



Helsinki Citizens' Assembly-Vanadzor



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**ON DEATH CASES IN
RA ARMED FORCES AND NK DEFENSE ARMY
IN JANUARY-SEPTEMBER 2017**

VANADZOR

2017

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The views, comments and conclusions expressed in the Report are those of the authors and may not coincide with those of the funding organization.

Executive Summary

HCA Vanadzor collected the data on the death cases in January-September 2017 from the information spread by the mass media and official sources as well as provided by the families of the deceased servicemen.

According to the findings of the study by HCA Vanadzor, in January-September 2017, **46** servicemen deceased in the RA armed forces and NK defense army. Out of those 46 servicemen, 29 were conscript soldiers and 17 were contract servicemen. 17 of the death cases occurred in RA and 29 in NK.

Out of the 46 death cases, **21** cases were caused by ceasefire violations, **6** cases – by murders (5 by breach of the rules for handling weapons and 1 – by intended murder), **6** cases – by accidents (4 cases - by car accidents, 1 case – by poisoning and 1 case was qualified as negligent attitude to service that negligently caused death), **9** cases – by suicide or causing somebody to commit suicide and the other **4** cases were caused by health problems.

Out of the said 46 cases, there are official reports on 44 and information on the other 2 cases was collected only from the mass media reports. Primary information sources were the official website of the RA Ministry of Defense¹ (4 cases), the official website of the NK Ministry of Defense² (30 cases), the official website of the RA Investigative Committee³ (6 cases) and the mass media in the other cases (6 cases).

Out of the identified 46 cases, 39 cases occurred when the servicemen were in service, in 4 other cases servicemen died during their treatment at the Central Clinical Military Hospital and 1 case occurred when servicemen were out of service, in a fight on personal matters (the serviceman deceased during the incident was not at work at that moment), in 1 of the cases, the serviceman voluntarily left the military unit and committed suicide and another case occurred on the serviceman's way to work.

It should be noted that death cases of 2 of the said 29 conscript soldiers occurred within a period of up to 3 months after their conscription, 5 cases within a period of up to 1 year after conscription and 16 cases – after a year and more upon conscription. As for 6 deceased conscript soldiers, there is no information on how long they had been in service.

Out of the 21 death cases caused by ceasefire violation in January-September 2017, 1 case occurred in RA (the serviceman died in the Central Clinical Military Hospital but was injured in NK) and the other 20 in NK.

The studies by HCA Vanadzor for the same period in 2016 identified 146 death cases, including 77 death cases caused by the hostilities of April 1-5 and as for the other 69 death cases, 28 of them were caused by ceasefire violation, 15 cases were caused by accidents (5 – by car accidents, 3 – by natural disasters /1 case was caused by avalanche and 2 cases – by floods/, 2 cases – by dugout

¹ <http://www.mil.am/en/>

² <http://nkrmil.am/en/>

³ <http://investigative.am/en/military-investigation/military-newsfeed.html>

collapse, 2 cases – by breach of vehicle driving and operation rules, 1 case – by electric shock, 1 case – by drowning and 1 case – by mine explosion), 12 cases were caused by murder (5 cases - by breach of the rules for handling weapons, 3 cases – by breach of statutory relations, 3 cases were caused in circumstances still unclear and 1 case was caused intentionally), 10 cases were caused by suicide or causing somebody to commit suicide, 3 cases were caused by breach of combat duty rules and 1 case was caused by health problems, namely infarction.

Note that as compared to 2016, in 2017 the number of death cases caused by ceasefire violations dropped by 7, that of death cases caused by accidents dropped by 9, that of murder cases dropped twice and the number of suicides or cases of causing somebody to commit suicide dropped by 1. At the same time, the number of death cases caused by health problems rose by 3.

Statistical data and outline of ceasefire violations and resulted death cases in January-September 2017 and used arms

Chart 1 shows the number of ceasefire violations in the first 9 months of 2017.

