



Thematic country of origin information report
on military service and mobilisation in
Armenia

Datum January 2023

Publication details

Location The Hague
Assembled by Country of Origin Information Reports Section (AB)

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This translation has been co-funded by the European Union.

Table of contents

	Publication details	2
	Table of contents	3
	Introduction	5
1	The military reserve	6
1.1	Composition of the military reserve	6
1.2	Groups and categories within the military reserve	9
1.3	Training of reservists	10
1.4	Medical check-up for reservists	12
2	The mobilisation of 2020	14
2.1	The Armenian armed forces	14
2.2	The mobilisation process	14
2.3	Medical check-up during mobilisation	17
2.4	The demobilisation process	17
2.5	The military booklet	18
3	Deployment in Nagorno-Karabakh	19
3.1	The Trilateral Agreement	19
3.2	The assignment process	19
4	Conscientious objection	21
4.1	The Alternative Service Law	21
4.2	Reservists and conscientious objection	22
5	Criminal prosecution	23
5.1	Desertion during a military conflict	23
5.2	Abandoning a military post during a military conflict	25
5.3	Evading conscription and failure to respond to mobilisation	25
5.4	Discriminatory punishment	28
6	The attacks on 13 and 14 September 2022	29
6.1	Civilian and military fatalities	29
6.2	Involvement of conscripts and reservists	30
7	Appendixes	31
7.1	List of abbreviations	31
7.2	Reports and publications	31
7.3	Websites	32
7.4	News sources	33
7.5	Legislation	33

Introduction

This thematic country of origin information report was prepared on the basis of the questions and points of focus in the Terms of Reference (ToR) drawn up by the Dutch Ministry of Justice and Security. The ToR for this report was defined on 28 September 2022. It is available, together with the report, on the website of the Dutch Government.

This report examines military service and mobilisation in Armenia insofar as they are relevant to the assessment of asylum applications from persons originating from that country and to decisions on the repatriation of rejected Armenian asylum-seekers. The report covers the period from September 2020 to December 2022. It is a factual, neutral and objective representation of the findings. It is not a policy document and does not reflect the government's vision or policy in relation to a country or region. It does not contain any conclusions concerning immigration policy.

The report was prepared on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from, among other sources, non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to compile it. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in Chapter 7.

Some of the information used was obtained during a fact-finding mission to Yerevan. This took place from 31 October 2022 to 4 November 2022. The report uses information from the interviews with relevant expert local sources that were conducted during this mission. Use is also made of information obtained from the diplomatic mission of the Netherlands in Armenia, as well as conversations and correspondence outside the official mission. The information obtained on this basis has chiefly been used to support and add to the content based on public information. The confidential sources are marked 'confidential source' in the footnotes and dated.

Chapter 1 deals with the military reserve. Chapter 2 considers the mobilisation during the 44-Day War of 2020. Chapter 3 examines the deployment of conscripts in Nagorno-Karabakh. Chapter 4 deals with conscientious objectors. Chapter 5 describes the criminal prosecution of conscientious objectors and deserters. The report concludes with a chapter on the attacks of 13 and 14 September 2022.

1 The military reserve

The Armenian armed forces can draw on the military reserve in both peacetime and wartime. Precise figures for the size of the military reserve are not made public. In addition, the numbers are constantly changing, partly as new batches of conscripts are discharged.¹ According to the guide *The Military Balance 2021* produced by the British think tank *International Institute for Strategic Studies* (IISS), the group of reservists² who completed military service less than fifteen years ago is estimated to consist of 210,000 people.³

1.1 Composition of the military reserve

The Constitution states that all citizens are obliged to participate in the defence of the Republic of Armenia, in accordance with the law.⁴ This is further elaborated in the Law of 15 November 2017 on Military Service and Status of Military Personnel. Article 56 of this law lists the categories of persons who are part of the military reserve.⁵

First, the military reserve includes men who have completed military service.⁶ Military service lasts for two years. A conscript who began service at the age of eighteen is therefore already able to be registered in the military reserve at the age of twenty.⁷ For more information about military service, see 3.2 and 5.3.

Second, the military reserve includes men and women who have served in the military as professional soldiers on a fixed-term contract.⁸ These contracts may have a term of three to twelve months or two to five years.⁹

Third, the military reserve includes men who have completed alternative national service.¹⁰ For more information about alternative national service, see 4.1.

Fourth, the military reserve includes various categories of civilians who have been granted exemption from military service. This includes civilians who have been deemed unfit for military service in peacetime due to their state of health. Only those who are medically unfit for military service in both peacetime and wartime are not part of the military reserve. This could be the case, for example, when someone has an incurable disease.¹¹

¹ Confidential source, 3 November 2022.

² In the Dutch context, reservists are persons who, in addition to their civilian job or studies, serve in the military on a part-time basis. They are part of the flexible outer layer of the armed forces. In the context of this country of origin information report, the term 'reservists' refers to civilians who are registered in the military reserve. They can be mobilised for military service in time of war; Defensie.nl, *Wat is een reservist?*, <https://www.defensie.nl/onderwerpen/reservisten/wat-is-een-reservist>, accessed 10 January 2023.

³ IISS, *The military balance 2021*, 25 February 2021, p. 179.

⁴ Article 14, paragraph 3, of the Constitution of 5 July 1995. An English translation is available at President.am, *Constitution of the Republic of Armenia*, <https://www.president.am/en/constitution-2015/>, accessed 10 January 2023.

⁵ The Armenian text of the Law on Military Service and Status of Military Personnel is available at <https://www.arlis.am/DocumentView.aspx?docid=172176>, accessed 10 January 2023.

⁶ Article 56, paragraph 2, point 1, of the Military Service Law.

⁷ Confidential source, 2 November 2022.

⁸ Article 56, paragraph 2, point 1, of the Military Service Law.

⁹ Article 5, paragraph 8, of the Military Service Law; Civilnet, *Proposal to shorten military service for fee sparks heated debate*, 25 August 2022.

¹⁰ Article 56, paragraph 2, point 1, of the Military Service Law.

¹¹ Article 21, paragraph 1, point 1, of the Military Service Law; Confidential source, 17 October 2022.

Those who belong to the LGBTQI+ and who openly declare this to the military commissariat¹² may also be exempted on medical grounds. Usually, the medical commission concludes in these cases that there is a psychological disorder.¹³ According to a source, it is very rare for people who belong to the LGBTQI+ to openly declare their sexual orientation or gender identity to the military commissariat.¹⁴ Homosexuality is a very sensitive subject in Armenian society.¹⁵ In Armenia, an LGBTQI+ person who has been granted an exemption on the basis of a diagnosis of mental disorder is at risk of being discriminated against in the labour market.¹⁶ For this reason most people who belong to the LGBTQI+ hide their sexual orientation or gender identity during military service. They do not usually request an exemption.¹⁷

Another category that may be exempted are civilians who are naturalised as Armenian citizens and who have previously completed at least 12 months of military service in the armed forces of another country or who have previously completed at least 18 months of alternative national service in another country.¹⁸ In addition, exemptions may apply to civilians who have a parent, brother or sister who has died during Armenia's military operations, or who are the only son in a family and have a parent, brother or sister who has died while doing military service.¹⁹ Moreover, in exceptional cases, a person may be granted an exemption on grounds other than those provided for by law. This requires a government decision.²⁰

Fifth, the military reserve includes men who have not been called up for military service because they have a criminal record. This concerns persons who have been

¹² The official name of the organisation under which the military commissariats fall is the *Conscription and Mobilization Service* (CMS) of the Ministry of Defence. The CMS was established in 2019. The military commissariats are responsible, among other things, for the registration of conscripts and the call-up process. There are fourteen regional military commissariats. The head office is located in Yerevan. The police provide the information required for the call-up process, such as the person's registered address, to the military commissariats. Schools, employers and medical institutions also provide information to the military commissariats; Iravaban.net, *What is military registration? How to act if you are registered at one address but live in another?*, 6 October 2020; DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus: A review of legislation and practice*, 29 June 2021, p. 22; OSCE, *Response by the delegation of Armenia to the questionnaire on the code of conduct on politico-military aspects of security*, 19 April 2022, p. 7; Mil.am, *Military commissariat*, <https://www.mil.am/en/military-enlistment>, accessed 10 January 2023; Confidential source, 17 October 2022.

¹³ Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; Pink Armenia, *The human rights situation of LGBT people in Armenia during 2020. Annual report*, 11 November 2021, p. 18 and 21; USDoS, *Armenia 2021 human rights report*, 12 April 2022, p. 63; Pink Armenia, *The human rights situation of LGBT people in Armenia during 2021. Annual report*, 18 May 2022, p. 18; Chai Khana, *Armenia's silent agreement: Homophobia in the military*, 30 September 2022; Confidential source, 2 November 2022; Confidential source, 8 December 2022.

¹⁴ Confidential source, 31 October 2022.

¹⁵ IWPR, *Armenia: "I was born in a body that was not mine"*, 31 March 2022; Nederlands Dagblad, *'Prima als mensen gay zijn, maar niet in Armenië'*, 10 November 2022.

¹⁶ Pink Armenia, *The criminal code doesn't recognize homophobia as an aggravating circumstance. Report*, 23 January 2019; USDoS, *Armenia 2021 human rights report*, 12 April 2022, p. 63; Chai Khana, *Armenia's silent agreement: Homophobia in the military*, 30 September 2022.

¹⁷ Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; Confidential source, 2 November 2022.

¹⁸ Article 21, paragraph 1, point 2, of the Military Service Law; DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus*, 29 June 2021, p. 11, footnote 63; Peace Dialogue, *Report on the results of standardized perceptions survey on the rights of conscripts*, 11 November 2022.

¹⁹ Article 21, paragraph 1, point 3, of the Military Service Law; Hetq Online, *Armenian parliament's defense and security committee approves bill to exempt brothers of war dead from military service*, 23 February 2022; Radio Azatutyun, *Brothers of war dead to be exempt from military service*, 4 March 2022; Masis Post, *Brothers of war dead to be exempt from military service*, 4 March 2022; Peace Dialogue, *Report on the results of standardized perceptions survey on the rights of conscripts*, 11 November 2022.

²⁰ Article 21, paragraph 5, of the Military Service Law.

sentenced to prison for a serious or very serious crime²¹ or who have been sentenced to prison for two or more crimes and been detained for at least three years. In addition, it may concern persons who have been convicted of certain criminal offences.²²

Sixth, the military reserve includes civilians who have received military training at a military training institution and are qualified as a reserve officer with the rank of lieutenant.²³ These can be both men and women.²⁴

Seventh, the military reserve includes women who have gained experience in the military in an alternative manner.²⁵ Under the Military Service Law, women are not subject to military service. They may work in the armed forces as a professional soldier with combat duties, as an administrative assistant, as a doctor or as a nurse in a military hospital.²⁶

Eighth, the military reserve includes civilians who have served in the police, the National Security Service (NSS), the Penitentiary Service (PS) or the Armenian Rescue Service (ARS).²⁷

Ninth, the military reserve includes persons over the age of 27, who have obtained citizenship of the Republic of Armenia and who are not subject to military service due to their age.²⁸

Tenth, the military reserve includes persons who have obtained citizenship of the Republic of Armenia and who hold military rank.²⁹ In the Armenian context, this usually concerns Armenian citizens who renounced their Armenian citizenship in the past, took Russian citizenship, served as a soldier in the Russian army, then regained Armenian citizenship.³⁰

Eleventh, the military reserve includes civilians who have made use of the Law of 17 December 2003 on Citizens Who Failed to Complete Compulsory Military Service Through Violation of the Established Procedure.³¹ This law, which entered into force on 1 March 2004, applied to men who had not completed military service and who had reached the age of 27 or, in the case of reserve officers, who had reached the

²¹ A serious crime is defined in Article 17, paragraph 4, of the Criminal Code (CC). It refers to all intentional acts for which the maximum penalty according to the CC does not exceed ten years of imprisonment. A very serious crime is defined in Article 17, paragraph 5, CC. It refers to all intentional acts punishable by more than ten years of imprisonment or life imprisonment. Examples of serious and very serious crimes are kidnapping and causing grievous bodily harm; Confidential source, 12 December 2022.

