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„The Nagorny Karabakh Conflict and its Influence on
the Human Rights Situation in Armenia“

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Dedication

To my partner, Peter, and his parents, Jürgen and Monika, for patience, support and belief in me.

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List of Abbreviations

ASSR	Autonomous Soviet Socialist Republics
CCPMI	Caucasus Center of Peace Making Initiatives
CHDE	Centre for Humanitarian Demining and Expertise
CoE	Council of Europe
CRINGO	Caucasian Refugee and Internally Displaced Person
CSCE	Conference on Security and Co-operation in Europe
EAEU	Eurasian Economic Union
ECtHR	European Court of Human Rights
GDP	Gross Domestic Product
GMI	Global Militarisation Index
IHL	International Humanitarian Law
HCAV	Helsinki Citizens' Assembly Vanadzor
IDP	Internally Displaced People
OSCE	Organization for Security and Co-operation in Europe
MoD	Ministry of Defence
NA	National Assembly
NGO	Non-Governmental Organisation
NK	Nagorny Karabakh
NKAO	Nagorny Karabakh Autonomous Oblast
NKR DA	Nagorny Karabakh Republic Defense Army
NRC	Norwegian Refugee Council
RA	Republic of Armenia
RA NA	Republic of Armenia National Assembly
SSR	Soviet Social Republics
UN	United Nations
UNCEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council

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Preface

I was born in 1989 in Armenia and grew up in the period of the processes following the independence from the Soviet Union, with all its hopes, conflicts and problems. I obtained my Bachelor's education in history in Armenia. I worked more than six years for the human rights non-governmental organisation “Helsinki Citizens’ Assembly Vanadzor.” Its work areas are protection of human rights, promotion of civil initiatives, human rights monitoring, and advocacy. Therefore, I have become aware of the poor human rights record of my country. The war in Nagorny Karabakh from 1988 – 1994 had greatly shaped the economic and political environment in Armenia. My interest started to evolve around the question to what extent human rights violations in Armenia can be linked to the conflict over Nagorny Karabakh.

I have the view of an Armenian, leading arguably to bias in my analysis and interpretation. In the beginning of my studies I had a perspective closely resembling the average Armenian point of view about the conflict in NK. Moving through the different stages of the thesis work, I realised that opinions that are well-established in Armenia about NK, its status as a state, its history, and the conflict with Azerbaijan are questionable, when viewed from a more neutral perspective.

My thesis is based on: i) the analysis of the political developments in Armenia and other involved countries, ii) the fundamental and methodological principles learned during my studies in Vienna, and iii) my own elementary experience of life and work in Armenia.

1. Introduction

The Nagorny Karabakh War was an armed ethnic conflict between Armenia and forces of Nagorny Karabakh on the one side, and Azerbaijan on the other, taking place from 1988 to 1994. The conflict resulted from conflicting territorial claims during the last period of the Soviet Union. A ceasefire agreement was signed in May 1994 to ensure an end to hostilities and military operations, but it turned into a self-regulating ceasefire without any peacekeeping troops in between. The ceasefire persists until today, but with frequent violations, and soldiers continue to die along the Line of Contact.

Armenia and Azerbaijan are still in conflict over Nagorny Karabakh (NK). Both countries are under the influence of powerful countries with interests outside their respective borders, mainly Russia and, to a lesser extent, Turkey. Outside these countries, the conflict has received little attention. The conflict itself overlapped with the collapse of the Soviet Union and the war in former Yugoslavia.

The years following the break-up of the Soviet Union were marked by conflicts, political tensions and economic crises throughout the Caucasus. Additionally, a large earthquake struck Armenia in 1988, in the first year of the conflict, negatively affecting Armenia's economic basis until today. Thus, a military conflict with dramatic consequences coincided with a devastated economy and industry.

Armenia is bordered by Turkey to the west, Georgia to the north, Azerbaijan to the east and southwest, and Iran to the south. NK is located entirely inside Azerbaijan, but a large part of the Azerbaijani territory that surrounds NK is occupied by Armenian forces (Figure 1). The use of the names of the countries and the cities of the South Caucasus is problematic. Armenians and Azerbaijanis have their one name for the cities. The name Karabakh originates from Turkish and Persian, and means "Black Garden", describing its fertile soil. Armenians call the region Artsakh, or Lernasyn Karabakh (Mountainous Karabakh). Similarly, Azerbaijanis call it Dağlıq Qarabağ (also translating to Mountainous Karabakh). The Russian name is Nagorny (or Nagorno, mountainous)

Karabakh.¹ I have chosen to use Nagorny Karabakh. I use Shusha, rather than Shushi, Stepanakert, rather than Khankendi, Khojali, rather than Xojali.



Figure 1: The Caucasus in 2010. Source: T. De Waal (used with permission).

1.1 Research Question, Hypothesis and Thesis Outline

My research question was if there are violations of the Universal Declaration of Human Rights and Universal Human Rights Instruments that occur in Armenia and that are related to the NK conflict. The objectives of the thesis were to explore the extent and legal background of human right violations, and to assess their causes. The hypothesis for my work was that there are several human rights violations that are directly or indirectly connected with the conflict over NK. Such violations concern, for example: rights to life, rights to seek asylum in other countries from persecution, and the freedom

¹ T. De Waal, *The Caucasus: An Introduction*, OXFORD University Press, 2010, p. 101.

of opinion and expression. In addition, several other, indirect human rights violations are a result of the political, economical and social environment that was created through the ongoing conflict.

The topic of my thesis “The Nagorny Karabakh Conflict and its Influence on the Human Rights Situation in Armenia” covers an array of different but connected aspects, and includes political, strategic, historical, economical as well as ethnic and social components. The thesis is structured as follows:

To analyse and understand the development in the last decades, Chapter 2 gives a brief description of the history of NK, Armenian-Azerbaijani relations, the conflict as well as international mediation efforts.

The unsolved conflict has had a dramatic effect on life, economy and society in Armenia, and the army is, as guarantor for security, of high importance. At the same time, the human rights situation in the army is problematic. Chapter 3 presents the human rights concerns in the armed forces of the Republic of Armenia (RA).

As in all conflicts, the civilians - in the case of the NK conflict in particular the large number of refugees - are the hidden and forgotten victims. Chapter 4 addresses the situation of the refugees that has resulted from forced displacement of Armenians from Azerbaijan.

The conflict continues to affect the human rights situation in Armenia until today. Therefore, Chapter 5 presents development of human rights in Armenia since 2008.

1.2 Available Information

Few publications have addressed human rights violations in Armenia linked to the NK conflict. Human Rights Watch/Helsinki published a report in 1994 about violations of the rules of war during the NK conflict, committed by Azerbaijani, Karabakh and Armenian forces. Several publications addressed human rights problems inside Armenia. The United Nations High Commissioner for Refugees (UNHCR), Norwegian Refugee Council (NRC), Caucasian Refugee and Internally Displaced Person (CRINGO) published reports about the situation of the Armenian refugees who fled Azerbaijan,

including basic needs, housing, educational shortcomings. Helsinki Citizens' Assembly Vanadzor (HCAV) and Peace Dialogue have published reports about death cases in the army.

Thomas de Waal's book *Black Garden* (2003) is arguably the most comprehensive analysis of the conflict in NK itself, with other books and reports frequently citing his work. De Waal is a Senior Associate at the Carnegie Endowment for International Peace, and also the author of the more recent *The Caucasus – An Introduction* (2010). Tatul Hakobyan is an Armenian author specialised on South Caucasian conflicts, and analyst with the Civilitas Foundation in Yerevan. His analysis (*Karabakh Diary – Green and Black, Neither War nor Peace*; 2010) of the conflict included interviews with refugees, politicians and army commanders in Armenia. Thomas Goltz is known as war correspondent in the Caucasus, and spent ten years in Azerbaijan. The result of his time in Azerbaijan is the book *Azerbaijan Diary* (1998). The book 'Central Asia and the Caucasus after the Soviet Union: Domestic and International Dynamics' (Y. Zinin, A. Malashenko; 1994) includes a short but comprehensive chapter on the role of NK in the recent Azerbaijani history.

Local media, such as ArmeniaNow, ArmenPress, Tert, Epress are publishing daily articles related to the Armenian society, human rights situation and the NK conflict. International media, such as: BBC, The Guardian, EurasianNet, or Caucasian Knot are time to time publishing articles related to the human rights situation in the RA and the NK conflict.

These books, publications, and articles provided a large share of the background information used in this thesis. In addition, several people provided information through personal communication: Anahit Hayrapetyan from (External Relations and Public Information Affairs, UNHCR Armenia), S. J. Frandsen (Communication Advisor/Press & Communication, Danish Refugee Council, Denmark), Petr Kostohryz (former Regional Director South Caucasus, Norwegian Refugee Council), Nazeli Movsisyan (Assistant of the Peace-building Department of Helsinki Citizens' Assembly-Vanadzor), Ani Chatinyan (Lawyer of Helsinki Citizens' Assembly-Vanadzor) and Peter Schön (photographer for Norwegian and Danish Refugee Council).

1.3 Evaluation of Available Information

There are several reasons for the limited reliable information about the NK conflict and its consequences on the human situation in Armenia. The conflict is of little international interest. It plays, however, a crucial role in Armenian and Azerbaijani politics and national sentiments. National organisations and their activists working in the human rights sphere tend to have a strong, negative opinion about the courses of action the authorities of RA. Therefore, reports can be biased; not in the sense of being untruthful, but rather emotional, imprecise or not fully objective. Thus, fully neutral and independent sources are scarce.

Reports by both national and international organisations often include accounts by people affected by human rights violations, either as victims or their relatives. As such, their objectivity must be carefully assessed, since emotional bias is always a possibility. Nevertheless, their accounts are often the only available information.

Local print and online media share this problem of potential biases. It is also often unclear who is financing the media and who their authors are. These issues are also true for the Azerbaijani (for example News.az) media. Consequently, the coverage on events and related topics is frequent, yet its quality cannot be assessed adequately. International news, such as the Guardian or EurasianNet are more objective, and they provide information on the authors and news agencies behind their articles. These media's coverage on relevant aspects is limited, however.

Here, authors from outside the South Caucasus are a balancing addition. Few authors have spent a long time in the area, however. They include Thomas de Waal and Thomas Goltz. Both authors have good educational backgrounds and experience as correspondents. They have spent a long time in the region with direct contact with affected people. Thus, I consider their work reliable.

1.4 Methodology

Historical analysis is an integral component of the first chapter. I developed a narrative about NK conflict, primarily based on books by authors with long experience in the

South Caucasus (T. De Waal, T. Hakobyan, T. Goltz). The history was analysed for origins of ethnic tensions and conflicting territorial claims. Key events of the conflict itself were included, because they shape the perception of the war by Armenians and Azerbaijanis until today.

For recent developments related to human rights, politics, and social-economics, I analysed the content of publications by national and international organisations that are related to human rights violations inside the army and the ongoing problematic situation of the refugees. I analysed the international and national legal norms related to my topic. Finally, I used local and international media to follow and interpret current events related to the development of human rights in Armenia. I analysed information and some cases I compare it with the other sources.

Finally, parts of this thesis are based on my experience of working six years for human rights non-governmental organisation in Armenia (HCAV). My work fields were mass media and public relations.

2. Historical and Political Background

The deep-seated antipathy between Armenians and Azerbaijanis is directly related to the long and complex history of NK. Understanding the historical and political backgrounds helps to understand what led to the conflict, the conflicting and incompatible perspectives on both Armenian and Azerbaijani side, and provides insight into why a solution the conflict seems impossible to achieve. The historical and political developments also help to understand how the conflict is connected to the present poor social-economic situation and the strong national sentiments in Armenia, which in turn are linked to several human rights violations.

2.1 History of the Nagorny Karabakh Conflict

The name “Karabakh” was first used in the 14th century, under Turkish rule. Later, the region was a Persian khanate. Azerbaijani historians claim that during that time, the

majority of the population were Azerbaijanis. The Armenian view is that these lands are historically Armenian and the Azerbaijanis were mere migrants and not statehood.²

The area of what is now NK came under Russian tsarist control in the early 19th century. Many of Karabakh's Muslims left for Persia and Armenians emigrated from Persia to Karabakh.³

Tensions between Armenia and Azerbaijan over NK have their roots in the late 19th and early 20th century.⁴ The collapse of the tsarist empire resulted in the Transcaucasian⁵ Democratic Federative Republic which included the area of NK. Due to the tumults of the First World War, the Republic dissolved after just four months into Armenia, Azerbaijan and Georgia. This process resulted in national movements in these countries. National sentiments in Armenia were also driven by the Genocide against Armenians in the Ottoman Empire 1914 – 1915.⁶ During the same period, Azerbaijan developed stronger ties to what they considered their brother nation, to Turkey. Over the next decades, the Azerbaijanis would, for Armenians, become synonymous with Turks.

The national regimes of Armenia and Azerbaijan fought heavily over NK between 1918 and 1920.⁷ The brutality of that conflict became most evident on 23 March 1920, when Turkish-Azerbaijani troops invaded Shusha, the capital of the district. Thousands Armenians were killed and the town destroyed.⁸

Between 1920 and 1922, the South Caucasus, including NK, came under control of the Soviet Union. The status of NK remained unclear until in 1921, after long discussions, the Bolsheviks and the then-Commissar on Nationalities, Joseph Stalin, declared NK eventually a part of the Azerbaijan Soviet Socialist Republic (SSR), despite a largely Armenian population. In 1923, the Nagorny Karabakh Autonomous Oblast (NKAO)

² Y. N. Zinin, A. V. Malashenko, Azerbaijan. In: M. Mesbahi (ed.), *Central Asia and the Caucasus after the Soviet Union: Domestic and International Dynamics*, University Press of Florida, 1994, p. 105.

³ H. Krüger, *The Nagorno-Karabakh Conflict: A Legal Analysis*, Springer-Verlag Berlin Heidelberg, 2010, p. 8.

⁴ T. De Waal, *Black Garden: Armenia and Azerbaijan through Peace and War*, New York University Press, 2003, p. 127.

⁵ Transcaucasia is a translation of the Russian-language word “zakavkazie”, meaning “the area beyond the Caucasus Mountains”

⁶ The Genocide is documented in numerous publications.

⁷ De Waal, 2010, p. 102.

⁸ U. Ü. Üngör. Paramilitary violence in the Collapsing Ottoman Empire. In: R. Gerwarth, J. Horne (eds.), *War in Peace: Paramilitary Violence in Europe after the Great War*, New York, Oxford University Press, 2012, pp. 176-179.

was established, inside the Azerbaijan SSR, but with a population of 94 % ethnic Armenians and no connection to the Armenian SSR.⁹

The reasons why NK was given to the Azerbaijan SSR remain cause for debates until today. While it is often argued that “divide and rule” was the reason, others argue that economical reasons may have been of higher priority. Azerbaijani and Kurdish nomads could freely move between the highland of NK and the plains in Azerbaijan.¹⁰ On the other hand, borders between SSRs had purely formal meaning.

Under Soviet rule and unification, seven decades of peaceful relation between the Armenian and Azerbaijani SSRs followed. Many Armenians lived in Azerbaijan, particularly Baku, while many Azerbaijanis lived in the Armenian country side.¹¹ There were fifteen different SSRs, designated by their nationalities and ethnics groups. The Azerbaijani and Armenian SSR were two examples. Additionally, there were further subdivisions into i) several Autonomous Soviet Socialist Republics (ASSR), for example, the Abkhaz ASSR and Chechen-Ingush ASSR (which would later also become areas of separatist conflicts) and ii) autonomous oblasts, for example the NKAO. While Soviet Republics had little actual power in the authoritarian system of the Soviet Union, the SSRs had their own institutions and flags, giving them some sense of sovereignty. More importantly, however, nationality and ethnicity became formalised and recorded in the passport. The internal passport of each Soviet citizen contained three affiliations: ethnicity (for example, Armenian), Soviet Republic (e.g. Azerbaijani SSR) and third, Soviet Union as a whole.¹² The affiliation of ethnicity would later become a key part of identifying Armenians in Azerbaijan and Azerbaijanis in NK and Armenia.

In February 1988, the regional soviet of the NKAO started an initiative to redraw borders and place NKAO inside the Armenia SSR. The Armenian Supreme Soviet voted in June 1988 to accept NK into the Armenian SSR, and the Azerbaijani Supreme

⁹ Zinin, Malashenko, p. 106.

¹⁰ De Waal, 2003, p. 131.

¹¹ *ibid*, p. 99.

¹² De Waal, 2003, pp. 131-132.

Soviet responded the following day, voting for NK to remain with the Azerbaijani SSR. In July 1988, the Union of SSRs rejected Armenian demands for incorporation.¹³

Yet the referendum re-ignited national sentiments in Armenia and Azerbaijan, which at the time were both still Soviet Social Republics. Counter-demonstrations and attacks on Armenian villages took place in Azerbaijan, and Armenians there began to arm themselves.¹⁴ A demonstration in Yerevan¹⁵ on environmental issues in February 1988 had attracted only a few hundred people, but soon turned into the “Karabakh movement”, a term still commonly used in Armenia. On 25 February 1988, the movement brought more than a million people onto the streets. This corresponded to more than a one-fourth of the population of Armenia.¹⁶

Following an appeal by Mikhail Gorbachev,¹⁷ rallies were then suspended in Yerevan. On 27 February, the developments took a turn elsewhere. Armenian pogroms, lasting for three days, begun in Sumgait, Azerbaijan’s third-largest city.¹⁸ During these days, 29 Armenians and 6 Azerbaijanis were killed. About 400 people, mostly Armenians, were injured. The six Azerbaijanis were likely killed by intervening Soviet troops.¹⁹

The reasons for the Sumgait events remain unclear and are subject to conspiracy theories. In any case, Sumgait was a turning point in the modern histories of NK, Armenia and Azerbaijan. “...the word ‘Sumgait’ has become a symbol of native Azeri madness and hatred against all things Armenian.”²⁰ Following these events, the Azerbaijani and Kurdish²¹ population was driven out of Armenia, and tens of thousands of Armenians fled from Azerbaijan to Armenia.²²

On 7 December 1988, a mass earthquake in northern Armenia caused devastation over a wide area of North Armenia, killing 25 000 people. The disaster drew sympathy from

¹³ Human Rights Watch/Helsinki, ‘Azerbaijan, Seven Years of Conflict’, the United States of America, 1994, p. 1, available at: <http://www.hrw.org/sites/default/files/reports/AZER%20Conflict%20in%20N-K%20Dec94.pdf> (consulted on 21 November 2014).

¹⁴ Zinin, Malashenko, p. 106.

¹⁵ Yerevan, is the capital and largest city of Armenia.

¹⁶ De Waal, 2010, p. 110.

¹⁷ General Secretary of the Communist Party of the Soviet Union.

¹⁸ T., Hakobyan, Karabakh Diary, Green and Black: Neither War nor Peace, Antelias, Lebanon, 2010, p. 34.

¹⁹ De Waal, 2010, p. 112.

²⁰ T., Goltz, Azerbaijan Diary; A Rogue Reporter’s Adventures in an Oil-Rich, War-Torn, Post-Soviet Republic, M.E. Sharpe, Armonk, New York, 1998, p. 83.

²¹ Kurds are spread over the South Caucasus. See De Waal, Thomas. The Caucasus: An Introduction, OXFORD University Press, 2010 for more comprehensive information.

²² Goltz, p. 83.

all over the world and changed Armenia overnight. It brought international organisations and Armenian Diaspora (Section 2.6) to Armenia. Gorbachev made his only visit to the South Caucasus, and requested help for the earthquake relief from the United States.²³ Such help request was unusual for the Soviet Union, and underlines the severity of the earthquake.

The Azerbaijani population left NK's capital, Stepanakert after clashes in early 1989. The Soviet government put NK under Moscow's direct rule in January 1989, but did not stop the ongoing clashes and violence.²⁴ Clashes between Armenians and Azerbaijanis continued throughout the region.²⁵ The Azerbaijanis that had fled from Armenia largely ended up in Baku, resulting in a tense situation between refugees and remaining Armenian population of Baku – "...like a tinderbox ready to be lit."²⁶ In January 1990, new anti-Armenian pogroms broke out in Baku. This would become known as the "Black January." More than 90 ethnic Armenians were killed and thousands forcibly sent to Turkmenistan. The Soviet Politburo responded, too late. They sent troops to Baku to restore control, days after all Armenians had left, killing 130 Azerbaijani citizens of Baku.²⁷

The events of 1988 – 1990 changed demographics substantially, fostered radical, unprecedented nationalism and hatred on both sides, and set the context for the war in NK. Two years of violence and massive refugee fluxes had occurred between Armenia and Azerbaijan – both still with the status of SSRs during that period.

The Armenian National Movement took power in the summer of 1990. It was the first time a non-Communist party took power in a Soviet Republic. Later, in 1991, Armenia, Georgia, Moldova and the Baltic Republics all worked towards full independence, while Azerbaijan kept closer with the Soviet Union, despite the recent events in Baku.

The "Operation Ring" in the summer of 1991 was a consequence. Azerbaijani Special Function Militia Troops and Soviet Army troops conducted a passport²⁸ and arms

²³ De Waal, 2010, p. 112.

²⁴ Human Rights Watch/Helsinki, 'Azerbaijan, Seven Years of Conflict', 1994, p. 1.

²⁵ De Waal, 2003, p. 89.

²⁶ Goltz, p. 83.

²⁷ De Waal, 2010, p. 113.

²⁸ The internal passport of Soviet citizens included a residence permit, or "propiska." To move to another town or village, a citizen had to obtain a propiska for the new location; without a propiska one could be deported from an area.

check in two areas of Azerbaijan close to NK, to i) stop the illegal movement of Armenians to NK, and ii), as the Central Committee's nationalities expert, V. Mikhailov, put it "...disarm illegal armed formations."²⁹ Hundreds of Armenian men were arrested, and 22 – 24 Armenian villages emptied. The operation was reportedly carried out with an unprecedented degree of violence and a systematic violation of human rights.³⁰

Azerbaijan declared independence in August 1991, Armenia followed in September. The independence of the Republics of Armenia (RA) and Azerbaijan turned NK into a matter of armed conflict between two sovereign countries. As per international law, NK was part of Azerbaijan, but was mostly under Armenian control. In September 1991 the Armenians of NK also declared independence. RA did not (and has not until today) recognise the independence of NK, but more or less controlled the region's government and armed forces (Chapter 3, Section 3.1).³¹ In the summer of 1991, a civil war inside Soviet Union borders turned into full war between the Armenians of NK (referred to as NK forces henceforth) and the Republic of Azerbaijan. By spring 1993, Armenians began to occupy³² Azerbaijani territory outside of NK. This territory either connects NK with the RA or includes small areas east of NK.

