables and business trips abroad were regularly organized with judges on various legal issues.²⁰⁶

205. CoE Yerevan Office, the second group of Judges Participate in HELP Distance Learning Course on "Reasoning of judgments in criminal cases", May 12, 2020.

206. Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-00/20-U, E-6451, September 11, 2020.

RECOMMENDATIONS FOR ENSURING THE RIGHT TO A FAIR TRIAL

- *The 2020-2022 AP aims to reduce the number of complaints filed with the ECtHR with alleged violations of the right to a fair trial, and to reduce the number of human rights violations and complaints against defendants as a problem. However, there is no baseline data on such violations. Therefore, it is necessary to publish statistics on the number of human rights violations against defendants and the number of complaints filed against them.*
- *It is necessary to develop and apply means, including online, for the safe implementation of trainings and courses under the Covid-19 pandemic.*

EQUALITY OF RIGHTS AND NON-DISCRIMINATION

According to the National Strategy, the issue of creating legislative guarantees for ensuring equality, as well as their effective implementation continues to be of paramount importance for Armenia. Regarding the issues of equality between women and men, the National Strategy refers to the decision of the Government of the Republic of Armenia **On approving the strategy and Action Plan for the implementation of gender policy in the Republic of Armenia for 2019-2023** and notes that promoting actual equality between women and men is one of the government's priorities.²⁰⁷

The goal of the actions of equality and prohibition of discrimination in the HRAP 2020-2022 is to increase the number of complaints submitted to the Equality Council, where the baseline is zero. The main objective was to have a legal mechanism aimed at ensuring equality.²⁰⁸

In contrast to the other rights considered in the report, the section on equality and the prohibition of discrimination, provided baseline data, which, as mentioned above, was zero. However, the question here is whether the increase in the number of complaints submitted to the Equality Council will testify to the effectiveness of the measures taken by the state in ensuring equality and the fight against discrimination.

207. National Strategy, page 39.

208. HRAP 2020, Annual Report, page 26.

ACTION 48

To promote the engagement of women in the Armed Forces

The forty-eighth Action of the HRAP 2020-2022 on Equality and Non-Discrimination in the UN is intended to promote the engagement of women in the Armed Forces.

Research is expected to be conducted by the first semester of 2022 on the following:

- A study conducted to look into the motives behind enlistment, continued service and demobilization of women in the Armed Forces;
- A position to deal with promotion and protection of the rights of female military personnel assigned;
- 5 video recordings dedicated to service of female military personnel in the Armed Forces developed and disseminated through the mass media. It is expected that conducting such a research, increasing the number of positions and disseminating the videos will contribute to the increase of the number of servicewomen in the Armed Forces.

The responsible entity for this action is RA Ministry of Defense. No other co-implementing parties have been defined.

The funding will be provided from the state budget and other sources not prohibited by law.

As of February, 2020, the draft amendments to the AP propose to postpone the deadline for this action from the first half of 2022 to the second half of 2022.

MONITORING RESULTS: RESEARCH

According to the HRAP annual report for 2020, anonymous sociological surveys were conducted with women soldiers in 30 military units in 2020, as well as individual-group conversations about their perceptions of service, adaptation, and reasons for terminating their service. The results were summarized and submitted to the superior command with respective proposals.²⁰⁹

209. HRAP 2020, Annual Report, pages 53-54.

MONITORING RESULTS: POSITION

According to the 2020 annual report of the Human Rights Defender, by the order of the Chief of General Staff of the RA Armed Forces dated 30.01.2020, the formation and activity of women's councils in military units was regulated.

The aim is to maintain a stable moral and psychological atmosphere in military personnel, and in their families, to involve personnel in social activities, to effectively integrate female soldiers into the service, to strengthen discipline, as well as assistance to the command of the military unit in organizing patriotic training.²¹⁰

The powers of the above-mentioned women's councils, including in terms of decision-making, are not clear to Peace Dialogue NGO. However, the position envisaged for the promotion and protection of the rights of female military personnel envisaged by this action presupposes decision-making.

