



# **International Protection Considerations Regarding Armenian Asylum-Seekers and Refugees**

United Nations High Commissioner for Refugees (UNHCR)  
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## LIST OF ACRONYMS

ARF – Armenian Revolutionary Federation  
CEC – Central Electoral Commission  
CIS – Commonwealth of Independent States  
CPT – Committee for the Prevention of Torture  
ECRI – European Commission against Racism and Intolerance  
EOM – Election Observation Mission  
HHK – Hayastani Hanrapetakan Kusaktsutyun (Armenian Republican Party)  
IOM – International Organization for Migration  
NDU – National Democratic Union  
OSCE – Organization for Security and Co-operation in Europe  
ODIHR – Office for Democratic Institutions and Human Rights  
PACE – Parliamentary Assembly of the Council of Europe  
PECs – Precinct Election Commissions  
PNM – Pan-Armenian National Movement  
RA – Republic of Armenia  
TECs – Territorial Election Commissions  
USCR – U.S. Committee for Refugees  
ZhAM – Democratic Union Artsakh

## I. Introduction<sup>1</sup>

1. Armenia is presently experiencing extremely a harsh social and economic situation resulting from a combination of factors, including the collapse of the Soviet Union, the 1988 earthquake, several recent years of armed conflict with Azerbaijan over Nagorno-Karabakh, and the present deadlock in the conflict. The main problems faced by this society in transition include widespread poverty, lack of prospects for economic development, widespread corruption, and a weak foundation for the support of individual rights.

2. This paper aims to provide background information on Armenia together with some general guidelines to facilitate the determination of the possible need for international protection of asylum-seekers from Armenia. It is not exhaustive in covering all situations that may come up in practice, and it is not meant to be used as a recipe for determining individual cases, which should be considered on their own merits by applying the appropriate criteria.

## II. Background

### 1. General Information on Armenia

3. Situated in the South Caucasus, the Republic of Armenia, with area 29,800 sq km, shares its northeastern border with Turkey (268 km), its southern frontier with Iran (35 km), while Georgia (164 km) and Azerbaijan (566 km) are located on its northern and eastern sides.<sup>2</sup> The capital of Armenia is Yerevan with its 1.2 million inhabitants. Russian is widely spoken but Armenian remains the official language.<sup>3</sup>

4. Armenia's current population is 3,020,768, of whom 96 per cent are Armenian, 2 per cent Russian and 2 per cent other.<sup>4</sup> The official publication of the October 2001 census results was expected at the beginning of 2003. However, as they have not yet been published, the official figure for the total population remains 3.8 million.<sup>5</sup> Emigration is considered a persisting problem.

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<sup>1</sup> This paper is an update to the Background Paper on Armenia prepared by Centre for Documentation and Research in October 1999 and update to Guidelines relating to the eligibility of asylum-seekers from Armenia, UNHCR, June 2000.

<sup>2</sup> CIA World Factbook 2002, Armenia, <http://www.odci.gov/cia/publications/factbook/geos/am.html>, page last updated on 17 March 2003.

<sup>3</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109486](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109486).

<sup>4</sup> Institute for War and Peace Reporting, Caucasus Country Profiles, Armenia, [http://www.iwpr.net/index.pl?caucasus\\_profile\\_armenia.html](http://www.iwpr.net/index.pl?caucasus_profile_armenia.html).

<sup>5</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109495&x=33&y=3](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109495&x=33&y=3).

5. Nevertheless, according to information provided by the government's Department on Migration and Refugees, as many as 595,000 people arrived in Armenia in the course of 2002, slightly more than the number of those who left during the same period. The figure is based on reports from the country's border checkpoints as well as information provided by transport agencies.<sup>6</sup>

6. Armenia's economic growth has been strong<sup>7</sup> since independence, despite a lack of political stability, ongoing tensions with Azerbaijan and Turkey, and a failure to reduce corruption and restructure the energy sector. Since the October 1999 assassinations of Prime Minister Vazgen Sarkisian and Parliament Speaker Karen Demirchian, there have been three prime ministers and five government reshufflings. The agricultural sector accounts for one-third of GDP. Nevertheless, agriculture continues to depend largely on assistance from the Food and Agriculture Organization and the World Bank. Armenia's trade policies are among the most free trade-oriented in the Commonwealth of Independent States. In December 2001, Russia — Armenia's largest bilateral creditor, accounting for 11 percent of the country's total debt — signed an agreement restructuring this debt in a debt-to-equity swap. Armenia's accession to the Council of Europe in 2001 and the World Trade Organization in 2002<sup>8</sup> represent significant steps toward its integration into the global and European economic systems. Armenia's wages and prices score is 1 point worse in 2002. However, its fiscal burden of government score is 0.5 point better, and its monetary policy score is 1 point better. As a result, Armenia's overall score is 0.05 points better this year.<sup>9</sup>

7. Observers note that President Kocharian rules the country without the express support of any political party. Since coming to power in October 1999, commentators stated that he has nevertheless shown considerable political dexterity in cementing his authority.<sup>10</sup> This was demonstrated in particular by his appointment of Andranik Markarian (leader of the Republican Party) as prime minister in May 2000, which brought a former political rival into the government. The Republican Party holds a majority in parliament, and tends to support the president's initiatives. The Armenian Revolutionary Federation (ARF; Dashnaksutiun) is also broadly supportive of the president. Banned for a time during Mr. Ter-Petrosian's presidency, the ARF is supported by a large proportion of the Armenian diaspora, and is less directly influential in domestic Armenian politics than the Republican Party.

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<sup>6</sup> Radio Free Europe/Radio Liberty — Armenian liberty, 18 January 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/01/B8D774F2-3754-4A5F-A68E-899FCB548C57.asp>.

<sup>7</sup> European Union Chamber of Commerce in Armenia, 2003 Armenian state budget foresees 6% growth in economy, 25 Jun 2003, <http://www.eucca.am/?page=art&id=656&offset=0>.

<sup>8</sup> World Trade Organization, 2002 Press Releases, General Council approves accession of Armenia, [http://www.wto.org/english/news\\_e/pres02\\_e/pr324\\_e.htm](http://www.wto.org/english/news_e/pres02_e/pr324_e.htm).

<sup>9</sup> The Heritage Foundation, Armenia — The 2002 Index of Economic Freedom, <http://cf.heritage.org/index/country.cfm?ID=5.0>.

<sup>10</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109492](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109492).

8. Armenia's opposition parties are weak and divided, and have had little success in recent years in challenging either the Government or the President. Their disparate policy agendas and failure to unite behind a common leader have seriously compromised the effectiveness of the opposition parties as a political force. A group of 16 opposition parties have pledged to put forward a common candidate for the February 2003 Presidential election, but the political ambitions of many of their leaders are expected to prevent them from reaching agreement on a contender who is acceptable to all parties.<sup>11</sup>

9. Conflicting claims over Nagorno-Karabakh that generated significant external and internal population displacement in Armenia continue to be the underlying cause of the conflict between Armenia and Azerbaijan. Since the cease-fire in effect in 1994, neither troop dis-engagement nor a political settlement has been achieved. Setbacks to the Nagorno-Karabakh dispute were a recurrent occurrence during the period 1996 to 1998, even though negotiation efforts were regularly held under the auspices of the Organization for Security and Co-operation in Europe (OSCE).<sup>12</sup>

10. The majority of refugees currently living in Armenia came from Azerbaijan after conflict broke out between the two countries over the disputed territory of Nagorno Karabakh in 1988. The fighting displaced more than 1 million people on both sides, including some 360,000 ethnic Armenians who left Azerbaijan for Armenia. The ethnic Armenian refugees were registered as *prima facie* refugees by the Armenian government. The majority of the refugees are of urban background, but an estimated 70 per cent of them were settled in rural areas and face the challenges of a rural lifestyle. A cease-fire agreement has been in place since 1994, but with no real solution in sight for the conflict, there are few prospects for the ethnic Armenian refugees to return to Azerbaijan. In response to this, the Government of Armenia has adopted a policy of local integration towards this group of refugees. According to Armenia's Department for Migration and Refugees, the policy of integration of refugees from Azerbaijan is a priority of the Government. UNHCR has been assisting Armenia in implementing various programmes to help refugees integrate. Since 1998, the Department for Migration and Refugees, with assistance from the UNHCR, has been facilitating the acquisition of Armenian citizenship by refugees from Azerbaijan. So far, more than 50,000, or 21 per cent, of the 245,106 refugees registered in the country have opted for citizenship. For many refugees from Azerbaijan, integrating in Armenia has become a huge challenge. They associate their successful integration not with acquiring Armenian citizenship, but with getting jobs and permanent housing. The socio-economic problems mainly revolve around the provision of permanent housing for refugees, employment, and access to social welfare and health care. These common problems among the local population need to be addressed through comprehensive national strategies and programmes.

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<sup>11</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109492](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109492).

<sup>12</sup> OSCE, Mission Survey, January 2003, <http://www.osce.org/publications/survey/survey21.htm>; <http://www.osce.org/publications/survey/survey22.htm>.

