

FSC.EMI/109/12
16 April 2012



ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՊԱՏՎԻՐԱԿՈՒԹՅՈՒՆ
DELEGATION OF THE REPUBLIC OF ARMENIA
ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

ENGLISH only

D-007

The Permanent Delegation of the Republic of Armenia to the Organization for Security and Cooperation in Europe presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE and in accordance with the FSC Decision 2/09 has the honor to transmit herewith Armenia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Delegation of the Republic of Armenia to the OSCE avails itself of this opportunity to renew to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE the assurances of its highest consideration.



To All Permanent Delegations and Missions to the OSCE
To the Conflict Prevention Centre of the OSCE

VIENNA

REPUBLIC OF ARMENIA

ENGLISH only

**QUESTIONNAIRE ON THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY
Year 2012**

Section I: Inter-State elements

1.1.1. Agreements and arrangements related to preventing terrorism.

The Republic of Armenia resolutely condemns terrorism and is fully committed to the international struggle against them. With the full understanding of the necessity to combat such phenomena, Armenia has offered unreserved assistance to the global coalition, signed the UN and Council of Europe anti-terrorism conventions, and offered military and strategic assistance. Armenia has opened its airspace and provided the necessary facilities for the anti-terrorism operations.

I.1.2. National legislation to implement above-mentioned issue is cited below:

- a.** The Law of the Republic of Armenia on Combating Legalization of Proceeds from the Crime (Money laundering) and financing of terrorism came into force on 14 December, 2004.
- b.** The Law of the Republic of Armenia on Combating Terrorism was adopted by the National Assembly of the Republic of Armenia in March, 2005.

According to the Law the main principles of combating terrorism are:

- actions of authorities in full conformity with the law;
- priority of preventive measures;
- centralized direction of forces and measures involved in antiterrorism activities;
- inevitability of punishment for preparation, financing and committing terrorist acts;
- principle of making minimal concessions to terrorists in case of absolute necessity;
- combination of explicit and covered measures to combat terrorism;
- complex deployment of legal, political, socio-economic preventive measures;
- priority of protection of persons' rights who were endangered as a result of terrorist act;
- minimal publicity of antiterrorist methods, strategy and participating units.

I.1.2.a. *List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party.*

Armenia has acceded and is a State Party to the following international agreements on prevention of, and combating terrorism:

United Nations

1. Convention on Offences and Certain Other Acts Committed on Board of Aircraft;
2. Convention for the Suppression of Unlawful Seizure of Aircraft;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
5. International Convention against the Taking of Hostages;
6. Convention on the Physical Protection of Nuclear Material;
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
10. Optional Protocol to the Convention on the Right of the Child on the Involvement of the Children in Armed Conflicts;
11. Comprehensive Nuclear-Test-Ban Treaty;
12. Second Protocol of 1999 to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict;
13. Convention on the Marking of Plastic Explosives for the Purpose of Detection;
14. International Convention for the Suppression of Terrorist Bombings;
15. International Convention for the Suppression of the Financing of Terrorism;
16. International Convention on Suppression of Acts of Nuclear Terrorism;
17. Convention for the Suppression of Acts of Nuclear Terrorism;
18. International Convention for the Suppression of Terrorism Bombing;
19. The Geneva Convention relative to the treatment of Prisoners of War;
20. Additional Protocol relating to the Protection of Victims of International Armed Conflicts;
21. Non-Proliferation of Nuclear Weapons;
22. United Nations Convention against Transnational Organized Crime;
23. Protocol to Prevent, Suppress and Punish trafficking in Persons, especially women and children, supplementing UN Convention against Transnational Organized Crime;
24. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
25. Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
26. United Nations Convention against Corruption;
27. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
28. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;
29. Agreement among the Governments of the Black Sea Economic Co-operation Participating States on Combating Crime, in particular in its Organized Forms;
30. Additional Protocol on Combating Terrorism to the Agreement among the Government of the Black Sea Economic Cooperation Participating States on Combating Crime, in Particular in its Organized forms;
31. Agreement on Cooperation in the Field of Protection of Civil Aviation from Illegal Interference;
32. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism;
33. Agreement on the Cooperation between the Ministries of Interior of the CIS Participating States for the Suppression of Terrorism;
34. Proliferation Security Initiative.