MONITORING RESULTS: VIDEOS

According to the letter of the Ministry of Defense, as of July 16, 2020, in cooperation with international partners and the Office of the Ombudsman of the Republic of Armenia, activities are underway to prepare videos about women serving in the Armed Forces.²¹¹

In a response letter, the Ministry of Defense informed that as of July 16, 2020, one video was developed and disseminated via mass media, and the second one is in progress.²¹²

On May 29, 2020, Council of Europe (CoE) Yerevan Office announced on its official website that an animated introductory film entitled **Military Service for Women** in Armenia had been produced.²¹³ The second video, dedicated to the equal right to receive military education in Armenia, was released on July 29, 2020.²¹⁴

It aims to raise awareness among the general public about equal opportunities for men and women to receive military education and advance in their military careers.

210. HRAP 2020, Annual Report, page 54.

211. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020.

212. RA Ministry of Defense / 510-GQ / 2230-2020, July 16, 2020.

213. CoE Yerevan Office, An introductory film on military service for women in Armenia has been produced, May 29, 2020.

214. CoE Yerevan Office, A video on the equal right to receive military education in Armenia has been released, July 29, 2020.

The videos were made in cooperation with the RA Ministry of Defense and the RA Human Rights Defender's Office and are dedicated to military service for women in Armenia.²¹⁵

The HRAP annual report for 2020 informs that in order to ensure public awareness of women's service in the Armed Forces in 2020, 3 videos were prepared, an information booklet on women's rights in the Armed Forces was published, and other information materials were sent to troops. The preparation of the 4th video is underway.²¹⁶

The monitoring group was not able to watch the mentioned videos, as the links provided by the Ministry of Defense and mentioned on the CoE website were not available.²¹⁷ Taking into account that the first link was taken from Facebook social network, an attempt was made to find the mentioned video on Facebook as well, but it also was unsuccessful.

215. CoE Yerevan Office, An introductory film on military service for women in Armenia has been produced, May 29, 2020.

216. HRAP 2020, Annual Report, page 54.

217. All citations of the CoE Yerevan Office can be found on their website.

COVID-19

Ensure the necessary measures to prevent the spread of a new coronavirus (COVID-19) and prevent the penetration of the virus into the Armed Forces during the preparations for the 2020 summer conscription, the examination of the citizens' health condition and medical examination, as well as the organization of the recruitment of the Armed Forces.

Due to the spread of Covid-19 virus since the beginning of 2020, a number of restrictions and actions have been applied to combat it and take preventive measures.

Peace Dialogue NGO sent an enquiry to the RA Ministry of Defense to find out what measures have been taken to prevent the spread of the new coronavirus (COVID-19) in the Armed Forces as well as the virus infiltration cases during the recruitment process.

In a response letter,²¹⁸ it was particularly mentioned that the head of the territorial subdivision service of the RA Ministry of Defense had given an order to the heads of the territorial subdivisions: organize conscription activities in strict compliance with COVID-19 safety rules, i.e., provide a mask and a hand sanitizer (Alco Gel) to each conscript presenting for the examination of the medical commission of the territorial subdivision and the central medical commission; ensure the presence of only one conscript per doctor-specialist; to exclude the accumulation of conscripts or their relatives in the common area of the territorial subdivision.

The monitoring group conducted surveys with conscripts at military commissariats to find out the measures taken to prevent the spread of Covid-19 during the conscription.

MONITORING RESULTS

112 (57%) out of 196 respondents gave a positive answer, while 84 (43%) gave a negative answer to the question regarding keeping distance while waiting in the line at military commissariats and medical institutions. (See Image 6).

218. RA Ministry of Defense / 510-GQ / 1719-20, May 27, 2020.

IMAGE 6. WERE YOU ABLE TO KEEP YOUR DISTANCE FROM EACH OTHER WHILE WAITING IN LINE AT MILITARY COMMISSARIATS AND MEDICAL INSTITUTIONS? (N = 196)



When asked about the number of people accumulated while waiting in the line at military commissariats and medical institutions, 99 conscripts (51%) answered that there were accumulations and 97 (49%) that there were none. (See Image 7).