11. Armenia supports ethnic Armenian secessionists in Nagorno-Karabakh and militarily occupies 16 per cent of Azerbaijan. OSCE continues to mediate the dispute, while the border with Turkey remains closed.<sup>13</sup> The enclave, under de facto control by Yerevan, fought a war of secession from Azerbaijan that left 20,000 dead and forced more than a million people on both sides into exile. Since a truce was called in 1994, Armenia and Azerbaijan have been locked in an uneasy standoff and skirmishes along the ceasefire line are frequent.<sup>14</sup> The ongoing dispute with Azerbaijan over the enclave of Nagorno-Karabakh has caused Armenia severe economic problems and made it a country virtually without an export economy with little prospects for economic growth.<sup>15</sup> Heat, water, electricity, and telecommunications are insufficient or nonexistent. With most of the factories, once a model of Soviet productivity, are now closed, and many refugees and even inhabitants of Armenia are unemployed. Farming is the only means for survival. While refugees received land after arriving in Armenia, few knew how to farm it.<sup>16</sup>

12. The overall area of the 17,000 sq kilometres of occupied territories of the Republic of Azerbaijan includes the territory of the Nagorno-Karabakh region (former Nagorno-Karabakh Autonomous Oblast (NKAO), abolished in 1991); the territories of 7 regions bordering with Nagorny Karabakh (Aghdam, Fizuli, Djabrail, Zangelan, Gubadly, Lachin and Kelbajar); the territories of 4 regions bordering with Armenia (Gazakh, Agstafa, Tovuz and Gedabey); the territories of 4 regions bordering with the Line of Contact (Ter-Ter, Goranboy, Agdjabedi and Beylagan). Occupied regions of Azerbaijan have been, according to the Azerbaijan Society of America, “totally destroyed and robbed.”<sup>17</sup> Extensive economic damage has been also inflicted to 4 regions of Azerbaijan bordering with Armenia, 4 regions bordering with the Line of Contact (cease-fire line) and the territories of the administrative regions of the Nakhchivan Autonomous Republic (an Azerbaijani exclave).<sup>18</sup>

13. In contrast with the position of ethnic Armenian refugees from Azerbaijan, Armenia had not yet officially recognized as refugees an estimated 11,000 persons (the concrete number is not known but according to UNHCR in reality the number is estimated far less than 11,000), almost all ethnic Armenians, who fled conflicts in Chechnya (Russian Federation) and Abkhazia (Georgia).

14. These persons were not granted refugee status by the Armenian Government either upon arrival or after the enactment of the 1999 Law on Refugees for political reasons so

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<sup>13</sup> CIA World Factbook 2002, Armenia, <http://www.odci.gov/cia/publications/factbook/geos/am.html>, page last updated on 17 March 2003.

<sup>14</sup> ReliefWeb, 8 July 2003, Armenia accuses Azerbaijanis of moving troops near Nagorny Karabakh enclave, <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/317ac6b341d74f4ec1256d5d004d51a7?OpenDocument>

<sup>15</sup> Serious food shortages in Armenia, WFP says, <http://www.unhcr.org>, 15 March 2003.

<sup>16</sup> World Food Programme, Waiting To Go Home: The Plight Of Nagorno-Karabakh's Refugees, 3 June 2003, [http://www.wfp.org/newsroom/in\\_depth/Europe/armenia030602.html](http://www.wfp.org/newsroom/in_depth/Europe/armenia030602.html).

<sup>17</sup> Azerbaijan Society of America, Socio-economic devastation caused by the occupation of territory of Azerbaijan Republic by Republic of Armenia, 1988-1994, March 2003.

<sup>18</sup> *Idem*.

were left in a legal limbo, but in 2002, the 1999 Law on Refugees was amended which, *inter alia*, provided temporary asylum status, which could be applied to the said groups. The deadline to apply for this status is 31 December 2003. Applications for this status are underway but few persons are coming forward for it.

15. When Armenia joined the Council of Europe in January 2001, it made a series of human rights commitments (see chapter 4).<sup>19</sup>

16. Despite the horrors of 11 September 2001 and the subsequent global actions taken against terrorism, the operational security environment in Armenia for the international organisations and diplomatic mission remained good in general.

### 1.1. General Information on Nagorno-Karabakh

17. Armenia formed an independent state between 1918 and 1921, and was incorporated into the Soviet Union by 1921. The country achieved full independence in September 1991 following a referendum. A new constitution was later adopted in July 1995. The Republic of Armenia is generally considered a remnant of a much larger area of Armenian settlements dating back to before World War I, including parts of eastern Turkey and other regions in the Caucasus.

18. Nagorno-Karabakh (known to Armenians as Artsakh) is an enclave located to the southwest of the capital of Azerbaijan, Baku, whose population in the late 1980s was three-quarters Armenian. It was linked administratively with Baku in the early 19th century when Russia took control of the area from Iran. When borders with the Soviet republics were drawn in the 1920s and 1930s, Nagorno-Karabakh was made into an oblast (region) within Azerbaijan. Conflict over the status of the enclave began in 1989. The Shusha region was captured by the Nagorno-Karabakh self-defence forces in May 1992, and by mid-1993, the ethnic Armenian militia controlled Nagorno-Karabakh, as well as the Lachin region, opening a corridor inside Azerbaijan linking Nagorno-Karabakh with Armenia.

19. Ethnic Armenians in Azerbaijan and ethnic Azeris in Armenia were both subject to discrimination and intimidation during the conflict 1988-1992, often accompanied by violence intended to force them out of the country. The US Department of State also states that some 185,000 ethnic Azerbaijanis living in Armenia in 1988 fled to Azerbaijan, while out of 400,000 ethnic Armenians living in Azerbaijan, some 330,000 sought refuge in Armenia, and a significant number fled to Russia. A small number remain in Azerbaijan. Pogroms occurred against Armenians in the Sumgait and other Azerbaijani cities at the height of the conflict. In 1988, a strong earthquake occurred in northern Armenia that destroyed the town of Spitak and damaged the country's second largest city, Leninakan (Gyumri). It is estimated that more than 25,000 people died and some 500,000 were made homeless.

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<sup>19</sup> Amnesty International Report 2003, Armenia.



### 1.1.1. International Involvement

20. On 24 March 1992, the OSCE became involved in attempts to settle the Nagorno-Karabakh conflict. At a meeting in Helsinki, Finland, the Ministerial Council decided to hold a conference to provide an ongoing forum for the negotiation of a peaceful settlement of the armed conflict in Nagorno-Karabakh. A conference was scheduled to take place in Minsk, Belarus that was to include as participants, Armenia, Azerbaijan, the Czech and Slovak Republics, Germany, Sweden, Belarus, and a limited number of interested States (France, Italy, Russian Federation, Turkey, and the United States). Although the Minsk Conference did not take place, its designated participants began to meet as the Minsk Group (without Armenia and Azerbaijan) in an effort to achieve a political solution to the Nagorno-Karabakh conflict on the basis of UN Security Council resolutions 822, 853, 874 and 884 (1993).<sup>20</sup> Extensive violence caused by the Nagorno-Karabakh conflict ended when a cease-fire under the auspices of the OSCE was put into effect in May 1994.

21. During the same year, UNHCR organized a regional conference on the problem of forced displacement, together with the International Organization for Migration (IOM) and the OSCE, upon the request of some Commonwealth Independent States (CIS) countries. The purpose of the conference was threefold: to provide a neutral and non-political forum for the CIS and neighbouring countries to address refugee and migration issues; to establish a better knowledge of the scale and scope of population displacements in the region; and to design a comprehensive strategy at the national, regional and international levels to cope with this problem. Armenia's first post-Soviet legislative elections took place in July 1995, permitting parties and organizations to contest for 190 seats of the new National Assembly under a mixed system of voting (150 seats to be filled by majority vote and 40 by proportional representation on the basis of party lists). The Republican bloc constituting an alliance of six groups led by the Pan-Armenian National Movement (PNM) won a majority of 119 seats in the Assembly. The elections were monitored by 185 international observers including a delegation from the OSCE. Some irregularities were reported by the OSCE Delegation and the outcome of the overall election results were vehemently contested by the opposition parties. Simultaneously, with the legislative elections, a referendum on a new Constitution was held and adopted in July 1995 that extended strong powers to the President. These powers included the right to dismiss parliament and the national Assembly; to call new elections, to appoint key executive and judicial officials without parliamentary approval, and the right to appoint his own prime minister. The latter right was exercised by the President on five occasions between 1991 and 1998.

### 1.1.2. Political Background Until 1999

22. During the period end of 1996 to early 1998, Armenia experienced extensive government re-organization, a succession of prime ministers, and divisions within the government over the settlement of Nagorno-Karabakh conflict. By March 1997, the

<sup>20</sup> UN Security Council Resolutions on Nagorno-Karabakh, <http://www.state.gov/r/rls/or/13508.htm>; or RefWorld 2003, CD 4 – United Nations Documents, Security Council, Resolutions.

newly appointed Prime Minister, Armen Sarkisian, resigned on grounds of ill health, and was replaced by Robert Kocharyan, the former President of Nagorno-Karabakh. In the months that followed, tensions within the republic increased, while opposition parties formed an alliance, the Union of National Accord. The alliance, including the National Democratic Union (NDU) and the Armenian Revolutionary Federation (ARF), continued to campaign for new presidential and legislative elections, leading to protest rallies.

23. By January 1998, divisions within the government further widened when President Ter-Petrosian supported the OSCE plan for a peaceful, systematic settlement in Nagorno-Karabakh conflict. This approach encountered opposition as powerful elements in the government of Armenian, notably, the Prime Minister, Robert Kocharyan, and Defence Minister, Vazgen Sarkissian, denounced the plan as a more compromising line on the settlement for Nagorno-Karabakh. The OSCE plan for a settlement of the Nagorno-Karabakh conflict was also unpopular among the Armenian population in the country as well as in the diaspora. In early February 1998, President Ter-Petrosian resigned, followed by the parliament speaker, Babken Araktsian, as well as two of his deputies.