Chart 1. Death cases caused by ceasefire violations and number of ceasefire violations in January-September 2017

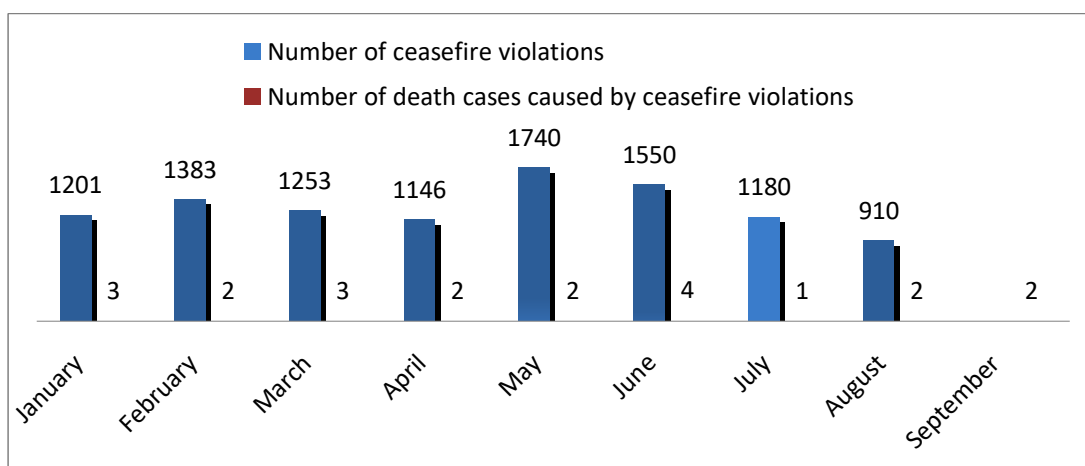


Table 1 shows data on the ceasefire violations and shots in the first 9 months in 2017

Table 1. Number of ceasefire violations and shots made because of such violations in January-September 2017, by months

Months	Number of ceasefire violations	Number of shots made because of ceasefire violations
January	1201	14810
February	1383	19845
March	1253	17500
April	1146	15870

May	1740	24680
June	1550	-
July	1180	-
August	910	9700
September	-	≈7000
Total	10363	109405

As a result of its annual studies, HCA Vanadzor published the numbers of ceasefire violations identified in the line of contact of the Nagorno-Karabakh-Azerbaijani and Armenian-Azerbaijani conflict troops, but for 2016 it published only the number of shots and for the months of January-May, 2017 it already started publishing the number of ceasefire violations as well. However in June and July 2017, only the numbers of ceasefire violations were published and in September only the number of shots made because of ceasefire violations was published.

Table 2. Arms used by the enemy and frequency of their use during ceasefire violations in first 9 months of 2016 - 2017

Arms used during ceasefire violations				
	Frequency of use of arms in January-September 2016	Quantity of used shells in January-September 2016	Frequency of use of arms in January-September 2017	Quantity of used shells in January-September 2017
Grenade launchers	56	497	31	207
RPG-7	15	37 shells	6	17 shells
AGS-17	31	388 shells	12	76 shells
GP-25	2	7 shells	-	-
HHN-9	4	6 shells	2	1 shell
RPG-7	-	-	2	2 shells
D-44	-	-	1	No data
Heavy machine-automatic	2	57 shells	-	-
Heavy machine-antitank	-	-	8	111 shells
Hand-antitank	2	2 shells	-	-
Mortar (artillery)	68	1091	67	831
60 mm	36	367 shells	29	184 shells
60 and 82 mm	6	113 shells	23	462 shells
60, 82 and 120 mm	2	No data	2	21 shells
82 mm	23	606 shells	12	70 shells
120 mm	1	5 shells	2	94 shells
Firearms	4		6	

AK	1	No data	-	-
SVD	1	No data	2	No data
'Black Arrow'	-	-	1	No data
Istigal	1	No data	3	No data
DShK	1	No data	-	-
Missile stations	14	1183	3	5
TR-107	2	49 shells	2	5 shells
TR-107 and MM21	1	270 shells	-	-
MM21	2	572 shells	-	-
Zenith system: ZU-23-2	5	257 shells	-	-
Zenith rocket complex: 9M33 M3	1	No data	-	-
Infantry fighting vehicle, IFV	1	34 shells	-	-
SPIKE anti-tank guided missile	1	1 shell	1	No data
85, 100, 122, 152 mm cannons	1	No data	-	-