²² Article 19, paragraph 2, and Article 56, paragraph 2, point 3, of the Military Service Law. This concerns offences as referred to in Article 198 (sexual violence), Article 201 (sex offences), Article 393 (drug trafficking), Article 402 (drug use), Article 463 (evasion of civic service), Article 465 (evasion of civic service under pretexts), Article 467 (failure to appear at a military commissariat after a conviction), Article 526 (desertion) and Article 527 (evasion of military service), CC.

²³ Article 56, paragraph 2, point 4, of the Military Service Law.

²⁴ Radio Azatutyun, *Armenia opens military academies to women*, 10 June 2013; Eurasianet, *Armenia: Boosting female presence in army*, 4 January 2017; Media.am, *Women in Armenian and foreign armies: Numbers and statistics*, 18 April 2022; Confidential source, 2 November 2022.

²⁵ Article 56, paragraph 2, point 5, of the Military Service Law.

²⁶ Eurasianet, *Armenia: boosting female presence in army*, 4 January 2017; IWPR, *Women in Armenian army fight for change*, 27 July 2020; Confidential source, 1 November 2022; Confidential source, 2 November 2022.

²⁷ Article 56, paragraph 2, point 6, of the Military Service Law.

²⁸ Article 56, paragraph 2, point 7, of the Military Service Law; Confidential source, 11 October 2022.

²⁹ Article 56, paragraph 2, point 8, of the Military Service Law.

³⁰ Confidential source, 17 October 2022; Confidential source, 20 October 2022.

³¹ Article 56, paragraph 2, point 9, of the Military Service Law. The Armenian text of the Law on Citizens Who Failed to Complete Compulsory Military Service Through Violation of the Established Procedure is available at <https://www.arlis.am/DocumentView.aspx?docid=128834>, accessed 10 January 2023; An English translation of this law is available at http://www.parliament.am/law_docs/130104HO8eng.pdf?lang=eng, accessed 10 January 2023.

age of 35. Men who met the criteria of this law had to pay a fine. The amount of the fine was a multiple of the Armenian minimum wage and could range from 0 to 200 times the minimum wage, depending on the circumstances under which military service was not completed.³² The maximum fine was set at 1.8 million dram.³³ By paying this fine, they were able to buy off military service and escape prosecution.³⁴ The validity of this law expired on 31 December 2019.³⁵ According to the website *Fact Investigation Platform* (FIP) of the Armenian NGO *Union of Informed Citizens*, almost 11,000 people took advantage of this option.³⁶ According to the website *Hetq Online* of the Armenian NGO *Investigative Journalists*, 995 people used it in its final year, 2019.³⁷

Finally, the law offers the possibility of expanding the military reserve to include other categories of persons.³⁸

1.2 Groups and categories within the military reserve

Reservists are divided into two groups. The first group, which is the first to receive a call-up when there is a mobilisation, includes:

- reservists with non-commissioned officer rank or lower who are under 53;
- reservists with subaltern officer rank who are under 55;
- reservists with the rank of major or lieutenant colonel who are under 58;
- reservists with the rank of colonel who are under 60;
- reservists with the rank of major general or lieutenant general who are under 65;
- reservists with the rank of colonel-general or army general who are under 70.³⁹

The second group includes:

- reservists with non-commissioned officer rank or lower who are under 55;
- reservists with subaltern officer rank who are under 57;
- reservists with the rank of major or lieutenant colonel who are under 60;
- reservists with the rank of colonel who are under 63;

³² Article 2 of the Law on Citizens Who Failed to Complete Compulsory Military Service; Vardan Khechyan LLC, *Exemption from criminal liability for evasion of compulsory military service in Armenia*, 23 May 2017; ArmInfo, *Deviators from the service in the Armenian armed forces may be released from criminal prosecution, paying 200 thousand drams for each appeal*, 17 November 2017; FIP, *How much money did citizens who evaded conscription pay to return to homeland during 16 years*, 3 February 2020.

³³ Eurasianet, *Armenia: Amnesty for cash for diaspora draft dodgers*, 7 January 2004; Radio Azatutyun, *Conditional amnesty for Armenian draft evaders again extended*, 9 December 2010; JAM News, *Armenia to allow draft-dodgers to avoid prosecution by paying a fine*, 7 March 2019; JAM News, *Armenian draft evaders have until end of year to avoid criminal prosecution*, 12 December 2019; 1.8 million dram is equivalent to around 4,277 euros, www.wisselkoers.nl, accessed 10 January 2023.

³⁴ JAM News, *Armenians who avoided military service will be allowed to pay a fine and be free from persecution*, 22 November 2017; Aysor, *Citizens who avoided military service may return back, pay fine and be relieved of criminal persecution*, 25 February 2019.

³⁵ Armenpress, *Government seeks to end amnesty-for-cash law for draft evasion*, 12 December 2019; JAM News, *Armenian draft dodgers paid about \$5 million to state budget in 2019*, 3 February 2020.

³⁶ FIP, *How much money did citizens who evaded conscription pay to return to homeland during 16 years*, 3 February 2020.

³⁷ Hetq Online, *Armenia: Paying millions to legally avoid military service*, 1 February 2020.

³⁸ Article 56, paragraph 2, point 10, of the Military Service Law; Confidential source, 2 November 2022.

³⁹ Article 57, paragraph 2, of the Military Service Law; HCAV, *Who is subject to the mobilization call-up announced on September 27*, 28 September 2020; Confidential source, 12 October 2022; The Armenian military rank system is based on the rank system of the Soviet Union. According to Article 10 of the Military Service Law, the Armenian military rank system is as follows. **Soldiers:** soldier (*sharkayin*), first-class soldier (*yefreytor*). **Non-commissioned officers:** junior sergeant (*krtser serzhant*), sergeant (*serzhant*), senior sergeant (*avag serzhant*), sergeant-major (*avag*), ensign (*yentaspa*), senior ensign (*avag yentaspa*). **Subaltern officers:** lieutenant (*leytenant*), senior lieutenant (*avag leytenant*), captain (*kapitan*). **Senior officers:** major (*mayor*), lieutenant-colonel (*pvokhgndapet*), colonel (*gndapet*). **Supreme officers:** major general (*general-mayor*), lieutenant-general (*general-leytenant*), colonel-general (*general-gndapet*), army general (*banaki general*).

- reservists with the rank of major general or lieutenant general who are under 68;
- reservists with the rank of colonel-general or general of the army who are under 70.⁴⁰

In both groups, the reservists are divided into two categories. The first category includes reservists with military experience, for example due to having completed military service or taken part in military operations. The second category includes reservists who have little or no experience in the armed forces. A reservist who has completed his military service as a conscript and who is under the age of 53 falls into the first category of the first group of reservists.⁴¹

A reservist who is registered in the first group of the military reserve and reaches the relevant age limit will be transferred to the second group.⁴² The Law of 19 April 2021 increased the age limits. For example, the age limit for reservists with non-commissioned officer rank or lower in the first group was raised from 48 to 53 years. The age limit for reservists with subaltern officer rank in the first group was raised from 50 to 55 years.⁴³

1.3 Training of reservists

Reservists may receive a call-up in peacetime to participate in military training (see 2.2 for a description of the call-up process). Several three-month training programmes for reservists took place in 2021 and 2022.⁴⁴ During these three months, after a stay in a training camp, reservists could serve in military units near the border and man military posts at the border.⁴⁵ According to a source, they signed a contract with the army to do so.⁴⁶

Legally, there must be at least twenty days between the call-up and the start of training. This gives a reservist sufficient time to arrange all kinds of practical matters with regard to work, family and/or his or her health situation.⁴⁷ In practice, reservists sometimes had to report for training immediately on the day of receiving the call-up.⁴⁸

Employers are not allowed to fire a reservist who is taking part in military training. At the end of the training, the reservists receive an allowance from the army for

⁴⁰ Article 57, paragraph 3, of the Military Service Law.

⁴¹ Article 57, paragraph 4, of the Military Service Law; Confidential source, 3 November 2022.

⁴² Article 57, paragraph 7, of the Military Service Law.

⁴³ Vardan Khechyan LLC, *The age threshold for contract military service according to the law "On military service and the status of a serviceman"*, 27 May 2021; The Armenian text of the Law of 19 April 2021 (number HO-170-H) is available at <https://www.arlis.am/DocumentView.aspx?docid=152084>, accessed 10 January 2023.

⁴⁴ Article 56, paragraph 1, of the Military Service Law; News.am, *Armenia to announce three-month training for reservists (September 15-December 15)*, 2 September 2020; EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022.

⁴⁵ Asbarez, *Reservists drafted into Armenian army*, 20 August 2021; Arka News Agency, *Armenia may cut period of mandatory military service*, 30 August 2021; Silkway News, *New wave of mobilization in Armenia*, 7 September 2021; Confidential source, 14 October 2022; Confidential source, 17 October 2022; Confidential source, 31 October 2022; Confidential source, 1 November 2022; Confidential source, 3 November 2022.

⁴⁶ Confidential source, 17 October 2022.

⁴⁷ Confidential source, 2 November 2022.

⁴⁸ HCAV, *Statement regarding violations made during the drill call-up in the Republic of Armenia*, 5 October 2022; Silkway News, *Armenia: people are taken into army immediately after presentation of agenda*, 7 October 2022; Confidential source, 17 October 2022.

each month of training.⁴⁹ Depending on rank and location, this allowance is up to 270,000 dram.⁵⁰ According to various sources, this allowance is relatively low, which means that some reservists have problems paying their fixed costs or paying off their debts during these three months.⁵¹

A three-month training course takes place on the basis of a government decision. Below are some examples of dates on which the government decided to organise training programmes. This list is by no means exhaustive.⁵²

- On 18 August 2021, for 2,169 reservists from 25 August 2021 to 25 November 2021.⁵³
- On 2 September 2021, for 869 reservists from 15 September 2021 to 15 December 2021.⁵⁴
- On 18 November 2021, for 202 reservists from 19 November 2021 to 19 December 2021.⁵⁵
- On 13 January 2022, for 65 reservists from 15 January 2022 to 15 April 2022.⁵⁶
- On 10 March 2022, for 1,400 reservists from 1 April 2022 to 30 June 2022.⁵⁷
- On 10 March 2022, for 724 reservists from 15 April 2022 to 15 June 2022.⁵⁸
- On 23 June 2022, for 1,444 reservists from 1 August 2022 to 30 October 2022.⁵⁹
- On 24 August 2022, for 318 reservists from 15 September 2022 to 15 December 2022.⁶⁰
- On 26 September 2022, for 3,680 reservists from 27 September 2022 to

⁴⁹ Article 59, paragraph 9, of the Military Service Law; Public radio of Armenia, *Armenia to hold three-month training for reservists*, 7 September 2021; Panorama, *Another round of three-month training for reservists approved by the government*, 13 January 2022; Armenpress, *Duration of reserve training musters changed from 3 months to 25 days*, 13 October 2022.

⁵⁰ This allowance applies to training within the meaning of Article 59 of the Military Service Law; EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022; Confidential source, 15 December 2022; 270,000 dram is equivalent to around 642 euros, www.wisselkoers.nl, accessed 10 January 2023.

⁵¹ Confidential source, 17 October 2022; Confidential source, 3 November 2022.

⁵² Article 58, paragraph 2, of the Military Service Law.

⁵³ Armenpress, *Armenia to call up over 2000 reservists for training*, 11 August 2021; Radio Azatutyun, *Armenia drafts reservists amid border tensions with Azerbaijan*, 20 August 2021; Armenpress, *Armenian reservists called up for trainings*, 20 August 2021; BBCM, *Armenia denies receiving peace treaty proposal from Baku*, 21 August 2021; Radio Azatutyun, *Draft of reservists 'not specifically related to threat of war'*, 23 August 2021; Iravaban.net, *For the first time since 1994, a three-month period has been set for the training of reservists: Armen Avtandilyan*, 24 August 2021; The Armenian text of the decision of 18 August 2021 (number 1356-N) is available at <https://www.arlis.am/DocumentView.aspx?DocID=155278>, accessed 10 January 2023.

⁵⁴ Public radio of Armenia, *Armenia to call up more reservists for military training*, 2 September 2021; Armenpress, *More Armenian reservists to be called up for military trainings*, 2 September 2021; News.am, *Armenia MOD: New 3-month training for reservists to kick off on September 15*, 7 September 2021; Public radio of Armenia, *Armenia to hold three-month training for reservists*, 7 September 2021; The Armenian text of the decision of 2 September 2021 (number 1409-N) is available at <https://www.e-gov.am/gov-decrees/item/36820/>, accessed 10 January 2023.