24. The Presidency, elected since 1995, was dominated by the Pan-Armenian National Movement (APNM), but suffered defections and eventual defeat when President Ter-Petrosian was ousted from office in February 1998 by forces that objected to his willingness to compromise over a settlement to the Nagorno-Karabakh conflict. Prime Minister Kocharian thus became acting President.

25. In March 1998, presidential elections were held in two rounds, whereby Robert Kocharian won in the second round with 59.5 per cent of votes. A coalition, the Justice and Unity Alliance, supported Robert Kocharian's candidature. The March 1998 presidential elections brought about a political realignment in Armenia. A month later, President Kocharian re-legalized the ARF (Armenian Revolutionary Federation or Dashnaktsutyun). The Self-Determination Union led by former dissident and Karabakh Committee member Paruyr Hairikian, and the Democratic Party of Armenia supported the new President.

26. In the 1999 parliamentary elections, 21 parties contested, compared to eight parties in 1995. The Unity Alliance (the *Miasnutiun*) won the parliamentary elections with 64 seats in the new 131-seat legislature, while the Communist Party of Armenia as the main opposition party won 10 seats. The Unity Alliance is a merger between the People's Party led by Karen Demirjian, the new speaker of parliament, and the Republican Party of Vazgen Sarkissian, the Prime Minister. Many leading members of the Unity Alliance are reported to be veterans of the Karabakh war. The Law and Unity Party, a group with strong connections to the Karabakh Defence Minister, Samvel Babayan, won seven seats predominantly in the capital Yerevan. The remainder of the composition of the new parliament include Independents with 27 seats, Dashnakutsiun (7 seats), National Democratic Union (6 seats), Law Governed Country (6 seats), Armenian National Movement and Mission obtained one seat each, with two seats remaining vacant.

## 2. The Political Context and Actors Since 1999

27. On 29 June 1999, the head of the Armenian Apostolic Church, Garegian I, died. The Armenian Apostolic Church has considerable political and social significance, particularly on the issue of the Nagorno-Karabakh dispute as well as the relationship between Armenia and the diaspora. A new head of the Church Garegin II Nersissian was elected in October 1999.<sup>21</sup>

28. On 27 October 1999, five gunmen burst into parliament and opened fire, killing the Prime Minister, the parliamentary speaker, and other Government members and parliamentarians. In the aftermath of the shootings Vazgen Sarkisian's brother, Aram Sarkisian became Prime Minister, but in May 2000, he was sacked and replaced by a former dissident, Andranik Markarian. The trial of the gunmen began in March 2001.

29. Nairi Hunanian, the man who led the group of four other men, including his brother Karen, to the 1999 bloody raid on the parliament, said that the plot to overthrow Armenia's "criminal government" first arose two months before the assault and that he was its sole author. Hunanian, again denying the theory that the murder of Prime Minister Vazgen Sarkisian and seven other officials was masterminded by other, more influential figures, claimed he opted for terror after losing hope to make things better "in a civilized way."<sup>22</sup>

30. With the trial still ongoing in late 2002, the consequences of the assassinations continue to reverberate throughout Armenia's political system. In-fighting between the parties of the Unity Alliance and within each party led to the collapse of the alliance as a political force in late 2001, and many individual members of the alliance have moved into opposition to the President. However, despite repeated attempts to adopt a common policy stance, the opposition has failed to form a cohesive force. Although Mr. Kocharian has not been embraced by any one political party, and has not attempted to ally himself with one political group, the weakness of the opposition has enabled the President to dominate the political scene since 2000.<sup>23</sup>

31. In 2001, the domestic political scene in Armenia remained stable. Although some ministerial positions changed during the year, the Prime Minister, who has served since May 2000, remained in place, as did the Ministers in such key ministries as Defence, Interior, National Security, and Foreign Affairs, providing much desired continuity to the government. The Constitution adopted in 1995 was reviewed during the year and extensive amendments were proposed. Once the National Assembly has approved a revision, it will have to be put to a vote in a national referendum. This referendum was

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<sup>21</sup> CNEWA a papal agency for humanitarian and pastoral support, The Eastern Christian Churches, 2003, <http://www.cnewa.org/ecc-armenian-apostolic.htm>

<sup>22</sup> RFE/RL, Armenian Service, Hunanian Insists Decision To Storm Parliament Was Entirely His, 4 May 2001, <http://www.rferl.org/bd/ar/reports/archives/2001/05/0-040501.html>.

<sup>23</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109489&x=20&y=13](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109489&x=20&y=13).

held in May 2003 coinciding with the parliamentary elections but the amendments were not adopted. (See chapter 2.2).

32. Due to the restructuring of the Government in 2002, the Ministries of Interior and National Security have been transformed into the Republic of Armenia Police and the Republic of Armenia National Security Service respectively, entities having a lower status than ministries.

### 2.1. Presidential Elections<sup>24</sup>

33. According to the Election Observation Mission of the OSCE ODIHR, the 19 February and 5 March 2003 presidential election in the Republic of Armenia fell short of international standards for democratic elections. While the election involved a vigorous countrywide campaign, the overall process failed to provide equal conditions for the candidates. Voting, counting and tabulation showed serious irregularities, including widespread ballot box stuffing.

34. The newly amended Electoral Code provided a basis for the conduct of elections in compliance with international standards. However, the Code was not implemented with sufficient political determination to meet OSCE commitments for democratic elections.

35. The field of nine candidates provided voters with a genuine choice and opposition candidates did not hesitate to criticize the incumbent. However, the political atmosphere was charged and marred by intimidation, isolated disruption of campaign events and one serious violent incident. Public resources were widely used in support of the incumbent.

36. The second round was clouded by the administrative detentions of over 200 opposition supporters, in contravention of OSCE commitments and a resolution of the Parliamentary Assembly of the Council of Europe.<sup>25</sup> Over 80 people were sentenced to up to 15 days in jail, often in closed hearings and without the benefit of legal counsel. Some opposition leaders made intemperate statements, including calls for unconstitutional action, although the opposition candidate in the second round called on his supporters to take only action in accordance with the law. Rallies and demonstrations remained largely peaceful.

37. According to observers, public television and the major State-funded newspaper were heavily biased in favour of the incumbent, failing to comply with their legal obligation to provide balanced reporting on candidates or with OSCE commitments on equal access to the media. Independent television *AI+* remained off the air throughout the election. A positive development in the second round was the first television debate between presidential candidates ever to take place in Armenia.

<sup>24</sup> OSCE, Republic of Armenia, Presidential elections 19 February and 5 March 2003, Final Report, [http://www.osce.org/odihr/documents/reports/election\\_reports/am/am\\_19feb2003\\_ehr.php3#121](http://www.osce.org/odihr/documents/reports/election_reports/am/am_19feb2003_ehr.php3#121).

<sup>25</sup> Council of Europe, Press Service – Communication and Research, 129(a) 2003, Council of Europe extremely worried about Armenian presidential elections, [http://press.coe.int/cp/2003/129a\(2003\).htm](http://press.coe.int/cp/2003/129a(2003).htm).

38. In general, the election administration efficiently completed the technical preparations for the election. The formula for appointing election commission members led to politically imbalanced commissions in which most opposition candidates had little confidence. The Central Election Commission (CEC) did not publish a prompt and detailed breakdown of preliminary results, contributing to further lack of confidence in the process. Despite useful efforts to improve the voter lists, they remained problematic.

39. Voting and counting were generally calm but severely flawed. Although the majority of polling stations visited were well run, international observers confirmed widespread irregularities of many types, notably ballot box stuffing, around the country. There were significant discrepancies and implausible figures in the tabulated results for a large number of polling stations. A positive development was the presence of a large number of domestic observers.

40. The complaints and appeals processes did not provide effective remedies for complainants. The failure of the authorities to take action in the face of clear violations of the law was of particular concern, especially in the period between the two rounds of voting.

41. Two cases were brought to the Constitutional Court contesting separately the outcome of each round. The cases were heard and underwent rigorous, public, and thorough examination by the Court. Neither complaint was upheld, although the Court confirmed that a number of serious electoral violations had taken place. The Court also made a number of recommendations for improved implementation of the legislative and administrative frameworks.

42. The failure of the 2003 presidential election to meet international standards lay not in technical or procedural lapses, but in a lack of sufficient political determination by the authorities to ensure a fair and honest process. Restoring confidence in the election process will require prompt and vigorous action by the authorities, including a clear assumption of responsibility and holding accountable those who violated the law, particularly those in official positions who did so.

43. On 20 February, the CEC (Central Electoral Commission) announced preliminary results of the presidential election. The official tally showed that of 1,418,811 votes for the nine candidates, incumbent Robert Kocharyan received 707,155 votes (49.84%), just short of the required majority necessary to win in the first round, while his closest competitor, Stepan Demirchyan, received 400,846 (28.25%). Based on these results the CEC announced that a second round would be held on 5 March 2003 between Kocharyan and Demirchyan. The official results were announced five days later, showing that the incumbent's percentage fell slightly to 49.48%, while Demirchyan's total also fell slightly to 28.22%.

44. The preliminary results for the second round, announced by the CEC on 6 March 2003, showed that Robert Kocharyan won with 1,044,801 votes (67.52%), while Stepan Demirchyan had received 503,136 votes (32.48%). Once again, the preliminary results were announced without a detailed breakdown to polling station level. The official results were issued five days later; the EOM (Election Observation Mission) was provided with detailed results at that time.