Council of Europe, Black Sea Economic Cooperation Organization and CIS Treaties, Conventions and Protocols

1. European Convention on the Suppression of Terrorism;
2. Protocol amending the European Convention on the Suppression of Terrorism;
3. European Convention on Extradition;
4. European Convention on Mutual Assistance in Criminal Matters;
5. European Convention on the Transfer of Proceedings in Criminal Matters;
6. Additional Protocol to the European Convention on Extradition;
7. Second Additional Protocol to the European Convention on Extradition;
8. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
9. Second Additional protocol to the European Convention on Mutual Assistance in Criminal Matters;
10. Convention on the Transfer of Sentenced Persons;
11. Additional Protocol to the Convention on the Transfer of Sentenced Persons;
12. Criminal Law Convention on Corruption;
13. Additional Protocol to the Criminal Law Convention on Corruption;
14. Civil Law Convention on Corruption;
15. Europol Convention;
16. Convention on Cyber Crime;
17. Additional Protocol concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems;
18. European Convention on the Compensation of Victims of Violent Crimes;
19. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
20. Council of Europe Convention on Laundering, Search, Seizure, Confiscation of the Proceeds from Crime and the Financing of Terrorism;
21. Council of Europe Convention on the Prevention of Terrorism;
22. Council of Europe Convention on Action against Trafficking in Human Beings.

I.1.3. Roles and missions of armed and security forces in preventing and combating terrorism.

The fight against terrorism is conducted by the agencies, which are authorized by the government. They are acting within the framework provided by the law. The following agencies are directly involved in combating terrorism:

- the National Security Service;
- the Police;
- the Ministry of Defense.

In case of necessity the President of the Republic may establish and give general guidance to the ad hoc body, which will coordinate the antiterrorist activities of involved agencies. Based on the nature of terrorist acts the supervisor of this body could be one of the heads of aforementioned agencies.

I.1.4. Additional relevant information on national efforts to prevent and combat terrorism.

Before adopting the Law of the Republic of Armenia on Combating Terrorism Armenian Criminal Code was the document, which was putting into shape Armenian legislation dealing with the terrorism issues.

The Armenian Criminal Code clearly refers to terrorist acts in Article 217 "Terrorism", Article 388 "Terrorist act against a representative of a foreign state or international organization," and Article 389 "International terrorism".

Article 217 was further amended, and a new subparagraph on Financing of Terrorism (par. 217.1) states that any person who finances an execution of a terrorist act is subject to criminal liability. According to this paragraph if execution of a terrorist act is financed by a person, who is a resident of a foreign state, is a national of that state or of another state, or is a stateless person, he/she will be subject to criminal liability in the order prescribed by the RA Criminal Code.

Criminal offences listed in Articles 217, 388 and 389 incur a jail sentence up to 15 years and in case of aggravating circumstances up to the maximum sentence of life imprisonment.

On 17th December, 2002 the Board of Central Bank of Armenia approved Regulation N5 on "Safeguarding Banks and Credit Organizations from Circulation of Criminally Obtained Funds; Preventing Funding of Terrorism", a Special Form on "Reporting on suspicious transaction", as well as Methodical Guidelines on "Model lists of information required by bank to establish banking account and by credit organization in servicing customers and creditors". These Regulations establish procedures and conditions for the mandatory measures and actions by banks and credit organizations to prevent:

- i) circulation of criminally obtained funds in banks and foreign bank branches functioning in the Republic of Armenia; and
- ii) funding of terrorism.

Article 926 of the Civil Code entitles the banks to freeze the accounts and assets of individuals and organizations. However, Article 43 of the Constitution states, that 'The fundamental human and civil rights and freedoms set forth in Articles 23-25, 27, 28-30, 30.1, Part 3 of Article 32 may be temporarily restricted only by the law if it is necessary in a democratic society in the interests of national security, public order, crime prevention, protection of public health and morality, constitutional rights and freedoms, as well as honor and reputation of others.'

The National Security Service, Police and the Ministry of Defense have developed a plan of actions aimed at the consolidation of the security on aircraft, at the airports and vessels, which shall prevent the entry, movement of terrorists to and from the country. Appropriate measures are taken with regard to the physical security of hazardous facilities and facilities with special significance for the security of the state.

The National Security Service uses the information received from its foreign counterparts or Armenian State agencies, to prevent the persons connected to terrorist activities from entering Armenia. Such operations are, if necessary, conducted in collaboration with other agencies.

Necessary operative-intelligence measures are taken in order to reveal the facts of illicit stockpiling of arms, ammunition and explosive materials on the Armenian territory. At the same

time, measures are taken in order to reveal and prevent possible facts of smuggling – both import and export of above-mentioned items from and into the territory of Armenia.