⁵⁵ EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022; The Armenian text of the decision of 18 November 2021 (number 1901-N) is available at <https://www.e-gov.am/gov-decrees/item/37289/>, accessed 10 January 2023.

⁵⁶ Panorama, *Another round of three-month training for reservists approved by the government*, 13 January 2022; The Armenian text of the decision of 13 January 2022 (number 35-N) is available at <https://www.arlis.am/DocumentView.aspx?DocID=159525>, accessed 10 January 2023.

⁵⁷ EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022; The Armenian text of the decision of 10 March 2022 (number 310-N) is available at <https://www.e-gov.am/gov-decrees/item/37885/>, accessed 10 January 2023.

⁵⁸ Armenpress, *Government to call up more reservists for trainings*, 9 February 2022; The Armenian text of the decision of 10 March 2022 (number 289-N) is available at <https://www.e-gov.am/gov-decrees/item/37886/>, accessed 10 January 2023.

⁵⁹ Arka News Agency, *Armenia to draft 1,444 reservists for three-month training*, 23 June 2022; Radio Azatutyun, *Armenian government denies targeting oppositionists in enlistment drive*, 6 July 2022; The Armenian text of the decision of 23 June 2022 (decision number 941-N) is available at <https://www.e-gov.am/gov-decrees/item/38501/>, accessed 10 January 2023.

⁶⁰ News.am, *Another training of Armenia reservists to be held from September 15 to December 15*, 24 August 2022; The Armenian text of the decision of 24 August 2022 (number 1334-N) is available at <https://www.e-gov.am/gov-decrees/item/38915/>, accessed 10 January 2022.

22 November 2022.⁶¹

During a government meeting on 13 October 2022, the Minister of Defence indicated that a decision has been made to shorten the duration of reservist training programmes from three months to 25 days from 2023. This 25-day period will consist of four days for handling administrative matters, seven days of training and preparation, and fourteen days of active military service in the border area. In addition, reservists may decide in which month of the year they want to take this 25-day training.⁶²

Deaths of reservists sometimes occurred during the training programmes. Some examples are given below. This list is by no means exhaustive.

On 14 September 2021, the Ministry of Defence reported the death of a 43-year-old reservist on 13 September 2021.⁶³ Another soldier reportedly shot him.⁶⁴ Furthermore, according to the NGO *Helsinki Citizens' Assembly-Vanadzor* (HCAV), based in the Armenian city of Vanadzor, a reserve officer was killed in a car repair accident in September 2021.⁶⁵ The Ministry of Defence also reported that a 44-year-old reservist died unexpectedly in his sleep on the night of 3 to 4 August 2022.⁶⁶ In an article in the Armenian magazine *EVN Report*, his wife stated that he had informed the military commissariat about his health problems, including high blood pressure, but that this had not been taken into consideration.⁶⁷

1.4 Medical check-up for reservists

Legally, reservists must first undergo a medical check-up after being called up for military training or after being called up as part of a mobilisation.⁶⁸ The procedure for this is set out in a government decision of 12 April 2018. This decision contains the models of the forms that the medical examiners must use. The decision also contains a list of the medical institutions where follow-up examinations can take place.⁶⁹ The medical examiners also use a list of illnesses, disorders, and mental and

⁶¹ Panorama, *Military training for reservists to be held in Armenia*, 29 September 2022; HCAV, *Statement regarding the drill call-up in the Republic of Armenia*, 13 October 2022; The Armenian text of the decision of 26 September 2022 (number 1484-N) is available at <https://www.e-gov.am/gov-decrees/item/39077/>, accessed 10 January 2023.

⁶² Armenpress, *Duration of reserve training musters changed from 3 months to 25 days*, 13 October 2022; BBCM, *Twenty-five-day mandatory training for all*, 14 October 2022; Confidential source, 1 November 2022; Confidential source, 3 November 2022.

⁶³ News.am, *Armenia MOD: Reserve sergeant receives fatal gunshot wound*, 14 September 2021; Iravaban.net, *A reserve sergeant was fatally wounded in one of the military bases: Ministry of Defense*, 14 September 2021; Factor TV, *Serviceman dies after receiving lethal gunshot wound*, 14 September 2021; Arka News Agency, *Armenian army reservist dies due to breach of combat duty rules*, 14 September 2021.

⁶⁴ News.am, *ArmLur.am: New details become known from tragic incident at Armenia military outpost*, 14 September 2021; For Rights, *The 25-day gatherings: the new order in terms of justice and adventure*, 18 October 2022.

⁶⁵ HCAV, *Report on death cases in the armed forces of the Republic of Armenia, and Republic of Artsakh/Nagorno-Karabakh in 2021*, 2 February 2022, p. 8.

⁶⁶ Mil.am, *Release*, 4 August 2022; ArmInfo, *RA MoD reports that reservist Atom Harutyunyan died in his sleep*, 4 August 2022; Armenpress, *Reservist participating in training musters suffers "sudden death" – ministry of defense*, 4 August 2022; Arka News Agency, *Another contract serviceman dies in Armenia*, 15 August 2022.

⁶⁷ EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022.

⁶⁸ Article 17, paragraph 1, of the Military Service Law; HCAV, *Report on the situation of the rights of conscripts during winter 2019, summer 2020, winter 2020 and summer 2021 call-up*, 27 October 2021, p. 15; Confidential source, 17 October 2022; Confidential source, 1 November 2022; Confidential source, 2 November 2022; Confidential source, 3 November 2022.

⁶⁹ Peace Dialogue, *The final report of the monitoring group observing the activities of the ministry of defense of the Republic of Armenia within the framework of the 2017-2019 action plan derived from the national strategy for human rights protection*, 25 November 2019, p. 23, footnote 11; DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus*, 29 June 2021, p. 15; Confidential source, 1 November 2022; The

physical conditions that determine the degree of fitness for military service, such as schizophrenia, intellectual disability, organ dysfunction, bed-wetting, anaemia, malnutrition or obesity.⁷⁰

Various sources indicate that practice deviates from the regulations. According to several sources, reservists generally do not undergo a medical check-up prior to military training.⁷¹ According to one source, it is up to a reservist to indicate whether he has medical problems.⁷² According to another source, reservists do receive a check-up, but several cases are known in which this has not been done or has not been done properly.⁷³ According to yet another source, the medical check-up is in practice only superficial. Only in unavoidable cases is a more precise medical examination with medical equipment carried out, which can also include follow-up examinations in a medical institution.⁷⁴

Legally, reservists have the right to receive a written copy of the result of the medical check-up and other documents relating to the medical check-up and medical examination.⁷⁵ According to one source, reservists do not usually receive these documents after the medical check-up, unless they explicitly request them.⁷⁶ There are several cases of reservists to whom medical institutions initially refused to issue the documents.⁷⁷ According to another source, the persons involved do not usually receive the documents outside Yerevan. In addition, most people are approved and those who are approved usually do not request these documents.⁷⁸

Armenian text of the government decision of 12 April 2018 (number 405-N) is available at <https://www.arlis.am/DocumentView.aspx?docid=151135>, accessed 10 January 2023.

⁷⁰ Peace Dialogue, *The final report of the monitoring group*, 25 November 2019, p. 45, footnote 24; This list is part of the government decision of 12 April 2018 (number 404-N). The Armenian text of this decision is available at <https://www.arlis.am/documentview.aspx?docid=132970>, accessed 10 January 2023.

⁷¹ Silkway News, *Armenia: people are taken into army immediately after presentation of agenda*, 7 October 2022; HCAV, *Statement regarding the drill call-up in the Republic of Armenia*, 13 October 2022; For Rights, *The 25-day gatherings: the new order in terms of justice and adventure*, 18 October 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022.

⁷² Confidential source, 2 November 2022.

⁷³ Confidential source, 2 November 2022.

⁷⁴ Confidential source, 3 November 2022.

⁷⁵ Article 17, paragraph 5, of the Military Service Law; Peace Dialogue, *The final report of the monitoring group*, 25 November 2019, p. 23; Confidential source, 12 October 2022; Confidential source, 31 October 2022.

⁷⁶ Confidential source, 3 November 2022.

⁷⁷ Confidential source, 20 October 2022; Confidential source, 2 November 2022.

⁷⁸ Confidential source, 31 October 2022.

2 The mobilisation of 2020

2.1 The Armenian armed forces

The Armenian armed forces predominantly consist of an army with both professional soldiers and conscripts. There is also an air force,⁷⁹ a special unit⁸⁰ and military peacekeepers who participate in international peacekeeping missions.⁸¹ There is no navy.⁸²

Exact figures for the size of the Armenian armed forces are a state secret.⁸³ *The Military Balance 2021* estimated the active part of the Armenian armed forces as of 2016 at 44,800 military personnel: 22,900 professional soldiers from the army, 18,950 conscripts, 1,100 military personnel from the air force and air defence force and 1,850 military personnel from other air defence forces within the army.⁸⁴ According to *The World Factbook*, the active part of the Armenian armed forces in 2022 is estimated to consist of about 45,000 military personnel: 42,000 army personnel and 3,000 air force and air defence force personnel. Since 2021, about half of the active part has consisted of conscripts.⁸⁵

2.2 The mobilisation process

Civilians enrolled in the military reserve can be mobilised for deployment in a military conflict.⁸⁶ A mobilisation can only take place when the government has declared martial law.⁸⁷

After heavy fighting broke out along the heavily militarised line of contact between Armenia and Azerbaijan on the morning of Sunday 27 September 2020, the Armenian government decided to declare martial law.⁸⁸ At the same time, for the first time in the history of the Republic of Armenia, the government decided on a

⁷⁹ Public Radio of Armenia, *Armenian air force equipped with new multifunctional helicopters*, 25 January 2022.

⁸⁰ Armenpress, *Armenian military's special forces conduct direct action drills*, 23 September 2021; News.am, *Armenia, Greece, Cyprus special forces hold joint exercises*, 1 December 2021.

⁸¹ Panorama, *Armenian peacekeeping contingent back from Kosovo*, 21 January 2022; Public Radio of Armenia, *Armenian peacekeepers participating in international drills*, 9 October 2022; Mil.am, *The training of Armenian peacekeepers is highly praised*, 29 November 2022.

⁸² IISS, *The military balance 2016*, 9 February 2016, p. 178-179; IISS, *The Military Balance 2021*, 25 February 2021, p. 179-180; DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus*, 29 June 2021, p. 10.

⁸³ DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus*, 29 June 2021, p. 10; This is based on the Decree of 13 March 1998 Approving the List of Classified Information (number 173). The Armenian text of this decree is available at <https://www.arlis.am/documentview.aspx?docid=6572>, accessed 10 January 2023.

⁸⁴ IISS, *The military balance 2016*, 9 February 2016, p. 178-179; IISS, *The Military Balance 2021*, 25 February 2021, p. 179-180.

⁸⁵ CIA, *The world factbook, Armenia, Military and Security, Military and security service personnel strengths*, <https://www.cia.gov/the-world-factbook/countries/armenia/>, accessed 10 January 2023.

⁸⁶ Article 56, paragraph 1, of the Military Service Law; Diaspora.gov.am, *Military registration and service*, <http://diaspora.gov.am/en/pages/101/military>, accessed 10 January 2023.

⁸⁷ JAM News, *Armenia, Azerbaijan declare martial law – what that means and how it will work*, 27 September 2020; Iravaban.net, *In which case martial law is declared?*, 14 September 2022; Confidential source, 2 November 2022.