The Karabakh Armenian Serzh Sargsyan led the NK Republic Self-Defense Forces Committee from 1989. In 1993, he became the Minister of Defense of RA, blurring the distinction between the forces and governments of RA and NK. Several other NK politicians would later serve in key positions in the RA government.³³

By the end of the war in 1994, Armenians had gained full control of NK and, in addition, of 13.6 % of Azerbaijani territory (Figure 1). This territory remains occupied until today. Armenians the occupied territories call a "security zone."

There remains mystery about who fought where and for whom during the war. The RA officially never supported the NK Armenians, but there is evidence that RA forces

²⁹ De Waal, 2003, pp. 113-114.

³⁰ Human Rights Watch/Helsinki, 'Azerbaijan, Seven Years of Conflict', 1994, p. 5.

³¹ De Waal, 2010, p. 114.

³² The Hague Regulations states that "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

³³ De Waal, 2003, p. 236.

fought in NK (Chapter 3, Section 3.1).³⁴ In addition, several members of the Armenian Diaspora fought in NK. Russian soldiers are known to have fought on both sides of the conflicts. Azerbaijan was supported by Mujahedin fighters from Afghanistan and Chechnya.³⁵

Financial outside support for Azerbaijan came from Turkey. The Freedom Support Act of 1992 provided financial aid to Armenia by the US Congress.³⁶ Russia engaged in the conflict delivering the weapons and giving the logistic support to both sides.³⁷

2.2 Key Events of the War

The war in NK is too complex to discuss here in full length. Several key events are described below, however, because they shaped the course of the war on the one hand, and, on the other, the perception of the war by Armenians and Azerbaijanis until today.

i) Massacre in Khojali

By February 1992, Khojali (Figure 1) was one of the last two strongholds of Azerbaijani forces inside NK (the other being Shusha, see below). Most importantly, it had an airfield, which was needed for flying Armenian supplies to NK. The Armenian attack on Khojali was launched on 26 February – the anniversary of the Sumgait pogroms in 1988. The official Azerbaijani parliamentary investigation into killings later concluded that 485 Azerbaijanis were killed, including a large number of civilians. Controversy remains about the involvement of the Soviet 366th regiment in the attacks.³⁸ While Khojali has become a record for Azerbaijanis' suffering,³⁹ Armenia has remained quiet about the events. When asked about Khojali in 2000, the Armenian Defence Minister Serzh Sargsyan (President of Armenia 2008 – today) said carefully, "We do not speak loudly about these things."⁴⁰ The events are questioning Armenia's

³⁴ Krüger, p. 23.

³⁵ De Waal, 2003, p. 236.

³⁶ A. L. Altstadt, Ethnic Conflict in Nagorno-Karabagh. In: L. Drobizheva, R. Gottemoeller, C. Kelleher, L. Walker (eds), *Ethnic Conflict in Post-Soviet World: Case Studies and Analysis*, Routledge, Oxon, 2015, pp. 241-246.

³⁷ A. Shirinyan, 'Assessing Russia's Role in Efforts to Resolve the Nagorno-Karabakh conflict: From Perception to Reality', *Caucasus Edition: Journal of Conflict Transformation*, 1 February 2013, available at: <http://caucasusedition.net/analysis/assessing-russias-role-in-efforts-to-resolve-the-nagorno-karabakh-conflict-from-perception-to-reality/> (consulted on 6 July 2015).

³⁸ De Waal, 2003, pp. 170-171.

³⁹ De Waal, 2010, p. 119.

⁴⁰ Hakobyan, p. 118.

role as victims of a renewed Turkish-Azerbaijani aggression and hence are not popular or practically unknown in Armenia.

ii) Capture of Shusha

Shusha was of high importance to the Azerbaijani forces for the siege of the NK capital of Stepanakert (Figure 1). 2000 people reportedly died due to bombardments by Azerbaijani forces with rockets stationed in Shusha in the winter and spring of 1992.⁴¹ It was also the last town in NK held by Azerbaijani forces. Armenians captured the town in May 1992. This is seen in Armenia as a symbolic victory and revenge for a massacre on Armenians by Azerbaijanis in 1920. Also, the Armenians celebrated the victory of the NK conflict after the capture of Shusha⁴² because all of NK territory was now under control of the NK Armenians.

iii) Capture of the occupied territories

After the fall of Shusha, the war continued in the corridor linking NK with Armenia proper. First, Lachin, an Azerbaijani town linking Armenia and Karabakh (Figure 1), was abandoned and captured by the Armenians in May 1992. This corridor allowed supplies to reach NK from Armenia.

In April 1993, Armenians captured Kelbajar, an area outside NK and inside Azerbaijan proper (Figure 1). Hundreds of civilians, many of them Azerbaijani Kurds, perished, fleeing over the mountains. The occupation of Kelbajar drew a stern international response.⁴³

After the occupation of Kelbajar, Turkey showed its support for Azerbaijan and completely closed the border with Armenia. In April 1993, after the funeral of the President of Turkey, Halil T. Özal's, Turkish Prime Minister Süleyman G. Demirel received guests from Yerevan. "Demirel took a map out of a drawer and explained in Turkish: "This is Armenia, Armenian land. We have no complaints, it is our neighbor. This is Karabakh. It is not Armenian land, but Armenians live there. You have concerns, you took Karabakh, we understand that as well. This is Lachin; it is not your land.

⁴¹ Human Rights Watch/Helsinki, 'Azerbaijan, Seven Years of Conflict', 1994, p. 36.

⁴² Tert.am, 'Capture of Shusha', Armenian, 9 May 2012, available at: <http://www.tert.am/am/news/2012/05/09/shushi/501692> (consulted on 10 July 2014).

⁴³ De Waal, 2010, p. 121.

Armenians did not live there. You took it and said it was for security reasons, we understand that too. But what do you have to do with Kelbajar?”⁴⁴ That clearly reflected the Turkish perspective that led to the border closure.⁴⁵

Besides Lachin and Kelbajar, another five territories were captured by Armenians and remain under Armenian control until today. These occupied remain one of the most problematic issues in the NK dispute. For Azerbaijanis, it is a fully Azerbaijani region, for Armenians and NK, it is an essential supply corridor.⁴⁶

The Armenian victories during this time were aided by political unrest in Azerbaijan. One president, Abulfaz Elchibey, lost office and another, Heydar Aliiev gained it. At the same time, Azerbaijani Defence Minister Rahim Gaziev and a commander, Surat Husseinov, started to plot against the government in Baku. They withdrew Azerbaijani troops from the front, and NK forces could quickly capture areas east and south of NK. This meant the war was lost for Azerbaijan.^{47,48}

iv) Aghdam

In June 1993 NK forces seized Aghdam, a town outside of NK. Aghdam is located close to the eastern boundary of NK, and unlike the other occupied territories, Aghdam is not part of the corridor linking NK and Armenia. NK forces killed numerous civilians, took hostages, and burned the majority of the city. During their offensive against Aghdam, NK forces committed several violations of the rules of war, including hostage-taking, indiscriminate fire, and the forcible displacement of civilians. After Aghdam was captured, it was looted and burned under orders of Armenian authorities, which is a serious violation of the rules of war.⁴⁹

2.3 Mediation and Ceasefire

The Republics of Armenia and Azerbaijan became members of Conference on Security and Co-operation in Europe, CSCE (later the Organization for Security and Co-

⁴⁴ Hakobyan, p. 206.

⁴⁵ The blockade has been directly connected with Armenian economical problems until today. With two of its borders with neighbours closed, RA Armenia has only a limited chance for development. The only open land crossings are with Georgia and Iran.

⁴⁶ De Waal, 2010, p. 120.

⁴⁷ Goltz, pp. 385-392.

⁴⁸ De Waal, 2010, pp.121- 122.

⁴⁹ Human Rights Watch/Helsinki, ‘Azerbaijan, Seven Years of Conflict’, 1994, pp. 35-42.

operation in Europe - OSCE) in 1992. Soon after, the CSCE dispatched a fact-finding mission to the region and as a result, the CSCE – later OSCE – Minsk Group was created.⁵⁰ With the support of the OSCE Minsk Group Co-Chairs France, Russian Federation and the United States of America, a peace-finding process for the NK conflict was initiated. The permanent members of the Minsk Group are: Belarus, Finland, Germany, Italy, Portugal, Sweden, The Netherlands, and Turkey, as well as Armenia and Azerbaijan.⁵¹ Coordination inside the Group was poor during the war, however, and Western countries and Russia worked against each other. In addition, the peace-finding process was hampered further by a lack of resources – the war in the Balkans saw much stronger efforts.⁵²

Due to exhaustion and mounting casualties - rather than due mediation - the MoD of Armenia and Azerbaijan, and Commander of the Army of NK, finally signed a ceasefire agreement in May 1994, under Russian negotiation. The agreement should ensure “a complete ceasefire and halt of military operations beginning at 00:01 on May 12, 1994.”⁵³ The ceasefire came into effect, which has been self-regulating until today, without any peacekeeping forces in between.

Since the ceasefire, the Minsk Group’s Co-Chairs have visited the region regularly to conduct high-level talks with the parties. The Minsk Group is mandated to i) provide an appropriate framework for conflict resolution in the way of assuring the negotiation process, ii) obtain conclusion by the Parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference, and iii) promote the peace process by deploying OSCE multinational peacekeeping forces.⁵⁴

In December 1994, the OSCE decided to send an OSCE multinational peacekeeping force to NK. Several OSCE members such as Turkey, Russia, Ukraine, and several Central European countries agreed to send troops, but the peacekeeping force never materialised. There was initial disagreement between Russia and the other countries,

⁵⁰ De Waal, 2003, p. 229.

⁵¹ Permanent Mission of the Republic of Armenia to the OSCE, ‘Armenia-OSCE’, available at: <http://osce.mfa.am/en/bilateral/> (consulted on 8 July 2015).

⁵² De Waal, 2010, p. 124.

⁵³ Hakobyan, p. 392.

⁵⁴ Organization for Security and Co-operation in Europe, The Minsk Group, ‘Conflict prevention and resolution’, available at: <http://www.osce.org/mg/108427> (consulted on 14 July 2015).

because Russia insisted on providing most of the troops for the force. Additionally, Azerbaijan had strong objections against the Russian involvement, and Armenia against a Turkish participation.⁵⁵

In 1995 within the framework of the OSCE was established the High Level Planning Group. The aim of the group is developing a plan for the establishment and operation of a possible future multinational OSCE peacekeeping force for the area of NK conflict.⁵⁶

At the end of the 2007 OSCE conference in Madrid, the OSCE Mink Group filed a document for the peace settlements of NK conflict. The document is called the “Basic Principles” or “Madrid Principles” and is based on the Helsinki Final Act of 1975.⁵⁷ 2008 the meditation process slowed down considerably, due to changes in the government of RA⁵⁸ and post-election clashes in the streets of Yerevan, during which ten people died (Chapter 5, Section 1).

In July 2009, the Presidents of the OSCE Minsk Group's Co-Chair countries affirmed their commitment to support the leaders of Armenia and Azerbaijan as they finalised the “Basic Principles” for a settlement of the NK conflict. The final “Basic Principles” are based on three fundamental elements: the non-use of force, territorial integrity, and the equal rights and self-determination of peoples. The “Basic Principles” call for inter alia: “return of the territories surrounding Nagorno-Karabakh to Azerbaijani control, an interim status for Nagorno-Karabakh providing guarantees for security and self-governance, a corridor linking Armenia to Nagorno-Karabakh; future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will, the right of all internally displaced persons and refugees to return to their former places of residence, international security guarantees that would include a peacekeeping operation.”⁵⁹ These demands are still not implemented, because both countries are not ready for negotiations and for compromises.

⁵⁵ De Waal, 2010, pp. 124-125.

⁵⁶ *ibid*

⁵⁷ Organization for Security and Co-operation in Europe, ‘Conference on Security and Co-operation in Europe Final Act’, Helsinki 1975, available at: <https://www.osce.org/mc/39501?download=true> (consulted on 10 July 2015).

⁵⁸ Serzh Sargsyan followed Robert Kocharyan, and was re-elected in 2013. Sargsyan is the RA President until today.

⁵⁹ Organization for Security and Co-operation in Europe, ‘Statement by the OSCE Minsk Group Co-Chair countries’, 10 July 2009, available at: <http://www.osce.org/mg/51152> (consulted on 30 July 2015).

20 years ago the ceasefire put an end to the active fighting between NK and Azerbaijani forces for control over NK. The ceasefire was supposed to be the first step towards a final solution to the conflict. A retreat of forces, the peacekeeping mission, or a return of refugees and displaced people never happened. The Line of Contact has remained tense. From time to time, soldiers from both sides cross the Line of Contact and ceasefire violations occur. Frequency and number of these accidents is difficult to specify, as Armenian and Azerbaijani media will provide different data on that. Internet media, in particular platforms, will frequently have an article about ceasefire violations by “the enemy” (Armenia or Azerbaijan) – (see Chapter 3, Section 5). More recent examples of violence were the downing of an Armenian military helicopter, killing three soldiers. The incident followed three months of fighting that left 14 Azerbaijani soldiers dead.⁶⁰ Furthermore, any action by one side results in a response by the other. Civilians are often victims as well, either by shelling of villages or stepping on landmines (Chapter 5, Section 5). This mixture of conflict and ceasefire – “frozen conflict” – has been the status quo since 1994.

2.4 Human Rights Violations during the Conflict

The international humanitarian law (IHL)⁶¹ is protecting the people affected by armed conflicts. The IHL covers two major areas: i) rules to protect victims of armed conflict: civilians, members of the armed forces who have laid down the arms, are wounded, or sick; and ii) regulations regarding the methods and means of warfare. The Geneva Conventions from 1949 are a series of treaties on the treatment of civilians, prisoners of war, and the soldiers who are incapable of fighting.⁶² Armenia and Azerbaijan ratified the Geneva Conventions in 1993.⁶³

⁶⁰The Guardian, ‘Azerbaijan. Armenian military helicopter shot down by Azerbaijani forces, killing three’, 12 November 2014, available at: <http://www.theguardian.com/world/2014/nov/12/azerbaijani-forces-shoot-down-armenian-military-helicopter> (consulted on 10 July 2015).

⁶¹ In contrast to the Human Rights Law (HRL), which applies in peace and war.

⁶² A., Breitegger, The interplay between Human Rights and Humanitarian Law. In: M. Nowak, K. M. Januszewski, T. Hofstätter (eds.), All Human Rights for All, Vienna Manual on Human Rights, Vienna - Graz, 2012, pp. 512-514.

⁶³ International Committee of the Red Cross, ‘States Party to the Geneva Convention and Their Additional Protocols’, available at: <https://www.icrc.org/spa/assets/files/annual-report/current/icrc-annual-report-map-conven-a3.pdf> (consulted on 10 July 2015).

A Human Rights Watch/Helsinki report accuses the conflict parties of violating the most basic rules of the IHL.⁶⁴ NK forces displaced the Azerbaijani population through force and indiscriminate shelling of civilian houses and populations, captured civilians, and looted and burned civilian homes. According to the report, NK forces were also guilty of taking and holding hostages of mistreatments and likely summary execution of prisoners of war and other captives. Azerbaijani forces' violations of the IHL included indiscriminate use of air strikes resulting in civilian casualties, and, also hostage-taking and mistreatment and likely execution of prisoners of war.⁶⁵

Armenian, NK and Azerbaijani officials explained repeatedly that violations of the IHL had to be viewed in context: Azerbaijan claimed an inviolability of Azerbaijan's territorial integrity; Armenians and NK forces put their courses of action into the context of self-determination rights and the alleged suffering of Armenians in NK.⁶⁶ The above mentioned violations are, however, all violations of the Geneva Conventions and the IHL, and as such, cannot be justified in any way.

2.5 The Role of the United Nations

The RA became a member of the UN in 1992. The Universal Declaration of Human Rights is one of the founding documents of the UN. After Armenia's membership to the UN, the RA signed and ratified a number of international agreements, treaties and conventions. The Charter of the UN states that "All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter."⁶⁷

The Constitution of the RA states that "The international treaties shall come into force only after being ratified or approved. The international treaties are a constituent part of the legal system of the Republic of Armenia."⁶⁸

⁶⁴ Human Rights Watch/Helsinki, 'Bloodshed in the Caucasus, Escalation of the Armed Conflict in Nagorno Karabakh', September 1992, p. 1, available at: <http://www.hrw.org/sites/default/files/reports/1992%20Bloodshed%20in%20Cauc%20-%20Escalation%20in%20NK.pdf> (consulted on 14 July 2015).

⁶⁵ Human Rights Watch/Helsinki, 'Azerbaijan, Seven Years of Conflict', 1994, p. 150.

⁶⁶ Human Rights Watch/Helsinki, 'Bloodshed in the Caucasus, Escalation of the Armed Conflict in Nagorno Karabakh', September 1992, p. 2.

⁶⁷ United Nations, Charter of the United Nations, 24 October 1945, Article 2(2), available at: <http://www.un.org/en/documents/charter/intro.shtml> (consulted on 8 July 2015).

⁶⁸ Constitution of the Republic of Armenia, 05 July 1995, Article 6.

The RA has ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees, and the Protocol relating to the Status of Refugees.⁶⁹

Expressing its concern about the relations between Republic of Armenian and Republic of Azerbaijan, the United Nations Security Council (UNSC) passed four resolutions in 1993. In April 1993, after the Kelbajar operation, the UNSC passed the first Resolution 822. The resolution demands “The immediate cessation of all hostilities and hostile acts with a view to establishing a durable ceasefire, as well as immediate withdrawal of all occupying forces from the Kelbajar district and other recently occupied areas of Azerbaijan.”⁷⁰ After the first resolution, both parties did not take any action for implementing the resolution. Thus, three months later, the UNSC passed the second Resolution 853. It reaffirms Resolution 822, and also brings new points related to the conflict. In particular it condemns “the seizure of the district of Aghdam and all other recently occupied areas” and of “all hostile actions in the region”, and moreover, calls on the parties to announced a ceasefire.⁷¹ In October 1993, the UNSC adopted the third Resolution 874. It “calls upon the parties concerned to make effective and permanent ceasefire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group.”⁷² On 12 November 1993, the UNSC adopted its fourth and final Resolution 884 in 1993. The content of it was almost same as the previous ones, but in addition addresses the RA directly to use its influence to reach compliance by the Armenians of NK.⁷³

All four resolutions were passed as NK forces and Azerbaijan were at war. One resolution after another was passed, with no compromise reached. The NK forces were in a relatively good position, having not only control over NK, but also the occupied territories. Azerbaijan, on the other hand, had substantial inner political problems and a government in transition. The new president, Heydar Aliiev, had little intentions for a

⁶⁹ United Nations Armenia, ‘UN Treaties and Armenia’, available at: <http://www.un.am/en/p/un-treaties-armenia> (consulted on 8 July 2015).

⁷⁰ UNSC Resolution 822 (30 April 1993) UN Doc S/RES/822.

⁷¹ UNSC Resolution 853 (29 July 1993), UN Doc S/RES/853.

⁷² UNSC Resolution 874 (14 October 1993) UN Doc S/RES/874.

⁷³ UNSC Resolution 884 (12 November 1993), UN Doc S/RES/884.

diplomatic solution. He heavily criticised his Azerbaijani forces.⁷⁴ New offensives started, with heavy fighting starting again in the occupied territories. Fighting would not stop until May 1994, six month after the last Resolution 884.

In general, resolutions adopted by the UNSC are considered legally binding, in accordance with Article 25 of the Charter. It states that “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”⁷⁵ At the session of the UN General Assembly in 2014, the President of RA, Serzh Sargsyan, stated that none of the four UNSC Resolutions identifies Armenia as a conflicting party, and that Armenia was only called upon “to continue to exert its influence” over the NK Armenians in order to cease the conflict. Serzh Sargsyan further argued that Armenia had fully complied, and that all the UNSC Resolutions had clearly recognised NK as a party to the conflict. The President adde

d that the Azerbaijani authorities had failed to implement the fundamental demands of the UNSC.⁷⁶ As a response of the President of the RA, the Minister for Foreign Affairs of Azerbaijan, Elmar M. Mammadyarov, stated that Armenia had ignored all the resolutions, and that “it was crucial for the international community to play a proactive role in ending impunity for the crimes committed by Armenia against the civilian population of Azerbaijan.” The minister further argued that the principle of self-determination required the return of displaced Azerbaijanis to the NK region, where they would “live with the Armenian community in peace, dignity and prosperity within Azerbaijan.”⁷⁷

2.6 Modern Armenia’s Diaspora and International Ties

The Armenian Diaspora played a crucial role in the economy of the newly independent Armenia and during the NK War. Armenian mass emigration from Armenia territory has

⁷⁴ De Waal, 2010, p126.

⁷⁵ United Nations, Charter of the United Nations, Chapter V: The Security Council, Article 25, 24 October 1945.

⁷⁶ President of the Republic of Armenia, ‘Statement by President Serzh Sargsyan at the 69th Session of the UN General Assembly’, 24 September 2014, available at: <http://www.president.am/en/press-release/item/2014/09/24/President-Serzh-Sargsyan-New-York-speech/> (consulted on 17 July 2015).

⁷⁷ United Nations, ‘General Debate, Azerbaijan: His Excellency Elmar Maharram oglu Mammadyarov, Minister for Foreign Affairs’, 26 September 2014, available at: <http://www.un.org/en/ga/69/meetings/gadebate/26sep/azerbaijan.shtml> (consulted on 27 July 2015).

a long story. However, the modern Armenian Diaspora (according to different sources, 7 – 8 million) formed largely after the Armenian Genocide. Armenians were forced to flee to different parts of the world and created new Armenian communities.