IMAGE 7. WERE THERE ANY ACCUMULATIONS AT THE MILITARY COMMISSARIATS AND / OR MEDICAL FACILITIES? (N = 196)

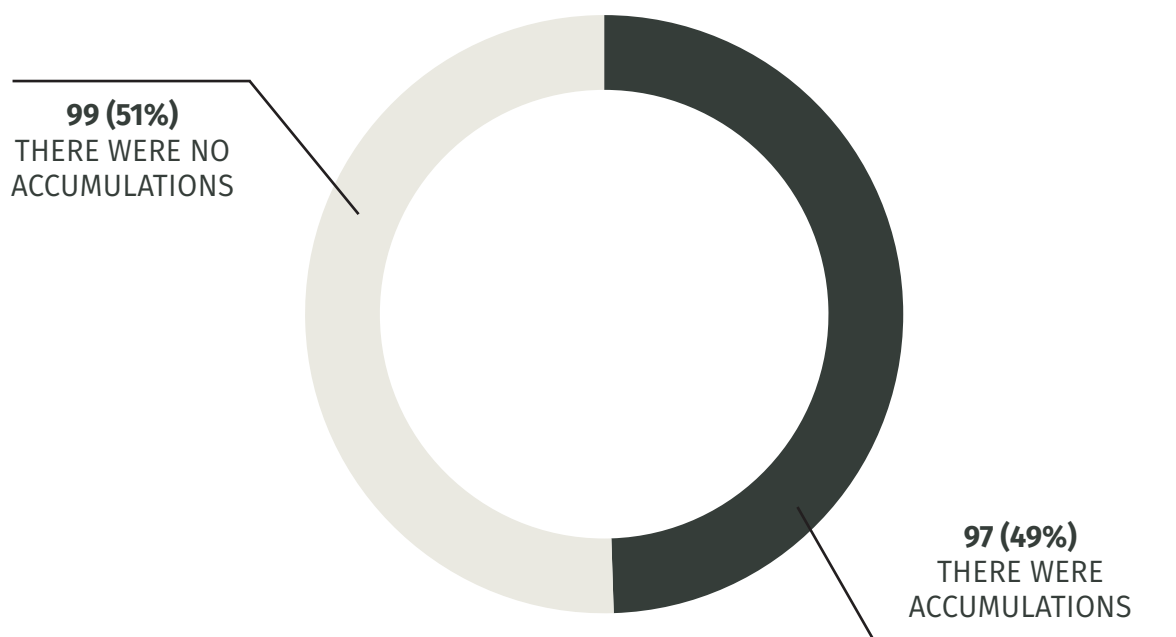
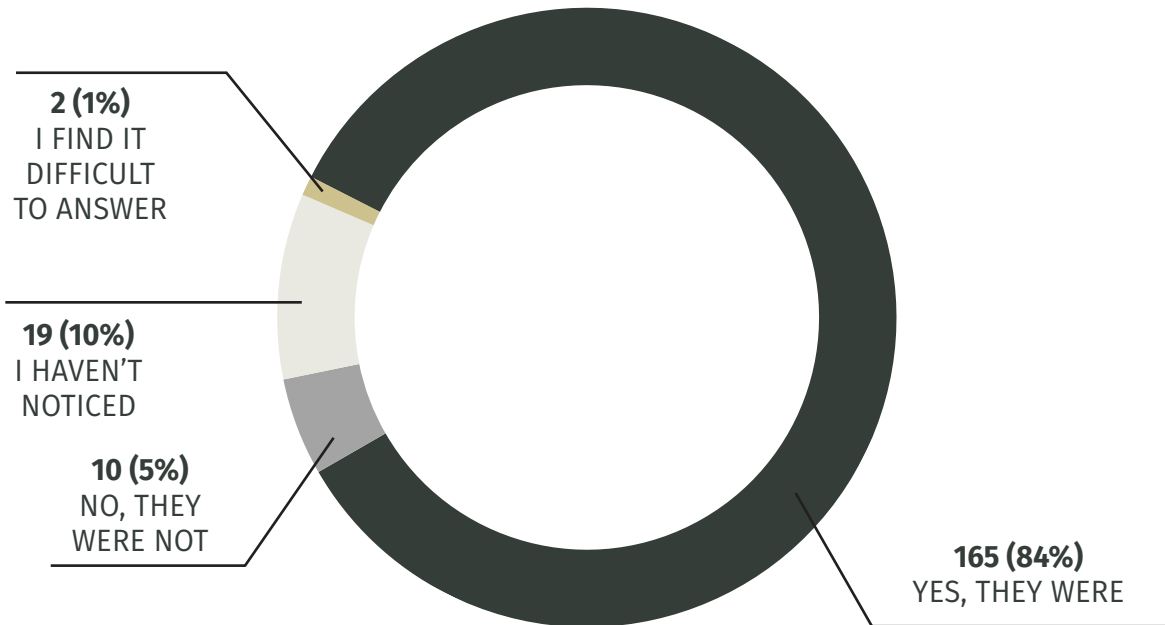