⁸⁸ OC Media, *First day of clashes between Armenia and Azerbaijan*, 27 September 2020; Politico, *Armenia declares martial law after clashes with Azerbaijan*, 27 September 2020.

general mobilisation of reservists under the age of 55.⁸⁹ As a result, the following categories of reservists were not allowed to leave Armenia without permission from the military commissariats from 28 September 2020 onwards: non-commissioned officers or lower-ranking personnel under the age of 48, junior officers under the age of 50 and senior officers (majors, lieutenant colonels and colonels) under the age of 55.⁹⁰ It was not until 2 December 2020 that the government lifted almost all restrictions arising from martial law, including travel restrictions for reservists under the age of 55.⁹¹

On 27 September 2020, Prime Minister Nikol Pashinyan called on reservists via social media to report to the regional military commissariats.⁹² That same day, the military commissariats started consulting the call-up lists and calling up reservists. The call-up of the reservists under the age of 55 in collaboration with the local authorities took place in the following weeks. In addition, the military commissariats sent call-up lists to the mayors' offices, where the employees filled in the call-up documents on the basis of these lists.⁹³ The municipal employees had to hand over these documents in person, either at home or at work.⁹⁴ The reservists had to sign at the bottom of the documents to confirm receipt.⁹⁵ From a legal point of view, a call-up to appear at the military commissariat on a certain date is made in writing and can either be handed over in person or sent digitally by email if an email address is known. Call-ups were not sent digitally by email during the reporting period.⁹⁶

There were numerous organisational and logistical problems and shortcomings with the implementation of the mobilisation.⁹⁷ The mobilisation came unexpectedly. Moreover, it was the first time that a mobilisation had taken place. According to one source, the country was not ready for it at the time. For example, a number of reservists without recent military experience were called up.⁹⁸ Moreover, the call-up system was not fully digitised.⁹⁹ In addition, according to various sources, the qualifications of a reservist were not always taken properly into account in the

⁸⁹ Confidential source, 1 November 2022; Confidential source, 3 November 2022; the mobilisation decision is in point 4 of the annex to the government decision of 27 September 2020 (number 1586-N) The Armenian text of this annex is available at [https://www.e-gov.am/u_files/file/decrees/kar/2020/08/1586_1%20\(1\).pdf](https://www.e-gov.am/u_files/file/decrees/kar/2020/08/1586_1%20(1).pdf), accessed 10 January 2023; the Armenian text of the government decision is available at <https://www.e-gov.am/gov-decrees/item/34842/>, accessed 10 January 2023; an English translation of the main text of this decision is available at <https://rm.coe.int/16809f8e8c>, accessed 10 January 2023.

⁹⁰ News.am, *Armenia government restricts exit of persons record-registered in reserve force from country*, 28 September 2020; ArmInfo, *Armenian government imposes a ban on leaving the country of persons registered in the reserve*, 28 September 2020.

⁹¹ Radio Azatutyun, *Armenian government eases martial law*, 2 December 2020; Reuters, *Armenia drops some martial law restrictions imposed during Karabakh conflict*, 2 December 2020; JAM News, *Armenia lifts several martial law restrictions, including on right to assembly*, 3 December 2020; Arka News Agency, *Minister: no political implication behind extension of martial law in Armenia*, 11 February 2021; USDoS, *Armenia 2020 human rights report*, 30 March 2021, p. 2.

⁹² Radio Azatutyun, *Armenia declares martial law over Karabakh fighting*, 27 September 2020; EVN Report, *Azerbaijan launches wide scale offensive*, 27 September 2020; Armenpress, *Armenia declares martial law, mobilization*, 27 September 2020; IWPR, *Armenia-Azerbaijan: Back to war?*, 28 September 2020; Eurasianet, *Armenians and Azerbaijanis are called to war*, 30 September 2020.

⁹³ Eurasianet, *Armenians and Azerbaijanis are called to war*, 30 September 2020; Hetq Online, *One day apart: Father and only son killed in Artsakh war*, 16 December 2020; Confidential source, 3 November 2022.

⁹⁴ Confidential source, 3 November 2022.

⁹⁵ Confidential source, 14 October 2022; Confidential source, 17 October 2022; Confidential source, 2 November 2022.

⁹⁶ Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022; Confidential source, 2 November 2022; Article 20, paragraph 1, of the Military Service Law, and Article 8 of the Government Decision of 4 October 2018 (number 1132-N). The Armenian text of this decision is available at <https://www.arlis.am/documentview.aspx?docid=152590>, accessed 10 January 2023.

⁹⁷ Radio Azatutyun, *Draft of reservists 'not specifically related to threat of war'*, 23 August 2021; API, *Interview on Courier d'Erevan*, 16 February 2022; Confidential source, 14 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022; Confidential source, 31 October 2022.

⁹⁸ Confidential source, 17 October 2022.

⁹⁹ Confidential source, 31 October 2022.

mobilisation, as a result of which, for example, an IT specialist was assigned to the artillery or someone who had been trained as a tank driver was assigned to an air defence unit.¹⁰⁰

Reservists were not called up in a uniform manner. Some reservists were difficult to find, for example because they did not live where they were registered.¹⁰¹ According to one source, the local authorities sometimes conducted a round of telephone calls first. If this showed that sufficient reservists were available, other reservists in a municipality were then not called up.¹⁰² According to another source, a municipal employee would sometimes hand the call-up papers to the relatives of a reservist if the reservist in question was not at home, without anyone signing to confirm receipt. The relatives of a reservist would sometimes also refuse to take receipt of the call-up. In addition, reservists were sometimes phoned by an employee of the municipality to tell them that a letter from the armed forces was waiting for them and that they had to come and collect it.¹⁰³ According to yet another source, a mayor would also sometimes phone a reservist to inform him that he had to report to the military commissariat.¹⁰⁴ As the call-up had not been issued correctly in any of these cases, the reservists concerned were not legally required to comply, as they could argue that they had not received the call-up in person. No criminal proceedings followed in these cases.¹⁰⁵

According to one source, the mobilisation did not have the character of a general mobilization, because not all reservists with military experience under the age of forty received a call-up.¹⁰⁶ In addition, not everyone who had registered as a volunteer received a call-up afterwards.¹⁰⁷ According to the Ministry of Defence, more than ten thousand people volunteered on 27 September 2020, but the commissariats sent many of them back home after they had registered, telling them to wait for a possible call-up.¹⁰⁸

A reservist who has recently completed his national service cannot legally be mobilised within one year unless he enlists on a voluntary basis. Due to the great need for people with recent military experience, on 5 October 2020 Prime Minister Pashinyan called on these reservists to volunteer.¹⁰⁹ To set an example, his son, who had completed his national service in June 2020, volunteered.¹¹⁰

¹⁰⁰ Confidential source, 14 October 2022; Confidential source, 17 October 2022.

¹⁰¹ Iravaban.net, *What is military registration? How to act if you are registered at one address but live in another?*, 6 October 2020; Confidential source, 3 November 2022.

¹⁰² Confidential source, 11 October 2022.

¹⁰³ Confidential source, 31 October 2022.

¹⁰⁴ Confidential source, 20 October 2022.

¹⁰⁵ Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 3 November 2022.

¹⁰⁶ Confidential source, 14 October 2022.

¹⁰⁷ API, *Interview on Courier d'Erevan*, 16 February 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022.

¹⁰⁸ Armenpress, *10,000 Armenians step forward to join army as volunteers, but defense ministry says no need yet*, 27 September 2020; Armenpress, *"Great number of people" in Armenia volunteer to join armed forces amid Azerbaijani attack – spox*, 28 September 2020; Eurasianet, *Armenians and Azerbaijanis are called to war*, 30 September 2020; Reuters, *Armenian diaspora rushes to Nagorno-Karabakh to back troops*, 9 October 2020; Iravaban.net, *In order to protect the borders of Meghri region, we appeal to you: Municipality*, 18 October 2020; For Rights, *Four of the 44 survived*, 28 April 2022.

¹⁰⁹ ArmInfo, *Nikol Pashinyan called for the mobilization of those who were demobilized over the past year*, 5 October 2020; CivilNet, *"The homeland needs you," Pashinyan calls on recent military servicemen to re-enlist in the army*, 6 October 2020; Confidential source, 20 October 2022; Confidential source, 2 November 2022.

¹¹⁰ Armenpress, *Armenian prime minister's son voluntarily joins armed forces to serve at frontline*, 5 October 2020; Iravaban.net, *I just volunteered at the central assembly point: Ashot Pashinyan*, 5 October 2020; First Channel News, *The struggle for a happy life brought me here. Ashot Pashinyan is leaving for the front today*, 8 October 2020.

2.3 Medical check-up during mobilisation

During mobilisation, a medical check-up did not always take place immediately prior to actual military deployment.¹¹¹ One reason for this was that a number of reservists did not wait for their call-up. They voluntarily went to the military units in Nagorno-Karabakh without first passing through the military commissariat for a medical check-up.¹¹² Many Armenians also travelled directly to Nagorno-Karabakh from abroad to participate in the war.¹¹³ People also travelled to Nagorno-Karabakh as volunteers with the help of paramilitary groups.¹¹⁴ Some of these people were over the age of 55, including veterans of the First Nagorno-Karabakh War (1988-1994). The military units sent some of them back home within two weeks.¹¹⁵

Due to time constraints and the chaotic situation, some military commissariats sent reservists without a medical check-up or with only a minimal medical check-up. Subsequently, if any health problems emerged when they were in the military units, they received treatment there or were sent back home.¹¹⁶

2.4 The demobilisation process

According to one source, the general mobilisation transitioned into a partial mobilisation on 15 November 2020. This partial mobilisation ended on 15 December 2020.¹¹⁷ The demobilisation process then took approximately two to three months.¹¹⁸ According to a source, this process was far from smooth.¹¹⁹ In addition, many people had been killed or injured. In a speech to parliament on 24 August 2021, Prime Minister Pashinyan announced that 3,773 Armenian military personnel had died, 243 were missing and some prisoners of war had not yet returned from Azerbaijan.¹²⁰ The Investigative Committee of the Republic of Armenia announced on 21 March 2022 that the total number of civilian and military fatalities in Nagorno-

¹¹¹ Confidential source, 14 October 2022; Confidential source, 17 October 2022.

¹¹² Confidential source, 3 November 2022.

¹¹³ The Moscow Times, 'I want to join the final battle.' Armenians in Russia flock to Karabakh, 7 October 2020; France 24, Armenian volunteer returns from France to fight for Nagorno-Karabakh, 7 October 2020; Los Angeles Times, Bound by duty and love, some L.A. Armenians are joining the battle lines in their homeland, 9 October 2020.

¹¹⁴ Some examples of these groups are veteran organisations such as the *Yerkrapah Volunteer Union* or the *Armenian National Army* (ANA), survival organisations such as *The Art of Survival* (VOMA), or paramilitary organisations such as the *Tigran the Great Battalion*; CivilNet, *The Yerkrapah Union of Volunteers at a crossroads*, 12 July 2018; Eurasianet, *Photo essay. Armenia rallies*, 16 October 2020; The Armenian Weekly, *Diaspora Armenians train to protect Artsakh*, 28 October 2020; Reuters, *With ropes and wooden guns, returning Armenians train for war*, 29 October 2020; News.am, *Yerkrapah Volunteers Union of Armenia: Adversary country's leader already threatening to conquer Zangezur*, 12 March 2021; France 24, *An increasing number of civilians are volunteering to defend Armenia*, 18 September 2022; JAM News, "After the war, self-defense is being taught in Armenia": an article by a journalist from Germany, 13 December 2022.

¹¹⁵ The Telegraph, *Armenian 'Dad's Army' answers call to fight again*, 2 October 2020; Confidential source, 12 October 2022; Confidential source, 31 October 2022.

¹¹⁶ Confidential source, 20 October 2022; Confidential source, 31 October 2022; Confidential source, 1 November 2022; Confidential source, 3 November 2022.

¹¹⁷ Confidential source, 1 November 2022.

¹¹⁸ Hetq Online, *Shahen Babayan wants to get back up and farm again*, 22 December 2020; Hay Zinvor, *Glory and honor to all our heroes...*, 24 December 2020; News.am, *Armenia MOD: There is a need for further study to provide information about Ashot Pashinyan's demobilization*, 29 December 2020; First Channel News, *The demobilization will be carried out in accordance with the established procedure*, 8 January 2021; JAM News, *How Armenia will look after servicemen injured in Karabakh, families of the fallen*, 10 February 2021; OC Media, *Broken bodies and a broken bureaucracy: Armenian soldiers after the war*, 23 August 2021; Confidential source, 14 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022; Confidential source, 2 November 2022.

¹¹⁹ Confidential source, 31 October 2022.

¹²⁰ Hetq Online, *3,773 Karabakh war dead, 243 missing, says Pashinyan*, 24 August 2021; RFE/RL, *Armenian PM says almost 3,800 soldiers killed in war with Azerbaijan*, 24 August 2021; Arka News Agency, *Pashinyan says 3,773 Armenian soldiers were killed in second Karabakh war*, 24 August 2021.