The NK conflict raised the attention of the Diaspora and created a common cause. Besides financial support, various Diaspora individuals also played active roles in the conflict. Gerard Libaridian was an adviser of the president of RA during the 1990s, Raffi Hovannisian and Vartan Oskanian were the first and the second foreign ministers of RA, and Monte Melkonyan was a well-known Armenian commander during the war in NK.

In the recent years, Armenians have been joining the Diaspora as a result of difficult economic and living conditions in Armenia. The NK conflict resulted in political and economic isolation for Armenia. Since the beginning of the ceasefire, Armenia only has open land borders with Georgia and Iran. The importance of the Armenian – Iranian relations is a pipeline that for Iranian natural to Armenia.⁷⁸ Georgia offers Armenia its only land connection to Russia, Europe and Georgia's Black Sea ports. Georgia is not an ideal partner for Armenia, however, because Georgia is strongly orientated to the West, has good relations with Turkey and Azerbaijan, and tense, poor relations with Russia. Thus Armenia has remained strongly depended on Russia, with several political, socio-economic consequences.

Russia has the largest Armenian community outside of Armenia. According to different sources, there are 1.5 – 2 million Armenians in Russia, most of them are migrant workers. For Armenian men, seeking work in Russia is one solution to escape unemployment and the dire social-economical situation in Armenia - for instance, the poverty rate in 2013 was 32 %.⁷⁹ To go to Russia is a common and accepted way to earn money and support their families back in Armenia. The largest wave emigration of Armenia's residents was during the difficult years 1993 – 1994 that followed independence. During these two years, about 600 000 Armenians left the country. Between 1995 and 2001, about 370 000 Armenians left, which corresponds to an

⁷⁸ Natural gas is cheaper than oil and fuel from Russia – for example, most private and public transport vehicles in Armenia are converted to use gas instead of liquid fuel.

⁷⁹ The World Bank, 'Armenia, Overview', available at: <http://www.worldbank.org/en/country/armenia/overview> (consulted on 17 July 2015).

average of about 61 700. Between 2002 and 2007, the average annual emigration decreased to 25 000 people. From 2008 to 2013, the emigration rate increased again, to 30 000 – 35 000 people per year.⁸⁰ Between 2010 and 2014, personal remittances to Armenia corresponded to 19 % of the Armenian GDP in 2010 – 2014 (for comparison, the percentages are 12 % for Georgia, and 2.5 % for Azerbaijan).⁸¹ 89 % of these remittances were earned in Russia.⁸²

The strong relationship with Russia has become one of the most notable aspects of foreign relations and economics of Armenia. In 2013, Armenia joined the Eurasian Economic Union (EAEU), also frequently called “Customs Union.” The EAEU promotes regional economic integration of its member states, and “free movement of goods, services, capital and labor.”⁸³ The other member-states of the EAEU are the Russian Federation, the Republics of Belarus and Kazakhstan.⁸⁴ The announcement by Armenian’s President Serzh Sargsyan to join the EAEU came unexpected. “It is a rational decision stemming from the national interests of Armenia. This decision does not constitute a refusal to continue our dialogue with European structures. We intend to continue these reforms in the future”, Serzh Sargsyan said.⁸⁵ Eduard Sharmazanov, speaker of the Armenian parliament, pointed at the economic benefits, arguing that for Armenia, gas would be imported at a better price, oil products would be 30 % cheaper, and weapons made available to RA at Russian domestic prices.⁸⁶ On 2 January 2015, Russian President Vladimir Putin signed a law that makes Armenia a full member of the EAEU. The Armenian government has not provided the public with any information as to how this step affects Armenia’s relationship with the European Union.

⁸⁰ News.am, ‘Armenian immigrants primarily seek Russia – migration service’, 8 February 2014, available at: <http://news.am/eng/news/193319.html> (consulted on 16 July 2015).

⁸¹ The World Bank, ‘Personal Remittances, Received (% GDP)’, available at: <http://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS> (consulted on 16 July 2015).

⁸² News.am, ‘Armenian immigrants primarily seek Russia – migration service’, 8 February 2014, available at: <http://news.am/eng/news/193319.html> (consulted on 16 July 2015).

⁸³ Eurasian Economic Union, ‘About the Union’, available at: <http://www.eaeunion.org/?lang=en#about> (consulted on 13 July 2015).

⁸⁴ *ibid*

⁸⁵ Radio Liberty, ‘Armenia to Join Russian-Led Customs Union’, 31 July 2015, available at: <http://www.rferl.org/content/armenia-customs-union/25094560.html> (consulted on 13 July 2015).

⁸⁶ PRT.com, ‘Putin gives nod to Armenia joining Eurasian Economic Union’, 23 December 2014, available at: <http://rt.com/business/217031-putin-armenia-joins-eeu/> (consulted on 13 July 2015).

2.7 Discussion

The long dispute over NK has its roots in a long and complex history. The history fails to give a clear answer to who “owns” the territory, however. The situation is particularly nebulous because from the perspective of international law, NK – and the occupied territories – are part of Azerbaijan, yet the long hostilities have created an almost purely Armenian population. In addition, the conflict was initiated by the desire of Armenian Karabakhis to become independent. The war with Azerbaijan was won, but NKs greatest supporter, the RA, does not recognise its independence. Moreover, RA has a President and Defence Minister that are from NK, and soldiers and police from RA are serving on the territory of NK.

Both sides to the conflict have become very used to the situation, with little initiative to change the status-quo. That has in return substantial social-economic effects on Armenia: economic blockages, stagnating economy, the highest grade of militarisation of any developing country (Chapter 3.2) and strong national identity and sentiments. This creates an environment where human rights quickly play a secondary role. Pointing at human rights violations is too often silenced with arguments of national security or accusations of being “Anti-Armenian”, or, worse, “Pro-Turks.”

The history also provides several one-sided narratives. The Genocide and Sumgait for Armenians; Khojali, Kelbajar, Aghdam and others for the Azerbaijanis. Not only delivers one party’s atrocities justification for atrocities by the other - the graphic narratives of the massacres on the one hand, and stories of war heroes (Figure 2) on the other keep, the war and hatred alive in a generation too young to remember the actual war.

How does this affect human rights? As will be shown in the following Chapters, national sentiments, the fear of the “enemy” (Azerbaijan) and “national security” can override concerns for individuals or the society, and their human rights.

Furthermore, the conflict had a significant influence of the economic situation and financial structures. There is the blockade by Turkey, or the financial support both Armenia and Azerbaijan receive during and after the conflict. There is also the financial

support by the Diaspora, who quickly joined in to support the cause in NK. Finally, until today Armenia is heavily militarised and spends significantly more money on military matters than on health or education (Chapter 3).

Armenia's never-ending social-economic problems have led to more and more dependence on Russia. That relationship is arguably economically beneficial, given the blockage by Turkey and Azerbaijan – but the military presence of Russia in Armenia is an increasing concern for Armenia's common people. In addition, Armenia is also affected by the Russian – European relations, either because of the economic ties or the large number of Armenian workers in Russia.

Closer ties with Europe were something a lot of young Armenians had hoped for and that would likely bring a discourse about and an improvement of the human rights situation in the country. These hopes were destroyed when Armenia joined the EAEU.



Education and cultural interaction could initiate a change in perspectives and opinions in Armenia. However, school education tells often only the own view on the conflict – in Armenian school books there is little information about Khojali, Kelbajar or Aghdam, but one can find long stories about Sumgait. Also as a result of the conflict, Armenia's population composes 96 %⁸⁷ ethnic Armenians, providing an ideal cultural environment to keep national ideas alive (Figure 2).

Figure 2: National Heroes of Armenia, Armenia, 2006. Photo by Peter Schön (used with permission).

⁸⁷ The Government of the Republic of Armenia, 'Demographics', available at: <http://gov.am/en/demographics/> (consulted on 3 August 2015).

3. The Mandatory Army and the Situation in the Army

3.1 The Armed Forces of the RA and NK

“For our country and people, the army is more than just a public body. Literally every day and every night the Armenian army protects our lives, very often becoming engaged with bandits who seek to encroach upon our motherland. Today, they [the Azerbaijani armed forces] are trying to impose on us a new type of war, because they have lost all the previous types, including the so called “war of diversions.” Its absurdity is already obvious even to those who call us “enemy” - Congratulatory address by Armenian President Serzh Sargsyan on Army Day.”⁸⁸

Armenia has supported the NK forces since the beginning of the conflict. The government of the RA, however, denies any military involvement in the conflict. On 22 February 1994, the Armenian Ambassador to the UN, Alexander Arzumanyan, stated that, “There are no Armenian troops in Azerbaijan. Of course, there could be citizens of Armenia fighting on a voluntary basis.”⁸⁹ A report by Human Rights Watch⁹⁰ and a recent ruling by the European Court of Human Rights (ECtHR)⁹¹ have, however, established that Armenian forces were actively involved in the conflict.

21 years have passed since this interview. Citizens of Armenia are still serving in the Nagorny Karabakh Republic Defence Army (NKR DA), however. Armenia more or less controls the NK government and armed forces. The two territories, one recognised and one unrecognized, continue to work together.

The armed forces of the RA were formed during the NK armed conflict as the sole guarantor of security. The Ministry of Defence of the RA (MoD) is a state executive body. It develops and implements the policies of defence sector. The primary objectives of the MoD are “ensuring the protection of independence, territorial integrity,

⁸⁸President of the Republic of Armenia, ‘On Occasion of Army Day Solemn Award-Giving Ceremony Takes Place at RA Presidential Palace’, Press Releases, 28 January 2015, available at: <http://www.president.am/en/press-release/item/2015/01/28/President-Serzh-Sargsyan-decoration-ceremony-January-28/> (consulted on 10 May 2015).

⁸⁹Human Rights Watch/Helsinki, ‘Azerbaijan, Seven Years of Conflict, 1994, p. 115.

⁹⁰ *ibid*, p. 67.

⁹¹ *Chiragov and others v. Armenia* (App no 13216/05) ECHR 16 June 2015.

inviolability and security of national borders of the Republic of Armenia.”⁹² The NKR DA is the formal defence force of NK. Therefore, soldiers who leave Armenia to serve in NK do not serve in the armed forces of the RA, but in the NKR DA, hence in foreign territory, and there are numerous obstacles created in terms of law and legality.⁹³

In terms of law and politics, there are no legal norms that regulate whether or not Armenian soldiers should serve in the NKR DA. Interestingly, this issue has never been a topic of discussion for most NGOs or in the public. There are some exceptions. A few NGOs have tried to raise the problem, without success; in the public the deployment in NK becomes an issue only when an Armenian conscript dies there. The majority of Armenians thinks that NK is part of Armenia and hence an Armenian soldier's duty is to serve in NK for the security of the Armenia. Irrespective of norms and public opinion, the situation is creating an environment adverse to respecting and protecting human rights, leading to poor conditions in the military forces.

3.2 Militarisation in Armenia

The term militarisation⁹⁴ illustrates the ideology that supports militarism in the country and creates a country's demand towards it. Armenia has the third-highest level of militarisation in the world, only surpassed by Israel and Singapore, according to the Global Militarisation Index (GMI) 2014.⁹⁵ This makes Armenia the world's most militarised developing country. Syria, Russia, Cyprus, South Korea, Jordan, Greece and Azerbaijan follow in the ranking. The high levels of militarisation in these countries are mostly the result of comprehensive arms purchases. Armenia and Azerbaijan show very high levels of militarisation and have had increases in their military expenditures over the years. Russia delivers arms to both South Caucasian republics. According to the same source, Georgia, the third country of the South Caucasus, is 47th in the list.

On 10 July 2014, the President of Armenia, Serzh Sargsyan, publicly rebuked its ally and patron, Russia, regarding its engagement in the South Caucasus for the first time.

⁹²Ministry of Defence of the Republic of Armenia, 'Charter of the Ministry of Defence of the Republic of Armenia', 2008, Article 6.1.

⁹³ R. Martirosyan, L. Aslikyan, 'Analysis of the Violations Revealed During the Observation of the Preliminary Investigation and Judicial Processes Regarding Non-Combat Fatalities in the RA Armed Forces', Peace Dialogue NGO, Report, Vanadzor, 2013, p. 9.

⁹⁴ E., Khachatryan, 'Militocracy', Peace Dialogue NGO, Report, Vanadzor, 2013, p. 6.

⁹⁵ J., Grebe, Bonn International Centre for Conversation, 'Global Militarisation Index 2014', 2014, p. 5.

The President criticised the Russian government for its USD 1 billion arms delivery to Baku, saying: “This is a very painful issue for us. Our people are extremely concerned that our strategic partner is selling weapons to Azerbaijan.”⁹⁶

The OSCE Code of Conduct⁹⁷ on Politico-Military Aspects of Security was adopted in 1994. It sets guidelines related to the armed forces. The code suggests that “...State will maintain only such military capabilities as are commensurate with individual or collective legitimate security needs”, and that “each state will determine its military capabilities on the basis of national democratic procedures” and a participating state “may station its armed forces on the territory of another participating state in accordance with their freely negotiated agreement.” Furthermore, the member states should consider “the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security.” Since Armenia is an OSCE member, these guidelines are applicable to Armenia.

On the GMI 2013, Armenia ranked fourth and Azerbaijan eighth (Azerbaijan claims that its military budget is equal to Armenia’s state budget).⁹⁸ David Jamalyan, advisor to Armenia’s Minister of Defence, commented: “Armenia is efficiently managing its limited resources. [...] Armenia has national security problems, particularly constant external threats. The country will go on facing challenges in the near future. So the country’s military budget is in line with external threats.”

According to the RA Military Doctrine,⁹⁹ the external threats to military security include: the NK conflict, the Republic of Azerbaijan’s aspirations to gain military superiority over the RA and to resolve the Karabakh conflict through military means, and, to this end, prepare military activities against the RA and NK.

There are no certain norms as to how much military force a country needs to provide sufficient levels of security. What level of defence force is deemed necessary and the

⁹⁶ The International Institute for Strategic Studies, ‘John Drennan: For the First Time, Yerevan Rebukes Moscow’, 26 August 2014, available at: <https://www.iiss.org/en/iiss%20voices/blogsections/iiss-voices-2014-b4d9/august-a8ff/for-the-first-time-yerevan-rebukes-moscow-e7c0> (consulted on 20 May 2015).

⁹⁷ Organization for Security and Co-operation in Europe, ‘Code of Conduct on Politico-Military Aspects of Security’, DOC.FSC/1/95, 03 December 1994, Articles 12, 13, 14 and 20.

⁹⁸ Tert.am, ‘Armenian army’s principle is resolving major problems with limited resources – David Jamalyan’, 20 November 2013, available at: <http://www.tert.am/en/news/2013/11/20/davit-jamalyan/926531> (consulted on 20 May 2015).

⁹⁹ Ministry of Defence of the Republic of Armenia, ‘The Military Doctrine of the Republic of Armenia’, 2007, Article 3(2).

percentage of the budget that is consequently allocated for defence depend on the country. Military budgets of other countries are the sole reference.

In 2014 Armenia's military expenditure had reached 345 million EUR (Table 1). In Armenia, the share of military expenditures of the Gross Domestic Product (GDP) in 2014 was 4.0 %, in Azerbaijan 4.7 %, and in Russia 4.1 %.¹⁰⁰ In comparison, Austria spent 0.7 % (2013 data).¹⁰¹ Armenia allocates more money for defence purposes than for its education/science and health sectors. Table 1 shows the total state expenditures of Armenia during the last five years and the allocation of spending to the defence ministry and the education/science and health sectors.¹⁰² Looking at the absolute amounts, the defence expenditures have increased every year. Figure 3 shows that allocations to the three sectors have remained fairly constant over the years. Until today, Armenia has spent more than twice the money on the defence sector than on the health sector.

Details of the defence budget are subject to confidentiality in all countries. The published expenditures for defence in Armenia are the total amounts of money allocated from the state budget, but there is no further information on how exactly the money is spend within the armed forces.

¹⁰⁰ J., Grebe, Bonn International Center for Conversation, Global Militarisation Index 2014, p. 8.

¹⁰¹ European Defence Agency, 'National Defence Data 2013 of the 27 EDA Member States', Brussels, 2015, available at: http://www.eda.europa.eu/docs/default-source/documents/national-defence-data-2013---27-eda-ms_updated.pdf (consulted on 31 May 2015).

¹⁰² Education and health were chosen for comparison because a) better education is a key requirement for the development of Armenia and poor education support poor human rights standards; and b) the importance of health is under-appreciated in Armenia, also within the armed force.

Table 1: The total, defence, health and education expenses of Armenia in 2010 – 2015.

Year	Total (million EUR)	Defence (million EUR)	Defence Budget (percent)	Health (million EUR)	Health Budget (percent)	Education (million EUR)	Education Budget (percent)
2010 ¹⁰³	2002	290	14.5	118	5.9	214	10.7
2011 ¹⁰⁴	1852	271	14.6	116	6.2	201	10.8
2012 ¹⁰⁵	2064	306	14.8	130	6.3	215	10.4
2013 ¹⁰⁶	2132	338	15.9	133	6.2	200	9.3
2014 ¹⁰⁷	2216	345	15.6	144	6.5	218	9.8
2015 ¹⁰⁸	2589	382	14.8	164	6.3	241	9.3

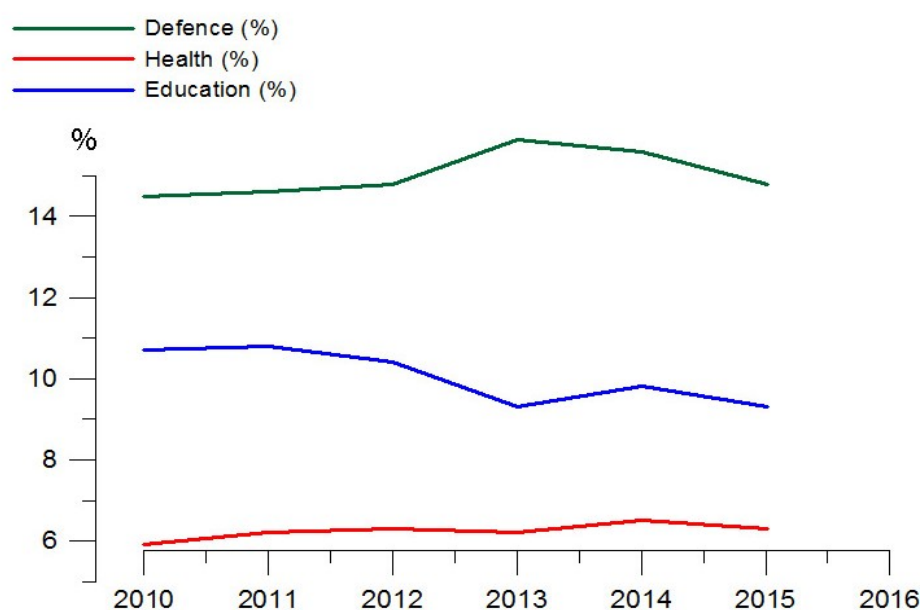


Figure 3: Allocations of defence, education and health expenditures, in percent of total state expenditures.

¹⁰³ National Assembly of the RA, 'The Republic of Armenia Law on the State Budget in 2010', 10 December 2009, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&ID=3741&lang=arm> (consulted on 13 May 2015).

¹⁰⁴ National Assembly of the RA, 'The Republic of Armenia Law on the State Budget in 2011', 9 December 2010, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&ID=3939&lang=arm> (consulted on 13 May 2015).

¹⁰⁵ National Assembly of the RA, 'The Republic of Armenia Law on the State Budget in 2012', Armenian, available at: http://www.parliament.am/draft_docs4/K-1252/K-1252.pdf (consulted on 13 May 2015).

¹⁰⁶ National Assembly of the RA, 'The Republic of Armenia Law on the State Budget in 2013', Armenian, available at: http://www.parliament.am/draft_docs5/K-104arajark/K-104.pdf (consulted on 13 May 2015).

¹⁰⁷ National Assembly of the RA, 'The Republic of Armenia Law on the State Budget in 2014', Armenian, available at: http://www.parliament.am/draft_docs5/K-353/K-353text.pdf (consulted on 13 May 2015).

¹⁰⁸ Ministry of Finance of the RA, 'State Budget', 2015, available at: <http://www.minfin.am/index.php?cat=71&lang=3> (consulted on 13 May 2015).

According to the Rules of Procedure of the RA National Assembly (NA), members of the Parliament may familiarise themselves with “any document addressed to the NA and its committees, except for private or personal materials, or material containing state or official secrets.”¹⁰⁹ The defence budget falls into the category of state secret, and therefore only certain branches of the Parliament have access to the information: “... Classified materials foreseen by the legislation regarding the expenditure articles containing state and official secrets are discussed in a closed-door joint meeting of the standing committees on Defence, National Security and Internal Affairs and Standing Committee on Financial-Credit and Budgetary Affairs of the National Assembly.”¹¹⁰

The Law on Freedom of Information¹¹¹ creates the mechanisms for ensuring the transparent activity of state organisations. State institutions should publicly present documents on their activities at least once a year without request. These documents should also include information about the budget, the policy of cost creation and the costs in the sphere of work and services. According the same law, however, there are again some limitations on freedom of information, for example: the information holder can refuse to provide information if it is “contains state or official secret.” Consequently, there is no legal act that regulates how the defence budget is drafted, discussed or how control and oversight are maintained.¹¹²

3.3 Legal Regulations and Civil Control

In Armenia, the system of regulation and control of national security, particularly in relation to the defence sector, is regulated by the Constitution and state laws. The Constitution states that “The armed forces of the Republic of Armenia shall ensure security, defence and territorial integrity of the Republic of Armenia, as well as inviolability of its borders. The armed forces shall maintain neutrality in political matters and remain under civilian control.”¹¹³ Further, “Every citizen shall be obliged to

¹⁰⁹ National Assembly of the RA, ‘Rules of Procedure of the Republic of the National Assembly’, 20 February 2002, g Point 1, Article 5, available at: <http://www.parliament.am/legislation.php?sel=show&ID=38&lang=eng> (consulted on 15 May 2015).

