

**MEMORANDUM OF UNDERSTANDING  
between**

**The Human Rights Defender's Office  
and**

**The Organisation for Security and Co-Operation in Europe**

**On supporting the Human Rights Defender's Office in drafting an ad hoc report on  
application of disciplinary sanctions in the army**

The OSCE Office in Yerevan, (hereinafter referred to as the OSCE), and the Human Rights Defender's Office (hereinafter referred to as HRDO),

Jointly referred to as "Parties";

Whereas, the Parties attach importance to the enforcement of the OSCE Code of Conduct on Politico-Military aspects of security;

Whereas the Parties have, on the basis of their respective mandates, as a common aim the support of the effective democratic control over the security sector;

Whereas the Parties wish to strengthen the capacity of the HRDO in monitoring and encouraging respect for the rule of law and human rights within the security sector;

Whereas the Parties recognize the need for the HRDO to release an ad-hoc report on application of disciplinary sanctions in the army;

Considering that the HRDO has accepted to receive assistance/expertise as proposed by the OSCE and to actively co-operate in the achievement of the OSCE objective;

Therefore, the Parties have decided to establish a Task Force entrusted with drafting an ad hoc report on application of disciplinary sanctions in the army and have agreed as follows:

**Article 1  
Objectives**

The Office will provide support/expertise to the HRDO Staff to analyze the existing legislation regarding the disciplinary sanctions in the army, identifying the gaps and examining its consistence with the international standards.

Te Office will assist the HRDO in monitoring the application of existing disciplinary sanctions in the army and coming up with the relevant recommendations for the Government.

**Article 2  
Location**

The Task Force shall be established within the HRDO.

### **Article 3**

#### **Contribution and Responsibilities of the Parties**

##### **1. The HRDO Responsibilities**

- The HRDO shall designate 2 staff members who will be involved alongside with the OSCE experts in the Task Force for the implementation of the project.
- The HRDO shall provide all the facilities necessary for the experts to monitor the implementation of the Project within the provisions of the existing legislation.
- The HRDO shall provide the fully edited and print ready version of the ad hoc report to the OSCE in due time to allow for translation and publication.
- The HRDO shall maintain active communication with the OSCE Office in Yerevan on the progress and results of the Project activities.

##### **2. OSCE's Responsibilities**

- The OSCE shall hire 3 experts to be assisting the HRDO in drafting the ad hoc report. One of them will be assigned as a Team Leader.
- The OSCE shall monitor the adequate implementation of the Project.
- The OSCE shall organise translation into English the ad hoc report.

### **Article 4**

#### **Advertising**

The OSCE funding of project activities shall be acknowledged in any printed material prepared in connection with the Project. Where appropriate, the HRDO shall acknowledge the OSCE in publications, speeches, and press releases or in any similar mediums.

### **Article 5**

#### **Communication**

All communications relating to the implementation of the Project shall be addressed as follows:

For the HRDO:

- Mr. Armen Harutyunyan
- Address: Pushkin 56A
- 0002 Yerevan, Armenia
- Telephone: + 374 10 53 76 51
- Telefax: +374 10 53 88 42

For the OSCE office in Yerevan:

- Mr. Carel Hofstra
- Politico-Military Officer
- Address: 89 Teryan str. Yerevan,
- 0009, Armenia
- Telephone: +3741 54 10 64
- Telefax: + 3741 56 10 61

Email: [a\\_harutyunyan@ombuds.am](mailto:a_harutyunyan@ombuds.am)

Email: [Carel.Hofstra@osce.org](mailto:Carel.Hofstra@osce.org)

**Article 6**  
**Privileges and Immunities**

Nothing in or relating to this Agreement shall be deemed a waiver, of any of the privileges and immunities enjoyed by the OSCE and its staff.

**Article 7**  
**Settlement of Disputes**

Any dispute, controversy or claim arising out of or in relation to this Memorandum shall be settled through negotiations between the Parties. If the Parties fail to settle the dispute amicably within sixty (60) days of commencement of the negotiations, the dispute shall be settled through arbitration. Arbitration shall be performed in accordance with the UNCITRAL arbitration rules. The appointing authority shall be the Permanent Court of Arbitration at The Hague. The place of arbitration shall be Vienna and the language used in the arbitration proceedings shall be English. The decision of the Arbitrator shall be final and binding on the Parties.

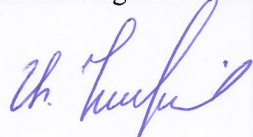
**Article 8**  
**Entry into Force and Amendment**

The present Memorandum of Understanding shall enter into force upon signature by its Parties and shall end at the date of completion of all activities related to the Project, but in any case not later than the end of May 2009, unless a Party decides to terminate it earlier by giving not less than thirty days' written notice.

Any modification of this Memorandum shall be subject to the written approval of the Parties.

Done in the city Yerevan on the 6<sup>th</sup> of October, 2008 in English. Each Party is given one copy.

For the HRDO  
Dr. Armen Harutyunyan  
Human Rights Defender



For the OSCE  
Ambassador Sergey Kapinos  
Head of OSCE Office in Yerevan