The data on the types of the arms and number of the shells used in the first 9 months of 2016 and 2017 show a rapid increase in the types and number of the arms and shells used during the hostilities of April 2016. During the first 9 months of 2016, missile station was used mostly during the April hostilities. The general picture shows that as compared to the first 9 months of 2017, in the first 9 months of 2016 most frequently were used 60 and 82 mm mortars and RPG-7, AGS-17 and HHN-9 grenade launchers. And some arms were not used at all in the first half of 2017. Very often, the official website of the NK Defense Army published information on the used arms but did not always publish information on the quantity of the used shells. It should be noted that in July-September 2017, the official website of the NK DA published almost no information on the used arms. It only published information on the shots made from 60, 82 and 120 mm mortars and mentioned that an automatic heavy machine and artillery arms of various caliber were used but did not mention the quantity of the used shells.

Criminal cases initiated on death cases in January-September 2017

According to publications of the General Department for Military Investigations, in January-June 2017 criminal cases were initiated on 38 death cases under the articles below of the RA Criminal Code:

- 15 criminal cases were initiated under Article 104(2)(13), RA Criminal Code, i.e. murder out of motives of national, racial or religious hatred or fanaticism.

- 8 criminal cases were initiated under Article 110(1), RA Criminal Code, i.e. causing somebody to commit suicide or make an attempt at a suicide by indirect willfulness or by negligence, by means of threat, cruel treatment or regular humiliation of one's dignity.
- 3 criminal cases were initiated under Article 104(2)(1, 6 and 13), RA Criminal Code, i.e. murder causing death of 2 and more persons and committed in a manner dangerous for the lives of many people out of motives of national, racial or religious hatred or fanaticism.
- 4 criminal cases were initiated under Article 373(3), RA Criminal Code, i.e. breach of rules for handling weapons; murder.
- 3 criminal cases were initiated under Article 377(3), RA Criminal Code, i.e. breach of rules for driving or operating military, special or transport vehicles which negligently caused the death of 2 or more persons.
- 2 criminal cases were initiated under Article 376(2), RA Criminal Code, i.e. negligent attitude to service if it caused grave consequences.
- 1 criminal case was initiated under Article 373(2), RA Criminal Code, i.e. breach of rules for handling weapons.
- 1 criminal case was initiated under Article 104(1), RA Criminal Code, i.e. intentionally and illegally depriving someone else of life.
- 1 criminal case was initiated under Article 377(2), RA Criminal Code, i.e. breach of rules for driving or operating military, special or transport vehicles which negligently caused human death.

As for the other 8 death cases, including 3 cases caused by health problems and 3 other cases caused by ceasefire violations, there is no information available on whether any criminal proceedings were initiated. On 1 death case caused by health problems, there is information that criminal proceedings were initiated but there is no mention of the article of the RA Criminal Code under which they were initiated. And according to the statement on 1 of the death cases posted on the RA Investigative Committee's official website, the 2nd Garrison Investigative Division investigates the case but again there is no mention of the article of the Criminal Code. To get detailed information on the said cases, on September 8, 2017 the Organization sent an inquiry to the RA MoD (Ministry of Defense), RA Prosecutor General's Office and the RA Investigative Committee on initiating criminal proceedings on the death cases of specific persons. In response to the Organization's letter, on September 20, 2017 the RA Prosecutor General's Office provided general information on the death cases. According to the data provided by the RA Prosecutor General's Office, 33 criminal proceedings were initiated on the death cases of 37 servicemen, including 4 proceedings on 4 persons and indictments were sent to courts. Proceedings on one of the cases were terminated based on Article 35(1)(1), RA Criminal Procedure Code (No criminal proceedings may be initiated and no criminal prosecution may be carried out, and if already initiated, criminal proceedings shall be subject to termination if there is no criminal act). Proceedings on 4 cases were suspended based of Article 31(1)(5), RA Criminal Procedure Code (Criminal proceedings may be suspended in full or in part by a decision of a prosecutor, investigator, or court of law, if there is some force majeure that temporarily obstructs further