## 2.2. Parliamentary Elections

45. The 25 May 2003 parliamentary elections took place in accordance with the constitutional requirement to hold such elections every four years. The National Assembly of the Republic of Armenia consists of 131 deputies: 75 seats are allocated on a proportional basis to parties or blocs that gain more than 5% of the votes cast in a single national constituency; 56 deputies are elected from single-member constituencies through a one round majority system. Because of changes to the Electoral Code in July 2002, this composition was expected to be an exact reversal of the current parliament, which has a 75 member majority and 56 proportional seats.

46. While electoral legislation in Armenia provides a basis for the conduct of elections in compliance with international standards, it contains a number of ambiguous provisions that have the potential for inconsistent or contradictory interpretation or implementation. The Chairman of the CEC has acknowledged to the EOM of the OSCE that the Electoral Code needs to be improved. Two recent decisions by the Constitutional Court relating to disputes from the presidential election have contributed towards clarifying some of the ambiguous provisions. The Court strongly criticised the current application of procedures for resolving electoral disputes.<sup>26</sup>

47. The parliamentary elections and referendum are administered by a three-tier election administration – the CEC, 56 Territorial Election Commissions (TECs) and approximately 1,877 Precinct Election Commissions (PECs). TECs are directly responsible for the administration of the constituency elections under the supervision of the CEC. All commissions consist of nine members: three appointed by the President and one from each of the six parliamentary factions as established following the 1999 election.

48. According to the final vote results announced by the Central Election Commission (CEC), the Armenian Republican Party (HHK) led by Prime Minister Andranik Markarian and Defence Minister Serzh Sarkisian won 23.7 percent of the vote or 23 seats in the 131-member parliament under the proportional representation system. The Republicans also won more than a dozen seats in individual first-past-the-post races and will enjoy the backing of over 20 deputies not affiliated with any party.

49. The official figures, which are virtually identical with the CEC's preliminary tally,

<sup>26</sup> OSCE-ODIHR, Interim report 1, 25 April – 5 May 2003, [http://www.osce.org/odihr/elections/field\\_activities/2003armenia\\_pe/doc/interim1.pdf](http://www.osce.org/odihr/elections/field_activities/2003armenia_pe/doc/interim1.pdf).

put the opposition Artarutyun (Justice) bloc in second place with 13.8 percent of the party-list vote or 14 parliament seats. It won only three additional mandates in the single seat constituencies.

50. Artarutyun was followed by two major parties supporting President Robert Kocharian: Orinats Yerkir (Country of Law) and the Armenian Revolutionary Federation (Dashnaktsutyun). They got about 12.5 percent and 11.5 percent respectively. Orinats Yerkir will boast the second largest parliament faction, 18 seats, thanks to its strong showing in the “majority” constituencies. The Dashnaktsutyun faction will have only 11 deputies – a major setback for the nationalist party, which hoped to substantially boost its political influence.

51. Another opposition party, Artashes Geghamian’s National Unity, placed fifth with almost 9 percent giving it 9 parliament seats. Only one other group, the United Labour Party of pro-Kocharian businessman Gurgen Arsenian, passed the 5 per cent vote threshold for entering the National Assembly. The party was little known before the elections. Several other pro-Kocharian parties failed to pass the threshold, the CEC said.

52. The final CEC tally was rejected as fraudulent by Artarutyun hours before its publication. The bloc, which claims to have won the election by a large margin, demanded that the CEC invalidate the figures.

53. The credibility of the results was also challenged by several pro-establishment parties. The CEC’s deputy chairman, Hamlet Abrahamian of Dashnaktsutyun, declined to vote for the body’s party-list protocol. Another CEC member representing Orinats Yerkir endorsed it, but claimed that his party was robbed of 80,000 votes that would have given it an extra seven seats. Some of the other pro-presidential parties that failed to win any seats have also made fraud allegations.

54. The leadership of Artarutyun, meanwhile, appears divided over whether or not it should boycott sessions of the new parliament in protest against the reported irregularities that led Western observers to conclude that the elections were not democratic. Bazeyan said his Hanrapetutyun (Republic) party stands for the boycott. However, several other opposition leaders have argued that Artarutyun should use the parliament in its fight against the ruling regime.

55. In a related move, the CEC confirmed the defeat of Kocharian’s draft amendments to Armenia’s constitution at a referendum also held on 25 May 2003. It said that only 46 percent of some 1.22 million Armenians who took part in the referendum voted for the proposed changes. The backing of at least 780,000 voters was needed to pass.<sup>27</sup>

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<sup>27</sup> RFE/RL, Final Election Results Confirm Republican Win, 31 May 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/05/84B391BB-3B51-45C6-95A7-4C6D1D1CAAAA.asp>.



56. About 200 U.S. and European observers who closely followed the elections reported numerous instances of “serious fraud” in the counting of ballots and concluded that the vote fell short of democratic standards. The Armenian authorities admit vote irregularities but insist that thus were not significant enough to affect the outcome of the parliamentary race.<sup>28</sup>

57. After losing a court battle in the Constitutional Court on 7 July 2003, Armenia's main opposition alliance in the newly elected parliament wants to continue its fight in the Strasbourg-based European Court of Human Rights. The Artarutiu (Justice) parliamentary bloc announced that they have started paperwork for presenting the case to the European Court of Human Rights.<sup>29</sup>

### 2.3. The Nagorno-Karabakh Conflict and Peace Initiatives Since 1999

58. Nagorno-Karabakh (4,400 sq km, capital Stepanekert)<sup>30</sup> is a self-declared republic with presidential polity with population 150,000 consisting from 95 per cent of Armenians and 5 per cent of other, including Assyrian and Greek. With Christian Armenians constituting more than 95 percent of the territory’s population, the Armenian Apostolic Church is the predominant religion. Industrial capacity remains limited, with high unemployment forcing many residents to leave for neighbouring countries in search of work. Widespread corruption, a lack of substantive economic reforms, and the control of most economic activity by powerful elites limit equality of opportunity for most residents.

59. While Yerevan insists that Nagorno-Karabakh should be left outside Azerbaijani jurisdiction, Baku maintains that the territory may be granted broad autonomy while remaining a constituent part of Azerbaijan. Azerbaijan also has refused to negotiate with President Arkady Ghukasian, who has demanded direct representation in the peace process.

60. The majority of those who fled the war continue to live in squalid conditions in IDP camps in Azerbaijan, while international aid organizations are reducing direct assistance to the IDPs. One fifth of Azerbaijan’s territory captured during the war remains occupied by Armenia. Sniper attacks and land mine explosions continue to result in casualties each year.

61. Residents of Nagorno-Karabakh technically have the means to change their government democratically. Parliamentary elections in 1995 and 2000 were regarded as generally free and fair, as were the 1996 and 1997 presidential votes. However, the

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<sup>28</sup> RFE/RL, Constitutional Court Considers Main Election Lawsuit, 27 June 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/06/1FE0305A-3A86-4DB8-AAC2-99721CBA81FB.asp>.

<sup>29</sup> RFE/RL, As CEC Elects New Chairman, Opposition Prepares New Lawsuit In European Court Of Human Rights, 10 July 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/07/A3AEBF53-AC04-40FE-ADA1-31DBF43A0590.asp>.

<sup>30</sup> Armenians on the Internet, 10 July 2002, [http://www.hyeetch.nareg.com.au/republic/karabagh\\_p1.html](http://www.hyeetch.nareg.com.au/republic/karabagh_p1.html).



elections were considered invalid by most of the international community, which does not recognize Nagorno-Karabakh's independence. Nagorno-Karabakh's electoral law calls for a single-mandate system to be used in parliamentary elections; lawmakers rejected the opposition's demands for the inclusion of party-based lists.

62. While internationally mediated efforts to find a lasting settlement to the protracted Nagorno-Karabakh dispute showed signs of progress in early 2001, the negotiations quickly lost momentum by midyear. Initially promising discussions in Key West, Florida, in April<sup>31</sup> failed to lead to a comprehensive agreement at year's end. Despite criticism from the Council of Europe that municipal elections scheduled for September 2001 could further undermine peace efforts, the republic held the local vote as planned, in which the ruling Democratic Union Artsakh (ZhAM) party captured most of the local government body posts.

63. In June 1999, president Arkady Ghukasian dismissed Prime Minister Zhirayr Pogosian amid allegations that a surveillance device discovered in the president's office had been planted by Pogosian, possibly on the order of powerful Defence Minister Samvel Babayan. Some analysts speculated that Pogosian's dismissal indirectly targeted Babayan, with whom Ghukasian had become increasingly involved in a power struggle; Babayan was removed as defence minister the same month. Anushavan Danielian, a former deputy parliamentary speaker in Ukraine's Autonomous Republic of Crimea, was named the new prime minister.

64. In the territory's June 2000 parliamentary vote, 123 candidates representing five parties competed in single-mandate constituencies for the national assembly's 33 seats. The ruling ZhAM party, which supports Ghukasian, enjoyed a slim victory, winning 13 seats. The Armenian Revolutionary Federation-Dashnaktsutium won 9 seats, the center-right Armenakan Party captured 1 seat, and formally independent candidates, most of whom support Ghukasian, won 10. Approximately 50 election monitors from several countries observed the poll, including representatives from the British Helsinki Human Rights Group. International observers described the electoral campaign and voting process as calm and largely transparent, although problems were noted with the accuracy of some voter lists.