IMAGE 8. WERE THE OTHER CONSCRIPTS FOLLOWING THE ANTI-PANDEMIC SAFETY RULES (MASK, SOCIAL DISTANCING)? (N = 196)



The respondents were aware of the means of protection against the infection. 75 (38%) of the respondents mentioned the mask as a means of protection. Disinfection of the hands was in the second place with 13.3% of the answers (26 people). 165 (84%) of the respondents noticed that the other conscripts waiting with them also followed the anti-pandemic safety rules. (See Image 8).

None of the conscripts surveyed were provided with personal protective equipment, such as masks and hand sanitizers.

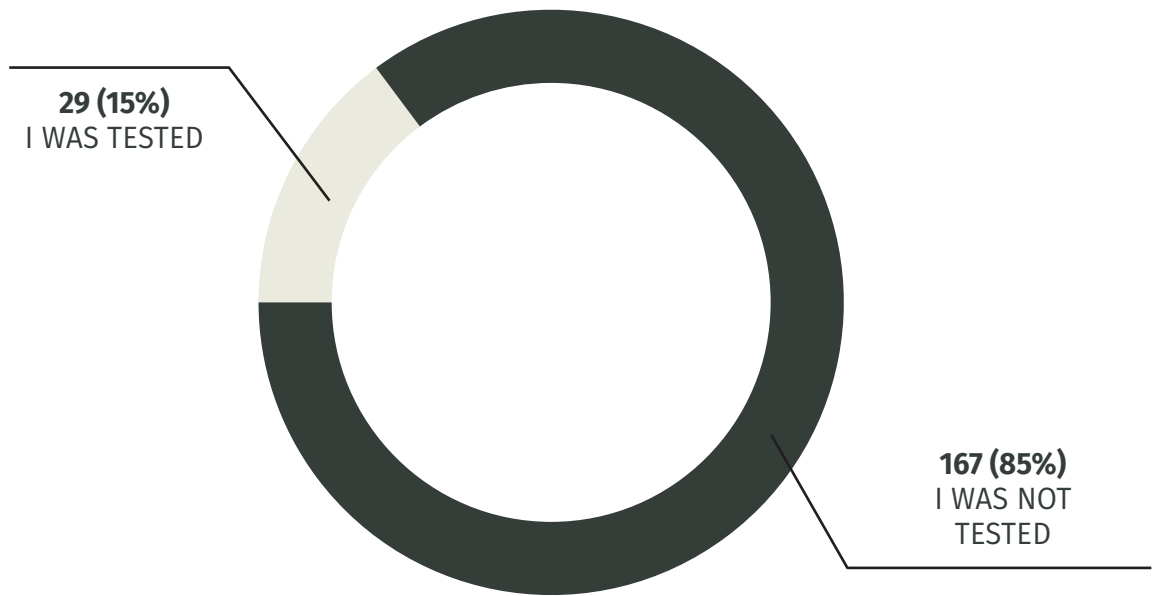
158 respondents (81%) said that the doctors were wearing masks and gloves during the medical examination, while 36 (19%) said that the doctors were wearing only masks.