proceedings of the criminal case). As for the 24 criminal cases of the other 8 persons, preliminary investigation is in progress. On another 5 death cases, criminal proceedings were instituted; 3 of which were suspended based on Article 31(1)(5), RA Criminal Procedure Code (Criminal proceedings may be suspended in full or in part by a decision of a prosecutor, investigator, or court of law, if there is some force majeure that temporarily obstructs further proceedings of the criminal case), and preliminary investigation into 2 of them is in progress. On the death case of a serviceman, preparation of materials is in progress. As for the death cases of 2 servicemen, we were informed that the death of one of them had nothing to do with performing his official duties and the other was discharged from the armed forces at the moment of his death.

It should be noted that the Organization will send another inquiry to get the said information by specific persons.

In response to the Organization's letter of September 8, 2017, the RA Investigative Committee provided on September 25, 2017 information by specific persons (see Table 4). According to the data provided by the RA Investigative Committee, preliminary investigation into criminal cases on 4 death cases was over and the criminal cases with indictments were sent to the court. The criminal proceedings on 1 death case were discontinued, criminal proceedings on 4 death cases were suspended, preliminary investigation into criminal cases initiated on 28 death cases is in progress, the regional units of the RA Investigative Committee got no materials on 2 death cases, the preliminary investigation into the criminal proceedings on 3 death cases was suspended and preliminary investigation into 2 other cases is in progress. Materials are prepared on 1 death case.

Statistical data and outline of death cases in January-September 2017

Out of the 45 servicemen who died in January-September 2017, 17 were contract servicemen and 28 were conscript soldiers.

As mentioned above, there are official reports on 43 out of 46 death cases; the primary source for sharing such information were the official website of the RA Ministry of Defense⁴ (4 cases), the official website of the NK Ministry of Defense⁵ (30 cases), the official website of the RA Investigative Committee⁶ (6 cases), as well as the mass media in other cases (6 cases).

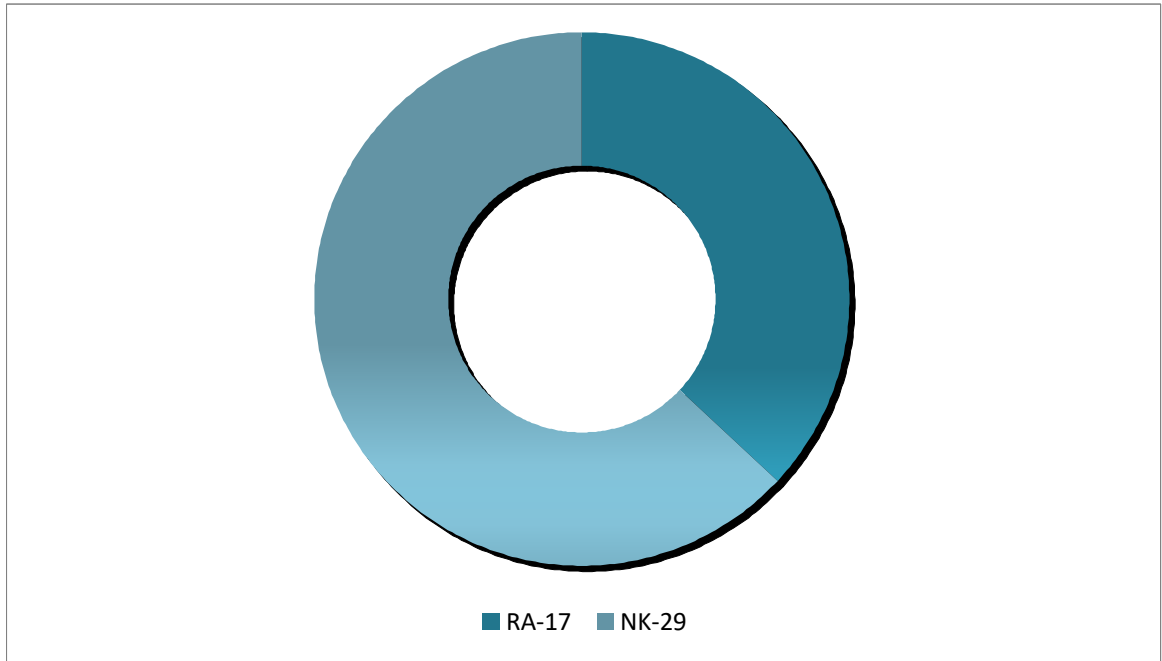
17 of the death cases occurred in the Republic of Armenia and 29 in the Nagorno-Karabakh (see Chart 2).

