

Press Release

Grand Chamber upholds complaints by Azerbaijani refugees, displaced during the Nagorno-Karabakh conflict

The European Court of Human Rights today delivered a Grand Chamber judgment in the case of *Chiragov and Others v. Armenia* (application no. 13216/05). The applicants in this case have been represented by a legal team headed up by Catriona Vine, Deputy Director of the Democratic Progress Institute (DPI), Kerim Yildiz, Director of DPI and Mark Muller QC, member of DPI Council of Experts and Executive Director of Beyond Borders.

The landmark case along with that of *Sargsyan vs. Azerbaijan* (application no. 40167/06), decided in parallel with *Chiragov*, will have an impact on hundreds of thousands of people, both Armenian and Azerbaijani, who have been internally displaced or become refugees as a result of the 27-year conflict in the disputed Nagorno-Karabakh region as well as having wider implications for people who become refugees and internally displaced in Europe as a result of conflict.

The case concerns the complaints by five Azerbaijani individuals who have been unable to return to their homes and properties in the district of Lachin, from where they were forced to flee in 1992 during the Armenian-Azerbaijani conflict over Nagorno-Karabakh. A first Grand Chamber hearing on the admissibility and merits of the case was held on 15 September 2010. In a decision of December 2011, the Court declared the complaints admissible. At a second Grand Chamber hearing on 22 January 2014, the Court carried out a further examination of the merits and preliminary objections that were joined to the merits in the admissibility decision.

At today's hearing, which was final, the Court ruled in favour of the Applicants

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on the basis that the Armenian Government had no justification for denying the Applicants access to their property without providing them with compensation. The fact that peace negotiations were ongoing did not free the Armenian Government from their duty to take other measures. What was called for was a property claims mechanism which would be easily accessible to allow the Applicants and others in their situation to have their property rights restored and to obtain compensation.

“The European Convention was brought into existence after World War II to ensure Europe would never again descend into barbarity. It sought to protect the rights of citizens by grounding state accountability in the right of individual petition. This case raises important issues about impunity and a potential opening of a human rights lacuna within the Convention machinery. As such it tests whether Europe’s premier human rights court is able to protect the rights of the most disadvantaged in our society, particularly during times of conflict and political transition. For there can be no more disadvantaged category of persons than that of IDP’s, who have been forcibly removed from their homes, had their lives ripped apart, and been condemned to live a transitory, shantytown existence on the edges of Europe for the better part of two decades - with no hope of a better life in sight other than through this court. The Grand Chamber should be commended for its judgment as it reaffirms the centrality of the rule of law in Europe” said Mark Muller QC, member of DPI Council of Experts and Executive Director of Beyond Borders.

“This judgment is of immense importance for the hundreds of thousands of displaced people across Europe who have been forced to flee their homes because of state-orchestrated military campaigns. Its outcome will have consequences for the many existing vulnerable minority communities who happen to live on certain ethnic or political fault lines in Europe” added Catriona Vine, Deputy Director of DPI.

Kerim Yildiz, Director of DPI, stated “I commend the resolution of the applicants and of our lawyers over the last decade in the preparation of this case. This case has huge significance for all IDPs who have been deprived of their rights within the Council of Europe and beyond. The forthcoming legal submissions concerning remedies will be as important as the merits stage in the realisation of these fundamental rights.”

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