65. On March 22, 2000, president Ghukasian was seriously wounded by two gunmen during a failed assassination attempt. Police quickly arrested dozens of suspects, including Babayan and a number of his inner circle. While some welcomed the detention of Babayan, who had been accused of corruption and reportedly wielded considerable political and economic power in the territory, his supporters insisted that the arrest was politically motivated. Along with 15 other defendants, Babayan, who was charged with organizing the attack in order to seize power in the republic, was put on trial in mid-September in Stepanakert. In February 2001, Babayan was found guilty and sentenced to

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<sup>31</sup> US Department of State, Bureau of European and Eurasian Affairs, Washington DC, 11 September 2002, Fact Sheet, The United States and Nagorno-Karabakh, <http://www.state.gov/p/eur/rls/fs/13502.htm>.

14 years in prison, while the other defendants received various prison terms or short suspended sentences. The presiding judge announced that the verdict had been based on pre-trial testimony in which Babayan confessed to the charges, even though he later retracted his admission of guilt, claiming that it had been obtained under duress. In a separate case, Babayan's brother, former Nagorno-Karabakh interior minister, and Stepanakert Mayor Garen Babayan, were convicted in November of corruption, abuse of power, and illegal arms possession and was sentenced to five and a half years in prison.

66. Nearly 2,000 candidates contested legislative and executive posts in 223 municipalities during Nagorno-Karabakh's local elections on September 5. Voter turnout was estimated at 60 percent. Members of ZhAM were elected to head local government bodies in at least 140 towns and villages. ZhAM candidate Hamik Avanesian, who had been Stepanakert's municipal head during the Soviet period, defeated five challengers with 53 percent of the vote to become mayor of the territory's capital city. While no major irregularities were reported during the elections, Avanesian reportedly received significant support from the republic's authorities, including in the dominant state-run media. The Council of Europe warned that the elections were not legitimate and could undermine peace process efforts, and Azerbaijan called the poll illegal.<sup>32</sup>

67. President Heider Aliyev of Azerbaijan and President Robert Kocharian of Armenia started a direct dialogue in 1999 and have met over a dozen times in an effort to bring peace and stability to the South Caucasus. Their most recent encounters were 26-27 January 2002, 4-5 March in Paris where they met alone and with French President Jacques Chirac and 15 May 2002 in Prague, where the talks were convened and chaired by the OSCE Minsk Group Co-Chairmen. At this first meeting, the sides engaged in useful discussions<sup>33</sup>, but no breakthrough was achieved.<sup>34</sup>

68. NATO Secretary General also commented on the Nagorno-Karabakh conflict when he arrived in Azerbaijani capital Baku 15 May 2003. Addressing the Azerbaijani parliament, the NATO chief urged Azerbaijan and Armenia to reach a compromise and start working together. Secretary General Robertson said that Northern alliance has no plans of involvement in the settlement of the Nagorno-Karabakh conflict. Armenia maintains close military ties with Russia, and unlike its neighbours Georgia and Azerbaijan does not want to become a member of NATO.<sup>35</sup>

69. International mediators seeking a peaceful settlement of the Nagorno-Karabakh dispute did not set a date for a planned visit to the zone of conflict in May 2003 because

<sup>32</sup> Freedom House, Armenia/Azerbaijan Nagorno-Karabakh 2001-2002, <http://www.freedomhouse.org/research/freeworld/2002/countryratings/armenia-azerbaijan.htm>.

<sup>33</sup> OSCE Press Release, 15 May 2002, Personal representatives of Armenian and Azerbaijani Presidents held Nagorno-Karabakh talks in Prague, [http://www.osce.org/news/generate.php3?news\\_id=2458](http://www.osce.org/news/generate.php3?news_id=2458).

<sup>34</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109490&x=20&y=11](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109490&x=20&y=11).

<sup>35</sup> RFE/RL, 15 May 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/05/F8D0BC31-189A-4DC5-A9C2-3C5D6B8C755B.asp>.

of the deteriorating condition of Azerbaijan's ailing president. The French, Russian, and U.S. diplomats co-chairing the Minsk Group of the Organization for Security and Cooperation in Europe were scheduled to arrive in the region on 18 May 2003 for a new round of shuttle diplomacy. Their long-running peace efforts were effectively put on hold late last year in anticipation of the presidential elections in both Armenia and Azerbaijan.

70. The Azerbaijani leader and his Armenian counterpart, Robert Kocharian, have held frequent face-to-face talks on Karabakh in recent years and were close to hammering out a peace deal in April 2001. The international mediators hoped that the two presidents could achieve a breakthrough after securing re-election in 2003's presidential polls.<sup>36</sup>

71. An upsurge in shooting incidents across the Armenian-Azerbaijani armistice line is worrying international negotiators. As Azerbaijan prepares for a presidential election in October and an expected change of regime due to the ill health of President Heidar Aliev, the region is bracing itself for new tensions in the unresolved Armenian-Azerbaijani dispute over Nagorny Karabakh. President Aliev flew to the United States on August 6 for more medical treatment.

72. The last two months have seen some of the worst violence for many years. The most serious reports of ceasefire violations have come from the village of Garakhanbeili in the Fizuli region of southern Azerbaijan. However, there have also been reports of incidents across the Armenia-Nakhichevan border and the northern frontier between Armenia and Azerbaijan. Estimates of the number of casualties vary. The Armenians admit to the death of only one of its soldiers and the wounding of two others in July. The Azerbaijanis give much more dramatic figures, saying 11 of their soldiers have been lost in the last two months, with more than 30 killed in the year so far and 18 counted as missing. An official close to the talks, speaking on condition of anonymity, said that if current trends continue, the losses across the front line for 2003 could be three times worse than last year, when around 20 soldiers were killed. That would make it the worst year of violence since 1996.

73. The problems on the ceasefire line have done more damage to international efforts to keep the peace process for Nagorny Karabakh alive. The three international co-chairs of the Organisation for Security and Cooperation in Europe's Minsk Group, which is the main mediating body for the conflict, are expressing concern over what is going on. The co-chairs have not been able to make a single trip to the region this year – although they have met the Armenian and Azerbaijani presidents elsewhere. Ultimately, however, the mediators are playing a secondary role and it is the politicians on the ground who will decide what happens with Karabakh.<sup>37</sup>

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<sup>36</sup> RFE/RL, 22 May 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/05/0701946C-B33F-481C-B720-2BCDC7415DF7.asp>.

<sup>37</sup> Institute for war and peace reporting, Caucasus Reporting Service No. 190, "Karabakh Ceasefire Under Strain", [http://www.iwpr.net/index.pl?archive/cau/cau\\_200308\\_190\\_1\\_eng.txt](http://www.iwpr.net/index.pl?archive/cau/cau_200308_190_1_eng.txt).

74. Azerbaijan on 20 August 2003 accused Armenian forces of firing on its troops, but Armenia said the attack came from the Azeri side first. The incident was the latest in a series of firefights between forces of the two former Soviet republics in recent months that have claimed several lives and left the decade-old ceasefire between the two sides under strain. The firefight the 19 August 2003 forced observers from the Organization for Security and Co-operation in Europe (OSCE) to abandon a visit to the area to monitor the ceasefire, according to the Azeri defence ministry. An OSCE spokesman said he could not confirm the report, but Armenia officials denied that they had opened fire first. Andrzej Kasprzyk, the OSCE's special envoy for Nagorno-Karabakh, who was in the area for a routine inspection of the ceasefire line, cut short his visit because of the shooting.<sup>38</sup>

### 3. Regional Implications

75. Armenia's relations with its neighbours are still dominated by its history over the past century. Relations with Azerbaijan are poor because of the long-running dispute over Nagorny Karabakh, and the combined effects of Armenia's claims of genocide and the Nagorny Karabakh conflict preclude normal relations with Turkey. Both Turkey and Azerbaijan maintain an effective blockade against Armenia, although small-scale trade with both countries is carried out through Georgia. Relations with Turkey have warmed slightly over the past year: the Turkish government has relaxed some of its visa restrictions on Armenians, and has opened up a new border crossing into Georgia that is closer to Armenia. There is also now a direct air link between Yerevan and Istanbul.

76. Armenia maintains good relations with its other neighbours, Georgia and Iran, which provide its only routes to the outside world. Since independence, Armenia has relied on Georgia as a transit country for gas supplies from Russia. The deterioration in relations between Georgia and Russia has led to increasing concern in Armenia, whose economy would be severely affected by any upheaval in Georgian-Russian relations. To this end, the Armenian government has been seeking to diversify both its trade routes and sources of energy supplies, and has concluded agreements with Iran and Turkmenistan on the construction of a gas pipeline linking the three countries. However, US hostility to Iran means that securing financing for the construction costs is likely to prove extremely difficult.

77. Russia is still Armenia's main strategic partner in the region, and is an important ally, particularly in stemming any perceived growth of Turkish influence. Despite periodic bursts of acrimony, mainly over unpaid energy bills, Russia and Armenia view their relationship as pivotal, particularly as both Georgia and Azerbaijan pursue a more overtly Westward foreign policy. Armenia is a member of the Commonwealth of Independent States (CIS) security structures, and relies on bilateral military support from Russia. The government has signed a 25-year basing agreement for Russian troops – a full Russian

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<sup>38</sup> RFE/RL, Armenia liberty, 20 August 2003, Fresh Firefight Reported On Armenian-Azeri Border, <http://www.armenialiberty.org/armeniareport/report/en/2003/08/CAB901BD-89E6-44BA-841E-FF0FA17204D6.asp>.

military base was established in Armenia in 1995 – and Russia keeps a fighter squadron in Armenia.<sup>39</sup> Russian troops control non-CIS borders (i.e. Turkey and Iran) and the International Airports but the border between Armenia and Georgia is controlled by the Armenian border troops.