¹¹⁰ *ibid*, Article 80.2.

¹¹¹ National Assembly of the RA, ‘The Republic of Armenia Law on Freedom of Information’, 23 September 2003, Articles 7 and 8, available at: <http://parliament.am/legislation.php?sel=show&ID=1390&lang=arm&enc=utf8> (consulted on 29 May 2015).

¹¹² A. Sakunts, A. Sadikyan, ‘The Possibilities for Democratic, Civil and Public Control over Armed Forces in Armenia’, Report, Helsinki Citizens Assembly Vanadzor, 2012, p. 12.

¹¹³ Constitution of the RA, 1995, Article 8.2.

take part in the defence of the Republic of Armenia in conformity with the procedure prescribed by the law.”¹¹⁴

Several laws set the national legal norms for military service in Armenia. The RA Law on Defence¹¹⁵ defines the structure of the armed forces and regulates rights and responsibilities related to defence for local self-governmental bodies, the society and all citizens. The RA Law on Military Service¹¹⁶ regulates the compulsory military service in the RA. The law defines the terms of entering compulsory military service, the grounds for getting deferments from the military service, and the registration process before military service. According to the same law, male conscripts aged 18 – 27 are subject to a two-year long compulsory military service. The RA Law on Entering the Military Service¹¹⁷ governs the armed forces-citizens relations. It regulates the procedures of entering military service, the principles of official advancements and qualification, and the service types according to position and titles. The order (hierarchy) inside the Military is regulated by the Disciplinary Statute of the armed forces of the RA¹¹⁸, and it defines the rights and responsibilities of soldiers.

Additionally, a RA Law on Citizens Who Failed to Complete Compulsory Military Service through Violation of the Established Procedure¹¹⁹ was adopted, because many Armenian men who are in the draft age of 18 – 27 are living abroad and are trying to escape military service. The law gives them a possibility to avoid criminal persecution in return for compensation.

In addition to the legal national norms, there is the National Human Rights Action Plan. In 1993, during the World Conference on Human Rights, the 171 UN member states, including Armenia, adopted the Vienna Declaration and Programme of Action. This

¹¹⁴ *ibid*, Article 46.

¹¹⁵ Ministry of Defence of the RA, ‘The Law of the Republic of Armenia on Defence’, 27 November 2008, Article 4, Armenian, available at: <http://www.mil.am/files/%20Օրենքի%20ՊԱՇՏՊԱՆՈՒԹՅԱՆ%20ԱԱԽԵԼ.pdf>, (consulted on 10 May 2015).

¹¹⁶ Ministry of Defence of the RA, ‘The Law of the Republic of Armenia on Military Service’, 16 September 1998, Article 11, Armenian, available at: <http://www.mil.am/files/%20Օրենքի%20ԴԼՈՒՊԱՆՈՒԹՅԱՆ%20ԱԱԽԵԼ.pdf> (consulted on 10 May 2015).

¹¹⁷ National Assembly of the Republic of Armenia, ‘The Republic of Armenia Law on Entering the Military Service’, 3 July 2002, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&lang=arm&ID=1317> (consulted on 10 May 2015).

¹¹⁸ National Assembly of the Republic of Armenia, ‘The Republic of Armenia Law Disciplinary Statute of the Republic of Armenia Armed Forces’, 21 March 2012, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&ID=4510> (consulted on 11 May 2015).

¹¹⁹ National Assembly of the RA, ‘The Republic of Armenia Law on Citizens Who Failed to Complete Compulsory Military Service through Violation of the Established Procedure’, 2004, Armenian, available at: <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=37011> (consulted on 16 May 2015).

document recommends i) that in order to develop and strengthen human rights, both international and national action is required, and ii) that “each state considers the desirability of drawing up a national action plan identifying steps whereby that state would improve the promotion and protection of human rights.”¹²⁰ It was not until 2014 (21 years after) that the RA adopted its own National Human Rights Action Plan (the Action Plan). The Action Plan was developed by the governmental agencies, international organisations and representatives of the Armenian civil society. The Action Plan is one unified political document that coordinates human rights policies and activities, and specifies solutions for human rights problems. It is supposed to guarantee protection of civil and political rights, such as: the right to life, the right to fair trial and the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment.¹²¹ The plan also includes a section about the rights of military servicemen and conscripts, stating that authorities should raise “awareness about the mechanisms for prevention of violations of human rights and the protection of human rights during military service.”¹²²

On an international level, the CoE and OSCE have adopted a number of documents on the role and management of armed forces in democratic countries, and also human rights in the armed forces. The Parliamentary Assembly of the CoE has adopted a recommendation¹²³ that attaches importance to the proper investigation of death cases in the armed forces of member states (including Armenia) and to the professional development of the military personal. Further, it recommends establishing a Military Ombudsman as an independent civil institution, where such a facility does not already exist.

In Armenia, there is the Human Rights Defender office, with a Civil Ombudsman. It is one of the institutions for implementing civil control. The Human Rights Defender office has been recognised as an Independent National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and

¹²⁰ Office of the High Commissioner for Human Rights, Vienna Declaration and Programme of Action, 25 June 1993, paragraphs 66 and 71, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx> (consulted on 29 May 2015).

¹²¹ Arlis.am, ‘The President of the Republic of Armenia “On approval of the National Strategy on Human Rights Protection”’, 29 October 2012, pp. 5-8, Armenian, available at: <http://www.arlis.am/documentview.aspx?docID=79027> (consulted on 29 May 2015).

¹²² Council of Europe, ‘For Approval of the Plan of Actions for the National Strategy on Human Rights Protection’, March 2014, Yerevan, p. 38.

¹²³ Parliamentary Assembly, Human Rights of Members of the Armed Forces, Recommendation 1742, 2006.

Degrading Treatment and Punishment. The Ombudsman protects the human rights and fundamental freedoms of citizens from violations by central and local government agencies or their officials. According to the RA Law on Human Rights Defender, the Ombudsman or the representatives should have “free access to any state institution or organisation, including military units, prisons, inter alia preliminary detention facilities and penitentiaries and also require and receive information and documentation related to the complaint from any central or local government agency or their officials.”¹²⁴

Since 2006, international and national organisations call for the Armenian government to implement a proper Military Ombudsman to “exercise democratic control over the defence sector, to ensure respect for the rule of law in the armed forces, to promote transparency and focus attention on problems in military practice requiring corrective action”¹²⁵. Until today, however, Armenia has not implemented a Military Ombudsman. The Civil Ombudsman and the representatives are doing monitoring in the armed forces as, but their resources are too limited to fill the function of a proper Military Ombudsman.

The other institution for implementing civil control is the Public Council at the MoD. The Council is a consultative body for developing state defence policies. According to the Council Charter,¹²⁶ “The Council is to ensure public participation and control in the formation and implementation of the state policy in the defence sector in favour of increasing the protection of the RA.” The council is supposed to foster communication with citizens and NGOs. The council has free access to the military units and bases and “the commanders of the military units shall provide necessary conditions for the activities of the Council members.” The council is financed, however, by the MoD and not as public and independent as the name may suggest (Section 3.4).

Nils Muižnieks, Commissioner for Human Rights of the CoE, referred to human rights in the armed forces of the RA. N. Muižnieks published a report¹²⁷ of his visit to

¹²⁴ National Assembly of the Republic of Armenia, ‘The Republic of Armenia law on Human rights Defender’, 21 September 2003, available at: <http://www.parliament.am/legislation.php?sel=show&ID=1457&lang=eng> (consulted on 12 May 2015).

¹²⁵ DCAF Security Sector Reform Working Group, ‘Monitoring and Investigating the Security Sector Backgrounder: Military Ombudsman’, UNDP/DCAF 2007, ISBN:978-92-9504-264-3, p.37, available at: <http://www.dcaf.ch/Publications/Monitoring-and-Investigating-the-Security-Sector> (consulted on 30 May 2015).

¹²⁶ Ministry of Defence of the RA, ‘The Council Charter’, Article 1.3, Armenian.

¹²⁷ Council of Europe, Report by Nils Muižnieks, Strasbourg, 10 March 2015, CommDH(2015)2, p. 23.

Armenia in 2014, noting that acts of non-combat violence, sometimes causing fatalities, have continued to occur in the Armenian army, calling upon the Armenian authorities to intensify their efforts to tackle this problem effectively. He further stated that effective investigations of allegations of human rights abuses were essential to prevent any further violations. Attention should be paid to fostering the trust of the victims' families and the public, by providing information to the public about the outcome of investigations into death cases and other human rights violations.

3.4 The Army and Right to Life

Since many years, the issue of human rights in the army is one of the most urgent problems and a major concern to human rights groups and organisations around the world. Today this situation in the relatively young Armenian army is of concern for the representatives of civil society groups active in Armenia, as well as to some international organisations.

On 1 January 1991, before the collapse of the Soviet Union, Human Rights Watch¹²⁸ published its annual report about human rights situation in the Soviet Union, including the situation of the army. According to the report, 15 000 members of the armed forces had suffered non-combat deaths in the previous four to five years. The causes of death included intentional mistreatment, negligence and suicide. In modern Armenia, these occurrences continue to exist, despite 23 years of independence and modernisations in most other spheres of the country.

The right to life is one of the most fundamental of all human rights. The Universal Declaration of Human Rights states that “Everyone has the right to life, liberty and security of person.”¹²⁹ Right to life is guaranteed also by the UN International Covenant Civil and Political Rights¹³⁰ and the European Convention on Human Rights. The European Convention on Human Rights gives more guidance as: “Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person

¹²⁸ United Nations High Commissioner for Refugees, ‘Human Rights Watch World Report 1990 - Soviet Union’, available at: <http://www.refworld.org/docid/467fca39c.html> (consulted on 31 May 2015).

¹²⁹ The Universal Declaration of Human Rights, 10 December 1948, Article 3.

¹³⁰ International Covenant Civil and Political Rights, 16 December 1966, Article 6.

from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection.”¹³¹ The RA Constitution states that “Everyone shall have a right to life. No one shall be condemned to the death penalty or executed.”¹³² Under above mentioned treaties the right to life is non-derogable. The European Convention on Human Rights makes an exception, however, for “deaths resulting from lawful acts of war.”¹³³

Table 2 shows the statistics about death cases and the number of separate incidents leading to death in the armed forces during the last 5 years according to official and NGOs’ data.

Table 2: Statistics of death cases in the armed forces of the RA in 2010-2015

<i>Year</i>	<i>Total number of death cases</i>		<i>Number of incidents</i>
	<i>Official data</i> ¹³⁴	<i>HCAV</i> ^{135,136,137,138,139,140}	<i>HCAV</i>
<i>2010</i>	54	44	31
<i>2011</i>	36	39	36
<i>2012</i>	36	49	40
<i>2013</i>	30	31	30
<i>2014</i>	45	46	42
<i>2015</i>	-- ¹⁴¹	26	20
<i>Total</i>	201	235	199

¹³¹ European Convention on Human Rights, F-67075 Strasbourg cedex, Article 2(2).

¹³² Constitution of the RA, 05 July 1995, Article 15.

¹³³ European Convention on Human Rights, F-67075 Strasbourg cedex, Article 15(2).

¹³⁴ Data sent to Helsinki Citizens’ Assembly Vanadzor by the RA Ministry of Defence. N. Movsisyan, HCAV, email, 19 May 2015.

¹³⁵ A. Sakunts, A. Sadikyan, ‘The Possibilities for Democratic, Civil and Public Control over Armed Forces in Armenia’, Helsinki Citizens Assembly Vanadzor, Report, 2012, p. 33.

¹³⁶ Helsinki Citizens Assembly Vanadzor, ‘Report on Human Rights Situation in the Armed Forces, 2012, Statistic of the Death Cases in the Republic of Armenia in 2010-2012’, Vanadzor, p.1, Armenian.

¹³⁷ Helsinki Citizens’ Assembly Vanadzor, ‘Report on Human Rights Situation in the Armed Forces’, 2012, Vanadzor, p. 2, Armenian.

¹³⁸ Helsinki Citizens’ Assembly Vanadzor, ‘Report on Death Cases in the Armed Forces during 2013’, Vanadzor, p. 4.

¹³⁹ Helsinki Citizens’ Assembly Vanadzor, ‘Reference on Death Cases in the Armed Forces in 2014’, Vanadzor, 2015, p. 2.

¹⁴⁰ Helsinki Citizens’ Assembly Vanadzor, ‘Report on Death Cases in the Republic of Armenia and in the Republic of Nagorno Karabakh Armed Forces in January – March in 2015’, Vanadzor, 2015, p. 2.

¹⁴¹ There are no official data so far.

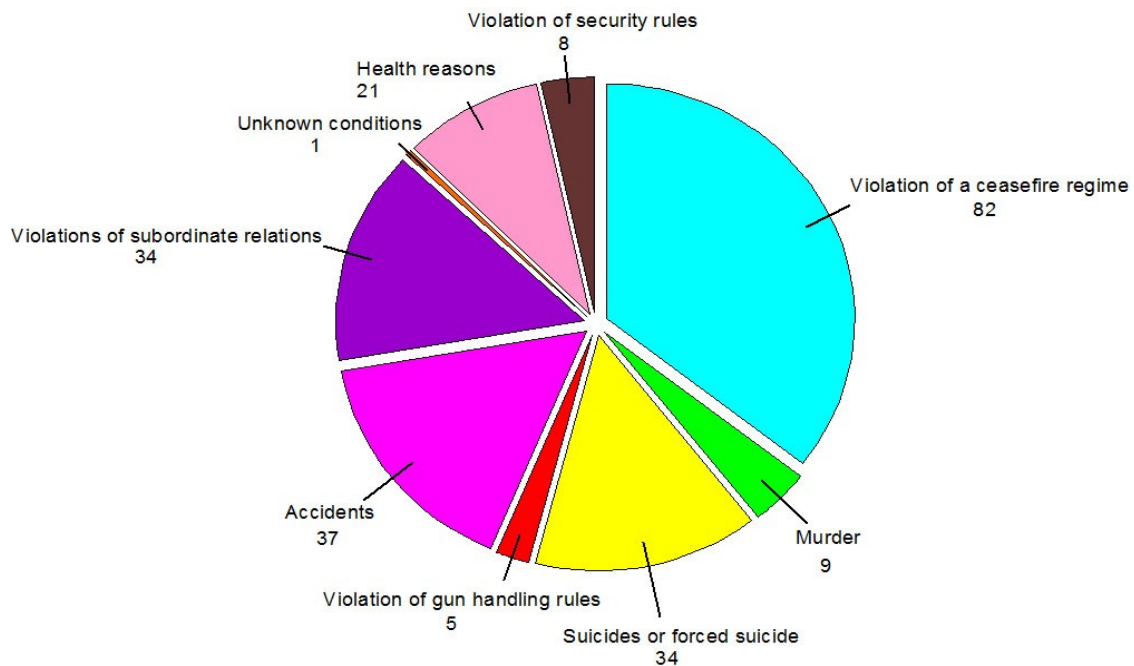


Figure 4: The reasons/consequences of death cases in the armed forces of the RA in 2010-2015, according to research conducted by HCAV.

235 death cases were recorded in the armed forces of the RA and NK in 2010 – 2015. 82 out of these 235 cases were due to violations of the ceasefire regime. 37 cases were caused by accidents. 34 cases were reported as suicide, or forced suicide, another 34 cases were due to violations of subordinate (statutory) relations. 21 cases were due to health-related issues or a lack of proper medical care. 9 cases were intentional murder, 8 cases related to violation of security rules, 5 cases violation of gun handling rules. 4 cases were due to negligent attitude to service, and 1 case was unknown (Figure 4).

The majority, 82 fatalities (almost 35 % of total cases), were due to violations of the ceasefire regime. In 2014 and 2015, the number of death cases increased compared to 2013 (Table 2). 26 out of the 46 (2014) and 19 out of 26 (2015) recorded death cases were caused by violations of the ceasefire regime. Statistics about the death cases in the armed forces of the RA in 2010 – 2015 are shown in Table 3.

Table 3: Reasons/consequences of death cases in the armed forces of the RA in 2010-2015, according to research conducted by HCAV

VCS = Violation of a ceasefire regime;

SFS = Suicides or forced suicide;

Acc = Accidents;

VSS = Violations of subordinate (statutory) relations;

HeR = Health reasons;

VSR = Violation of security rules;

UnC = Unknown conditions;

Mur = Murder;

NAS = Negligent attitude to service;

VGR = Violation of gun handling rules.

Year	VCS	SFS	Acc	VSS	HeR	VSR	UnC	Mur	NAS	VGR	Total
2010	9	1	2	24	5	3	0	0	0	0	44
2011	11	9	6	5	2	3	1	1	1	0	39
2012	12	11	15	3	6	1	0	1	0	0	49
2013	5	8	7	2	4	1	0	1	0	3	31
2014	26	3	6	0	3	0	0	4	3	1	46
2015 (January - March)	19	2	1	0	1	0	0	2	0	1	26
Total	82	34	37	34	21	8	1	9	4	5	235

Notable is that almost half (114 or 49 %) of the cases took place in NK, and not in the territory of RA proper (Table 4). The RA Military Prosecutor's office, the Military Police, the RA of Defence Investigation Service, and the Syunik (RA) First Regional Court function in NK. This creates a legal contradiction, because Armenia has the rights to administrative justice in another de-facto state - which it does not recognise as such, however. These institutions have the rights to arrest, indict and judge soldiers on the soil of NK.

Table 4: Numbers of fatalities in the armed forces in the RA and NK, according to research conducted by HCAV

<i>Year</i>	<i>The Republic of Armenia</i>	<i>The Republic of Nagorny Karabakh</i>	<i>Total</i>
2010	25	19	44
2011	23	16	39
2012	27	20	47 ¹⁴²
2013	22	9	31
2014	14	32	46
2015	7	19	26
Total	118	114	233

Fatalities in the army from accidents (almost 16 %), violations of subordinate (statutory) relations (14 %) and to some extent from health-related issues (9 %) are not necessarily uncommon in armies. Also, fatalities in relation to the ceasefire violations are not surprising in the contact zone between two countries in conflict. Notable are, however, the 34 fatalities (14 %) related to causing somebody to commit suicide (forced suicide) or making an attempt at a suicide by indirect wilfulness or by negligence. In comparison, 9 cases were due to direct murder. This reflects the mentality in the army and of its commanders. This mentality is the result of the complex situation the army was created in and the function it has today.

“Most of the official explanations of the murders in the army are based on the version of suicide or forced suicide. Meanwhile, it’s even worse, because the army is formed by healthy young men, but it turns out that they were driven to suicide there. Only a few people believe in this version, as all these cases in the army, as well as the investigation

¹⁴²The venue of one death case is not indicated and one case happened on the way to the military unit.

of these incidents, indicate that everything is done to conceal the crimes,” Siranush Yesayan of the public initiative “We Will Not Be Silent”, affirms.¹⁴³

According to the Peace Dialogue NGO, preliminary investigations are at times carried out based on fake “evidence” and lead to conclusions that do not correspond to the actual course of events. Commanders of different ranks reportedly attempt to augment their income at the expense of the private soldiers. High ranking officers have confessed in public speeches that unit commanders often concealed some small and medium crimes, to create an illusion that there is high level of discipline in their unit. Such actions promote an atmosphere of impunity in the units and result in heavier crimes.¹⁴⁴

The situation is exacerbated by a lack of transparency in the handling of death cases and by the absence of any proper legal support for the soldiers’ relatives. The Armenian government has not implemented a Military Ombudsman, because the defence sector would need to become more transparent and accountable for its courses of action. For this level of transparency the Armenian Defence Minister and the government are not ready yet. The Public Council, which should connect civil society and army, is not independent body from the MoD. First, the head of Public Council Gegham Harutyunyan¹⁴⁵ is, at the same time, the advisor to the Minister of Defence, and second, the Public Council gets financial support of the MoD of RA, it means that they are dependent of the Ministry.

At the end of 2014, Peace Dialogue NGO filed a lawsuit in order to obtain information from the MoD in Armenia on death cases in the army. The Administrative Court of the RA allowed the lawsuit to proceed. If successful, the MoD would have to provide information including: the full names of the deceased soldiers, the location of the incident, the date, unit number, unit commander’s full name and title, the cause of death, and all other publicly available information. The lawsuit also calls for administrative penalties against Defence Minister Seyran Ohanyan for ignoring the relevant inquiries in regards to providing this information as it is required by Armenian law. The outcome

¹⁴³Vestnikkavkaza.net, ‘Systematic approach is necessary to solve the problems in Armenian army’, 23 November 2014, available at: <http://vestnikkavkaza.net/analysis/politics/62475.html> (consulted on 20 May 2015).

¹⁴⁴R. Martirosyan, L. Aslikyan, ‘Analysis of the Violations Revealed During the Observation of the Preliminary Investigation and Judicial Processes Regarding Non-Combat Fatalities in the RA Armed Forces’, Peace Dialogue NGO, Vanadzor, 2013, pp. 5-9.

¹⁴⁵Razm.info, ‘The Minister of Defense Seyran Ohanyan met with the members of the Public Council’, Armenian, 17 September 2014, available at: <http://razm.info/53531#more-53531> (consulted on 29 May 2015).

of the lawsuit is still pending as of 3 August 2015. Recently two state institutions, the MoD and the General Prosecutor's office, refused to provide related information to other civil society groups on this issue. They justified their refusal by explaining that the required information is classified, not to be published and can only be viewed with restricted access.¹⁴⁶ In summary, the armed forces of the RA are a closed institution and there is an almost impenetrable barrier between the civil society and the military. Without an independent monitoring body, it is difficult to obtain a full picture about the situation in the army.

The following case studies shall illustrate the lack of human rights protection in the army and the atmosphere of impunity that has led to a poor human rights situation in the military forces.

3.5 Death Cases in the Army - Case Studies

i) Due to Violation of Ceasefire Regime

In January 2015, a series of ceasefire violation occurred, resulting in several fatalities on both side of the Line of Contact. As Armenians celebrated the New Year holiday and prepared for the Holy Nativity, news came from the MoD that hostile actions were carried out by Azerbaijani armed forces on the Line of Contact with the NKR DA on 2 and 3 January 2015, resulting in the deaths of two Armenian servicemen, K. G. and V. M. One other soldier, V. H., was wounded while repelling the aggression. The NK military later reported another dead soldier.