As PD was informed by the MoD²¹⁹, Conscripts will be tested at the Republican Central Assembly Station only if necessary.

Surveys of the monitoring group revealed that 167 of the respondents (85%) stated that they were not tested and 29 (15%) stated that they were tested. (See Image 9).

219. RA Ministry of Defense / 510-GQ / 1827-20, June 9, 2020.

IMAGE 9. WERE YOU TESTED FOR CORONAVIRUS? (N = 196)



CONCLUSION AND RECOMMENDATIONS ON THE HRAP 2020-2022

ARMED CONFLICT: SEPTEMBER 27 - NOVEMBER 9, 2020

In the context of ensuring human rights in the Armed Forces, the National Strategy and the HRAP 2020-2022 did not take into account the risks of resumption of hostilities or escalation of border tensions.

The war unleashed by Azerbaijan on September 27, 2020, posed serious challenges, especially in the field of human rights protection in the Armed Forces.

Such issues include, but are not limited to, the emergence of new vulnerable groups as a result of hostilities: displaced civilians, hostages, captives, prisoners of war, missing persons, their families, wounded servicemen (or) volunteers, and the provision of their rights.

Following the war, some of the measures envisaged in the HRAP 2020-2022 have not been implemented or have been partially implemented in 2020.²²⁰

An in-depth analysis is needed to identify new war-related human rights priorities and issues, identify new target groups for the new strategy, and identify the needs of those groups: for example, civilians displaced as a result of hostilities, hostages, captives and prisoners of war, family members of missing persons, wounded servicemen and/or volunteers, etc.

It is necessary to review and update the document of the National Strategy for the Protection of Human Rights of the Republic of Armenia, as well as to update the Action Plan for 2020-2022, taking into account the challenges caused by the new type of coronavirus (COVID-19) and the consequences of the war and the impact of these factors on the effectiveness of the actions envisaged by the AP.

LACK OF MEASURABILITY AND BASELINE DATA

According to the National Strategy, the actions were formulated with the prospect

220. RA Ministry of Justice, letter /14.1/3262-2021, February 12, 2021.

of ensuring their measurability and accountability.²²¹ However, from the National Strategy and Action Plan 2020-2022 it is not clear what criteria will be used to check the effectiveness of the actions.

For example, how will the effectiveness of human rights posters in military units and military commissariats will be measured in terms of in raising the awareness of servicemen and conscripts?

The same applies to the assessment of the impact of the awareness-raising campaigns, dissemination of information materials and video recordings on a change in the number of fatalities in the army.

It is necessary to develop and apply clear criteria to measure the impact / effectiveness of the measures taken to perform the action, as well as the impact of the action on achieving the set goal.

According to the National Strategy, the core of the strategic planning of law-based policies by the authorities should include, among others, a sober and comprehensive assessment of the current situation in the field of human rights in the Republic of Armenia.²²²

In the Action Plan, for a number of actions, the reduction of the violations of rights has been outlined as a direct impact.

In particular, according to the HRAP 2020-2022, training of commanders, military police, investigators, prosecutors and judges on the right to life as well as on the prohibition of torture and the right to a fair trial, the installation of video recording equipment in the military police, provision of video recording of investigative and judicial actions, equipping the investigation departments with special visual means, reserving restrictions on the statute of limitations for the crime of torture and introducing a mechanism for reporting anonymously will reduce the number of fatalities in the Armed Forces, as well as that of the human rights violations at various stages of criminal proceedings.

Awareness-raising action is also expected to reduce the number of fatalities in the Armed Forces, as well as the strengthening of an atmosphere of tolerance and mutual respect, which should reduce the number of fatalities due to non-statutory relations.