#### **4. Review of the General Human Rights Situation in Armenia**

78. In 2002, Armenia ratified the European Convention on Human Rights, although Protocol No. 6, which abolishes the death penalty except in time of war, was not submitted to parliament for ratification. Armenia also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This authorizes the European Committee for the Prevention of Torture (CPT) to visit all places of detention in Armenia; the CPT conducted its first visit in October.

79. A new Criminal Code was given a first reading in parliament in June 2002 and a second reading in December. The new Criminal Code adopted by the National Assembly, effective as of 1 August 2003, fully abolished the death penalty, thus complying with the sixth Protocol of the European Convention of Human Rights. However, there is a reservation in the new Code that states the abolition of death penalty does not cover persons who committed grave crimes and terrorist acts prior to the Criminal Code entering into force.

80. In August, the committee monitoring Armenia's membership of the Council of Europe visited the country. Based on the committee's report, the Parliamentary Assembly of the Council of Europe (PACE) called in September for the complete abolition of the death penalty in Armenia without any exceptions or restrictions. PACE also noted that it might decide to withdraw the credentials of the Armenian parliamentary delegation should Armenia fail to abolish the death penalty by June 2003. The monitoring committee had indicated that, given the help provided by Council of Europe experts, abolition could be incorporated into the new criminal code for its second reading. However, on 25 December 2002 the code was given its second reading unaltered on this point.

81. Despite a de facto moratorium on executions, the number of prisoners condemned to death rose to at least 42 by early October.<sup>40</sup> The head of the Council of Europe's monitoring group Pietro Ago, said that the Armenian leaders gave him on 7 July 2003 firm and more concrete promises to speed up the fulfillment of the country's obligations before the 43-nation pan-European body, including abolition of the death penalty.<sup>41</sup> The President issued a decree, effective 1 August 2003, that the punishment of 42 persons in the death row has been replaced with life-imprisonment.

<sup>39</sup> Economist Intelligence Unit (EIU), Country Profile 2002, Armenia, [http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc\\_id=1109494](http://db.eiu.com/reports.asp?title=Country+Profile+Armenia&valname=CPCAMD&doc_id=1109494).

<sup>40</sup> Amnesty International Report 2003, Armenia.

<sup>41</sup> RFE/RL, 7 July 2003, <http://www.armenialiberty.org/armeniareport/report/en/2003/07/8C418D39-C44B-424E-AFC8-F57D20C0F521.asp>.

82. Armenia's commitments to the Council of Europe include the adoption by January 2004 of a law on an alternative to military service, and in the meantime pardons for all imprisoned conscientious objectors. A draft law was under consideration in 2002 but was not adopted.<sup>42</sup> Currently the Government is working on the second draft of law on an alternative military service.

83. Attacks on press freedom increased amid the uncertainties of the run-up to the 19 February 2003 presidential election and violence against journalists grew towards the end of the year. Tigran Naghdalian, a close ally of President Robert Kocharian and a key figure in the public TV station, was killed and investigative journalist Mark Grigorian was seriously injured in a grenade attack.

84. Independent media were severely hampered by the national broadcasting authority's policy of assigning frequencies. The cancellation of one independent TV station, A1+ and refusing assigning a frequency to a new agency, Noyan Tapan, set off strong reaction both inside and outside the country. Protest demonstrations called for the resignation of Kocharian and the United States expressed concern for the future of the independent media. The Organisation for Security and Cooperation in Europe (OSCE) urged immediate attribution of frequencies so that all TV companies would be operating before the 2003 election. On 3 May, World Press Freedom Day, President Kocharian was named an "enemy of press freedom" by the National Press Club. However, legal progress was made when parliament gave a first reading on 23 October 2002 to a bill that would be the country's first press freedom law in line with Armenia's promises to the Council of Europe. However, the law was criticised by the OSCE and by the Yerevan Press Club, which said a clause about the government's obligation to provide information to journalists should have been included.<sup>43</sup>

#### 4.1. Freedom of Movement

85. The Constitution provides the rights to freedom of movement. There are no restrictions on internal movements and citizens have the right to change their residence or workplace freely. However, men of military service age must overcome substantial bureaucratic complications to be deregistered from one place and to be registered at another place in order to change the residence within the country.

86. The Law on Citizenship and a subsequent governmental decision require that every citizen be issued a passport when he or she reaches the age of 16. When a citizen is suspected, accused, or convicted for crimes, the law enforcement bodies or courts seize his or her passport to prevent the person from leaving the territory of the Republic of Armenia. The passport will be returned when the person is released. RA citizens who wish to travel abroad need a stamp on their passports as an exit permit. An exit stamp is valid for up to five years and may be used as many times as an individual chooses to

<sup>42</sup> Amnesty International Report 2003, Armenia.

<sup>43</sup> Reporters without Borders, Armenia Annual Report 2003, 2 May 2003.

travel. An exit stamp may be denied to those persons who possess state secrets, to those subject to military service, to those who have financial obligations towards other citizens as decided by the court.

#### 4.2. Organized Crime

87. Trafficking in persons, which is not the only organised crime in Armenia, is a growing problem in Armenia as a country of origin. However, there is a lack of statistical and factual data. UNHCR does not have information whether victims of trafficking who have returned to Armenia are stigmatised and mistreated, which may amount to persecution, or whether the State does not effectively prevent trafficking due to an inability or unwillingness stemming from association with the organisers of such crimes. It must be noted that since it was designated by the 2002 US State Department Report as a Tier 3 country due to the absence of actions to combat human trafficking, the Armenian government has made diligent efforts to respond to the need to prevent and combat trafficking, such as launching a national plan of action on trafficking. As a result, Armenia has been "upgraded" to Tier 2 country by the US State Department in 2003.

88. Corruption is observed to be a widespread phenomena but UNHCR does not have information to substantiate allegations of collusion between the mafia and official administrative bodies.

#### 4.3. Treatment of Refugees and Asylum Seekers

89. Armenia acceded to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol in April 1993. The Government of Armenia, in co-operation with UNHCR, has been actively engaged in the development of national legislation regulating refugee and asylum matters. In March 1999, the National Assembly passed the Refugee Law, which established the national legal and administrative procedures and mechanisms required for providing protection to refugees and asylum seekers. Since the introduction of the 1999 Law on Refugees, Armenia has received a small but increasing number of asylum-seekers originating from countries other than Azerbaijan. The Armenian Government has so far granted refugee status to 12 persons. Their countries of origin include Iraq, Somalia, Sudan, and Iran.

90. In 2001, the National Assembly adopted the Law on Political Asylum. As a result, Armenia's legal framework for asylum has two laws directly regulating the institution of asylum: The 1999 Law on Refugees and the 2001 Law on Political Asylum. The law is supposed to grant a special status not specified in the Law on Refugees to high-ranking officials, politicians, or activists. In UNHCR's view, the law is redundant and may indeed adversely affect the fair and efficient implementation of the Law on Refugees in accordance with international standards. First, a law separate from the Law on Refugees legislated around categorisation of "political asylum" will only lead to unnecessary confusion in the legal construct of Armenia's asylum framework. Second, the Law on Political Asylum with its ambiguous definition of those seeking "political asylum"



creates undue conflict with the Law on Refugees, leading to ineffective implementation of the existing Law on Refugees. Third, the new law has created another set of by-laws, administrative structures, and procedures. Apart from the fact that this runs counter to the principle of a single procedure for refugee status determination, the Government may need to spend additional resources for a process that is redundant.

91. In 2001, the National Assembly adopted a number of amendments to the 1999 Law on Refugees contributing to the narrowing of the asylum space in Armenia. Upon the advice of UNHCR, in 2003 DMR drafted another set of amendments to remove the negative provisions introduced through the 2001 amendments. The draft amendments have been submitted to the National Assembly. In 2002, the National Assembly adopted another law on the amendments to the 1999 Law on Refugees concerning the provision of granting temporary asylum status as a complementary form of protection. The initial intent of the Government was to retroactively grant the status to approximately 11,000 ethnic Armenian “displaced persons” or “forced migrants” from Abkhazia, Chechnya and South Ossetia.

92. The new Criminal Code which entered into force on 1 August 2003 stipulates that no foreign citizen or stateless person would be extradited to a state if (1) there are serious reasons to believe that their extradition was demanded for prosecution or serving punishment for reasons of their race, religion, ethnicity, membership of a particular social group or political opinion, (2) there is a serious risk that he or she would be subjected to torture or to inhuman or degrading treatment or punishment or (3) the country seeking extradition envisages the death penalty for the given crime. However, the new Code still criminalises the illegal crossing of the state border to seek asylum in Armenia. Only persons who enjoy political asylum provided by the Constitution and the 1995 Law on Political Asylum are exempted from criminal liability, excluding persons who are covered by the 1999 Law on Refugees.

93. Concerning the ethnic Armenian refugees from Azerbaijan who arrived in the country, from 1988 to 1992, they are not under the scope of the 1999 Law on Refugees over 52,000 persons have acquired the citizenship of the Republic of Armenia between 1999 and 2003 through a facilitated procedure under the 1995 Law on Citizenship. In December 2000, the National Assembly of Armenia passed the Law on Legal and Socio-Economic Guarantees for Refugees from Azerbaijan, which addressed a number of concerns the refugees had with regard to becoming Armenian citizens. Then again, in late 2002, the Law on the Transfer of Ownership of Cottages and Apartments built by International Donors was passed and is being implemented in 2003. This will greatly accelerate the process of refugees acquiring ownership of their shelter and further facilitate local integration.

94. There were no reports of the forced return of persons to a country where they feared persecution except for the report of the deportation of 4 Afghani asylum-seekers from the Airport in Yerevan in 2001.