For the purpose of increasing the effectiveness of combating terrorism the Main Department on Combating Terrorism was established in the National Security Service, which coordinates the efforts in that direction with other departments and agencies.

The Department on Combating the Organized Crime of the Police Service implements certain activities in the field of fight against terrorism, within the framework of its functions and in cooperation with relevant ministries.

In the field of the fight against terrorism the Department on Combating the Organized Crime as well as the National Security Service and Emergency Management Administration of the Government of Armenia undertake joint measures according to the Decree by the Prosecutor General of Armenia on the Joint Actions in the case of Explosive Devices Installation alarm. In case of receiving an alarm about installation of explosive device the Police Service, the National Security Service and the Emergency Management Administration jointly pursue appropriate operative-intelligence actions to discover and neutralize the explosive device.

Law enforcement agencies of Armenia undertake operative preventive “arsenal measures” not only in the territory of the country but also, given the specificities of the region, within the framework of CIS. “Border-Barrier” special initiative is aimed at preventing and revealing the groups involved in organized crime, terrorist and extremist groupings, as well as the in cases of illicit trafficking of arms, armaments and vehicles.

For the time being Armenia doesn’t have any specific bilateral treaties or agreements on counter-terrorism. However, Armenia signed bilateral treaties on cooperation on criminal issues including issues relating to terrorism and organized crime with Greece, Romania, Bulgaria, Poland, United States and Lithuania.

The issue of combating terrorism has also been included in the Armenia-NATO/EAPC cooperation. In particular, an appropriate system of proceedings has been envisaged in order to strengthen the measures for fight against terrorism in Planning and Review Process as well as in Individual Partnership Action Plan between Armenia and the NATO. A Partnership Action Plan against Terrorism in the EAPC/PfP framework has been specifically designed as well in order to deal with this issue.

I.2.1. Stationing of armed forces on foreign territory.

The Republic of Armenia does not have its armed forces permanently stationed on the territory of another participating State.

In accordance with article 11 of the Law “On Defence“ the deployment of the Armed forces of the Republic of Armenia outside the territory of the Republic of Armenia is carried out on the basis of international treaties and agreements.

The status of Armenian troops abroad concerns events, exercises and actions under the NATO umbrella and is regulated by the NATO/PfP SOFA and additional Protocol to the below mentioned Agreement (31 March, 2004).

a. Kosovo

In accordance with this treaties and agreements in January 2004 a platoon of Armenian peacekeeping battalion arrived in Kosovo to participate in KFOR peacekeeping operations. The relevant memorandum was signed on September 3, 2003 in Yerevan and ratified by the Armenian Parliament on December 13, 2003. In June 2008 the peacekeepers' number was doubled. Armenian "blue helmets" served within the Greek Army battalion.

In December 2011 the Armenian peacekeepers were withdrawn from Kosovo, as the Memorandum of Understanding between the Republic of Armenia and the Hellenic Republic, signed on 3 September, 2003 ceased to be effective on 30 November 2011.

NATO/PfP SOFA agreement and Additional Protocol to this agreement (ratified by the National Assembly of Armenia on 31 March, 2004) entered into force in May, 2004.

b. Afghanistan

Armenia deployed 40 soldiers to Afghanistan as part of the NATO-led International Security Assistance Force (ISAF). They are serving under German command protecting an airport in Kunduz.

Before leaving to Afghanistan, the Armenian contingent took the necessary training in Germany for a six-month mission under the regional command "North" of the NATO ISAF in the Afghanistan.

In June, 2011 the number of the Armenian contingent increased by 81 infantrymen (serving in Mazar e Sharif) and 5 instructors (serving in Takhar). The overall number of the Armenian contingent is 126.

The presence of the contingent has been prolonged till 31st of December 2012.

c. Iraq

Armenia sent troops to Iraq in January 2005. Since then, it has worked in support of the Polish Brigade, which formally ended its mission in Iraq.

Forty-six non-combat military personnel (including 30 drivers, 10 sappers, 5 doctors and a liaison officer) is deployed in Iraq for six-month tour of duty with the international peacekeeping force in Iraq. The proposed deployment aroused considerable domestic political opposition.

I.3.1. Implementation of other international commitments.

The basic tool to reflect and evaluate confidence - and security-building measures is the implementation of the OSCE CPC – FSC decisions, *inter alia*, the OSCE Confidence and Security Building Measures, which includes the implementation of the Vienna Document 99, as well as Annual Exchange on Small Arms and Light Weapons (SALW), relevant information on Code of Conduct (CoC), Global Exchange of Military Information (GEMI), as well as Information with Regard to the OSCE Principles on the Control of Brokering in Small Arms and

Light Weapons, Information Exchange with Regard to Sample Formats of the End-User Certificates and Relevant Verification Procedures, etc.