Chart 2. Death cases identified in RA and NK

⁴ <http://www.mil.am/en>

⁵ <http://nkrmil.am/en>

⁶ <http://investigative.am/en/military-investigation/military-newsfeed.html>



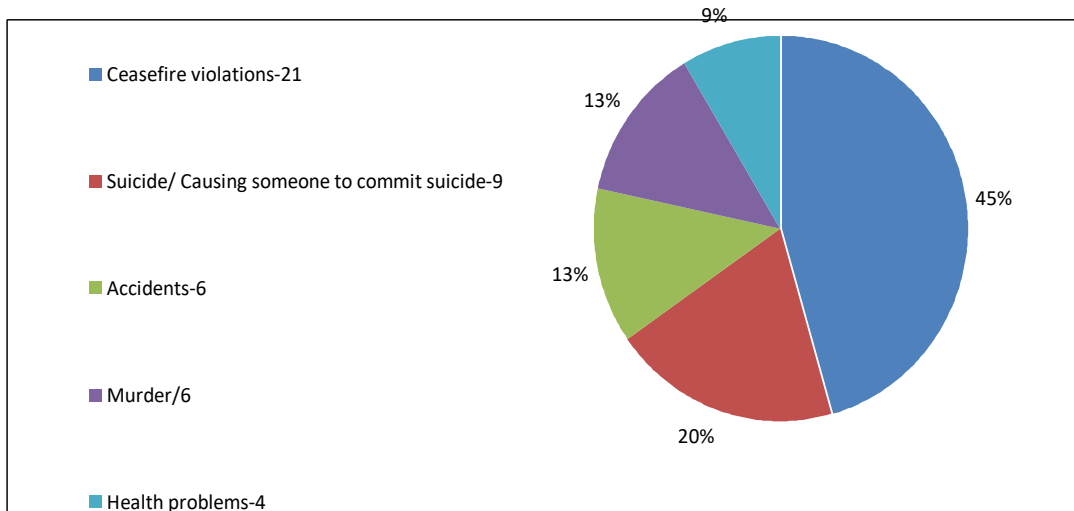
Below are the statistical data for the death cases in January-September 2017, by their causes (see Table 3 and Chart 3), brief data on such cases (see Table 4) and the available data on death circumstances.

Table 3. Statistics of death cases in the RA Armed Forces and NK Defense Army in 2017, by HCA Vanadzor's study data

Months	Ceasefire violation	Suicide/ causing somebody to commit suicide	Murder		Accidents			Health problems	Number of incidents	Total
			breach of the rules for handling weapons	intended	negligent attitude to service	car accident	poisoning by carbon dioxide			
January	3	1	1	0	0	0	0	1	7	6
February	2	1	0	0	1	1	1	0	6	6
March	3	0	1	0	0	0	0	0	3	4
April	2	1	1	0	0	0	0	1	5	5
May	2	2	1	0	0	3	0	0	6	8
June	4	1	0	0	0	0	0	2	5	7
July	1	1	1	0	0	0	0	0	3	3
August	2	2	0	1	0	0	0	0	5	5

September	2	0	0	0	0	0	0	0	2	2
Total	21	9	5	1	1	4	1	4	42 ⁷	46

Chart 3. Causes of death cases in January-September 2017



⁷ The death of 3 servicemen caused by car accident and the death of 3 servicemen caused by ceasefire violation occurred in 1 incident, respectively.