## 5. Armenian Refugees and Asylum Seekers – Global Trends

### 5.1. Refugee Population and Major Changes, 2002

95. In the beginning of 2002 there were 7,747 refugees from Armenia worldwide of which 207 (2.7 per cent) were assisted by UNHCR. The biggest number of refugees from Armenia had been staying in the United States of America (4,127; 53.3 per cent), the second in the Netherlands (1,019; 13.2 per cent), and the third in Germany (549; 7.1 per cent). In other countries there were in total 2,052 (26.4 per cent) Armenian refugees.

96. During the year 2002 the number of refugees from Armenia increased in all the countries with 1,565 individual recognitions (20.2 per cent) and 30 resettlement arrivals (0.4 per cent), which means an increase in total 1,595 (20.6 per cent).

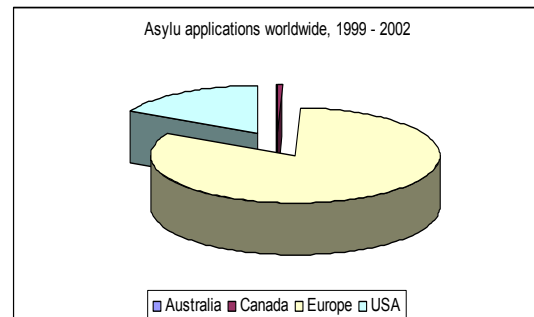
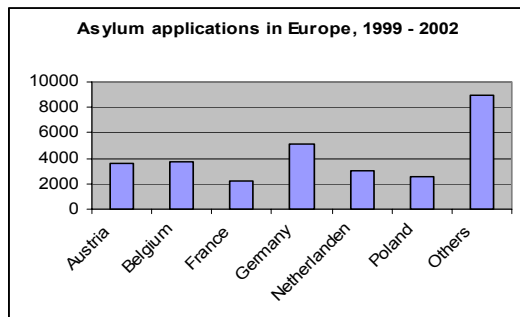
97. The decrease in refugees from Armenia during 2002 was represented by 27 (0.35 per cent) naturalised refugees and by 8 (0.1 per cent) others, which represented a total decrease of 35 people (0.45 per cent).

98. Therefore, the net increase of refugees worldwide from Armenia in 2002 was 9,086 (+17.29 per cent in comparison with the figures in the beginning of 2002), of which 185 (-10.6 per cent in comparison with the figures in the beginning of 2002) were UNHCR assisted (see Table 1).

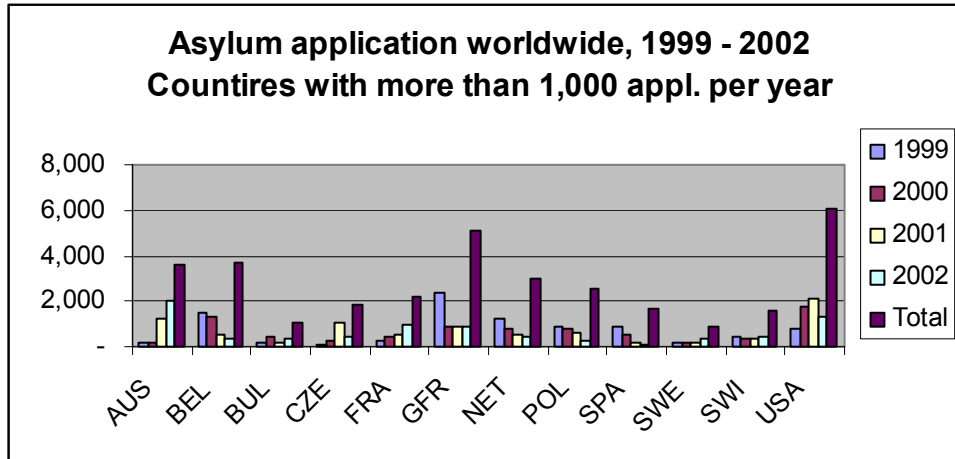
### 5.2. Asylum Applications Lodged in Industrialized Countries, 1999 – 2002

99. During the period 1999 – 2002, asylum seekers from Armenia lodged some 35,299 asylum claims in total worldwide, from which 29,071 (82.36 per cent) were asylum claims in Europe, 6,055 (17.2 per cent) in the United States of America, 147 (0.4 per cent) in Canada and 26 (0.07 per cent) in Australia.

100. The biggest number of asylum applications in Europe in the followed period of 1999 – 2002 went to Germany (5,096; 17.5 per cent of the total claims in Europe), Belgium (3,714; 12.8 per cent), Austria (3,618; 12.4 per cent), Netherlands (3,006; 10.3 per cent), Poland (2,549; 8.8 per cent), and France (2,184; 7.5 per cent). All the other European countries shared 8,904 (30.6 per cent) of the asylum applications lodged in Europe.



101. In the European countries of asylum, there is mainly a visible decrease of asylum claims in 2000 – 2002 in comparison with 1999 and in the period 2000 – 2002, the number remains in constant figures in all countries worldwide. In 2002 there is a significant decrease in Belgium (-77 per cent), Netherlands (-66.6 per cent) and Germany (-62.5 per cent) as compared with 1999. A significant increase in applications came in Austria (+65 per cent in comparison with 2001). Other figures remain not significantly changed (see Table 2).



### 5.3. Legal Status and Type of Recognition, End-2002

102. By the end of 2002, there were 6,542 refugees with legal status under the 1951 Convention, 1 under UNHCR Mandate and 1,999 under other<sup>44</sup> legal status worldwide. All of the 8,542 recognized refugees were recognized in 28 countries worldwide individually (see Table 3).

### 5.4. Asylum Applications and Refugee Status Determination, 2002

103. During 2002, Armenian citizens lodged some 10,880 asylum applications in 35 countries worldwide. In total some 12,202 refugee status determinations were taken, 1,244 (10.2 per cent) of which resulted in refugee status, whereas another 271 Armenian asylum-seekers were granted humanitarian status (2.2 per cent). In total, 12.4 per cent of all decisions taken during 2002 were positive (see Table 4). In comparison with 1999, this number represents an increase in positive decisions in 2002 of 184.4 per cent<sup>45</sup>.

<sup>44</sup> The category “other/unknown” includes asylum-seekers allowed to remain for humanitarian reasons.

<sup>45</sup> See Background paper on asylum seekers and refugees from Armenia, October 1999.

Table 1

Refugee population and major changes, 2002																	
Origin <b>Armenia</b>																	
Notes:																	
All figures are provisional and subject to change. A dash ("-") indicates that the value is zero or not available.																	
Source: UNHCR/Government. Compiled by: UNHCR, Population Data Unit, PGDS.																	
In the absence of reliable Government figures, UNHCR has estimated the refugee population based on refugee arrivals and asylum-seeker recognition over a 10-year period for the following countries:																	
Austria, Denmark, Finland, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain and UK and over a 5-year period for the following countries: Australia, Canada, New Zealand and USA.																	
* Voluntary repatriation departures reported by the asylum country are often significantly lower than returnee arrivals reported by the country of origin (see sheet 'ret') due to spontaneous refugee returns.																	
In case of discrepancies between the reporting by the country of asylum and that of return, UNHCR generally reports the highest figure, which is often provided by the country of return.																	
Cntry. of asylum (code)	Population begin year		Increases during the year						Decreases during the year						Population end-year		
	Total	of which: UNHCR- assisted	Spont. arrivals		Resettle- ment arrivals	Other	Total	Voluntary repatriation*		Resettlement		Cessa- tion	Natura- lization	Other	Total	Total	of which: UNHCR- assisted
			Prima facie	Individual recog- nition				Total	of which: UNHCR- assisted	Total	of which: UNHCR- assisted						
ARG	18	2	-	-	-	-	-	-	-	-	-	-	-	-	-	18	7
AUL	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
AUS	28	-	-	10	-	-	10	-	-	-	-	-	-	-	-	38	-
BEL	33	-	-	1	-	-	1	-	-	-	-	-	-	-	-	17	-
BRA	3	3	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1
CAN	102	-	-	16	-	-	16	-	-	-	-	-	-	-	-	76	-
CZE	59	59	-	6	-	-	6	-	-	-	-	-	-	6	6	59	59
DEN	268	-	-	3	-	-	3	-	-	-	-	-	-	-	-	296	-
FIN	12	-	-	1	-	-	1	-	-	-	-	-	-	-	-	13	-
FRA	428	-	-	-	-	-	-	-	-	-	-	-	-	-	-	481	-
GFR	549	-	-	11	-	-	11	-	-	-	-	-	-	-	-	560	-
GRE	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
HUN	49	-	-	8	-	-	8	-	-	-	-	-	-	-	-	57	-
IRE	5	-	-	3	-	-	3	-	-	-	-	-	-	-	-	16	-
ISR	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
ITA	26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	26	-
MEX	3	-	-	-	-	-	-	-	-	-	-	1	-	2	3	-	-
MOR	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
NET	1,019	-	-	165	-	-	165	-	-	-	-	-	-	-	-	1,184	-
NOR	64	-	-	3	-	-	3	-	-	-	-	-	-	-	-	64	-
PER	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
POL	9	-	-	2	-	-	2	-	-	-	-	-	-	-	-	11	-
POR	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-
ROM	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
RUS	104	104	-	-	-	-	-	-	-	-	-	4	-	-	4	100	100
SPA	266	-	-	15	-	-	15	-	-	-	-	-	-	-	-	281	-
SVK	31	31	-	-	-	-	-	-	-	-	-	21	-	-	21	10	10
SWE	245	-	-	-	-	-	-	-	-	-	-	-	-	-	-	307	-
SWI	40	-	-	28	-	-	28	-	-	-	-	-	-	-	-	68	-
UKR	245	6	-	-	-	-	-	-	-	-	-	1	-	-	1	244	6
USA	4,127	-	-	1,293	30	-	1,323	-	-	-	-	-	-	-	-	5,143	-
ZIM	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Total	7,747	207	-	1,565	30	-	1,595	-	-	-	-	27	-	8	35	9,086	185