The Ministry of Foreign Affairs of the RA announced that with this provocation, Baku continues to implement Azerbaijani authorities' threats to use force, even in the time of New Year. The ministry further called the incidents a flagrant disregard for appeals made by the OSCE Minsk Group Co-Chair Countries to refrain from provocative

¹⁴⁶Peace Dialogue NGO, 'We have a Right to Know the Truth about the Death of Our Children', 3 May 2015, available at: http://www.peacedialogue.am/english/activity_more.php?SID=2&AID=708&TopicId=7&Language=Eng (consulted on 20 May 2015).

actions and escalation of the situation, especially on the eve of and during religious holidays.¹⁴⁷

According to the Azerbaijani website News.az, on 5 January 2015 the armed forces of the RA reportedly fired intensively at Azerbaijani positions: “Armenian armed forces’ continuous firing at civilians and villages urges the Azerbaijani side to take adequate and drastic measures by using its all military capabilities. [...] The Azerbaijani armed forces are fully ready to liberate its occupied territories, and we are confident that we will win the truth war,” the MoD of the Republic of Azerbaijan stated.¹⁴⁸

According to the NKR DA, in the period between 4 and 10 January 2015, Azerbaijani forces violated the ceasefire about 2 500 times. Using weapons of different calibre, including mortars and grenade cup dischargers, they fired more than 25 000 shots.¹⁴⁹ Similar information can be found in Azerbaijani websites. For example, News.az, on 13 January 2015, published an article about the violation of the ceasefire. “Armenian armed forces violated ceasefire 75 times in various directions of the frontline by heavy machine guns, mortars and grenade launchers within a day”, said the MoD of the Republic of Azerbaijan.¹⁵⁰ In the both cases, the end of the articles contained almost the identical sentence: “The enemy was silenced by retaliation fire.”

“The current tension on the Armenian-Azerbaijani border is a result of the incompetent, poor and weak-willed foreign policy of the Armenian authorities.” says Arthur Sakunts, Chairman of the HCAV, in an interview to Lragir.am,¹⁵¹ further stating that such incidents are an inevitable consequence of Armenia’s isolation from the international community.

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has specifically addressed the issue of accountability for violations of the right to life in armed conflict and occupation. The state’s obligation is to “effectively investigate

¹⁴⁷Ministry of Foreign Affairs of the RA, ‘MFA Statement’, 3 January 2015, available at: http://www.mfa.am/en/interviews/item/2015/01/03/MFA_statem/ (consulted on 27 May 2015).

¹⁴⁸News.az, ‘Defence Ministry threatens Armenia with war’, 5 January 2015, available at: <http://news.az/articles/karabakh/94714> (consulted on 27 May 2015).

¹⁴⁹Armenianow.com, ‘Karabakh: New Year brings more truce violations in conflict zone’, 12 January 2015, available at: http://armenianow.com/karabakh/59679/armenia_border_situation_karabakh_azerbaijan (consulted on 31 May 2015).

¹⁵⁰News.az website, ‘Armenians use heavy machine guns in firing at Azerbaijani posts’, 13 January 2015, available at: <http://news.az/articles/karabakh/94913> (consulted on 31 May 2015).

¹⁵¹Lragir.am, ‘EEU untied Azerbaijan’s hands: attacks will continue’, 7 January 2015, Armenian, available at: <http://www.lragir.am/index/arm/0/country/view/108757> (consulted on 27 May 2015).

suspected violations, using impartial and independent procedures, and to prosecute and punish violations.”¹⁵²

Armenia as a state has the obligation to protect the right to life and must take appropriate action to protect human beings under the jurisdiction against killing by other non-state actors. The Investigation Service of the MoD of the RA is responsible for investigating the death cases in the armed forces, including those due to violations of the ceasefire regime. The majority of the criminal cases due to violation of ceasefire regime were instigated under the RA Criminal Code on murder out of motives of ethnic, racial or religious hatred or fanaticism.¹⁵³ Due to the frozen conflict those cases remain unsolved.

ii) Murder due to Breach of Statutory Relations

On 15 May 2013 a tragic incident occurred in one of the military units located in the territory of Noyemberyan, RA. One of the soldiers opened fire in the smoking area of the military unit, fatally wounding soldier L. S. (born in 1994). Soldier H. S. (born in 1994) was also shot, and transported to Noyemberyan medical center with a gunshot injury in the head. As a result, H. S. lost his memory. A criminal case under the RA Criminal Code on murder committed in a dangerous manner for the lives of many people was lodged in the RA MoD Investigation Service. As a consequence, the soldier D.K. was suspected of the crime, and arrested. According to the available data, D.K. allegedly shot L.S. after a dispute.¹⁵⁴

According to Armenian website Iravaban.net, Y. Sargsyan, advocate of D. K., appealed to the court. Y. Sargsyan informed the court that there were several justifications for the appeals, such as violation of the presumption of innocence, violation of fair trial and the fact that courts were not sufficiently independent. Moreover, the second victim H. S. regained his memory and claimed to remember details from the incident. Yet the Criminal Court of Appeals did not question H. S. and hence potentially overlooked

¹⁵² L., Doswald-Beck, ‘The right to life in armed conflict: does international humanitarian law provide all the answers?’ International Review of the Red Cross, Volume 88, Number 844, December 2006, available at: https://www.icrc.org/eng/assets/files/other/irrc_864_doswald-beck.pdf (consulted on 17 June 2015), p. 888.

¹⁵³ National Assembly of the Republic of Armenia, ‘Criminal Code of the Republic of Armenia’, 18 April 2003, Article 104(2)(13), available at: <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng> (consulted on 17 June 2015).

¹⁵⁴ Helsinki Citizens’ Assembly Vanadzor, ‘Report on Death Cases in the Armed Forces During 2013’, Vanadzor, 2014, p. 36, available at <http://hcav.am/en/publications/report-on-death-cases-in-the-armed-forces-during-2013/> (consulted on 27 May 2015).

evidence. Based on this, the defence asked the Court of Appeals to overturn the judicial act against D. K..¹⁵⁵ Nevertheless, in June 2014, D. K. was sentenced to 17 years in prison for the murder of fellow soldier L. S..¹⁵⁶

According to the report of Peace Dialogue NGO, the investigation bodies and courts often close their eyes to crucial facts present in the witness' testimonies or important witnesses are not questioned, as it evident in this case.

iii) Suicide or Driving to Commit Suicide

According to Policy Forum Armenia,¹⁵⁷ Lieutenant A. N., commander of the base in the Tavush region on the border with Azerbaijan, was found dead on 27 July 2010, with a bullet shot through his mouth. Although the medical examiner found indications of other life-threatening injuries inflicted on L. N.'s body hours prior to his death, the official verdict was suicide. The five fellow soldiers of A. N., were found guilty for driving A. N to commit suicide. The soldiers initially confessed, but later denied their guilt and two of them claimed that they were tortured and forced to confess. The court sentenced four defendants to imprisonment terms of three to ten years, and one defendant was released under amnesty.¹⁵⁸

According to Peace Dialogue NGO, investigators often extort false testimonies from the witnesses, mostly in two ways; the investigator writes down the testimonial and then orders the witness to attest that he is aware of what is written in the testimonial, testify that everything written there is true, and to sign it without any possibility to read the document properly. In some cases the investigator, falsifying the witness's handwriting, writes and signs a new document and attached it to the case. The witnesses who refuse

¹⁵⁵ Iravaban.net, 'Davit Khachatryan did not have any Intention on Killing Lyuks Stepanyan. Defender Appealed to the Court', 25 November 2014, available at: <http://iravaban.net/en/71279.html> (consulted on 27 May 2015).

¹⁵⁶ Epress.am, 'Armenian Soldier Sentenced to 17 Years in Prison for Murder of Fellow Soldier', 7 April 2014, available at: <http://www.epress.am/en/2014/07/04/armenian-soldier-sentenced-to-17-years-in-prison-for-murder-of-fellow-soldier.html> (consulted on 27 May 2015).

¹⁵⁷ Policy Forum Armenia, 'PFA issues a statement following the death of Lt. Artak Nazaryan', 3 August 2010, available at: <http://www.pf-armenia.org/press-release/pfa-issues-statement-following-death-lt-artak-nazaryan> (consulted on 27 May 2015).

¹⁵⁸ G. Mkrtchyan, 'Nazaryan Case verdict: Several soldiers sentenced to jail terms over high-profile army death', Armenianow.com, 8 May 2015, available at: http://www.armenianow.com/society/human_rights/45959/armenia_soldier_nazaryan_case_verdict (consulted on 27 May 2015).

to accept this procedure are tortured and then are forced to confess to the alleged crime.¹⁵⁹

“There is no justice in Armenia. It is embedded thousands of kilometers deep beneath the earth’s surface, under a thick magma layer. A devastating earthquake can only push the justice out. There is no justice, but there are Ministries and Ministers of Justice. There is a need for adjustments regarding the aforementioned terms and rename them as Ministers and Ministry of Injustice. There are no courts; instead, we have buildings, where people, dressed in Judge’s robe, do their utmost to exempt the real murderers not only from life sentence but also from 15-20 years of confinement. There is no supremacy of law, but there are various Codes” - Statement of Murdered Lieutenant A.N.’s Mother.¹⁶⁰

3.6 The Public Response to Death Cases in the Army

For a long time the death cases in the armed forces of the RA occurred without much public attention. HCAV, for example, was one of the very few groups in Armenia working on this issue. The organisation has a consultation office, where lawyers give help and legal advice to relatives of deceased soldiers. Until 2011, reports to HCAV were infrequent, also due to a fear of consequences. A particular case in 2011, when a soldier died in service, started to change this. Images of his body appeared on social media website, showing clear and graphic evidence of torture. This incident led to a public uproar, demonstrations and strong criticism by human rights activists. As a result of this incident, relatives of the deceased soldier and human rights activists created the “Army in Reality” civic initiative, demanding reforms of the army to improve the conditions conscripts serve in. Since that time, campaigners gather every Thursday – the day of Parliament’s meetings - outside the government building, often in the hundreds, to the great discomfort of defence officials.

Peace Dialogue NGO has launched a video campaign called “We Have a Right to Know the Truth!” The video campaign will consist of series 30-second video-interviews with

¹⁵⁹R. Martirosyan, L. Aslikyan, "Analysis of the Violations Revealed During the Observation of the Preliminary Investigation and Judicial Processes Regarding Non-Combat Fatalities in the RA Armed Forces", Vanadzor, 2013, pp. 42-44.

¹⁶⁰Helsinki Citizens’ Assembly Vanadzor, ‘Statement of Murdered Lieutenant Artak Nazaryan’s Mother’, 30 January 2010, available at: <http://hcav.am/en/events/statement-of-murdered-lieutenant-artak-nazaryan%E2%80%99s-mother/> (consulted on 27 May 2015).

members of the families of soldiers who died in the army in non-combat conditions. The aim of the campaign is increasing public accessibility to information regarding the fatal casualties in the army.¹⁶¹

Fatalities in the armed forces in non-combat situations are a sensitive topic for Armenian authorities, particularly when mixed with emotional reactions by parents, as the case following case illustrates:

The father of the deceased soldier L. S. (Section 3.5(ii)) was not satisfied with the outcome of the case and handling of the incident by the legal authorities. To voice his anger, he decided to take his son's body to Yerevan to hold a protest action in front of the government building. The father stated that he wanted to reveal the truth behind his son's murder. The RA Police and the special units of the armed forces reacted with a blockage of the road and tried to stop the relatives of the deceased soldier to continue their way to Yerevan. Despite the blockage, the relatives attempted to continue their way to Yerevan, and a brawl with the police resulted. In order to break through the barricade of police and military vehicles, the relatives damaged these vehicles. They eventually succeeded in breaking through the barricade and continued to Yerevan. It is also reported that new military and traffic police cars were sent to prevent the relatives from reaching Yerevan.¹⁶²

On 13 May 2015 parents of soldiers who had died in non-combat situations gathered in front of the residence of the President of RA, to protest and demand a meeting with President Serzh Sargsyan. According to the Armenian website Epress.am, a group of police officers used violence to pull the parents away from the gates and formed a barricade between the parents and the residence, and then forcibly moved the parents across the street.¹⁶³

Following this incident, around 100 protesters gathered several days later near the Presidential residence to protest against the violence used by police officers against the

¹⁶¹Peace Dialogue NGO, 'We have a Right to Know the Truth about the Death of Our Children', 03 May 2015, available at: http://www.peacedialogue.am/english/activity_more.php?SID=2&AID=708&TopicId=7&Language=Eng (consulted on 20 May 2015).

¹⁶² Helsinki Citizens' Assembly Vanadzor, 'Report on Death Cases in the Armed Forces during 2013', Vanadzor, 2014, pp. 30-36.

¹⁶³Epress.am, 'Mothers of Dead Soldiers Attacked and Provoked by Armenian Police', 13 May 2015, available at: <http://www.epress.am/en/2015/05/13/mothers-of-dead-soldiers-attacked-and-provoked-by-armenian-police-video.html> (consulted on 20 May 2015).

parents on 13 May. The demonstrators held signs reading “Every soldier is my son”, “We demand a just investigation into the murders”, “Soldiers should be protected”, and “The Army is a meat grinder.” The participants urged the Special Investigation Service of Armenia to institute legal proceedings against the police officers who used force, and called on the RA Police to issue a public apology to the victims.¹⁶⁴ So far, there have been no legal proceeding against the police officers.

3.7 Conclusion

Constitution, laws, norms as well as the Action Plan set a legal framework for monitoring and protecting human rights of soldiers serving in RA and NK. In reality, however, few of the rules, structures and regulations work as they should, due to widespread corruption in society and army. As a consequence, a system of unwritten rules on the one hand and lawlessness on the other exists between soldiers and commanders. Above mentioned institutions also encourage this phenomenon. These bodies cooperate closely and supplement each other and conceal the crimes. For example, intentional homicides are presented as suicides, involuntary murders, or murders by negligence. As a result, the murders are not revealed because the crime scene, the causes of death, or the tools are being falsified.

A lack of working mechanisms of human rights protection and an atmosphere of impunity have led to a poor human rights situation in the military forces. The soldiers’ low level of awareness about law and the incompetence of the officers also strengthen negative occurrences. The lack of a state-sponsored approach in introducing a culture of respect towards human rights deliberately promotes a lack of rule of law among the soldiers.

Most of the problems in the army are also a direct reflection of the society's problems. Problematic conditions of service, including human relations, in the army go hand in hand with Armenia’s economical problems and high unemployment rate. Corruption is present in all spheres of society and the army is one of the branches of a country-wide

¹⁶⁴Epress.am, “‘Army Is a Meat Grinder’: Citizens Show Solidarity with Parents Protesting Non-Combat Army Deaths’, 20 May 2015, available at: <http://www.epress.am/en/2015/05/20/%E2%80%9Cthe-army-is-a-meat-grinder%E2%80%9D-citizens-show-solidarity-with-parents-protesting-non-combat-army-deaths-photo-video.html> (consulted on 20 May 2015).

system of corruption. Reducing corruption in the governmental structures and society would be a prerequisite for effectively tackling the crime problem in the armed forces.

In case of deaths resulting from the use of force, the right to life demands that state authorities investigate the case and require to “ensure respect”.¹⁶⁵ Armenia should adopt measures to protect the right to life and the investigation and its results should secure accountability in practice and in theory.

Without an independent monitoring body, it is difficult to have a full picture of the extent of the human rights problems in the army. Therefore, Armenia needs to have an independent and professional monitoring body for the army. The monitoring body should be able to have free access to any military post anytime of the day and be able to address every issue without fear of consequences.

The campaign “We Have a Right to Know the Truth!” and other civil initiatives can help to form public demand for more transparency and proper investigations into human rights violations in the army. Documents, regulations and norms like the Action Plan are an initiative for the promotion and protection of human rights, but they only have a chance to work if the corruption in society and army are addressed.

The relation between civil society and the authorities is complicated. There is little trust between the two. NGOs and activists are very critical and express mostly negative aspects about the Armenian authorities. The authorities on the other hand react, criticising the NGOs behaviour and calling them “foreign agents.” Not taking NGOs recommendations into consideration is often the consequence.

Public actions are initiated by the relatives of the death soldiers and therefore emotional. Until they are affected personally, few people will protest in public, also fearing consequences. Families also tend to remain silent when another family member is in the army or is affiliated with an army member (Figure 5).

In Armenia, NGOs and activists tend to refer to the armed forces of the RA a “closed institution” – so did I in Section 3.4. That is true for the legal frameworks, military

¹⁶⁵L., Doswald-Beck, International Review of the Red Cross, ‘The right to life in armed conflict: does international humanitarian law provide all the answers?’ Volume 88, Number 844, December 2006, p. 887, available at: https://www.icrc.org/eng/assets/files/other/irrc_864_doswald-beck.pdf (consulted on 17 June 2015).

secrets and juridical handlings, but not so much for the conditions and human rights violations themselves. Almost every family has or had a son serving in the army, and the situation should be fairly evident for most of the soldiers. Here, again, the soldiers' low level of awareness about law and human rights or a fear of consequences are making the armed forces more closed than they would need to be.

Despite the fact that Armenia is party to the Human Rights Conventions and Protocols, awareness of International Human Rights Instruments and country's obligations is very low among the respective national institutions, including the judicial and law enforcement sectors.¹⁶⁶



Figure 5: S.G. was found hanged while serving in the armed forces of the RA in 2007. The circumstances about his fate remain unclear until today, and his embittered family only slowly begin to speak. Photo by Peter Schön

¹⁶⁶ United Nations High Commissioner for Refugees, 'United Nations Armenia Country Team Report prepared in accordance with paragraph 15(B) of resolution 5/1 of the Human Rights Council For the Second Universal Periodic Review of the Republic of Armenia', available at: <http://www.refworld.org/pdfid/54c0f8634.pdf> (consulted on 14 July 2015).

4. Refugees in Armenia

4.1 Background

In 1989, the total population of Azerbaijan was 7 019 739. Azerbaijanis comprised 5 800 994 and the Armenians 390 495 people.¹⁶⁷ Between 1988 and 1994, 360 000 ethnic Armenian refugees fled to Armenia from Azerbaijan (including from what is now NK) after violent anti-Armenian pogroms. In the same period, an estimated 750 000 to 800 000 Azerbaijani living in NK were displaced and made refugees as a result of violations of the rules of war by the Karabakh Armenians.¹⁶⁸ The Armenian government had great problems providing adequate shelters or humanitarian assistance in general. The majority of refugees, 81 %, came from large cities in Azerbaijan (Baku, Ganja, and Sumgait) and 16 % from medium or small towns. Only 3 % came from rural areas. Those from Baku were rather well-educated, and had held key-technical or management positions in the oil industry or had worked in the educational system. In contrast, refugees from the other rural areas were in comparison, less educated, and had worked in the agricultural sector. A large share of the urban-oriented refugees ended up living in rural Armenia. There it was difficult to find work, and the rural life differs substantially from what they were used to.¹⁶⁹ In some cases entire villages “swapped” inhabitants – an example is Nor-Khatchakap (“new” Khatchakap). The village comprises largely Armenian refugees from the village Khatchakap in Azerbaijan.¹⁷⁰

The arrival of the refugees coincided with the political and economical collapse of the Soviet Union. In the light of the difficult economic situation in Armenia, the refugees met inexplicable hard conditions. The government was not able to provide adequate standard of living to the more than 360 000 persons. From 1988 to 1992, the general social-economic situation in Armenia was poor, and then gradually improved until spring 1995. The impact of the earthquake in December 1988 was substantial. The north of the country was particularly hit. 25 000 persons died, 530 000 persons became

¹⁶⁷ Resource Information Center, ‘Azerbaijan: The Status of Armenians, Russians, Jews and other Minorities’, Washington, D.C., 13 June 1993, p. 8, available at: <http://www1.umn.edu/humanrts/ins/azerba93.pdf> (consulted on 2 July 2015).

¹⁶⁸ Human Rights Watch/Helsinki, ‘Azerbaijan, Seven Years of Conflict’, 1994, p. 99.

¹⁶⁹ G., Groenewold, J., Schoorl, Netherlands Interdisciplinary Demographic Institute, ‘The Living Conditions of Refugees in Armenia: Millennium Development Indicators and Coping Behaviour’, The Hague, 23 November 2006, p. 4.

¹⁷⁰ P. Schön, email, 03 August, 2015.

homeless, and 120 000 persons were evacuated. As a result of the earthquake, 170 industrial enterprises, 300 units of agricultural complexes, 522 schools and pre-school institutions, hundreds of communal units, 250 health care units were totally or partially ruined. The provisions with water, gas and energy, communication and transportation system were completely cut off.¹⁷¹ The disaster affected 40 % of Armenia' territory and caused 100 000 casualties. Another 500 000 people were left homeless.¹⁷² The government of Armenia faced two challenges: providing shelter and provisions for both a massive influx of refugees from the war, and the internally displaced people (IDP) fleeing from the destroyed earthquake zones.

Many socio-economic problems of refugees have not been solved until today. Examples are the lack of adequate housing for most refugees deported from Azerbaijan in the period of 1988 – 1992. Substantial numbers of refugees are living in inadequate housing (Appendix 1), lack employment opportunities, are not fully integrated into society and are consequently still in a vulnerable position.

4.2 Legal Norms

The Universal Declaration of Human Rights recognises the right of persons to seek asylum from persecution in other countries.¹⁷³ Armenia became independent in 1991. The laws of newly-independent country were based on the Soviet Constitution until the RA adopted its own Constitution in 1995. Initially, the country lacked a legal field addressing the rights of refugees. After the final collapse of the Soviet Union the UNHCR started its activities in a number of newly independent countries. The RA ratified the 1951 Refugee Convention and its 1967 Protocol in 1993, and it is also part of a number of other human rights instruments relevant to refugees, among others: the International Covenant on Civil and Political Rights, Optional Protocol to the International Covenant on Civil and Political Rights, International Convention on the Elimination of all Forms of Racial Discrimination, and the Convention on the Rights of the Child. Armenia ratified these human rights treaties in 1992 – 1993.