It is also worth to mention the positive role of the OSCE Communication Network as an important instrument for facilitating the implementation of various commitments under the VD-99 and the CFE Treaty.

Armenia also provides relevant information to the United Nations, such as:

- report of on the National Legislation on Transfer of Arms, Military Equipment and Dual-Use Goods and Technology;
- national report on the implementation of the UN Program of Actions to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
- reports on Conventional Arms (transfer / export / import), etc.

It is also worth mentioning that Armenia, as an intention toward transparency and confidence-building measures, every year voluntarily provides specific information to the UN and to the OSCE Questionnaires on anti-personnel landmines.

Section II: Intra-State elements

II.1.1. National Planning and Decision-Making Process.

National planning and decision-making process for the determination of the military posture of the Republic of Armenia is regulated in accordance with the Constitution and legislation of the Republic of Armenia.

II.1.2. Procedures for Ensuring Democratic Political Control

(a) The President:

- is the guarantor of the national independence, territorial integrity and security of the Republic,
- is the Commander in Chief of the armed forces and appoints the highest command staff of the armed forces,
- forms and presides over the Security Council of the Republic,
- issues special orders for call-up of personnel for military service,
- decides on the use of the armed forces, as well as in case of an armed attack on or an immediate danger to the Republic, or a declaration of war by the National Assembly declares a state of martial law and may call for a general or partial mobilization,
- in case of imminent danger to the constitutional order, and upon consultations with the Chairman of the National Assembly and the Prime-Minister, takes measures appropriate to the situation and address the people on the subject,

(b) The National Assembly:

- adopts laws regulating national planning and decision-making processes, forms the legal basis for the operation of the armed forces and allocates resources by adopting the national budget,
- upon the recommendation of the President may declare war,
- upon the declaration of martial law, holds a special sitting of the National Assembly,
- upon the determination of the Constitutional Court may suspend the execution of the President's decision on the use of the armed forces, declaration of a state of martial law and calls for a general or partial mobilization,
- decides on declaring war and proclaiming peace. In the event when convening a sitting of the National Assembly is impossible, the President of Republic shall solve the issue of declaring war.
- in case of imminent danger to the constitutional order, may, upon the determination of the Constitutional Court, suspend the execution of the President's decision to take measures appropriate to the situation,

(c) The Cabinet of Ministers:

- coordinates the development of, and approves guidelines for, military planning,
- determines the organizational structure and personnel strength of the armed forces,
- ensures the implementation of the defense, national security and foreign policies of the Republic,
- submits the draft state budget to the National Assembly for approval,

(d) The Ministry of Defense:

- takes part in military planning and development of guidelines for determining the military posture,
- participates in the developing and improving the main sphere of military policy including National Security Strategy and Military Doctrine;
- guarantees the fulfillment of defense laws in the Armed Forces, decrees of President and decision of the Government and orders of the Defense Minister;
- makes proposals regarding the organizational structure, personnel strength and supply of the armed forces,

(e) The Constitutional Court:

- decides on whether the laws, resolutions of the National Assembly, orders and decrees of the President and resolutions of the Cabinet of Ministers are in conformity with the Constitution,
- determines whether there are grounds for the application of provisions of the President's decision on the use of the armed forces and, in case of imminent danger to the constitutional order, of the President's decision to take measures appropriate to the situation.

II.2.1. Existing Structure and Processes.

Armed Forces of the Republic of Armenia are within the structure of the Ministry of Defense. In conducting its activities the Ministry is guided by the Constitution of the Republic, Law "On defense", decrees of the President, by normative acts of the Ministry which are approved by the Cabinet of Ministers as well as by the principles and norms of international law. The Minister gives the report on Ministry's activities to the Cabinet of Ministers. The Minister also attends joint

sessions of the Parliament and the Cabinet of Ministers and participates in hearings on issues raised by members of the Parliament and replies to inquiries made by members of the Parliament.

Internal Forces of the Republic of Armenia are within the structure of the Police Service. In conducting its activities the Police Service is guided by the Constitution of the Republic along with relevant laws, decrees of the President, by normative acts of the Service approved by the Cabinet of Ministers. The Police Service acts on the basis of norms of international law as well as principles of justice, democracy and human rights.