Karabakh and Armenia during the 44-Day War in 2020 was 3,822. 187 military personnel and 21 civilians were missing.¹²¹ It also took some time before the security situation at the border stabilised. Although the signing of the ceasefire took place on 9 November 2020, incidents continued to occur along the border after that time, which also resulted in deaths and injuries.¹²² It was not until 24 March 2021 that parliament voted by a large majority to end martial law.¹²³ No new mobilisation took place during the reporting period after that.¹²⁴

2.5 The military booklet

A reservist who has participated in military training or who was mobilised during the 44-Day War of 2020 can demonstrate this by means of an entry in his or her military booklet. The military commissariat notes in the military booklet the dates between which the training took place and/or the dates between which and the military unit in which a reservist served during mobilisation.¹²⁵

In some cases, the note is incorrect, incomplete, or missing.¹²⁶ This may occur, for example, because a reservist was not called up during mobilisation, but went straight to a military unit as a volunteer without reporting to the military commissariat first. It is also possible that at the time of demobilisation the military commissariat had fallen behind in collecting the data and/or certain information was not available at that time. A reservist can have this changed by the military commissariat afterwards. In that case, the military commissariat must first verify the information with the relevant military unit before the note can be entered in the military booklet. This investigation sometimes takes a long time, because military units ceased to exist during the 44-Day War of 2020, because documentation has been destroyed, because documentation is located in places that have fallen into the hands of the Azerbaijani army or because other witnesses need to be found because the commanders have died. In some cases, the investigation had not been completed by the end of the reporting period.¹²⁷

According to a source, a reservist who has participated in military training can also contact the military commissariat with a request to issue a certificate of participation.¹²⁸

¹²¹ Investigative Committee of the Republic of Armenia, *Information about military personnel and civilians killed during 44-day War as well as those whose location is unknown*, 21 March 2022; BBCM, *Armenia updates Karabakh war death toll*, 21 March 2022.

¹²² Eurasianet, *Heavy fighting breaks out between Armenia and Azerbaijan*, 16 November 2021; For Rights, *A soldier returning from captivity is discharged early due to health problems*, 24 August 2022.

¹²³ RFE/RL, *Armenian lawmakers lift martial law ahead of June elections*, 24 March 2021; Radio Azatutyun, *Armenian parliament votes to end martial law*, 24 March 2021; JAM News, *Martial law canceled in Armenia 4 months after end of Karabakh war*, 24 March 2021.

¹²⁴ Confidential source, 2 November 2022; Confidential source, 3 November 2022.

¹²⁵ The military booklet is called in Armenian Չինվորական գրքույկ (*zinvorakan grkuyk*); Confidential source, 14 October 2022; Confidential source, 17 October 2022; Confidential source, 2 November 2022.

¹²⁶ News.am, *"Driver" broadly noted in military service books of demobilized Armenia soldiers*, 22 January 2021; Confidential source, 20 October 2022.

¹²⁷ News.am, *Newspaper: Armenia law enforcement system does write in military record book that people took part in recent Artsakh war*, 19 May 2021; HCAV, *Military servicemen, who participated in hostilities but do not have a relevant note made in their military record book, can apply to HCAV*, 7 June 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 2 November 2022; Confidential source, 3 November 2022.

¹²⁸ Confidential source, 17 October 2022.

3 Deployment in Nagorno-Karabakh

3.1 The Trilateral Agreement

Armenia, Azerbaijan and the Russian Federation drew up a ceasefire agreement on 9 November 2020. This trilateral declaration had nine points. The fourth point stated that the peacekeeping troops of the Russian Federation would be deployed in parallel with the withdrawal of the Armenian armed forces.¹²⁹ According to one source, after the arrival of the Russian peacekeeping troops in Nagorno-Karabakh many conscripts were sent to other military units in the Republic of Armenia to complete their national service there.¹³⁰

3.2 The assignment process

The process of assigning conscripts takes place by means of a lottery. After reporting to the regional military commissariats, the conscripts travel by bus to the central assembly point in Yerevan.¹³¹ There, a lottery is held to determine the military units in which the conscripts will carry out their military service. For this purpose, several transparent plastic boxes are set up from which conscripts draw lots.¹³² According to a source, the box from which a conscript draws a lot depends on his personal situation. For example, someone may be allowed to do military service close to home because he is the father of two children.¹³³ During the drawing of lots, the conscripts' parents can follow the progress via a live video link. After the draw, the conscripts are issued with a uniform and leave for the base by bus.¹³⁴ The first six months of their military service consist of education and training. After an uninterrupted stay of forty days on a military base or at a military training institute, a ceremony takes place.¹³⁵ During this ceremony, conscripts take the oath of allegiance to the national flag of the Republic of Armenia and the banner of the military unit with which they will serve.¹³⁶ According to a source, after six months

¹²⁹ The Armenian Weekly, *Pashinyan, Aliyev and Putin sign agreement to end Karabakh war*, 9 November 2020. For an English translation of the Trilateral Agreement, see: Primeminister.am, *Statement by the prime minister of the Republic of Armenia, the president of the Republic of Azerbaijan and the president of the Russian Federation*, 10 November 2020.

¹³⁰ Confidential source, 3 November 2022.

¹³¹ Prosecutor.am, *Vahe Harutyunyan, the RA military prosecutor followed the conscription process at the central assembly point*, 31 July 2020; Prosecutor.am, *The RA military prosecutor visited the central assembly point of the RA ministry of defense*, 1 April 2021; Hay Zinvor, *Even stronger in spirit and will*, 29 July 2021; News.am, *Armenian Ombudsperson visits central assembly point of ministry of defense*, 18 July 2022; Confidential source, 31 October 2022.

¹³² Panorama, *Winter military draft kicks off in Armenia*, 8 January 2019; Prosecutor.am, *RA military prosecutor V. Harutyunyan in the central assembly point of the RA MD monitored the process of organizing conscription*, 13 January 2020; ArmInfo, *MoD: Summer conscription has started in Armenia*, 13 June 2022; Aravot, *Colonel: "By the decision of the military-political leadership, the last conscripts of 2020 will be demobilized by August 30, and we will no longer have conscripts in Artsakh"*, 29 June 2022; Confidential source, 2 November 2022.

¹³³ Confidential source, 31 October 2022.

¹³⁴ ArmInfo, *Winter conscription started in assembly point of Armenian armed forces*, 8 January 2019; Hay Zinvor, *"Our resistance capacity is very big"*, 1 July 2021; Confidential source, 31 October 2022; Confidential source, 2 November 2022.

¹³⁵ Confidential source, 14 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022.

¹³⁶ Article 3, paragraph 3, of the Military Service Law; Panorama, *Oath-taking ceremony of recruits held at one of military units*, 24 January 2022; Mil.am, *Oath ceremony*, 22 August 2022.

the conscripts are transferred to other military units on the basis of their qualifications.¹³⁷ Conscripts can also be deployed to military posts at the border.¹³⁸

Since the 44-Day War of 2020, there has been no separate lottery box for those who wish to serve in Nagorno-Karabakh. According to various sources, no new batches of conscripts have been sent to military units in Nagorno-Karabakh since then.¹³⁹ On 28 June 2022, the chairman of the lottery commission stated that Armenia would no longer deploy conscripts in Nagorno-Karabakh and that the last batch of conscripts deployed there in the summer of 2020 would be discharged by 30 August 2022.¹⁴⁰ Furthermore, the Secretary of the Armenian Security Council stated in an interview with the Armenian news agency *Armenpress* on 19 July 2022 that conscripts from Armenia were no longer being deployed in Nagorno-Karabakh. He added that during the 44-Day War of 2020, some units of the Armenian military had entered Nagorno-Karabakh to assist the Nagorno-Karabakh military.¹⁴¹ After the ceasefire they had returned to Armenia. This return process was nearly complete in July 2022 and would be finished in September 2022. After September 2022, there would no longer be any Armenian professional soldiers or conscripts stationed in Nagorno-Karabakh.¹⁴² On 2 August 2022, a member of parliament also noted that after the 44-Day War of 2020, no new batch of conscripts from Armenia had been deployed in Nagorno-Karabakh and that the last batch from Armenia would be discharged at the end of August 2022.¹⁴³ Moreover, on 4 August 2022, Prime Minister Pashinyan stated at a government meeting that there were no soldiers from the Republic of Armenia in Nagorno-Karabakh.¹⁴⁴ He repeated this during the weekly government meeting on 10 November 2022.¹⁴⁵ In addition, the Minister of Foreign Affairs told the Armenian Parliament on 7 December 2022 that Armenia had no military formations in the territory of Nagorno-Karabakh.¹⁴⁶ Other sources confirmed that no soldiers from the armed forces of the Republic of Armenia are present in Nagorno-Karabakh.¹⁴⁷

¹³⁷ Confidential source, 1 November 2022.

¹³⁸ For Rights, "As I was seeing my son off, I felt that I would never see him again." *The soldier's mother does not know who to complain to*, 24 August 2022; News.am, *Zinuzh Media: Armenia conscripts destroy Azerbaijan special forces who attacked their combat position*, 25 September 2022; Confidential source, 14 October 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 3 November 2022.

¹³⁹ Defence.az, *Conscripts from Armenia no longer sent to Karabakh*, 9 February 2021; Confidential source, 14 October 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 31 October 2022.

¹⁴⁰ Aravot, *Colonel: "By the decision of the military-political leadership, the last conscripts of 2020 will be demobilized by August 30, and we will no longer have conscripts in Artsakh"*, 29 June 2022; Eurasianet, *Armenia pledges to complete Karabakh withdrawal this summer*, 20 July 2022.

¹⁴¹ The Nagorno-Karabakh military is also known by the name *Defense Army of the Republic of Artsakh (ADA)*; Hetq Online, *Artsakh Defense Army says it's taking steps to halt Azerbaijani military advance*, 26 March 2022; Asbarez, *'Disbanding Defense Army is tantamount to treason,' says Artsakh lawmaker*, 10 August 2022; ArmInfo, *Artsakh Defense Army refutes another Azerbaijani misinformation*, 26 November 2022.

¹⁴² Armenpress, *Armenia military returns from NK after wartime support deployment*, 19 July 2022; Euractiv, *Armenia says will withdraw its troops from Karabakh by September*, 19 July 2022; BBCM, *Armenia to pull out all troops from Karabakh by end of September*, 19 July 2022.

¹⁴³ Panorama, *Latest Azeri aggression stems from two demands issued to Armenian authorities, MP says*, 2 August 2022; ArmInfo, *Artsakh authorities must explain demobilization – MP*, 3 August 2022; Panorama, *Soldiers drafted from Armenia to Artsakh discharged early at Azerbaijan's demand, MP says*, 3 August 2022; Silkway News, *Armenia hastily leads his soldiers from Karabakh*, 3 August 2022.

¹⁴⁴ Primeminister.am, *Statements and messages of the prime minister of RA*, 4 August 2022; Panorama, *Pashinyan: There are no servicemen of the Republic of Armenia in Artsakh*, 4 August 2022.

¹⁴⁵ BBCM, *Armenian premier accuses Baku of planning 'genocide' in Karabakh*, 10 November 2022; JAM News, *"The peace agenda does not mean the 'peaceful extermination' of Armenians" – Pashinyan*, 10 November 2022.

¹⁴⁶ Armenpress, *Armenia does not maintain any military presence in Nagorno Karabakh – Foreign minister*, 7 December 2022.

¹⁴⁷ Confidential source, 14 October 2022; Confidential source, 20 October 2022; Confidential source, 3 November 2022.

4 Conscientious objection

4.1 The Alternative Service Law

Conscripts can perform an alternative form of national service if they have conscientious or religious objections. The rules regarding alternative national service are set out in the Alternative Service Law of 17 December 2003.¹⁴⁸ Under this law, two types of alternative service are possible. The first type is a replacement form of military service which does not involve carrying, keeping and using weapons. This type of national service lasts thirty months.¹⁴⁹ An example of this type of national service is a position as a driver or engineer.¹⁵⁰ The second type of alternative service is a replacement form of civic service outside the armed forces. For example, a conscript can work as a social worker, gardener, street sweeper, maintenance worker, rubbish collector, nurse, postman, janitor, ambulance driver or office worker. This option has existed since 2013. This type of national service lasts 36 months.¹⁵¹ Although a person who has completed this type of alternative service is part of the military reserve, in practice he will not usually be called up to participate in military training or for mobilisation.¹⁵² For more information on this, see section 3.7.3.1 of the general country of origin information report on Armenia of April 2016.