¹⁷¹ CRINGO, Condition of refugees in Armenia, Yerevan, 2007, pp. 6-12.

¹⁷² G., Groenewold, J., Schoorl, Netherlands Interdisciplinary Demographic Institute, The Living Conditions of Refugees in Armenia: Millennium Development Indicators and Coping Behaviour, The Hague, 23 November 2006, p. 4.

¹⁷³ The Universal Declaration of Human Rights, Article 14.

A reference to asylum institutions is made in the Constitution of the RA, which defines the scope of the Armenian President. For instance, the Constitution states that the President: "...shall, by the procedure defined by law, resolve issues related to granting citizenship of the Republic of Armenia and political asylum."¹⁷⁴

Basic human rights and freedoms are defined in the 2nd Chapter of the RA Constitution. All laws are based on the Constitution and correspond to all its requirements. Until 2008, two laws regulated asylum in Armenia: the RA Law on Refugees¹⁷⁵ (passed in 1999), and the RA Law on Political Asylum (passed in 2001). The RA Law on Refugees was passed in 1999, amended three times, and finally changed to the RA Law on Refugees and Asylum in 2008.

According to the legislation, a refugee who has obtained Armenian citizenship (and given up its Azerbaijani nationality) has the same economic, social and cultural rights as citizens of Armenia. The RA Law on Refugees and Asylum regulates i) the recognition of refugees and of granting asylum in the RA, ii) ensures the implementation of the 1951 Convention Relating to the Status of Refugees as well as its 1967 Protocol, iii) recognises the rights of all foreign citizens and stateless persons to seek asylum inside the territory of the RA and its state border crossings, and finally iv) ensures the right to obtain asylum in the RA, if they fulfil the necessary legal requirements. The RA Law on Refugees and Asylum states that persons forcibly displaced from the Republic of Azerbaijan to the RA in 1988 – 1992, as well as those who were granted temporary asylum in the RA, are recognised as refugees and granted asylum in the RA.¹⁷⁶

The RA Law on Political Asylum¹⁷⁷, in contrast, provides that political asylum can be granted by the President. In addition to this core legal framework, there is the RA Law on Foreigners, adopted in 2006. The RA Law on Foreigners provides that refugees can work in the territory of the RA without work permit. Under the Law, the term

¹⁷⁴ Constitution of the RA, Article 55(15).

¹⁷⁵ National Assembly of the Republic of Armenia, 'The RA Law on Refugees' The law is deprecated.

¹⁷⁶ National Assembly of the Republic of Armenia, 'The RA Law on Refugees and Asylum', 27 November 2008, Article 1 and 64, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&ID=3422> (consulted on 8 February 2015).

¹⁷⁷ National Assembly of the Republic of Armenia, 'The RA Law on Political Asylum', 26 September 2001, available at: <http://www.parliament.am/legislation.php?sel=show&ID=1282&lang=eng> (consulted on 14 July 2015).

“foreigner” includes persons who are not citizens of the RA and who hold the citizenship of another state.¹⁷⁸

The Migration Agency of the Ministry of Territorial Administration and Emergency Situations is the main responsible body for the asylum system in Armenia. The agency is responsible for addressing the problems of refugees, asylum seekers and internally displaced persons.

The rights of refugees, asylum seekers and stateless persons are included in the Action Plan (Chapter 3, Section 3). According to the Action Plan, Armenian authorities should take necessary measures for i) harmonisation of the national legislation, related to the rights of asylum seekers and refugees, with international standards, ii) create conditions for fully integration of the refugees, iii) provide information to asylum seekers about their rights and obligations, iv) implement an information campaign about the rights of Armenian refugees deported from Azerbaijan.¹⁷⁹

4.3 Housing and Living Conditions

The UN Convention relating to the Status of Refugees states that contracting states “...shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.”¹⁸⁰ From 1988 to about 1996, the major, overwhelming problem for the government of RA was to provide the refugees with basic living conditions. Besides the provision with housing, it was necessary to take care of basic provisions, clothing and heating of the apartments.

The government of RA was unable to deal with the situation resulting from both the earthquake and the conflict and therefore had to accept the active participation of national, international organisations and NGOs. The UNHCR, NRC, Mission Armenian and other organisations had their contributions in providing shelter and housing for the refugees.

¹⁷⁸ National Assembly of the Republic of Armenia, ‘The RA Law of on Foreigners’, Armenian, 25 December 2006, Articles 2 (1) and 23 (j), available at: <http://www.parliament.am/legislation.php?sel=show&ID=2861> (consulted on 1 June 2015).

¹⁷⁹ Council of Europe, ‘For Approval of the Plan of Actions for the National Strategy on Human Rights Protection’, March 2014, Yerevan, pp. 30-33.

¹⁸⁰ United Nations High Commissioner for Refugee, The UN Convention relating to the Status of Refugees, 1951, Article 21, available at: <http://www.unhcr.org/3b66c2aa10.html> (consulted on 7 June 2015).

The Representation of the UNHCR began to work in the RA in December 1992 following a request from the government of RA to assist with the problems related to the influx of refugees. Providing vital assistance to the refugees was the main focus of UNHCR in the first years of its operation. Later, projects started to target the social integration of refugees through self-sufficiency and self-reliance projects. The work areas include housing and infrastructure, health-care and education, legal aid and counselling, and livelihood. Between 1994 and 2010, UNHCR spent USD 34 million for its operations in Armenia, and more than USD 20 million for shelter activities.¹⁸¹

The NRC is a non-governmental organisation that started its refugee-targeted projects in Armenia in 1995. The projects included primarily housing and school construction and rehabilitation, construction of drinking and irrigation water pipelines, as well as human rights education.¹⁸²

NRC phased out their work in Armenia in 2005 and closed it in 2007 “due to a strategic review of the needs of the displaced in the region.” In personal email correspondents, Petr Kostohryz¹⁸³, the former NRC Regional Director of the South Caucasus, gave a deeper insight into the NRCs decision. By the time the decision for phasing out was made, almost all refugees had been nationalised and become Armenian citizens. As such, they were not in need of international protection - which effectively also determines the engagement by the international community.

Mission Armenia NGO operates since over 20 years. The NGO is providing psycho-social, care, household, primary health, nutrition service and vocational training, and is a mission implementer (MI) for UNHCR.¹⁸⁴ (Figure 6) Today, Mission Armenia has founded about 50 infrastructures, which provide a comprehensive set of community-based services to over 8 000 beneficiaries in 22 cities and towns in 8 regions in the RA.¹⁸⁵

¹⁸¹ United Nation in Armenia, United Nations High Commissioner for Refugees, January 2015, available at: <http://www.un.am/en/agency/UNHCR#sthash.9u9noA2j.dpuf> (consulted on 9 February 2015).

¹⁸² Human Rights in Armenia, ‘Norwegian Refugee Council – Yerevan’, Press Release, 28 March 2003, available at: http://www.hra.am/en/events/2003/03/28/norwegian_refugee_council_yerevan_press_release#sthash.eAAFUaO2.dpuf (consulted on 23 June 2015).

¹⁸³ P. Kostohryz, email, 1 August 2015.

¹⁸⁴ United Nations High Commissioner for Refugees, ‘Feature: Ethnic Armenian refugees face challenge of integration’, 7 May 2013, available at: <http://www.unhcr.org/3eb93e184.html> (consulted on 19 July 2015).

¹⁸⁵ Mission Armenia, ‘Background’, available at: <http://www.mission.am/en/background/> (consulted on 10 February 2015).



Figure 6: Mkrtich, a social worker from Mission Armenia NGO, and Araksia (85), an Armenian refugee from Baku, in her room in a former prison near Yerevan. Armenia, 2012. Photo by Peter Schön (used with permission).

The problem of housing has remained the most serious problem related to refugees. Between 1994 and 2000 adequate, permanent housing was created for only about 3 000 refugee families, with financial support from UNHCR, Norway and Germany. During that period, 250 families were provided with apartments by means of the state budget. Though refugees were provided with apartments, it became evident that over time repairs and improvements of the living conditions were required, which has proven difficult for the financially weak refugees. At the end of 2000, 13 000 families (40 000 persons) had been not provided with apartments.¹⁸⁶ The government initiated a Housing Purchase Certificate project in 2003, which granted around 5 000 – 8 000 USD for a

¹⁸⁶ CRINGO, Condition of refugees in Armenia, Yerevan, 2007, p. 19.

family to obtain a moderate apartment or house in rural areas. This program ended in 2008, however.

In 2011, according to the data from the Migration Service of Armenia, more than 1 175 refugee families were still waiting for their apartments.¹⁸⁷ In 2015, more than 1 200 refugees¹⁸⁸ are still living under marginal conditions, in the same dilapidated communal centres as in the 1990s.

4.4 Integration of Refugees into Society

The key difference between displaced people in Armenia and the other Caucasus Republics of Azerbaijan and Georgia (where the number of displaced people is equal or even higher than in Armenia) is that people that arrived in Armenia were refugees with Azerbaijani passport, whereas in Georgia and Azerbaijan the problem was confined to IDPs, who were displaced within their own country borders. Most notable is the difference to Azerbaijan: the IDPs came from NK to Azerbaijan proper, holding Azerbaijani citizenship. The refugees fleeing from Azerbaijan to Armenia had Azerbaijani nationality. This sets the context for integration, or a lack thereof.

In 1995, Armenia passed a citizenship law with special provisions to make obtaining Armenian citizenship – naturalisation - easier for refugees from Azerbaijan. Initially only few refugees applied for citizenship (Figure 7). Until 1999, only 7 400 refugees naturalised. Reasons were lack of awareness of the rights and procedures involved with naturalization. After an information campaigns by the government of the RA and organisations, more refugees obtained Armenian citizenship – in 1999, 8 000 refugees were naturalised. In 2000, Soviet passports expired and 15 600 refugees obtained Armenian passports instead. By 2004, 65 0000 refugees had naturalised. Refugee status is connected with refugee assistance and benefits, and therefore many are still reluctant to naturalise. Refugee status also leads to a right for compensation for lost property in Azerbaijan in the event of a final peace agreement. Citizenship also means to compulsory military service for young men of draft age - refugees were made to serve

¹⁸⁷ Ministry of Territorial Administration of the Republic of Armenia, 'The results of the Migration Service in 2011 and the activities in 2012', Armenian, available at http://www.mta.gov.am/hy/news/item/2012/01/10/news_1128/ (consulted on 7 February 2015).

¹⁸⁸ A. Hayrapetyan, email, 14 July 2015.

in the armed forces of the RA, however (Chapter 3, Section 3). Some refugees also claim that naturalisation has not improved their living conditions.¹⁸⁹



Even with Armenian citizenship, the refugees still face difficulties. Their economic and social situation is poor, as it is for many native Armenians. The unemployment rate in Armenia is high (19.1 %)¹⁹⁰ and while it is hard for native Armenians to find work, it is almost impossible for naturalised refugees. The refugees often live in the outskirts of Yerevan or in remote villages, which makes it hard to integrate into the Armenian social network. Connections and social acceptance would be required almost everywhere to find work.

Figure 7: A former refugees' Armenian passport. Despite naturalisation, she still live in a communal center. Photo by Peter Schön (used with permission).

Additionally, there is a tendency for discrimination against refugees and ethnic bias in the Armenian society.¹⁹¹ The level of discrimination and bias is impossible to quantify. Furthermore, poor living conditions, low social acceptance and unemployment are a problem for many native Armenians as well, and the causes for these problems go beyond a simple refugee-non refugee point of view.

4.5 Protection of Children and Rights to Education

The right to education has a solid base in international human rights law. The UN Convention relating to the Status of Refugees states that “The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to

¹⁸⁹ United Nations High Commissioner for Refugees, ‘Some 65,000 refugees from Azerbaijan gain Armenian citizenship’, 6 February 2004, available at: <http://www.unhcr.org/40239bba4.html> (consulted on 2 June 2015).

¹⁹⁰ Trading Economics, ‘Armenia Unemployment Rate’, 2015, available at: <http://www.tradingeconomics.com/armenia/unemployment-rate> (consulted on 2 July 2015).

¹⁹¹ United Nations High Commissioner for Refugees, ‘Armenia: Analysis of Gaps in the Protection of Refugees and Asylum Seekers’, August 2008, available at: <http://www.unhcr.org/4b5574e69.pdf> (consulted on 29 February 2015), p. 14.

elementary education.”¹⁹² Armenia has ratified the UN Convention on the Rights of the Child that was followed by the adoption of the RA Law on Child’s Rights (1996). Countries that have ratified the Convention recognize the right of the child to education and should “make primary education compulsory and available free to all” and take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention.¹⁹³

The RA Laws on Education and on Refugees and Asylum are the main legal acts regulating refugees’ rights to education. According to the RA Law on Refugee and Asylum, asylum seekers and refugees shall have the right to basic general education equal to citizens of the RA.¹⁹⁴ It is worth noting here that the previous Law on Refugees, adopted in 1999, did not contain any provision related to refugees’ right to education.

The Armenian government adopted the Action Plan on Protection of the Rights of the Child for 2004 – 2015. The Action Plan covers issues related to improvement of legislation related to children and their families, health, social welfare, education, leisure and cultural life. The state bodies are responsible for the implementation.¹⁹⁵

The rights of the child and rights to education are included in the National Human Rights, too. According to the Action Plan, Armenian authorities should “raise awareness about all forms of violence at schools providing general education, pre-school institutions and child care centres, talk to children in order to reveal the possible cases of violence against them, including physical, psychological and sexual assaults within the family, as well as at the place of instruction and on the street.”¹⁹⁶

¹⁹² United Nations High Commissioner for Refugee, ‘The UN Convention relating to the Status of Refugees’, 1951, Article 22, available at: <http://www.unhcr.org/3b66c2aa10.html> (consulted on 7 June 2015).

¹⁹³ United Nations High Commissioner for Refugee, ‘The Convention on the Rights of the Child’, 2 September 1990, Article 22 and 28, available at: <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> (consulted on 5 June 2015).

¹⁹⁴ National Assembly of the Republic of Armenia, ‘The RA Law on Refugees and Asylum’, 27 November 2008, Article 25, Armenian, available at: <http://www.parliament.am/legislation.php?sel=show&ID=3422> (consulted on 8 February 2015).

¹⁹⁵ United Nations Children's Fund, ‘A World Fit for Children’, Report, 29 November 2007, p. 2, available at: http://www.unicef.org/worldfitforchildren/files/Armenia_WFFC5_Report.pdf (consulted on 5 June 2015).

¹⁹⁶ Council of Europe, ‘For Approval of the Plan of Actions for the National Strategy on Human Rights Protection’, March 2014, Yerevan, p. 21.

The ethnic Armenians refugees from Azerbaijan have from the beginning struggled to integrate into the educational system, primarily because they had only limited knowledge of the Armenian language. The educational system of the Soviet Union had Russian as primary teaching language, and the majority of the refugees speak only Russian.¹⁹⁷ Armenian is an Indo-European language with unique alphabet, and is difficult to learn. After RA's independence, the majority of the Russian schools were closed. In 1993 the RA Law on Language was passed and Armenian was recognized as the official language of RA. Consequently, many children of refugees received inadequate education.

For the younger generation, mostly those who have studied in Armenian educational institutions, the Armenian language has become equal to their native languages. They had the opportunity to communicate with local Armenians on a daily basis. This is not the case for the older generation. The elderly refugees still consider Russian as their native language and have difficulties with Armenian. The majority of the older generation are unemployed and are isolated from the Armenian society.

Education from 1st to 9th grade is obligatory for all children in Armenia. Refugee and asylum seeking children have access to free primary education, which is financed by the state. Education is free, but for most of the refugee families the costs of learning materials and textbooks are still problematic. Some of the schools are in temporary buildings and they are not adequate for a learning environment. The majority of refugee children cannot attend the individual classes and groups after school due to financial reasons. The children can only play in open playgrounds and yards near their own dwelling. The playgrounds and yards are free to access, but they are small and some of them lack interesting or enjoyable facilities for the children.

4.6 Refugees and the Army Service

The period of influx of refugees into the RA coincided with the conflict in NK and with the creation of the armed forces of the RA. The topic of service of refugees in the armed

¹⁹⁷ J.J.S. Weitenberg, Armenia/Armenien. In: U. Ammon, N. Dittmar, K.J. Mattheier, P. Trudgil (eds.), *Sociolinguistics: An International Handbook of the Science of Language and Society*, Berlin, p. 1900.

forces of the RA has been problematic from the beginning. In the early stage, the issue was mostly an ethical one, but after the RA Law on Refugees was adopted, it became a legislative concern.¹⁹⁸

During the NK conflict, the RA tried to recruit as many men as possible to support the efforts in the NK conflict. Men of draft age and capable for service were indiscriminately drafted, including ethnic Armenian refugees from Azerbaijan. These refugees had not obtained Armenian citizenship, and had their Azerbaijani citizenship. The refugees, for not having Armenian citizenship, did not have an obligation to serve in the armed forces of the RA.¹⁹⁹ Although there was no legal requirement for the refugees to serve, the young refugees signed statements of “voluntary” consent to army service, under the pressure of the authorities. The process was particularly aggressive in the period when the refugees had no legal status and absence of a Law on Refugees.

In the RA Law on Refugees (adopted 2008), the problem was addressed: “A refugee shall have the right to acquire RA citizenship and to serve in the army.”²⁰⁰ The law addressed the right to become a citizen and serve in the armed forces, but does not explicitly state an obligation to serve for people still having refugee status (holding Azerbaijani passports). The Law became a basis for changing the massive military conscription of refugees.²⁰¹ The Law is deprecated since 2008; the new law is the Law on “On Refugees and Asylum” and the law does not address military service regulations for refugees at all.

In summary, military conscription applies only to the citizens of the RA and is an obligation for Armenian citizens only. Refugees, on the other hand, do not have an obligation to serve in the armed forces of the RA. Drafting of refugees is a violation of the RA Law on Refugees.

¹⁹⁸ Armenian Refugees Supporting League, ‘Armenian Constitutional Right Protective Center, Monitoring of Implementation of Rights of Refugees in Relation to Military Conscription and Army Service in the Republic of Armenia’, Report, Yerevan, 2001, pp. 3-9.

¹⁹⁹ United Nations High Commissioner for Refugee, ‘International Protection Considerations Regarding Armenian Asylum-Seekers and Refugees’, Geneva, September 2003, p. 38.

²⁰⁰ National Assembly of the Republic of Armenia, ‘The RA Law on Refugee’, 1999, Armenian, Article 18.

²⁰¹ Armenian Refugees Supporting League, ‘Armenian Constitutional Right Protective Centre, Monitoring of Implementation of Rights of Refugees in Relation to Military Conscription and Army Service in the Republic of Armenia’, Report, Yerevan, 2001, p. 10.

4.7 Refugees' Rights to Return to their Former Lands

Armenia joined the Council of Europe (CoE) in 2001 and has signed and ratified the European Convention on Human Rights. Thus the citizens of Armenia received the right to initiate legal actions with the ECtHR. Until 2014, 1 022 cases relating to Armenia were pending before the Court.²⁰²

On 16 June 2015, the Grand Chamber of the ECtHR declared its judgements on the 'Chiragov v. Armenia'²⁰³ and 'Sargsyan v. Azerbaijan'²⁰⁴ cases. The two cases concerned the aftermath in the conflict, rather than with the conflict itself. Both cases were filed by civilians who had been displaced from their homes during the Nagorny Karabakh War. They claimed violations of protection of property, right to respect for private and family life, right to an effective remedy, and prohibition of discrimination.

In the 'Chiragov v. Armenia' case, six Azerbaijani Kurds stated that they used to live in Lachin. In 1992, as a result of the NK conflict, they had been forced to flee from Lachin to Baku. Since then they have been unable to return to their homes and properties. The second case is 'Sargsyan v. Azerbaijan'. M. Sarkisian was an ethnic Armenian from the village of Gulistan. Gulistan is in the Shahumyan district, which was formerly Armenian territory, but came under Azerbaijani control early in the conflict, and is now part of Azerbaijan. M. Sarkisian died in 2009, and his son continues the court case. The applicant alleged that his right to return to the village of Gulistan and access to his property have been denied.

The judgements found continuing violations of the protection of property and inability for displaced people to return to their former territories. Their judgements called Armenia as a party of war – something the UN Resolutions had failed to do - and hence include them into responsibility.

In the Chiragov case, the Court took note of the Armenians' claims that the district of Lachin was of military strategic importance during the war for delivering food, medicine and other supplies into NK, but at the same time that was not a justification

²⁰² European Union External Action, European Commission, Implementation of the European Neighbourhood Policy in Armenia Progress in 2014 and recommendations for actions, Brussels, 25 March 2015, SWD(2015) 63 final, p. 7, available at: http://eeas.europa.eu/enp/pdf/2015/armenia-enp-report-2015_en.pdf (consulted on 1 August 2015).

²⁰³ *Chiragov and others v. Armenia* (App no 13216/05) ECHR 16 June 2015.

²⁰⁴ *Sargsyan v. Azerbaijan* (App no 40167/06) ECHR 16 June 2015.

for interfering with the individual rights of residents in the area (Chiragov case, paragraph 197).

In the Chiragov case the six applicants claimed a total financial damage of approximately eight million euro, demanding compensation from the government of RA. The government of RA opposed all the applicants' claims. The ECtHR, taking into consideration the complex process of the conflict and the exceptional nature of the cases, found that the application of 'Just satisfaction' was not ready for decision and should accordingly be reserved and fixed during the further procedure. The Armenian government and the applicants should submit their written observations on the matter and notify the Court of any agreement that they may reach within 12 months.

The judgements are legally important and politically significant. The judgments of the ECtHR are the first that are related to the unresolved conflict of NK and the human right violations of the displaced people. Around a thousand similar cases are pending against both Armenia and Azerbaijan.²⁰⁵ They bear political significance, because the two states are called upon to establish property claims mechanisms. These mechanisms should be easily accessible, allowing the applicants and others in their situation to have their property rights restored and to obtain compensation.