The Border Guard of the Republic of Armenia is within the structure of the National Security Service. In conducting its activities the Service is guided by the Constitution of the Republic along with relevant laws, decrees of the President, by normative acts of the National Security Service approved by the Cabinet of Ministers. The Director of the Service reports on Service's activities to the Cabinet of Ministers. The Director of the National Security Service also attends joint sessions of the Parliament and the Cabinet of Ministers and participates in hearings on issues raised by members of the Parliament and replies to inquiries made by members of the Parliament. The National Security Service acts on the basis of norms of international law as well as principles of justice, democracy and human rights.

II.3.1. Procedures for Recruitment.

A person is recruited for service in the military forces by:

- conscription (each citizen of Armenia who has reached the age of eighteen years and is eligible to serve in the manner prescribed by the law on "Military service" shall serve 2 years in the national armed forces. The call-up of personnel takes place twice a year in April-June and October-December and is carried out in accordance with the law on the "Military service" of 16 September, 1998. For each call-up the President issues a special Decree and the Cabinet of Ministers adopts a separate resolution),
- signing a contract (from 3 to 5 years) stipulating the terms of service in the armed forces. The service by contract is regulated by the Legislation of Armenia. A person is recruited for Service in Security forces in accordance with the Law on "Service in National Security bodies" of 11 April, 2003

II.3.2. Exemptions and Alternatives for Military Service.

The Law on the "Compulsory military service" of 16 September 1998 provides for deferment of the compulsory service.

In accordance with the obligations of the Republic of Armenia to the Council of Europe the Law on Alternative service entered into force on 1st of July 2004.

The Law on Alternative service defines the procedure of replacing compulsory military service of citizens of the Republic of Armenia with alternative service, performing alternative service, demobilizing into the reserves, and registering.

The aim of the alternative service is to ensure the realization of the constitutional duty of Armenian citizens, which does not imply any punishment, humiliation, or diminishment of a person's dignity.

A citizen subject to compulsory military service shall have the right to alternative service, if he is a member of a religious organization registered according to the law, the religious beliefs of which are in conflict with either compulsory military service in military detachments, or the bearing, keeping, maintaining, or using of arms.

The rights of personnel of all forces are protected by the Constitution and the law on “Social Safety of Military Servicemen and Members of Their Families” of 27th of October 1998, as well as the Law on Alternative service. The rights and obligations of all forces’ personnel are regulated by Constitution and relevant legislations of Armenia.

II.3.3. Duties and Rights of Military Personnel.

The fundamental mission of all types of forces in peacetime is to prepare for the defense of nation, and in wartime to defend against any armed aggression that threatens Armenia’s independence and sovereignty.

The armed forces are to continuously be able to, in peacetime and in periods of crisis, to protect and maintain the Republic’s territorial integrity, to set up qualified forces and other resources for international peace-support and humanitarian efforts, to support our society during civil emergencies in peacetime.

Police forces are charged with the obligation to strengthen legal system and to maintain order on the territory of the Republic. They shall:

- guard and protect objects of special significance,
- convoy and protect the special importance transportations,
- disarm armed groups and/or individuals,
- assist border guard in detecting and arresting border intruders,
- guard prisons and convicted persons

The Border Guard of the Republic of Armenia is to protect the borders of the Republic.

The relevant topics on international humanitarian law as well as international treaties and conventions, which govern armed conflicts, are included in training materials of military institutions of the Republic of Armenia.

Section III: Public access and contact information

1. Public access.

Public access to information related to the armed forces is open through:

- Information Department of the Ministry of Defense,
- “Armenian Army”, military-scientific quarterly published by MOD,
- “Armed Forces”, television program,
- “Armenian Soldier” weekly,
- press conferences in the MOD,
- regular “open doors” events in military units.

The public informing conception (PIC) of the Ministry of Defense is the united information policy based on conceptual integrity directed by guiding documents, regulating the domestic and outdoor security of state strategy. These guiding regulations are based on the priorities of national security strategy, military doctrine of Armenia and other important challenges.

The main purpose of the public informing conception of MOD Armenia is to define improvement of defense sphere and the efforts taken towards the plans of modernization of PIC policy priorities and objectives, methods and means of the conception insurance and realization of above mentioned. These efforts also must be a good contribution for present and intending reforms in defense sphere as well as implementation of constitutional right of Armenian citizens to be informed.

2. Contact information

The national point of contact is at the Ministry of Foreign Affairs of the Republic of Armenia, Conventional Arms Control and International Security Department, OSCE and Conventional Arms Control Division.

Tel: + 374 60 620 579

Fax: ++374 60 62 00 62

E-mail: d.knyazyan@mfa.am