According to one source, no one is known to have completed the first type, alternative military service.¹⁵³ According to another source, only two people have started alternative military service since 2004. After two or three months they refused to continue and switched to regular military service.¹⁵⁴ According to yet another source, since the formation of the current government in 2018, no one has completed alternative military service.¹⁵⁵

However, there have been conscripts who have completed alternative civic service outside the armed forces. In practice, almost all of these have been Jehovah's Witnesses.¹⁵⁶ In October 2021, according to the US State Department, 124 Jehovah's Witnesses were doing civic service. Up to that time, 302 Jehovah's Witnesses had completed this form of national service.¹⁵⁷ According to the Office of Public Information of the Jehovah's Witnesses, as of 1 March 2022, 438 Jehovah's

¹⁴⁸ The Armenian text of the Alternative Service Law is available at <https://www.arlis.am/documentview.aspx?docid=119069>, accessed 10 January 2023; An English translation of this law is available at [Legislationonline.org, Law of the Republic of Armenia on Alternative Service. Adopted on 17 December 2003, as amended by the Law of 10 June 2014](https://legislationline.org/sites/default/files/documents/a4/Armenia_law_alternative_service_am2014_en.pdf), 30 January 2015, accessed 10 January 2023.

¹⁴⁹ USDoS, *Armenia 2021 international religious freedom report*, 2 June 2022, p. 6; Confidential source, 8 December 2022.

¹⁵⁰ Confidential source, 3 November 2022.

¹⁵¹ Article 5, paragraph 2, of the Alternative Service Law. The Alternative Service Law was amended by the law of 2 May 2013 (number 31-N). This change took effect on 8 June 2013; JW.org, *Armenia offers alternative civilian service to conscientious objectors*, 5 November 2013; JW.org, *Armenia successfully implements alternative civilian service*, 5 February 2015; JW.org, *First Jehovah's Witnesses complete alternative civilian service program in Armenia*, 9 August 2016; EBCO, *Conscientious objection to military service in Europe 2021*, 31 March 2022, p. 23; USDoS, *Armenia 2021 international religious freedom report*, 2 June 2022, p. 6; The Armenian text of the Law of 2 May 2013 is available at <https://www.arlis.am/documentview.aspx?docid=83387>, accessed 10 January 2023; Confidential source, 8 December 2022.

¹⁵² Confidential source, 1 November 2022; Confidential source, 2 November 2022; Confidential source, 3 November 2022; Confidential source, 11 November 2022.

¹⁵³ Confidential source, 2 November 2022.

¹⁵⁴ Confidential source, 1 November 2022.

¹⁵⁵ Confidential source, 31 October 2022.

¹⁵⁶ Confidential source, 17 October 2022; Confidential source, 2 November 2022.

¹⁵⁷ USDoS, *Armenia 2021 international religious freedom report*, 2 June 2022, p. 9.

Witnesses had completed national service of this kind.¹⁵⁸ According to an article on the Armenian news website *News.am*, twenty people started doing their civic service in the summer of 2022.¹⁵⁹

4.2 Reservists and conscientious objection

The law does not provide for a transition from military service to alternative service. This means that a conscript who has already started to perform his military service cannot successfully cite conscientious objection and opt for an alternative form of service.¹⁶⁰ The law also makes no provision for the situation in which a reservist invokes conscientious objection.¹⁶¹ Several sources said that they were not aware of such a case.¹⁶² Several sources stated that reservists are not expected to be able to invoke conscientious objection successfully when they are called up for training or when they are mobilised, as they will have already completed their military service without expressing any objections to it at the time.¹⁶³

¹⁵⁸ JW.org, *Information on conscientious objection to military service involving Jehovah's witnesses*, 21 March 2022.

¹⁵⁹ News.am, *20 Armenia citizens sent to alternative service within military draft framework to get monetary reimbursement*, 6 October 2022.

¹⁶⁰ Article 3, paragraph 2, of the Alternative Service Law; EBCO, *Conscientious objection to military service in Europe 2021*, 31 March 2022, p. 23; Peace Dialogue, *Report on the results of standardized perceptions survey on the rights of conscripts*, 11 November 2022.

¹⁶¹ Confidential source, 2 November 2022; Confidential source, 11 November 2022.

¹⁶² Confidential source, 11 October 2022; Confidential source, 14 October 2022; Confidential source, 20 October 2022; Confidential source, 3 November 2022.

¹⁶³ Confidential source, 14 October 2022; Confidential source, 3 November 2022; Confidential source, 11 November 2022.

5 Criminal prosecution

5.1 Desertion during a military conflict

The penalties for criminal offences such as desertion, abandoning a military post, evading conscription and failure to respond to mobilisation are described in the Criminal Code (CC). The old CC dates from 18 April 2003.¹⁶⁴ On 5 May 2021, parliament approved a new CC. This entered into force on 1 July 2022.¹⁶⁵ It is important to note in this regard that new or amended criminal provisions may not be applied retroactively in Armenia unless the effect of this is more favourable for the person concerned.¹⁶⁶ According to various sources, punishment takes place in accordance with the law. The minimum sentence is usually imposed unless there are aggravating circumstances in the case.¹⁶⁷

Before 1 July 2022, desertion during a military conflict was punishable under Article 362, paragraph 3, CC. This stated that desertion committed during a period of martial law or military conflict or under combat conditions carried a sentence of six to twelve years of imprisonment.¹⁶⁸ By the law of 28 October 2020, the words 'six to twelve years' in Article 362, paragraph 3, CC were replaced by 'eight to fifteen years'.¹⁶⁹ Since 1 July 2022, desertion during a military conflict has been punishable under Article 526, paragraph 4, CC. This states that desertion committed during a period of martial law or military conflict or under combat conditions carries a sentence of ten to fifteen years of imprisonment. Abandoning a military post during a military conflict with the intention of completely evading military service is also included.¹⁷⁰

Desertions occurred in the Armenian army during the 44-Day War of 2020. At a press conference on 19 November 2020, a former colonel-general (*general-gndapet*) stated that 1,500 Armenian soldiers and volunteers had deserted in the first five days of the war.¹⁷¹ The fact that desertions had taken place during this war could also be deduced by a statement by the National Security Service (NSS) on 5

¹⁶⁴ The Armenian text of the Criminal Code of 18 April 2003 is available at <https://www.arlis.am/documentview.aspx?docid=69646>, accessed 10 January 2023. For an English translation of this Code see: European Commission for Democracy through Law (Venice Commission), *Armenia Criminal Code as of 23 May 2018*, 12 March 2021.

¹⁶⁵ The Armenian text of the Criminal Code of 5 May 2021 is available at <https://www.arlis.am/documentview.aspx?docID=153080>, accessed 10 January 2023. An English translation is available at Freedom of Information Center of Armenia (FOICA), *Criminal Code of the Republic of Armenia*, http://www.foi.am/u_files/file/legislation/CRIMINAL%20CODE%20OF%20THE%20REPUBLIC%20OF%20ARMENIA.pdf, accessed 10 January 2023.

¹⁶⁶ Article 9, Criminal Code; Confidential source, 1 November 2022; Confidential source, 3 November 2022.

¹⁶⁷ An example of an aggravating circumstance would be someone deserting during a battle in which many people were killed and wounded and/or many soldiers were taken prisoner, if this could have been prevented by the person in question staying to defend the military unit; News.am, *Armenia investigative committee: Battalion commander who was on-duty in Karabakh's Khtsaber village is arrested*, 14 September 2021; Confidential source, 2 November 2022; Confidential source, 3 November 2022.

¹⁶⁸ Prosecutor.am, *Announcement of the RA military prosecutor's office*, 8 October 2020.

¹⁶⁹ Arka News Agency, *Armenia toughens punishment for military service evasion and desertion*, 28 October 2020; Hetq Online, *Armenian parliament enacts tougher penalties for draft dodgers, deserters*, 28 October 2020; The Armenian text of the law of 28 October 2020 (number HO-465-N) is available at <https://www.arlis.am/documentview.aspx?docid=147111>, accessed 10 January 2023.

¹⁷⁰ Article 526, paragraph 4, CC.

¹⁷¹ Hetq Online, *Former chief of the general staff of the RA armed forces says "lack of leadership, ignorance" main reasons for Artsakh defeat*, 19 November 2020; Caucasus Watch, *Political crisis in Armenia: former high-ranking military official reveals the reasons for Armenia's defeat in the war*, 19 November 2020; Asbarez, *Former army general blames Pashinyan for Artsakh defeat*, 19 November 2020.

November 2020 that if a deserter indicated after his arrest that he wished to continue his military service, he would not be placed in pre-trial detention.¹⁷²

According to an article by *Radio Azatutyun*, the Armenian branch of *Radio Free Europe/Radio Liberty* (RFE/RL), dated 26 August 2021, there were more than 1,600 criminal cases relating to desertion, refusal to serve and other crimes and offences relating to military service during the 44-Day War of 2020.¹⁷³ In addition, on 28 September 2021, the Prosecutor General's Office reported that it had more than 2,000 criminal cases relating to the 44-Day War of 2020.¹⁷⁴ Eight hundred individuals had been charged. Forty-eight cases involving 55 individuals had been brought to court.¹⁷⁵ Of these 48 cases, seven related to eight persons accused under Article 361, paragraph 7, CC (abandoning a military unit during a period of martial law) and two related to two persons accused under Article 362, paragraph 3, CC (desertion during a military conflict).¹⁷⁶

In mid-September 2021, Armenian media reported on a lieutenant-colonel in the Armenian military who was placed in pre-trial detention on 14 September 2021. One of the charges related to desertion on 13 December 2020.¹⁷⁷

According to one source, there were two legal cases against two officers in connection with desertion. One case was still pending and the other had not led to a conviction.¹⁷⁸

According to two sources, there were perhaps as many as several hundred outstanding criminal cases relating to desertion in the autumn of 2022. Most of these were still in the investigation phase.¹⁷⁹ One source did not expect the number of cases to increase beyond those already brought to court and thought that the outstanding cases would eventually be closed due to lack of evidence.¹⁸⁰ According to another source, many cases had already been closed due to lack of evidence. Many other cases were still outstanding at the end of the reporting period, as the justice system in Armenia was overloaded. In some pending court cases, the next hearings were not scheduled until 2024.¹⁸¹

Another source stated that most cases had been closed because the burden of proof was on the state and it was very difficult for the state to prove desertion in the context of the war. This source was not aware of any convictions on the grounds of desertion.¹⁸²

¹⁷² News.am, *Armenia National Security Service: If person detained for desertion wants to continue service, he won't be arrested*, 5 November 2020.

¹⁷³ Radio Azatutyun, *Amnesty for citizens accused of crimes related to military service discussed in Armenia*, 26 August 2021.

¹⁷⁴ Prosecutor.am, *More than 800 accused, 55 people sued in the result of crimes committed during the war 2020 in the armed forces of the Republic of Armenia and Republic of Artsakh*, 28 September 2021.

¹⁷⁵ Armenpress, *800 people prosecuted in war-related criminal cases in Armenia – Prosecutor general*, 22 April 2022; Asbarez, *Armenia has initiated criminal cases against 60 Azerbaijani leaders over 2020 war*, 22 April 2022; News.am, *Armenia prosecutor general: 2,150 criminal cases on crimes in 44-day war investigated*, 22 April 2022.

¹⁷⁶ Hetq Online, *Criminal cases linked to Armenia's military defeat; Investigators grill Artsakh president, military commanders*, 28 September 2021; Turan, *800 Armenian soldiers were charged with two thousand criminal cases*, 28 September 2021.

¹⁷⁷ News.am, *Armenia investigative committee: Battalion commander who was on-duty in Karabakh's Khtsaberid village is arrested*, 14 September 2021; Armenpress, *Battalion commander jailed in investigation into 2020 December mass capture of Armenian troops*, 15 September 2021; Aravot, *Battalion commander jailed in investigation into 2020 December mass capture of Armenian troops*, 15 September 2021.

¹⁷⁸ Confidential source, 2 November 2022.

¹⁷⁹ Confidential source, 20 October 2022; Confidential source, 3 November 2022.

¹⁸⁰ Confidential source, 31 October 2022.

¹⁸¹ Confidential source, 17 October 2022.

¹⁸² Confidential source, 2 November 2022.