The return of the refugees and displaced people are a part of the conflict resolution process. The Parliamentary Assembly adopted a resolution in 2005 (Chiragov case, paragraph 62), stating that displaced persons from the conflict area should "return to their homes safely and with dignity." The UN General Assembly adopted a resolution in 2008 (paragraph 68) and stated that the displaced people from the occupied territories of the Republic of Azerbaijan should return to their homes. The right of all internally displaced persons and refugees to return to their former places of residence is one of the elements contained in the "Basic Principles" of OSCE (Chapter 2, Section 3).

In the Court's view, however, due to the ceasefire violations on the Line of Contact and the hostile relationship between Armenia and Azerbaijan, it is not realistic for Azerbaijanis and for Armenians to return to these territories.

²⁰⁵ European Court of Human Rights, 'Country profile - Armenia', available at: http://www.echr.coe.int/Documents/CP_Armenia_ENG.pdf (consulted on 22 July 2015).

What is the impact of the judgments? Will these judgments have an influence on the solution of the Karabakh conflict? Will the displaced people be able to return? The Court clarified that both states should stand towards the settlement negotiations, and that the states should take the necessary measures in order to secure the property rights. It remains to be seen if these statements are initiating positive steps towards a solution. Even if so, it will take a long time until an acceptable solution for everyone – civilians included – is reached.

For both countries it will be challenging to fulfil the displaced people's rights to return to their former lands. The former houses were either destroyed during the conflict or became occupied by others, who were often displaced people as well. The other important issue is the lack of security, resulting from a high level of intolerance in the societies of both countries, the landmines (Chapter 5, Section 5), and daily violations of the ceasefire.

In 2010, the OSCE Minsk Group Co-Chairs conducted a Field Assessment Mission to the seven occupied territories of Azerbaijan surrounding NK. The aim of the mission was to assess the situation there, including humanitarian and other aspects. The Co-Chairs travelled throughout the occupied territories and saw the harsh conditions caused by the conflict. Towns and villages had been destroyed and were almost entirely in ruins. They estimated the overall population to be 14 000 persons, most of them ethnic Armenians, living in small settlements and in the towns of Lachin and Kelbajar. The living conditions and economic activities were poor. Many did not even possess identity documents.²⁰⁶ There is little reason to believe that this situation has changed in the last five years.

During the OSCE Minsk Group mission in 2010, the Co-Chairs were joined by two experts from the UNHCR. It was the first mission by the international community to the territories since 2005, and the first visit by UN personnel in 18 years.²⁰⁷ Since 1992 the

²⁰⁶ Organization for Security and Co-operation in Europe, 'Report of the OSCE Minsk Group Co-Chairs' Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh', 24 March 2011, available at: [http://www.osce.org/resources/documents?filters=im_taxonomy_vid_1:\(434\)](http://www.osce.org/resources/documents?filters=im_taxonomy_vid_1:(434)) (consulted on 25 July 2015).

²⁰⁷ *ibid*

UN personal had not organised any fact-finding missions after the war, although UN has an office in Yerevan.

Despite this limited information about the situation in the occupied territories, the Court also did not consider it necessary to conduct a fact-finding mission themselves or to hear any witnesses. The Court's judgments relied on the resolutions of the UN (Chapter 2, Section 5), and reports by international governmental or non-governmental organisations: such as OSCE or Human Rights Watch.

4.8 Conclusion

The Declaration of Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”²⁰⁸ The obligations for the RA in relation to that article have not been fulfilled in the case of many refugees. When the refugee influx started, Armenia's economic situation was particularly weak (Section 4.1), and financial allocations to the refugee problems were limited. Today, however, Armenia's economy has improved, but the problem of adequate housing for refugees persists. As Larisa Alaverdyan, the head of “Against Illegal Arbitrariness” NGO states, “The international practice does not have such a case when the issue of refugees remains unsolved 20 – 25 years. The government needs to find a relevant solution. The lack of enough money should not refer to refugees.”²⁰⁹ The government spends substantial amounts of money on military and supporting the conflict with Azerbaijan (Chapter 3, Section 2) - which caused the refugee problem in the first place.

A tendency for discrimination against refugees and ethnic bias in the Armenian society remains a problem until today, which makes it hard for the refugees to integrate into the society. The language problem, however, is less an issue than it used to be, because the younger generation goes to Armenian schools.

²⁰⁸ The Universal Declaration of Human Rights, Article 25.

²⁰⁹ Media Center, ‘Housing is one of the major problems the Armenian refugees from Azerbaijan face’, 20 March 2014, available at: <http://www.media-center.am/en/1395319678> (consulted on 08 February 2015).

The issue of the right to return to their former lands remains unsolved. The UN Resolutions demanded to return refugees and displaced persons to their homes in security and dignity. Just recently, the ECtHR announced their judgement in the cases ‘Sargsyan v. Azerbaijan’ and ‘Chiragov v. Armenia’. On the one hand, the judgements found continuing violations of the protection of property and inability for displaced people to return to their former territories and called Armenia as a party of war and hence include them into responsibility. On the other, the ECtHR found that the application in the Chiragov case was not ready for decision. Hence, the Court left a final solution to the Armenian government and the applicants, and gave them twelve months for any agreement that they may reach. Taking into consideration more than 25 years of conflict and no willingness for compromises from both sides, it is hard to believe that Armenia and the applicants will reach any kind of agreement.

5. The Recent Human Rights Situation in Armenia

5.1 Events of 1 March 2008

In March 2008, demonstrations after presidential elections led to clashes with demonstrators, violence and several fatalities. The event was unprecedented and would shape Armenia until today. It initiated a phase of resignation and political lethargy amongst most Armenians. A political system led by Serzh Sargsyan was established shortly after, which governs the country until today. March 2008 was a “bloody spring”, a low point and starting point for Armenia at the same time.

At the end of February 2008 protests were held in Armenia following the presidential elections. The protests were against the unfair election, and the organiser was Levon Ter-Petrosyan, the defeated presidential candidate and the former, first president of the RA from 1991 to 1998. The peaceful protests lasted for ten days in Yerevan and involved tens of thousands of demonstrators. In RA it was the first big protest after the “Karabakh movement” (Chapter 2, Section 1).

On 1 March 2008, after ten days of peaceful protests, the police and military forces tried to disperse the protest. The use of force from police and military forces resulted in clashes with the demonstrators. Ten people were killed, including two security officials and eight protestors.²¹⁰ More than 400 persons were detained and asked to give testimonies about the incident, more than 95 persons were arrested and eleven persons declared suspects. Those arrested were charged with disturbing public order, illegal possession of arms, incitement to violent acts, and resisting violently police arrest.²¹¹

On the same day, in the evening, Robert Kocharyan, the acting President of RA, declared a 20-day state of emergency. Levon Ter-Petrosyan asked the protesters and supporters to stop the protest. During those 20 days the country had practically collapsed. There was no proper information about the situation except for official state press releases. Due to the state of emergency, public events were banned, several

²¹⁰ Human Rights Watch, ‘World report 2011, Armenia’, January 2011.

²¹¹ Commissioner for Human Rights of Council of Europe, Special Mission to Armenia by Thomas Hammarberg CommDH(2008)11REV, Strasbourg, 20 March 2008, available at: [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)11&Language=lanEnglish&Ver=REV](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)11&Language=lanEnglish&Ver=REV) (consulted on 15 July 2015).

established internet media were blocked, and the movement of individuals was restricted.

During his March 2008 visit, Thomas Hammarberg, Commissioner for Human Rights of the CoE, stated that there were conflicting and contradictory versions about the situation. The perspective on the events by the President and the head of police differed from that of the opposition and protesters.²¹² T. Hammarberg proposed the creation of a separate group of independent experts who would be tasked with establishing a factual account of the events of 1 March 2008.²¹³ A fact-finding group was established in October 2008, but the group was disbanded by the authorities in May 2009.

Only four police officers were convicted of excessive use of force, more than one year later (December 2009). They were sentenced to three years, but were amnestied immediately, and are only barred from working in law enforcement. A number of Armenian NGOs sharply criticised the events of 1 March. Human Rights Watch called to Armenian authorities to ensure a meaningful investigation into the events of 1 March 2008.²¹⁴

The March 1 events had a negative impact on economic development as well. After the incident, the United States froze payments (235.65 million dollar) to Armenia from the Millennium Challenge Corporation²¹⁵. The investment had originally been made to reduce rural poverty through a sustainable improvement the economic performance of the agricultural sector.²¹⁶ The events had another important aftermath. The state of emergency had led to a blockage of domains of several internet media. As a consequence, protesters and activists were looking for alternative ways to share and publish information. This coincided with a general rise of blogs and social media. Soon these new media were used, and until today, social media are integral part of Armenia's daily media landscape.

²¹² *ibid*

²¹³ Commissioner for Human Rights of the Council of Europe, 'Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Armenia from 18 to 21 January 2011', CommDH(2011)12, Strasbourg, 9 May 2011.

²¹⁴ Human Rights Watch, 'World report 2011, Armenia', January 2011.

²¹⁵ Millennium Challenge Corporation is an U.S. foreign aid agency that supports country-determined projects in such sectors as: agriculture and irrigation, transportation, access to health and access to education.

²¹⁶ Human Rights Watch, 'World report 2009, Armenia', January 2009, p.5, available at: <https://www.hrw.org/world-report/2009/country-chapters/armenia> (consulted on 18 July 2015)

5.2 Azerbaijani Film Festival in Armenia

In 2012, the Caucasus Center of Peace Making Initiatives (CCPMI) NGO was planning to organise an Azerbaijani film festival called “Stop” in Gyumri²¹⁷ and Vanadzor²¹⁸ as an alternative approach to improve Armenian-Azerbaijani relations. The idea of the festival was to promote tolerance and peace in the country. Giorgy Vanyan, the director of CCPMI, said that “The films address social problems and human rights issues in Azerbaijan and did not touch on the Karabakh conflict.”²¹⁹

The films were not related to the conflict, but nevertheless the idea of the Azerbaijani film festival caused anger among Armenians. On April 12, about 50 protesters gathered on the Central Square in the city of Gyumri to protest against the festival and the organiser. Protesters called Giorgy Vanyan a “pro-Azerbaijani activist” who wants to promote Azerbaijani ideas in Armenia. They entered the Asparez Journalist Club²²⁰ where the films were supposed to be screened and blocked the entrance.²²¹ To avoid further incidents, the film screening was cancelled and the organisers were taken from the city by a police car.²²²

The next screening of the film was supposed to be four days later in Vanadzor, at the HCAV office. The office, as a human rights organisation respecting the freedom of expression, did not reject the CCPMI request to provide the space and to organise the screening of the films. As a coordinator of the HCAV Public Relations Department, I was responsible for the organising the festival.

About 30 NGOs, the “Yerkrapah” Voluntary Union²²³, local representatives of the different political parties, and local media (TV stations, newspapers) signed a “Call to Residents of Lori Region”, urging the public to protest against the organisers and to demand a cancellation of the festival.

²¹⁷ Gyumri, is the second largest city of Armenia.

²¹⁸ Vanadzor, is the third largest city in Armenia.

²¹⁹ Institute for War and Peace Reporting, ‘Azeri Film Fest Causes Storm in Armenia’, 28 April 2012, available at: <https://www.iwpr.net/global-voices/azeri-film-fest-causes-storm-armenia> (consulted on 30 June 2015).

²²⁰ Asparez Journalist Club is one of the well-known human rights organisations in Armenia.

²²¹ Panarmenian.net, ‘Azerbaijani film festival fails in Gyumri’, 12 April 2012, available at: <http://www.panarmenian.net/eng/news/102728/> (consulted on 30 June 2015).

²²² Armenianow.com, ‘Festival fallout: Vanyan organizes show of Azeri films at restaurant outside Gyumri’, 13 April 2012, available at: http://www.armenianow.com/arts_and_culture/37290/azerbaijani_film_festival_demonstration_fail_gyumri (consulted on 30 June 2015).

²²³ “Yerkrapah” Union of Veterans is a so called non-governmental group that consisted of 6,000 Nagorny Karabakh War veterans.

On April 16, a group of about 200 people assembled outside the office. More than 50 protesters entered the office, trying to convince the head of organisation, Artur Sakunts, to cancel the festival. The crowd screamed “Traitors and Turks!.” Sakunts told them that the festival was postponed, but, nevertheless, the crowd started throwing eggs, stones and to threaten HCAV employees. The stones broke windows and injured one staff member. There was banner hanging on the wall with the imprint: “The Problems of Missing Soldiers of Karabakh War: Vanadzor – Ganja.” The protesters tore that banner apart, perceiving the imprint “anti-Armenian.” After an announcement that the festival was cancelled, the crowd eventually left.

During the protest and attacks police officers were present, yet did not take any action. Following the incident, reporters raised the question whether throwing eggs and rocks was not a violation of public order. The response by Karen Shahbazyan, the regional Prosecutor, was: “It is a form of expressing disapproval, which will be evaluated during the preparation of case materials.”²²⁴

Later, several police officers were subjected to disciplinary consequences for not ensuring public safety activities during the events. The police also identified a woman as the person responsible for throwing rocks and the subsequent damage to the HCAV property during the protest. HCAV video surveillance cameras show that it was a young man, however, who threw the rocks. The police chose to ignore this evidence.²²⁵ HCAV believes that said woman is a scapegoat and went to the ECtHR, where the case is currently handled.²²⁶

A number of international human rights organisations, such as Freedom House and Human Rights Watch, condemned the attack against HCAV. Human Rights Watch stated that Armenian authorities should have protected free speech and secured the film

²²⁴ Helsinki Citizens' Assembly Vanadzor Office, ‘Information about the Actions of the law Enforcement Bodies regarding the Attack on HCA Vanadzor and Staff on April 16, 2012’, 14 May 2012, available at: <http://hcav.am/en/events/information-about-the-actions-of-the-law-enforcement-bodies-regarding-the-attack-on-hca-vanadzor-and-staff-on-april-16-2012/> (consulted on 7 July 2015).

²²⁵ *ibid*

²²⁶ A. Chatinyan, email, 2 August 2015.

screening.²²⁷ In 2010, the festival had failed in Yerevan as well. The festival organiser had back then announced that “the Azerbaijani Film Festival in Armenia has been blocked as a result of terror and blackmailing carried out by pressure groups that try to disguise their actions by an alleged ‘wave of public outrage’.”²²⁸

5.3 The Permyakov Incident

Due to the unresolved conflict over NK, on 20 August 2010, Russian and Armenian leaders signed an agreement that extends Moscow’s lease on its 102nd military base in Gyumri, near the border with Turkey, to 2044. The Russian and Armenian Presidents framed the deal as a way to guarantee peace and security in the South Caucasus. The 102nd base has about 5 000 Russian soldiers, both land and air forces.²²⁹

The Russian presence is perceived by Armenia as a guarantee for security of the RA, by discouraging neighbouring Azerbaijan from committing aggression.²³⁰ The agreement also commits Moscow to supply Armenia with modern and compatible weaponry and special military hardware.

On 12 January 2015, seven members of an Armenian family were shot and killed in their home. The suspect, Valery Permyakov, was a soldier at Russia's 102nd military base. He was arrested shortly after by Russian soldiers near the border to Turkey.²³¹

The incident led to several unanswered questions. First, how could he leave the base with a rifle and bayonet, and why did no one realise his leave until after the accident? What were his motives? Furthermore: Russian soldiers arrested him - why did Russian soldiers enter Armenian territory for the arrest, and why did Armenian police or military not respond? In July 2015, six months after the accident, there was still no proper and definite information that can offer answers to these questions. As of July 2015, the case is in an ongoing investigations stage.

²²⁷ Human Rights Watch, ‘Armenia: Investigate Mob Attack on Local NGO’, 17 April 2012, available at: <http://www.hrw.org/news/2012/04/17/armenia-investigate-mob-attack-local-ngo> (consulted on 7 July 2015).

²²⁸ Caucasus Center of Peace – Making Initiatives, ‘Azerbaijani film festival in Armenia’, 15 November 2010, available at: <http://southcaucasus.com/old/index.php?page=current&id=2544> (consulted on 30 June 2015).

²²⁹ J., Kucera, Eurasianet.org, ‘Russian Soldier Accused of Killing Six Members of Armenian Family’, 12 January 2015, available at: <http://www.eurasianet.org/node/71596> (consulted on 25 June 2015).

²³⁰ H. Smbatyan, Azatutyun.am, ‘Armenia, Russia Sign Extended Defence Pact’, 20 August 2010, available at: <http://www.azatutyun.am/content/article/2132965.html> (consulted on 25 June 2015).

²³¹ T. Porter, International business Times, ‘Russian soldier Valery Permyakov who massacred Armenian family to stand trial in military court’, 30 March 2015, available at: <http://www.ibtimes.co.uk/russian-soldier-valery-permyakov-who-massacred-armenian-family-stand-trial-military-court-1494125> (consulted on 25 June 2015).

The incident also led quickly to the question where the suspected murderer should be trailed. Russia was initially determined to trial the suspected perpetrator after Russian law in a Russian court that is part of the 102nd base.²³² According to the Armenian lawyer N. Norikyan, from the legal point of view the criminal investigation should be carried out by Armenian authorities and the suspect should stand trial by Armenian laws, and not in Russia: “The decision has been made outside Armenia and further investigation of the case will be carried out not by the authorities of Armenia. Unfortunately, our state is unable to bypass this decision, which means that Article 1 of Armenia’s Constitution, which defines the country’s sovereignty, is imperilled,” Norikyan argued.²³³ The case provoked mass protests in Armenia. The protesters were demanding that Permyakov stand trial by Armenian laws and in the territory of the RA.

On 14 and 15 January 2015, protests took place in Yerevan and Gyumri and demanding that Valery Permyakov be handed over to Armenian authorities and to stand trial in an Armenian court. Protesters at the Russian embassy in Yerevan were demanding “the removal of the Russian military base from the territory of Armenia and the expulsion of the Russian ambassador.”²³⁴ Residents of Gyumri also held a spontaneous rally in the city’s central square, calling attention to the Permyakov incident. A rally in front of the Russian consulate in Gyumri was dispersed by the police, resulting in about 14 injured people. The protesters threw stones and bottles at the police, which answered with stun grenades.²³⁵ During a demonstration in front of the Russian Consulate in Gyumri on 15 January, 21 persons were detained by the police. At the same time, 38 persons were detained by the police in Yerevan. The next day, all the detained persons had been set free. During the clashes, a total of 26 people received physical injuries.²³⁶

²³² President of Russia, ‘Telephone conversation with President of Armenia Serzh Sargsyan’, 18 January 2015, available at: <http://en.kremlin.ru/events/president/news/47485> (consulted on 25 June 2015).

²³³ A. Nikoghosyan, Armenianow.com, ‘Jurisdiction Matters: Questions asked over status of Russian soldier held over Gyumri family massacre’, 14 January 2015, available at: http://armenianow.com/society/human_rights/59783/armenia_gyumri_family_murder_permyakov_legal_status (consulted on 25 June 2015).

²³⁴ Vestnikkavkaz.nat, ‘Armenians demand Russian forces leave their territory’, 13 January 2015, available at: <http://vestnikkavkaza.net/news/politics/64591.html> (consulted on 25 June 2015).

²³⁵ RT.com, ‘Protesters demand Russian soldier’s trial in Armenia, clash with police’, 15 January 2015, available at: <http://rt.com/news/223103-armenia-clash-russia-soldier/> (consulted on 25 June 2015).

²³⁶ Armenpress.am, ‘59 citizens detained by Police in Yerevan and Gyumri set free’, 16 January 2015, available at: <http://armenpress.am/eng/news/790508/59-citizens-detained-by-police-in-yerevan-and-gyumri-set-free.html> (consulted on 10 July 2015).

Speaking about the Permyakov case, Armenian Prosecutor-General Gevorg Kostanyan stated, “It is an unprecedented situation in the practice of both Armenia and Russia. Now we are discussing the matter with our colleagues so as to find a solution corresponding to international law. [...] It’s like having a patient whose disease is not even in the books. One has to discuss mechanisms of treatment yet.”²³⁷

In 30 June 2015, Russia agreed to allow Armenian law-enforcement authorities to prosecute the Permyakov case. The Russian Investigative Committee had been conducting the investigation alone for more than six months, however, after long discussion, Russia agreed to cooperate with Armenia.²³⁸

The President of the RA stated that “...the decision to transfer the criminal proceeding to the Investigative Committee of Armenia and its further trial by Armenia’s respective authorities certainly reflects the spirit of partnership and brotherhood, and fully corresponds with the provisions stipulated in the Armenian - Russian Agreement on the Status of the Russian Military Base in Armenia.”²³⁹ The President’s announcement led to several questions. First, was the transfer of the case due to the “friendship” between Armenia and Russia or rather due to regulations as agreed to in the Armenian - Russian Agreement? Why was this aforementioned agreement ignored initially and the case transferred six months after the crime had occurred? Again, there are questions, but still no proper answers. How the investigation will continue and whether Russia will intervene during the process is hard to predict.

²³⁷ Armenianow.com, ‘Permyakov Controversy: Armenian chief prosecutor says case “unprecedented” in legal practice’, 22 May 2015, http://armenianow.com/news/63696/armenia_gyumri_massacre_prosecutor_general_gevorg_kostanyan (consulted on 25 May 2015).

²³⁸ N. Nayrumyan, ‘Gyumri Murders: Permyakov case transferred to Armenia, but questions linger’, Armenianow.com, 20 July 2015, available at: (consulted at: http://www.armenianow.com/commentary/analysis/65498/armenia_gyumri_family_murder_permyakov_russia_case).

²³⁹ President of the Republic of Armenia, ‘President Receives Delegation Headed by Russian Transport Minister and Intergovernmental Commission Co-Chairman Maksim Sokolov’, 26 June 2015, available at: <http://www.president.am/en/press-release/item/2015/06/26/President-Serzh-Sargsyan-meeting-with-Minister-of-Transport-of-Russia/> (consulted on 26 July 2015).