The same logic applies to the promotion of women's involvement in the Armed Forces in the context of ensuring equality and the prohibition of discrimination, in which the increase in the number of servicewomen is mentioned as an impact.

221. National Strategy, page 15.

222. National Strategy, page 3.

However, neither in the National Strategy, nor in the Action Plan 2020-2022 there is any baseline data or analysis on such data, which would show the number of fatalities in the RA Armed Forces before the implementation of the HRAP and what percentage of those cases occurred as a result of non-statutory relations, or how many were the cases of human rights violations at different stages of criminal proceedings.

There are also no criteria for collecting baseline data for these cases. No data is currently provided on the involvement of women in the Armed Forces either. The measurability of the actions impact suffers in the absence of baseline data. Therefore, it can be concluded that the requirement of a sober and comprehensive assessment of the current situation in the field of human rights in the Republic of Armenia mentioned in the strategy was not reflected in the Action Plan.

It is necessary to develop and present baseline data on the situation of human rights violations.

ON THE INVOLVEMENT OF THE HUMAN RIGHTS DEFENDER (OMBUDSMAN) AND THE OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA IN THE ECtHR

The offices of the Ombudsman of the Republic of Armenia and the Representative of the Republic of Armenia to the ECtHR are mainly involved as co-implementing bodies in the implementation of National Strategy and HRAP 2020-2022.

However, the Ombudsman office was not mentioned as a co-implementing body in the preparation of the materials and implementation of trainings on The Right to Life for commanders, military police, investigators, prosecutors and judges, as well as on Prohibition of Torture for the judges and The Right to Fair Trial for the investigators.

The Ombudsman is involved in the training of military police, investigators and prosecutors on Prohibition of Torture and in the training of military police, prosecutors and judges on Fair Trial as a co-implementing body. However, the share of involvement of the Ombudsman is not quite understandable. Moreover, the Ombudsman is already involved in the development of HELP online courses. Also, being a specialized body in the field of Human Rights, Ombudsman would contribute to the proper and systematic implementation of the actions through its involvement.

The Ombudsman strategy itself emphasizes the role and significance of the Human Rights Defender as a national mechanism for the prevention of torture.

As for the Office of the Representative of the Republic of Armenia in the ECtHR, it was not involved as a co-implementing body in the training of investigators on

The Right to Fair Trial. However, most of the complaints against Armenia in the ECtHR refer to this right protected by Article 6 of the ECHR.

It is necessary to involve the Human Rights Defender as a co-implementing body in the preparation and implementation of all trainings on the right to life, the prohibition of torture and the right to fair trials under the HRAP 2020-2022.

It is necessary to involve the Office of the Representatives of the Republic of Armenia in the ECtHR as a co-implementing body in the training of investigators on the subject of the Right to Fair Trial.

TRAININGS FOR INVESTIGATORS, PROSECUTORS AND JUDGES DERIVING FROM ACTIONS 1, 26, 34

ARE THE EVENTS WITHIN THE FRAMEWORKS OF HRAP 2020-2022?

The Ministry of Justice provided information to Peace Dialogue NGO on the annual training courses organized at the Academy of Justice as activities being implemented within the framework of the HRAP 2020-2022 on the Right to Life (1) Prohibition of Torture (26) and the Right to a Fair Trial (34). However, decisions on those annual training programs were made before the National Strategy and the government's decision to approve the HRAP 2020-2022. Therefore, it is not clear whether these actions were carried out under the HRAP 2020-2022. In addition, among the programs implemented at the Academy of Justice in 2020, Prohibition of Torture was the only topic to have a separate training course. No separate courses on the Right to Life and the Right to Fair Trial have been introduced.

Develop and conduct trainings for investigators, prosecutors and judges on the right to life, the prohibition of torture and fair trial based on international standards, which will be conducted directly within the framework of the HRAP 2020-2022.