No information has been found on actual criminal convictions for desertion from the Armenian armed forces since the 44-Day War of 2020.

5.2 Abandoning a military post during a military conflict

Abandoning a military post during a military conflict without the intention of evading military service is also a criminal offence. This situation occurs, for example, when a person leaves his military unit for a short time for social reasons, for example to visit a friend or family member or attend a wedding, and then returns to his post.¹⁸³ Before 1 July 2022, this was a criminal offence under Article 361, paragraph 7, CC. On this basis, abandoning a military post during a period of martial law or military conflict or under combat conditions carried a sentence of three to eight years of imprisonment. By the law of 28 October 2020, the words 'three to eight years' in paragraph 7 were replaced by 'six to twelve years'.¹⁸⁴ Since 1 July 2022, abandoning a military post during a military conflict has been punishable under Article 525, paragraph 5, CC. On this basis, abandoning a military post during a period of martial law or military conflict or under combat conditions carries a sentence of five to ten years of imprisonment.¹⁸⁵

According to a source, six investigations were launched in 2021 against reservists who had not remained on duty in connection with Article 361, CC. Four of these cases were dropped because no criminal offence could be established. Two cases were still outstanding.¹⁸⁶

No information has been found on actual criminal convictions for abandoning a military unit or post since the 44-Day War of 2020.

5.3 Evading conscription and failure to respond to mobilisation

Before 1 July 2022, evading conscription and failure to respond to mobilisation were punishable under Article 327, CC. Article 327, paragraph 1, CC stated that evasion of a call-up for military service or alternative service for the purpose of training and military exercises was punishable by up to two months of detention or up to three years of imprisonment. Article 327, paragraph 2, CC stated that if this offence was committed by deliberate self-harm, feigning illness, falsifying a document or otherwise misleading the authorities, it was punishable by between one and three months of detention or one to five years of imprisonment.¹⁸⁷ Article 327, paragraph 3, CC stated that if the acts referred to in paragraph 1 or 2 of this article were committed during a period of martial law or military conflict or in combat situations, this was punishable by four to eight years of imprisonment. By the law of 28 October 2020, the words 'four to eight years' in paragraph 3 were replaced by 'six to twelve years'.¹⁸⁸

Since 1 July 2022, evading conscription and failure to respond to mobilisation have been punishable under Article 461, CC. Article 461, paragraph 1, CC states that

¹⁸³ Confidential source, 3 November 2022.

¹⁸⁴ Hetq Online, *Armenian parliament enacts tougher penalties for draft dodgers, deserters*, 28 October 2020.

¹⁸⁵ Article 525, paragraph 5, CC.

¹⁸⁶ Confidential source, 26 November 2022.

¹⁸⁷ ArmInfo, *Attempt to "defer" from compulsory military service through the falsification of medical documents revealed in Defense*, 24 May 2019; Investigative.am, *Charges pressed for evasion from regular military conscription*, 1 August 2019.

¹⁸⁸ Arka News Agency, *Armenia toughens punishment for military service evasion and desertion*, 28 October 2020; Hetq Online, *Armenian parliament enacts tougher penalties for draft dodgers, deserters*, 28 October 2020.

evasion of military service or alternative service carries a sentence of two to five years of imprisonment. Article 461, paragraph 2, CC states that if this offence was committed by deliberate self-harm, feigning illness, falsifying a document or otherwise misleading the authorities, it carries a sentence of four to eight years of imprisonment. Article 461, paragraph 3, CC states that if the acts referred to in paragraph 1 or 2 of this article were committed during a period of martial law or military conflict, this carries a sentence of six to twelve years of imprisonment. Failure to respond to mobilisation also falls under Article 461, paragraph 3, CC. On the basis of paragraph 4, a person who has committed an offence referred to in paragraph 1 or 2 of Article 461 will not be prosecuted if he voluntarily reports to the military commissariat for the completion of military service or alternative service.¹⁸⁹ Evading military training is punishable under Article 462, CC. It carries a fine of up to 20,000 dram,¹⁹⁰ up to two months of detention or up to two years of imprisonment.¹⁹¹

In the context of registration with the military commissariats, boys aged fifteen and sixteen undergo medical examinations in outpatient clinics. The medical institutions pass on their findings to the military commissariats. When the boys reach the age of eighteen, they are summoned to a check-up.¹⁹² It is possible in this context to request temporary deferral of military service.¹⁹³ Exemption is also possible (see 1.1).¹⁹⁴

Call-up rounds take place twice a year, in the winter and summer. A government decision is required for each call-up round. During a call-up round, those who are approved and who do not have a deferral or exemption receive an individual call-up for military service. In addition, those who have completed their military service are discharged in a call-up round.¹⁹⁵ In the reporting period, all regular call-up rounds continued, despite martial law and the coronavirus epidemic.¹⁹⁶

¹⁸⁹ Article 461, CC.

¹⁹⁰ News.am, *Armenia MOD proposes to raise penalty for reserve officers who refuse to participate in military call-ups*, 23 January 2020; Confidential source, 3 November 2022; 20,000 dram is equivalent to approximately 48 euros, www.wisselkoers.nl, accessed 10 January 2023.

¹⁹¹ Article 462, CC; Confidential source, 1 November 2022.

¹⁹² Confidential source, 31 October 2022; Confidential source, 2 November 2022.

¹⁹³ Article 22 of the Military Service Law; Peace Dialogue, *Report on the results of standardized perceptions survey on the rights of conscripts*, 11 November 2022.

¹⁹⁴ Article 21 of the Military Service Law; Hetq Online, *Armenian parliament approves military service exemption bill*, 4 March 2022.

¹⁹⁵ Article 19, paragraph 4, of the Military Service Law; Armenpress, *Armenia's president signs decree on summer draft and demobilization*, 19 May 2015; Arka News Agency, *Armenian government approves conscription and demobilization dates*, 29 November 2018; Caucasian Knot, *Conscripts' parents complain about conditions of army service in Nagorno-Karabakh*, 30 November 2020; Caucasian Knot, *Parents of Armenian conscripts achieve week-long vacations for their sons*, 1 December 2020; Permanent mission of the Republic of Armenia to the Organisation for Security and Co-operation in Europe, *Republic of Armenia questionnaire on the code of conduct on politico-military aspects of security*, 15 April 2021, p. 8; News.am, *Armenia 1st military unit participants in recent Artsakh war are solemnly demobilized*, 1 July 2021.

¹⁹⁶ In winter 2020, the call-up round ran from 25 December 2020 to 3 March 2021. In summer 2021, the call-up round started on 21 June 2021. In winter 2021, the call-up round ran from 25 October 2021 to 31 January 2022. In summer 2022, the call-up round ran from 13 June 2022 to 30 August 2022. Finally, the call-up round for the winter of 2022 started on 24 October 2022; Armenpress, *Armenia to start winter conscription on December 25*, 23 December 2020; Public Radio of Armenia, *Winter conscription and demobilization to start in Armenia on December 25*, 24 December 2020; Hay Zinvor, *Heart size and in heart...*, 4 March 2021; Panorama, *Summer conscription kicks off in Armenia*, 21 June 2021; Armenpress, *2021 summer draft kicks off in Armenia*, 21 June 2021; Hay Zinvor, *Even stronger in spirit and will*, 29 July 2021; Panorama, *Armenian government to approve winter conscription and demobilization dates*, 21 October 2021; Armenpress, *Summer conscription for mandatory military service start April 18*, 15 April 2022; ArmInfo, *MoD: Summer conscription has started in Armenia*, 13 June 2022; Mil.am, *The RA minister of defence visited the central gathering point*, 13 June 2022; Arka News Agency, *Armenian government to approve terms of winter military call-up and demobilization*, 19 October 2022.

Military service applies to all men between the ages of 18 and 27.¹⁹⁷ Men who completed military training at a military training institute¹⁹⁸ during their higher education studies and are qualified as reserve officers are subject to military service until the age of 35.¹⁹⁹ Military service lasts 24 months. This 24-month period starts on the day on which the conscript reports to the military commissariat for departure to the central assembly point in Yerevan (see 3.2).²⁰⁰

Conscription evaders have the opportunity to participate in one of the eighteen call-up rounds that take place over a period of nine years, from the age of 18 to the age of 27. If a conscript is discovered or turns himself in, he is taken to the regional military commissariat. If the medical check-up shows him to be fit for military service, he will receive a call-up. If he then complies with this, the criminal case will be closed. Once a person has reached the age of 27²⁰¹ it is no longer possible to perform military service. In that case, the criminal file will remain open for another ten years. After ten years, the person can submit a request for the case to be closed.²⁰²

On 17 May 2021, President Armen Sargsyan signed the amnesty law that was adopted by parliament on 6 May 2021. This amnesty law related to individuals who were over the age of 27 – or, in the case of reserve officers, over the age of 35 – on or after 19 May 2021 and who had evaded military service or alternative service and had been placed under suspicion, charged or convicted on the basis of Article 327, paragraph 1 or paragraph 3, CC.²⁰³ This amnesty scheme affected more than 5,000 people on the wanted list and 124 people who had been convicted.²⁰⁴ The amnesty law made it possible for people who had gone abroad to evade conscription to return. However, they had to do so no later than 31 December 2021. After their return, they were briefly detained for investigation.²⁰⁵ The amnesty law did not apply to reservists who failed to respond to a call-up as part of the mobilisation in 2020 or who deserted during or after the 44-Day War of 2020.²⁰⁶

¹⁹⁷ Article 19, paragraph 1, of the Military Service Law; Peace Dialogue, *Report on the results of standardized perceptions survey on the rights of conscripts*, 11 November 2022.

¹⁹⁸ There are several military training institutes: the National Defense Research University, Vazgen Sargsyan Military University, Armenak Khanperiyants Military Aviation University, Monte Melkonyan Military College and YSMU Military Medicine Faculty; Mil.am, *Armenian Army, Military educational institutions of the RA armed forces*, www.mil.am/en, accessed 10 January 2023.

¹⁹⁹ Article 19, paragraph 1, of the Military Service Law; Investigative.am, *Notification on procedure for releasing persons who have evaded from regular military service from criminal liability*, 23 April 2019.

²⁰⁰ Article 5, paragraph 4, point 1 and Article 6, paragraph 1, point 1, of the Military Service Law; DCAF, *The rights of conscripts in Eastern Europe, Central Asia, and the South Caucasus*, 29 June 2021, p. 10; EBCO, *Conscientious objection to military service in Europe 2021*, 31 March 2022, p. 22; Arka News Agency, *Armenia may cut period of mandatory military service*, 30 August 2022.

²⁰¹ Or the age of 35 in the case of men who completed military training at a military training institute during their studies in higher education and are qualified as a reserve officer.

²⁰² Article 83, paragraph 1, point 2, CC; Caucasian Knot, *The draft-dodgers in Armenia who come to military registration and enlistment offices of their own free will be exempted from criminal liability*, 25 November 2011; Investigative.am, *Notification on procedure for releasing persons who have evaded from regular military service from criminal liability*, 23 April 2019; Confidential source, 1 November 2022.

²⁰³ Arka News Agency, *Armenia to amnesty draft evaders*, 8 April 2021; Armenpress, *Armenian government plans to grant pardon to pre-war draft evaders*, 8 April 2021; USDoS, *Armenia 2021 international religious freedom report*, 2 June 2022, p. 9; The Armenian text of the amnesty law of 6 May 2021 is available at <https://www.arlis.am/DocumentView.aspx?DocID=152705>, accessed 10 January 2023.

²⁰⁴ Primeminister.am, *Government comes up with legislative initiative on amnesty for those who evaded mandatory army service and mobilization*, 8 April 2021; News.am, *Amnesty to be applied to men who avoided Armenia compulsory military service and reached age of 27*, 8 April 2021; Parliament.am, *Draft law endorsed at committee*, 5 May 2021; JAM News, *President of Armenia to pardon draft evaders*, 18 May 2021.

²⁰⁵ Moj.am, *Steps for application of the Law "On amnesty; the Law having entered into force today*, 19 May 2021; Iravaban.net, *Attorneys can assist individuals avoided military service, in the issues connected with amnesty*, 26 May 2021.

²⁰⁶ News.am, *Armenia legislature adopts law on amnesty for those who have not carried out compulsory military service*, 6 May 2021; Confidential source, 3 November 2022.

