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For immediate release

European Court rules Nagorno-Karabakh conflict case admissible

Today, the case of *Sargsyan v Azerbaijan* (No. 40167/06) was declared admissible by the European Court of Human Rights. The case is brought by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Armenian NGO, Legal Guide, on behalf of Mr Minas Sargsyan and his family who complain that Azerbaijan committed serious human rights violations during the Nagorno-Karabakh conflict.

Minas Sargsyan was an Armenian national who lived in the village of Gulistan until 1992, when the Nagorno-Karabakh war broke out. He owned a house and land there and was forced to flee to escape the heavy bombing by Azerbaijani forces. He then lived as a refugee in Yerevan. Mr Sargsyan claimed that returning to Gulistan was impossible as it remained occupied by Azerbaijani forces.

Mr Sargsyan died in 2009 and the case is continued by his widow, Lena Sargsyan and their three children. They complain that the eviction, and their inability to return to the village breached both their property rights (Article 1 of Protocol 1), and their right to respect for private and family life (Article 8 of the European Convention on Human Rights). The Sargsyan family also complain about their inability to visit the graves of their close relatives (Article 8) and that there were no effective remedies available to ethnic Armenians who had been forced to leave their homes in Azerbaijan (Article 13). Finally, their case includes a complaint of ethnic discrimination (Article 14) as they argue that only ethnic Armenians were subjected to violence and attacks, which were not investigated by the Azerbaijani government.

In declaring the case admissible today, the Court rejected three of the Government's principal arguments:

(1) The Court dismissed the Government's objection based on the declaration it made when it ratified the European Convention on Human Rights in 2002 which stated that it could not guarantee that the Convention would be applied in areas occupied by Armenia.¹ The Court found that the declaration was not a valid reservation (under Article 57 of the Convention), as it did not refer to any specific provision of the Convention, or to any specific law in force in Azerbaijan and because its scope was too general.

(2) The Government argued that Mr Sargsyan's forced displacement from Gulistan was an 'instantaneous act' which occurred in 1992 (before Azerbaijan ratified the Convention in 2002) and

¹ The declaration stated: "The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation."

therefore the case fell outside the Court's jurisdiction '*ratione temporis*'. However, the Court rejected this argument, finding that Mr Sargsyan's lack of access to his property, home and the graves of his relatives in Gulistan was a continuing situation, which the Court had competence to examine (since 2002).

(3) The Court also dismissed the Government's objection that the application was submitted out of time. The Court found that in lodging his case in Strasbourg in August 2006 he acted 'without undue delay':

'...the applicant, like hundreds of thousands of refugees or internally displaced persons could for some time after the ratification of the Convention have reasonably expected that a solution to the conflict would eventually be achieved, containing a basis for the settlement of property issues and for the question of the return of displaced persons as one aspect'.

The Court will now proceed to issue a judgment on the merits of this case (which is expected later this year).

Another case relating to the Nagorno-Karabakh conflict was also found to be admissible by the European Court of Human Rights today (*Chiragov and Others v Armenia*, No. 13216/05).

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