Moreover, among the programs introduced at the Academy of Justice, a separate course was dedicated only to the topic of prohibition of torture for the year of 2020. No separate courses on the right to life and the right to a fair trial were introduced.

It is necessary to carry out these trainings in the context of protection and provision of human rights in the Armed Forces, taking into account the fact that the strategy targets especially persons under the care of the state and those in life-threatening situations, namely the servicemen.²²³

223. National Strategy, page 19.

CONTRADICTING DATA ON THE NUMBER OF PROSECUTORS

PD NGO has received contradicting information on the number of prosecutors trained and to be trained on the topics of the Right to Life and the Prohibition of Torture from the Ministry of Justice on one hand and from the General Prosecutor's office on the other hand. In particular, we were informed by the Ministry of Justice that from September to December 2020, it was planned to train 32 prosecutors, e.i. 47%,²²⁴ while according to the information provided by the General Prosecutor's Office, on March 12, 2020, 15 representatives of the military prosecutor's office, i.e., 10.5% of military prosecutors participated in a joint workshop organized by the CoE Yerevan Office and the Academy of Justice, dedicated to the effective investigation of fatalities and torture in the Armed Forces.²²⁵

If 32 prosecutors comprise 47% of the whole number of prosecutors, it means that there are 68 prosecutors in Armenia in total. If 15 military prosecutors make up 10.5% of the whole number of military prosecutors, it means that there are a total of 143 military prosecutors in Armenia, which is a larger number than the number of general prosecutors mentioned by the Ministry of Justice. The same number of prosecutors was provided by the Ministry of Justice in the context of trainings on Fair Trial.

It is necessary to check and clarify the numbers of prosecutors and military prosecutors to be trained.

224. Letter from the RA Ministry of Justice, October 14 2020 on the courses implemented by the Academy of Justice.

225. Prosecutor's Office, 44/6/19412-2020, August 28, 2020.

COVID-19 ACTIONS

In the context of ensuring human rights in the Armed Forces, the National Strategy and the HRAP 2020-2022 did not take into account the risks associated with the COVID-19 pandemic.

Review and update the National Human Rights Strategy of the Republic of Armenia, as well as update the HRAP 2020-2022, taking into account the challenges in the field of human rights due to the new type of coronavirus (COVID-19) pandemic and the impact of these factors on the effectiveness of actions.

As reported by the relevant state bodies responsible for and / or co-implementing the actions, a number of measures were not taken in 2020 due to the Covid-19 pandemic.²²⁶

Such events include, for example, the training of commanders, military police officers, and investigators on the Right to Life; military police officers and investigators on the Prohibition of Torture; and investigators and prosecutors on the Right to Faire Trail. In this regard, it should be noted; however, that according to the decision of the Government of the RA on March 16, 2020 on declaring a state of emergency in Armenia, the educational processes in educational establishments have been suspended throughout the period of the state of emergency, except for distance learning. This restriction did not apply to military educational establishments.

Such events include, for example, the training of commanders, military police officers, and investigators on the Right to Life; military police officers and investigators on the Prohibition of Torture; and investigators and prosecutors on the Right to Faire Trail. In this regard, it should be noted; however, that according to the decision of the Government of the RA on March 16, 2020 on declaring a state of emergency in Armenia, the educational processes in educational establishments have been suspended throughout the period of the state of emergency, except for distance learning. This restriction did not apply to military educational establishments.²²⁷

According to the Ministry of Defense it is because of Covid-19 that the study²²⁸ on the causes of intolerance, contributing factors and ways to overcome them was

226. RA Ministry of Justice /14.1/3262-2021, February 12, 2021.

227. Decision N 298-N of the Government of the Republic of Armenia "On establishing a state of emergency to the Republic of Armenia", March 16, 2020.

228. RA Ministry of Defense / 510-GQ / 1793-20, June 4, 2020; RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.

not conducted in the Armed Forces, and psychologists were not trained in military units during the first half of 2020.

It is necessary to develop and put in practice measures to ensure safe execution of trainings and studies in conditions of Covid-19 pandemic.