According to one source, between 27 September 2020 and the end of May 2021, the Prosecutor General's Office had 151 criminal cases concerning reservists under Article 327, paragraph 3, CC (failure to respond to mobilisation). Of these 151 cases, 50 were combined into a single court procedure. Six cases were dropped because no criminal offence could be established. Formal charges were filed against 84 people and the cases of six people were subsequently dropped because no criminal offence could be established. There were three people in custody and 68 people were not allowed to leave Armenia. Most cases were still under preliminary investigation at the end of May 2021.

In addition, according to the same source, the police reported that between 27 September 2020 and February 2022, 157 criminal cases concerning reservists had been opened under Article 327, paragraph 3, CC (failure to respond to mobilisation). Of these 157 cases, one had been brought to court, seven had been closed and 149 were still under preliminary investigation.

Furthermore, according to the same source, the Ministry of Defence had referred for investigation 812 cases of reservists who had not responded to a mobilisation call. According to this ministry, between 27 September 2020 and 24 February 2022 there were two court cases in progress involving two persons charged under Article 327, paragraph 3, CC.²⁰⁷

According to another source, cases relating to conscientious objectors have also been initiated, but these cases are very often subsequently closed.²⁰⁸

No information has been found on actual criminal convictions for conscription evasion or non-compliance with mobilisation since the 44-Day War of 2020.

5.4 Discriminatory punishment

Several sources state that in cases of criminal prosecution on grounds of refusal of military service, desertion or abandonment of the military post during a military conflict, there is no disproportionate or discriminatory punishment or execution of the sentence in Armenia on account of race, religion, nationality, membership of a particular social group or political convictions.²⁰⁹

²⁰⁷ Confidential source, 25 October 2022; Confidential source, 30 November 2022.

²⁰⁸ Confidential source, 20 October 2022.

²⁰⁹ Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 2 November 2022; Confidential source, 3 November 2022.

6 The attacks on 13 and 14 September 2022

The interstate conflict between Armenia and Azerbaijan is complex and has been going on for decades. On 13 and 14 September 2022, fierce fighting took place between Armenia and Azerbaijan on and around the Armenian-Azerbaijani border. It was the biggest outbreak of violence since the 44-Day War of 2020.²¹⁰ According to the Armenian Ministry of Defence, the Azerbaijani armed forces started carrying out artillery shelling and drone and other attacks at several locations along the border in Armenia at five minutes past midnight. These included locations in the vicinity of the town of Goris, the town of Kapan and the village of Ishkhanasar (province of Syunik), the village of Sotk, the village of Artanish and the town of Vardenis (province of Gegharkunik) and the town of Jermuk (province of Vayots Dzor).²¹¹ According to the Azerbaijani authorities, the Armenian military laid mines in the vicinity of Laçın and shelled military positions in the vicinity of the towns of Daşkasan, Kalbajar, Laçın and Zangilan.²¹² The next morning, shelling and attacks by both armies also took place at several locations along the border.²¹³ A ceasefire took effect at eight o'clock in the evening.²¹⁴ On 15 September 2022, the Armenian Ministry of Defence reported no further hostilities.²¹⁵

6.1 Civilian and military fatalities

Prime Minister Pashinyan stated on 14 September 2022 that 105 Armenian soldiers had been killed so far.²¹⁶ On 16 September 2022, he adjusted the death toll to 135.²¹⁷ On 19 September 2022, the Armenian Security Council reported that 207 Armenians had died or gone missing. Three civilians had been killed and two others were regarded as missing. 293 military personnel and seven civilians had been injured.²¹⁸ Of the seven injured civilians, four were from Gegharkunik province, one

²¹⁰ RFE/RL, *At least 49 Armenian soldiers killed in fresh fighting with Azerbaijan*, 13 September 2022; RFE/RL, *U.S. speaker confirms visit to Armenia as Yerevan, Baku say border situation stabilized*, 16 September 2022.

²¹¹ Public Radio of Armenia, *Azerbaijan firing intensively in the direction of Armenian's Goris, Sotk and Jermuk: Artillery and UAVs employed – MoD*, 13 September 2022; Al Jazeera, *Armenia, Azerbaijan trade blame over deadly border clashes*, 13 September 2022; News.am, *Karasin: Armenia-Azerbaijan border ceasefire is achieved thanks to Russia's efforts*, 13 September 2022; RFE/RL, *Azerbaijan, Armenia each report dozens killed in overnight clashes as world leaders urge halt to fighting*, 13 September 2022; Armenpress, *Situation in Gegharkunik and Vardenis*, 13 September 2022; News.am, *Armenian province governor: Situation is tense, we have 43 wounded*, 13 September 2022.

²¹² Mod.gov.az, *Armenian armed forces committed large-scale provocations in Dashkasan, Kalbajar and Lachin directions*, 13 September 2022; Turan, *Azerbaijani foreign ministry blamed Armenia for escalation on border*, 13 September 2022; Trend, *Azerbaijani MoD publishes list of killed servicemen following recent clashes with Armenian troops*, 14 September 2022.

²¹³ News.am, *No Azerbaijan shots fired towards Armenia's Kapan, Goris cities for several hours now*, 14 September 2022; CNN, *Ceasefire is short-lived as Azerbaijan and Armenia resume attacks*, 14 September 2022.

²¹⁴ AP News, *Armenia, Azerbaijan agree on cease-fire to end fighting*, 15 September 2022; CivilNet, *Ceasefire appears to hold overnight, defense ministry says*, 15 September 2022; DW, *Armenia announces cease-fire agreement with Azerbaijan*, 15 September 2022; CivilNet, *Yerevan and Baku "reach ceasefire agreement"*, 15 September 2022.

²¹⁵ OC Media, *Explainer: What happened in Armenia and Azerbaijan on 13-14 September?*, 15 September 2022; RFE/RL, *U.S. speaker confirms visit to Armenia as Yerevan, Baku say border situation stabilized*, 16 September 2022.

²¹⁶ CivilNet, *105 Armenian soldiers killed in Azerbaijan's major attack*, 14 September 2022; BBC News, *Armenia says 105 troops killed in Azerbaijan border clashes, ? September 2022*; AA, *Baku says ready to hand over bodies of 100 Armenian soldiers killed in clashes*, 14 September 2022.

²¹⁷ Hetq Online, *Pashinyan confirms 135 Armenian soldiers killed in Azerbaijani attacks*, 16 September 2022; Public radio of Armenia, *Armenia confirms 135 troops killed in Azerbaijani attack*, 16 September 2022.

²¹⁸ Armenpress, *207 killed or missing as a result of latest Azerbaijani aggression – Armenia Security Council*, 19 September 2022.

from Syunik province and two from Vayots Dzor province.²¹⁹ According to reports in the Armenian media, one of the injured civilians died a few days later.²²⁰ Furthermore, 20 Armenian prisoners of war were taken; they were later released by Azerbaijan.²²¹

The Azerbaijani Ministry of Defence stated on 13 September 2022 that fifty Azerbaijani military personnel had been killed, including eight border guards from the State Border Service (SBS).²²² On 15 September 2022, this ministry reported that 71 Azerbaijani military personnel had been killed so far.²²³ A few days later, the ministry adjusted the death toll to 80.²²⁴ Furthermore, according to the ministry, 281 soldiers were injured, and two civilians:²²⁵ a resident of the village of Bozlu and a resident of the village of Ağdaban.²²⁶

According to various sources, a total of at least 287 people were killed and hundreds injured as a result of the attacks on 13 and 14 September 2022.²²⁷

6.2 Involvement of conscripts and reservists

In the artillery shelling and drone and other attacks on military units and military posts near the border on September 13 and 14 2022, several conscripts were killed, conscripts were injured and conscripts were taken prisoner.²²⁸ Some sources did not exclude the possibility that reservists were also in military units and at military posts near the border at the time of the attacks on 13 and 14 September 2022.²²⁹ According to other sources, reservists were not involved in the attacks on 13 and 14 September 2022.²³⁰

²¹⁹ CivilNet, *Pashinyan raises death toll to 105, as Azerbaijan continues attacks along much of border*, 14 September 2022; Armenpress, *3 out of 7 Armenian civilians wounded in latest Azeri attack continue receiving treatment in hospitals*, 19 September 2022.

²²⁰ Arka News Agency, *Armenian civilian wounded in Azerbaijani offensive dies in hospital*, 22 September 2022; Hetq Online, *One of seven Armenian civilians injured in Azerbaijani attacks has died*, 22 September 2022.

²²¹ Dutch Ministry of Foreign Affairs, *Kamerbrief over stand van zaken conflict tussen Armenië en Azerbeidzjan*, 22 December 2022.

²²² Turan, *50 killed – Azerbaijan announced its losses at fighting on the border*, 13 September 2022.

²²³ RFE/RL, *Yerevan says unconfirmed truce with Azerbaijan holds as Baku updates death toll*, 15 September 2022; Reuters, *71 Azeri soldiers killed in clashes with Armenia this week – Azeri defence ministry*, 15 September 2022.

²²⁴ News.az, *2 more servicemen of Azerbaijani Armed Forces martyred*, 17 September 2022; CivilNet, *Armenia raises number of dead, missing to 207*, 19 September 2022; Caspian News, *Azerbaijan discloses number of soldiers wounded after Armenia's border provocations*, 19 September 2022; AA, *Azerbaijan hands over bodies of 95 more Armenian soldiers*, 20 September 2022.

²²⁵ Mod.gov.az, *Information of the ministry of defense of the Republic of Azerbaijan*, 17 September 2022; IWPR, *Anti-war sentiments on the rise in Azerbaijan*, 23 September 2022.

²²⁶ Mod.gov.az, *Joint statement of the Azerbaijan ministry of defense and the prosecutor general's office*, 14 September 2022.

²²⁷ CivilNet, *Armenia raises number of dead, missing to 207*, 19 September 2022; Chatham House, *Is Azerbaijan planning a long-term presence in Armenia?*, 26 September 2022; ICG, *Upholding the ceasefire between Azerbaijan and Armenia*, 28 September 2022; Euractiv, *Azerbaijan frees 17 Armenian prisoners of war after US mediation*, 5 October 2022.

²²⁸ News.am, *Deceased soldier Narek Hayrapetyan was conscripted 3 months ago*, 17 September 2022; First Channel News, *Azerbaijan killed Davit Gishyan, who was in captivity: Armenia appealed to ECHR in case of murder of serviceman*, 19 September 2022; News.am, *Armenia representation on international legal matters: Soldier Davit Gishyan was killed in Azerbaijan captivity*, 19 September 2022; Armenpress, *Armenian soldier killed in Azerbaijani captivity – Office of Armenia's representative on international legal matters*, 19 September 2022; ASUE, *ASUE student Arman Tsaturyan has fallen victim*, 19 September 2022; Hetq Online, *David Gishyan, 'Son of the mountains', laid to rest in Yerevan*, 21 September 2022; Panorama, *Norik Petrosyan, hero soldier who fell repelling Azeri attacks*, 23 September 2022; First Channel News, *Nine Armenian servicemen were tortured and killed after coming under control of Azerbaijani Armed Forces*, 17 October 2022; News.am, *First list of Armenian servicemen killed as result of Azerbaijan's September aggression is published*, 2 November 2022.

²²⁹ EVN Report, *Challenges of post-war training of reserve forces*, 4 October 2022; Confidential source, 20 October 2022; Confidential source, 3 November 2022.

²³⁰ Confidential source, 31 October 2022; Confidential source, 2 November 2022.

7 Appendixes

7.1 List of abbreviations

ADA	Defence Army of the Republic of Artsakh
ANA	Armenian National Army
ARS	Armenian Rescue Service
CC	Criminal Code
CMS	Conscription and Mobilization Service
FIP	Fact Investigation Platform
HCAV	Helsinki Citizens' Assembly-Vanadzor
IISS	International Institute for Strategic Studies
NGO	Non-governmental organisation
NSS	National Security Service
PS	Penitentiary Service
SBS	State Border Service
VOMA	The Art of Survival

7.2 Reports and publications

European Bureau for Conscientious Objection (EBCO)

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Geneva Centre for Security Sector Governance (DCAF)

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- *Report on death cases in the armed forces of the Republic of Armenia, and Republic of Artsakh/Nagorno-Karabakh in 2021*, 2 February 2022.
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- *Statement regarding violations made during the drill call-up in the Republic of Armenia*, 5 October 2022.
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