5.4 “Preparliament” near the Nagorny Karabakh Border

In January 2015, the members of the civil initiative Preparliament²⁴⁰ planned to hold a rally by driving 30 cars to NK and stage a political campaign there. Once the convoy reached the NK border, in the town of Berdzor, the group was stopped by NK police forces. The activists were told to turn around and were barred from entering NK. This was followed by a brutal attack by NK border guards and police who beat the activists and damaged their vehicles. More than 20 Preparliament members were injured and some of them were taken to the hospital for treatment.²⁴¹ Video and photo materials taken that day reveal how the police are beating the activists or destroying the cars. So far, however, none of the involved policeman have been identified or brought to justice.²⁴²

The Berdzor incident has become the subject of discussion, but not because of the restraining of the campaign or the illegal police actions. Most of the Armenians disagree with the idea of organising political campaigns or protests in NK, because i) such campaigns destroy the good relationships between the RA and NK, and the results are potentially beneficial for Azerbaijan, the perceived “enemy”; and ii) the Preparliament initiative is funded from “foreign agencies”, which are calling for an armed revolution in the RA. Discussions on social media were void of criticism about the police action, but dominated by criticism about the Preparliament initiative.

In March and April 2015, after the Berdzor accident, Preparliament organised anti-government rallies in Yerevan and Gyumri. The police arrested five members of Preparliament in Yerevan and the Special Investigation Service of the RA charged them with planning a mass disturbance and preparation of a crime.²⁴³ In Gyumri, an unidentified man attacked and wounded a Preparliament member. He was diagnosed

²⁴⁰ Preparliament is an Armenian civil initiative. Some of the members were military commanders during the Nagorny Karabakh War.

²⁴¹ Asbarez.com, ‘Incident at Karabakh-Armenia Border Causes Anger, Condemnation’, available at: <http://asbarez.com/131410/incident-at-karabakh-armenia-border-causes-anger-condemnation/>.

²⁴² Preparliament.com, ‘Violence Against Deputies of the Founding Parliament and Participants of “The Centennial Without This Regime” Movement’, 12 April 2015, available at: <http://www.preparliament.com/en/2015/04/12/violence-against-deputies-of-the-founding-parliament-and-participants-of-the-centennial-without-this-regime-moveme/#> (consulted on 30 June 2015).

²⁴³ A1plus, ‘Five members of Preparliament arrested’ [online video], 7 April 2015, Armenian, available at: <https://www.youtube.com/watch?v=RvNoz1oNU30> (consulted on 30 June 2015).

with internal bleeding, and doctors had to remove his spleen. The police did not react to the action and “could not find” the offender.²⁴⁴

On 27 April 2015 Human Rights Watch send a letter to the Prosecutor General of the RA to voice concerns about the detention of Preparliament members and to call to the prosecutor to take action. Human Rights Watch stated that the Preparliament members were “being targeted for their peaceful political beliefs and that the charges are intended to interfere with their right to freedom of thought, expression, and assembly as protected by the International Covenant on Civil and Political Rights, to which Armenia is a party.”²⁴⁵ A few days after the letter, the members of Preparliament were released.²⁴⁶

5.5 Landmines

Landmines continue to be a threat in border areas of Armenia and in NK. While most mine-laying in Armenia and in NK took place during the conflict in 1992 – 1994, the threat is present until today.

Both sides of the conflict, Armenia and Azerbaijan, mined large areas. Following the ceasefire, there were between 50 000 to 80 000 active landmines in Armenia.²⁴⁷ The purpose of the mines was to protect the villages and the military units from the enemy during the conflict, but at the same time, it has also been a threat for the population until now. The people of Armenia and NK still suffer from the result of the landmines. The landmines are a problem especially for the villagers, because they cannot fully use their lands for agriculture, but the other hand most of them accepted the landmines as a guarantee of the security of the country.

In Armenia the highest concentration of minefields is in Syunik (the region surrounding Goris; Figure 1), near the border of NK,²⁴⁸ the other contaminated regions in Armenia are Tavush, Gegharkunik and Vayots Dzor. In NK, mines were used in all regions during

²⁴⁴Caucasian Knot, ‘Member of “Pre-Parliament” stabbed during rally in Gyumri’, 30 March 2015, available at: <http://eng.kavkaz-uzel.ru/articles/31262/> (consulted on 30 June 2015).

²⁴⁵ Human Rights Watch, ‘Letter to the Prosecutor General of Armenia’, 27 April 2015, available at: <http://www.hrw.org/news/2015/05/01/letter-prosecutor-general-armenia> (consulted on 30 June 2015).

²⁴⁶Lragir.am, ‘The Preparliament members released’ [online video], 4 May 2015, Armenian, available at: <https://www.youtube.com/watch?v=p1PCJo8xEJk> (consulted on 30 June 2015).

²⁴⁷J., Keane, Journal of Mine Action, ‘Armenia’, available at: <http://www.jmu.edu/cisr/journal/11.1/profiles/armenia/armenia.shtml> (consulted on 15 June 2015).

²⁴⁸The Halo Trust, ‘Armenia’, available at: <http://www.halotrust.org/where-we-work/armenia#sthash.oFWasI33.dpuf> (consulted on 8 June 2015).

the war, covering a total area of more than 50 km² of land and NK has one of the world's highest rates of accidents caused by mines.²⁴⁹

In 1997, the UN adopted the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; this convention is also called the Mine Ban Treaty. The Mine Ban Treaty prohibits using, developing, producing and transferring of anti-personnel mines and the state parties should destroy or ensure the destruction of all anti-personnel mines.²⁵⁰

The RA has not ratified the Mine Ban Treaty. Armenian officials have often stated that Armenia cannot join the treaty due to the country security and the unresolved conflict of NK. Armenia insists that all countries of the region must ratify the treaty all together.²⁵¹ Armenia's neighbor countries Azerbaijan, Georgia and Iran also did not ratify the treaty.

Armenia had implemented a Humanitarian Mine Action program in 2002. The process began to slow down by the end of 2006 - according to official sources, due to a lack of financial resources. Until 2011, the development of the Armenian Mine Action programme was controlled by the armed forces of the RA until the government of RA made concrete steps towards civilizing the Mine Action programme. At the beginning of 2011 the government established a civilian "Centre for Humanitarian Demining and Expertise" (CHDE). The founder of the Armenian CHDE is the government of RA, and the governing authorised state body is the MoD of RA. The main aim of the CHDE is to identify and remove the unexploded mines in Armenia.²⁵²

For implementing a national strategy, the CHDE collaborates with a group of stakeholders. They give financial and advisory support. These stakeholders include the Swiss Foundation for Mine Action (FSD), HALO Trust, and US State Department Office of Weapons Removal and Abatement. FSD continues to work in an advisory and

²⁴⁹ The Halo Trust, 'Nagorno Karabakh', available at: <http://www.halotrust.org/where-we-work/nagorno-karabakh/problem> (consulted on 8 June 2015).

²⁵⁰ United Nations, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 18 September 1999, Article 1, available at: http://www.un.org/Depts/mine/UNDocs/ban_trty.htm (consulted on 8 June 2015).

²⁵¹ Landmine and Cluster Munition Monitor, 'Armenia', available at: <http://www.the-monitor.org/index.php/publications/display?url=lm/2006/armenia.html#fn7> (consulted on 8 June 2015).

²⁵² Centre for Humanitarian Demining and Expertise, 'Overview', available at: http://www.chde.am/index_en.htm (consulted on 9 June 2015).

survey role, and the HALO Trust is implementing clearance operations in conjunction with the armed forces of the RA.²⁵³

Despite the fact that the government and the MoD of RA are doing some steps to solve the landmine problem, there are still 173 affected communities²⁵⁴ in the four regions of RA. This is substantial for such a small, mountainous country as Armenia. According to official numbers, after the ceasefire in 1994 until 2011, 400 people became victims of mine explosions in Armenia. Out of those 400 people, 112 died as a result.²⁵⁵ The landmines are weapons that cannot discriminate between a civilian and an enemy, and they can kill civilians when they step on them or pick them up.

5.6 Conclusion

The Universal Declaration of Human Rights²⁵⁶ states that “Everyone has the right to freedom of peaceful assembly and association” and ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’. Those rights are guaranteed also by many other international treaties, including the UN International Covenant on Civil and Political Rights²⁵⁷ and the European Convention on Human Rights²⁵⁸. The Constitution of RA²⁵⁹ states that “Everyone shall have the right to freedom of peaceful and unarmed assembly” and that everyone shall have the right to freely express their opinion and everyone shall have freedom to search for, receive and impart information and ideas.

The incident of 1 March 2008 violated the right to life, freedom of assembly and association, freedom of opinion and expression. The events were unprecedented for Armenia, but never repeated themselves in such a violent manner. Moreover, the protests achieved nothing in the end. Serzh Sargsyan became president and holds that

²⁵³ Centre for Humanitarian Demining and Expertise, ‘April 4, the International Day for Mine Awareness and Assistance in Mine Action’, 2015, available at: http://www.chde.am/news_en.htm (consulted on 9 June 2015).

²⁵⁴ Centre for Humanitarian Demining and Expertise, ‘Landmine Impact Scope’, available at: http://www.chde.am/hazards_en.htm (consulted on 9 June 2015).

²⁵⁵ Haynews.am, ‘There are around 322 km² of Landmined Areas in Armenia’, 14 November 2011, Armenian, available at: <http://haynews.am/hy/archive-89124> (consulted on 9 June 2015).

²⁵⁶ The Universal Declaration of Human Rights, Articles 19 and 20(1).

²⁵⁷ United Nations International Covenant Civil and Political Rights, Articles 19 and 21.

²⁵⁸ European Convention on Human Rights Articles 10 and 11(1).

²⁵⁹ Constitution of the Republic of Armenia, 05 July 1995, Articles 27 and 29.

position until today. The population resigned and relatively years followed. Every year there has been a march to commemorate the events of 1 March, but the marches were quite and every year less and less people participate.

That does not mean, however, that problems and human rights issue were addressed by the government, it merely means that the population probably silently accepted them. Courses of action by the government have, until today, often been justified by national security, and people seem to accept the situation, partly also due to a fear of the “enemy” and loosing NK, which overrule human rights concerns.

The right to freedom of peaceful assembly and association has also been violated in the events related to the Preparliament rally, and the protests following the Permyakov case. The Preparliament campaign can arguably also be seen as a provocation, however. A rally, by group that has clear intentions to challenge governmental structures, with about 30 cars, raises a lot of public attention, which is probably desired by the organisers, but bound to provoke response by their opponents and police. Preparliament is also generally quite extreme in its actions, without offering any meaningful alternatives to the established government and its course of actions.

In the events related to the Azerbaijani film festival, the right to freedom of opinion and expression was violated. From a human rights perspective, the incident is peculiar. Screening of the films would fall into freedom of opinion and expression. The violation of that freedom came from public individuals, and not police or military. The police did little to interfere, however. Furthermore, the screening in Vanadzor was supposed to be at a human rights organisation, which has been active in the region for over 15 years. People in Lori region rarely protest against anything, yet the idea of an Azerbaijani film – irrespective of the content – brought people onto the streets. Also blogs and social media were filled with negative articles and comments about the intended film screening.

There is an explanation for that. The anti-Azerbaijani sentiment in Armenia has been mainly related with the NK conflict. According to a 2012 survey by the Caucasus Research Resource Centres, 63% of Armenians perceive Azerbaijan as “the biggest enemy of Armenia”, while 91% of Azerbaijanis consider Armenia to be “the biggest

enemy of Azerbaijan.”²⁶⁰ Azerbaijani films in Armenia are simply not acceptable within Armenian society. One can argue, however, that the planned screenings were a provocation, particularly after the first attempted screening in Yerevan in 2010. What reaction had the organiser, Giorgy Vanyan, expected? He knows the problem of nationalistic sentiments inside the Armenian society well, and the reaction came likely not as a surprise to him.

The landmines are problematic issue for Armenians living in rural areas. Armenian citizens have become more aware of the risks, but the number of casualties is still high. Civilian landmine victims include children as well. Armenia should ratify the Mine Ban Treaty and destroy or ensure the destruction of all anti-personnel mines as the appropriate steps for the resolving the landmines problem.

²⁶⁰ Caucasus Analytical Digest, ‘The South Caucasus between the EU and the Eurasian Union’, No. 51–52, 17 June 2013, p. 21, available at: <http://www.css.ethz.ch/publications/pdfs/CAD-51-52.pdf> (consulted on 30 June 2015).

6. Overall Conclusion

The conflict in Nagorny Karabakh between Armenian and Nagorny Karabakh forces on the one side and Azerbaijani forces on the other has had a dramatic effect on life, economy and society in Armenia. While the conflict itself has been analyzed in much detail, there is only limited work that has addressed the linkage of the conflict with modern Armenia and its human rights situation. Through historical and content analysis of media, case studies, personal communications with correspondents and reporters, and my experience from six years working in the human rights field in Armenia, I identify the different human rights violations in Armenia, their causes and consequences.

My work shows that the effects of the conflict have extend into the human rights field, and that there are violations of the Universal Declaration of Human Rights and Universal Human Rights Instruments that occur in Armenia and that are related to the conflict in Nagorny Karabakh (NK).

The history and political background have shown that the recent development of Armenia and the conflict in NK are inseparably connected. The deep-seated antipathy between Armenians and Azerbaijanis is directly related to the long and complex history of NK. The conflict had substantial social-economic effects on Armenia: economic blockages, stagnating economy, the highest grade of militarisation of any developing country and strong national identity and sentiments. The history also provides several one-sided narratives that keep the war and hatred alive generation to generation. This creates an environment where human rights quickly play a secondary role. Education is a useful instrument for Armenia to keep its historical claims alive.

Armenia's never-ending social-economic problems have led to more and more dependence on Russia, but the military presence of Russia in Armenia is an increasing concern for Armenians. Some human rights violations are directly and evidently related to the conflict, and they largely concern the situation in the armed forces, where the primary of all rights is violated: the right to life. A ceasefire is in place since 25 years, yet young Armenian conscripts continue to die on the Line of Contact not only due to ceasefire violations, but also accidents, suicides or forced suicides, murders, or lack of proper medical care. The thesis list the statistics of the death cases, but irrespective of

the numbers, forced suicides and murders inside an army, and the corruption and lawlessness concealing the crimes are unacceptable for any country in the world.

The NK conflict resulted in a massive refugee influx from Azerbaijan that coincided with the disastrous 1989 earthquake and a collapsing economy. Azerbaijani citizens were all of a sudden Armenian and vice versa, due to the fatal ethnic distinction made possible by family names and ethnic classifications in Soviet passports. Armenia was not able to cope with the situation. Refugees were put into former administrative buildings, such former as hotels, old sanatoriums, and disused prisons – “communal centres” – for initial shelter. Many of them never left and either died or still live there, 25 years later. The photographer Peter Schön, who worked for the DRC and NRC in Georgia and the UNHCR in Armenia, said: “The difference to the IDPs still living in marginal condition in Georgia and the refugees in Armenian communal centres is that the refugees in Armenia have given up hope”. As Armenia pushed for naturalisation of these refugees, most lost their refugee status and protection. The government only insufficiently picked up the responsibility for its “new” citizens. Besides the marginal conditions many of them have continued to live in, a tendency for discrimination against refugees and ethnic bias in the Armenian society has remained a phenomenon until today. Other refugees have settled in rural areas. Villages in NK where Azerbaijanis used to live are now inhabited by Armenian Karabakhis or destroyed. If there is ever a political agreement regarding the right of return of refugees and IDPs to their former lands – how shall that look like, and how can a new wave of displacements be avoided? Even the ECtHR, which took ten years to come to verdicts in the ‘Chiragov v. Armenia’ and ‘Sargsyan v. Azerbaijan’ cases, could not find a legal solution to this matter.

Other human rights violations are less directly connected to the conflict in NK. The clashes and violence following presidential election in March 2008 initiated a phase of resignation and political lethargy amongst most Armenians. The March 2008 events violated the right to life, freedom of assembly and association, freedom of opinion and expression. A political system led by Serzh Sargsyan was established shortly after, which governs the country until today. S. Sargsyan is also among the several other politicians from NK that have served in key positions in the RA government. The

protests were silenced with violence by police and military. Also due to NK, Armenia has become one of the most heavily militarised countries in the world. Ever since 2008, the population knows that its force can not only be directed against “the enemy”, but also the Armenian citizens.

The recent history of Armenian has seen violations of the right to freedom of opinion and expression. One example is the case of the Azerbaijani film festival. The right to freedom of peaceful assembly and association has also been violated in the events related to the Preparliament rally.

The incidents connected with the screening of the Azerbaijani film festival also revealed issues going beyond human rights violations. They showed how emotional parts of the Armenian society can react to the idea of an Azerbaijani film festival in Armenia.

Among the most pressing issues for Armenians living in rural areas are the landmines, which were laid in Armenia and in NK during the conflict. The landmines possess a real, daily threat to people in villages. Despite the urgency of the issue, the RA has not ratified the Mine Ban Treaty, arguing that Armenia cannot join the treaty due to the country security and the unresolved conflict of NK and insisting that all countries of the region must ratify the treaty all together.

In 1990 the conflict grew quickly, when, to use T. Goltz' words, the “tinderbox” in Baku - the tense situation between refugees and Armenian population – exploded and soon newly independent Armenia and Azerbaijan started their modern history with a full-scale war over NK.

There is considerable less rush for a solution of this conflict, however. One UN Resolution passed after another. The OSCE Minsk Group is trying with limited success to negotiate. Both parties to the conflict have become very used to the situation, with little initiative to change the status-quo. Inactivity by one side justifies inactivity by other – an example is the removal (or lack thereof) of landmines. Action by one side causes reaction by the other – like the retaliation fire during ceasefire violations.

The reasons for this lack of initiative to change are beyond this thesis. The results of the ongoing conflict – now in the form of a self-regulating, shaky ceasefire – on the human

rights situation in Armenia (and presumably NK and Azerbaijan), however, are substantial.

How can we, the young generation, address this situation? Arguably education is one crucial point. Education can promote conflict or it can foster peace. As long as we reiterate our, Armenian, stories of massacres and suffering we promote conflict, and a balanced approach will not be possible. Before the internet and social media it was difficult to have alternative sources and for the students and readers there was only one truth. Nowadays, however, most Armenians have internet and thus have access to any information available online. Internet and social media have unfortunately become part of the propaganda too. Reports of and statistics about violations of the ceasefire by “the enemy” are frequent, successful (fatal) retaliation fire is reported by media whenever possible. The internet is full of the most terrible narratives of the war. As long as the fear of the enemy is so prevalent, human rights for the individuals will remain a secondary concern.

National organisations and their activists working in the human rights sphere – I can still consider myself as one - tend to have a strong opinion about the courses of action the authorities of RA. The authorities on the other hand react, criticising the NGOs behaviour and calling them “foreign agents.” Not taking NGOs recommendations in to consideration and, again, no progress are often the consequence.

Education, history, economics, political power structures – they are all related in one way or another to the conflict. The current development of Armenia cannot be separated from Nagorny Karabakh. The conflict has far-reaching impacts on Armenia's human rights situation.

Appendix 1.



Nina (87) and her mentally disabled son Leonid (57) in their tiny room in a former hotel near Yerevan, Armenia. She was born in Russia and used to work as english teacher and ballerina in Ganja. Her husband was Armenian.

Photo by Peter Schön (used with permission).

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Chiragov and others v. Armenia (App no 13216/05) ECHR 16 June 2015.
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Abstract

The conflict in Nagorny Karabakh between Armenian and Nagorny Karabakh forces on one side and Azerbaijani forces on the other has had a dramatic effect on life, economy and society in Armenia. While the conflict itself has been analyzed in much detail, there is only limited work that has addressed the linkage of the conflict with modern Armenia and its human rights situation. Through historical and content analysis of media, case studies, personal communications with correspondents and reporters, and my experience from six years working in the human rights field in Armenia, I identify the different human rights violations in Armenia, their causes and consequences. The history reveals the roots for the deep-seated antipathy between Armenians and Azerbaijanis, the present poor social-economic situation and the strong national sentiments in Armenia, which in turn are linked to several human rights violations. Most evident are violations of rights to life in the mandatory army. The massive influx of refugees during the conflict has resulted in human rights issues, ranging from adequate standard of living to the problematic situation with the right to return to their former places of residence. The recent history in Armenia has seen violations of the right to freedom of peaceful assembly and association and the right to freedom of opinion and expression. The thesis shows that Armenia's current history cannot be separated from Nagorny Karabakh, and the far-reaching impacts of the conflict on Armenia's human rights situation.

Der Konflikt in Nagorny Karabakh zwischen armenischen Streitkräften und Kämpfern aus Nagorny Karabakh auf der einen, und aserbaidzhanischen Streitkräften auf der anderen hatte dramatische Folgen auf das Leben, die Wirtschaft und die Gesellschaft in Armenien. Der Konflikt in Nagorny Karabakh wurde schon oft im Detail analysiert, jedoch gibt es bisher nur sehr wenige Arbeiten, die sich mit der Verbindung zwischen dem Konflikt und der Menschenrechtssituation in Armenien beschäftigen. Mit Analyse der geschichtlichen Hintergründe, Inhaltsanalyse von Medien, Fallstudien und meiner Erfahrung aus sechs Jahren Arbeit in einer Menschenrechts-Organisation in Armenien identifiziere ich Menschenrechtsverletzungen und ihre Ursachen und Auswirkungen. Die Geschichte offenbart die Wurzeln für die tiefe Antipathie zwischen Armeniern und Aserbaidzhanern, die momentane schlechte sozioökonomische Situation sowie die starken nationalen Gesinnung in Armenien, die wiederum mit Menschenrechtsverletzungen verbunden sind. Am augenscheinlichsten sind die

Verletzungen des Rechtes auf Leben während der Wehrpflicht in den Streitkräften. Der massive Zustrom an Flüchtlingen während dem Konflikt hat in Menschenrechtsproblemen resultiert, die von inadäquatem Lebensstandard zu der problematischen Situation mit dem Recht auf Rückkehr zu früheren Siedlungsgebieten reichen. In der rezenten Geschichte hat es dazu mehrmals Verletzungen des Versammlungs- und Meinungsfreiheit gegeben. Meine Thesis zeigt, man Armeniens moderne Geschichte nicht von Nagorny Karabakh trennen kann, und zeigt die weitreichenden Auswirkungen des Konfliktes auf die Menschenrechtssituation in Armenien.