Table 2

Asylum applications lodged in industrialized countries, 1993-2002											Query date: 24 July 2003
Origin <b>Armenia</b>											
Figures generally refer to applications lodged in first instance.											
All 2002 figures are provisional and subject to change. A dash ("-") indicates that the value is zero or not available.											
Source: UNHCR/Governments. Compiled by: UNHCR, Population Data Unit, PGDS.											
Country	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Total
AUL	-	-	-	-	6	-	4	14	5	3	32
AUS	-	-	-	-	11	76	180	165	1,235	2,038	3,705
BEL	114	160	479	991	604	697	1,472	1,331	571	340	6,759
BUL	-	-	-	-	-	19	142	418	160	364	1,103
CAN	10	11	37	42	38	24	42	48	40	17	309
CYP	-	-	-	1	-	-	-	-	3	1	5
CZE	733	161	60	55	42	77	69	274	1,021	452	2,944
DEN	-	215	78	141	139	108	135	297	44	37	1,194
EST	-	-	-	-	-	-	-	-	2	-	2
FIN	-	-	11	4	-	7	3	9	8	4	46
FRA	254	140	36	58	137	170	272	405	544	963	2,979
GFR	6,469	2,127	4,323	4,598	3,800	1,655	2,386	903	913	894	28,068
GRE	-	-	-	-	2	1	-	-	1	8	12
HUN	-	-	-	10	8	51	189	123	37	26	444
ICE	-	-	-	-	-	-	-	4	-	-	4
IRE	-	-	-	2	-	13	11	38	13	7	84
ITA	-	-	-	-	6	12	14	13	12	14	71
LTU	-	-	-	-	-	1	1	1	-	-	3
LUX	-	-	-	1	7	1	6	4	-	8	27
LVA	-	-	-	-	-	12	-	-	-	2	14
NET	352	1,082	358	364	432	711	1,248	812	529	417	6,305
NOR	3	6	4	-	2	31	124	65	175	163	573
POL	-	-	151	350	464	978	868	823	635	223	4,492
POR	1	-	6	20	1	-	1	9	1	1	40
ROM	-	-	-	-	-	-	2	-	-	2	4
SPA	14	149	122	222	177	178	886	534	167	92	2,541
SVK	-	-	-	6	-	20	17	15	29	102	189
SVN	-	-	-	-	-	6	38	40	2	1	87
SWE	30	-	118	77	91	40	153	214	183	335	1,241
SWI	27	-	-	57	163	481	427	368	318	465	2,306
USA	923	913	525	351	420	446	803	1,758	2,147	1,347	9,633
Total	8,930	4,964	6,308	7,350	6,550	5,815	9,493	8,685	8,795	8,326	75,216

**Notes**  
\* DEN: Includes applications lodged at embassies abroad.  
\*\* GFR: 1995-1997 includes re-opened applications.  
Figures for the USA and UK refer to cases.  
On average, there are some 1.3 persons per asylum case in the United Kingdom and 1.4 persons per case in the USA.

Table 3

Legal status and type of recognition, end-2002						Query date: 24 July 2003			
Origin <b>Armenia</b>									
All figures are provisional and subject to change. A dash ("-") indicates that the value is zero or not available.									
Source: UNHCR/Governments. Compiled by: UNHCR, Population Data Unit, PGDS.									
<sup>1</sup> The category "Other/unknown" includes asylum-seekers allowed to remain for humanitarian reasons.									
*** In the absence of reliable Government figures, UNHCR has estimated the refugee population based on refugee arrivals and asylum-seeker recognition over a 10-year period for the following countries: Austria, Denmark, Finland, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain and UK; and over a 5-year period for the following countries: Australia, Canada, New Zealand and USA.									
Country of asylum	Legal status <sup>1</sup>					Type of recognition			
	1951 UN Convention	1969 OAU Convention	UNHCR Mandate	Other/unknown	Total***	Prima Facie	Individual	Other/unknown	Total***
ARG	18	-	-	-	18	-	18	-	18
AUS	38	-	-	-	38	-	38	-	38
BRA	3	-	-	-	3	-	3	-	3
CAN	76	-	-	-	76	-	76	-	76
COS	2	-	-	-	2	-	2	-	2
CZE	59	-	-	-	59	-	59	-	59
DEN	27	-	-	269	296	-	296	-	296
FIN	-	-	-	10	10	-	10	-	10
GFR	365	-	-	195	560	-	560	-	560
HUN	32	-	-	25	57	-	57	-	57
IRE	8	-	-	-	8	-	8	-	8
MOR	-	-	1	-	1	-	1	-	1
NET	234	-	-	950	1,184	-	1,184	-	1,184
NOR	5	-	-	56	61	-	61	-	61
PER	1	-	-	-	1	-	1	-	1
POL	11	-	-	-	11	-	11	-	11
POR	-	-	-	5	5	-	5	-	5
ROM	-	-	-	1	1	-	1	-	1
RUS	100	-	-	-	100	-	100	-	100
SPA	151	-	-	130	281	-	281	-	281
SVK	10	-	-	-	10	-	10	-	10
SWE	8	-	-	299	307	-	307	-	307
SWI	6	-	-	59	65	-	65	-	65
UKR	244	-	-	-	244	-	244	-	244
USA	5,143	-	-	-	5,143	-	5,143	-	5,143
ZIM	1	-	-	-	1	-	1	-	1
Total	6,542	-	1	1,999	8,542	-	8,542	-	8,542

Table 4

Asylum applications and refugee status determination, 2002											Query date: 24 July 2003				
All figures are provisional and subject to change. A dash ("-") indicates that the value is zero or not available.															
Source: UNHCR/Governments. Compiled by: UNHCR, Population Data Unit, PGDS.															
Statistics on admissibility outside the asylum procedure are not included.															
* Procedure:															
T=Type of procedure: G=Government; U=UNHCR; V=Various/unknown															
A=Type of application: NA=New application; RA=Repeat application															
L=Level of procedure: FI=First instance; AR=Administrative review/appeal; JR=Further (judicial) review; CA=Cantonal regulations (Switzerland);															
EO=Executive Office for Immigration Review (USA); IN=Immigration and Naturalization Service (USA); RA= Further review ('re-examen'-France).															
** Protection indicators (calculated by UNHCR):															
Refugee recognition rate: Recognized divided by total of Recognized, Other positive and Rejected * 100%.															
Total recognition rate: Recognized plus Other positive divided by total of Recognized, Other positive and Rejected * 100%.															
Otherwise closed rate: Otherwise closed divided by Total no. of decisions * 100%.															
Change in pending cases: Cases pending as at 31 December minus Cases pending as at 1 January divided by Cases pending as at 1 January * 100%.															
Country of asylum (code)	Procedure*			Cases pending as at 1 Jan.	Applied since 1 Jan.	Decisions since 1 January					Cases pending as at 31 Dec.	Protection indicators**			
	T	A	L			Positive		Reject-ed	Otherw. closed	Total		Recognition rates		Other-wise closed rate	Change in pending cases
						Recog-nized	Other (hum.)					Ref. status	Total		
ARG	G	NA		123	11	-	-	21	1	22	112	-	-	4.5	-8.9
AUL	G			4	3	2	-	7	-	9	-	22.2	22.2	-	-100.0
AUS	G	RA		-	2,038	10	-	205	1,684	1,899	-	4.7	4.7	88.7	..
BEL	G		AR	-	53	-	-	31	3	35	-	-	-	8.6	..
BEL	G		FI	-	340	1	-	51	5	57	-	1.9	1.9	8.8	..
BLR	G	NA		4	2	-	-	-	3	3	3	..	..	100.0	-25.0
BUL	G	NA		78	364	-	-	427	8	435	7	-	-	1.8	-91.0
CAN	G			71	17	16	-	25	10	51	36	39.0	39.0	19.6	-49.3
CYP	G	NA	AR	-	1	-	-	1	-	1	-	-	-	-	..
CYP	U	RA	AR	3	-	-	-	-	-	-	3	..	..	..	0.0
CZE	G	NA	AR	30	106	-	-	15	10	25	111	-	-	40.0	270.0
CZE	G	NA	FI	614	452	6	-	134	596	736	330	4.3	4.3	81.0	-46.3
DEN	G	NA	AR	-	-	-	1	52	-	53	-	-	1.9	-	..
DEN	G	NA	FI	-	37	-	2	26	-	28	-	-	7.1	-	..
EST	G	NA		3	-	-	-	3	-	3	-	-	-	-	-100.0
FIN	G	NA	FI	1	4	-	1	-	2	3	-	-	100.0	66.7	-100.0
FRA	G		AR	-	423	62	-	188	-	250	-	24.8	24.8	-	..
FRA	G		FI	-	963	36	-	530	-	566	-	6.4	6.4	-	..
FRA	G		RA	-	36	56	-	-	-	56	-	100.0	100.0	-	..
GFR	G	NA		362	894	1	5	931	60	997	317	0.1	0.6	6.0	-12.4
GFR	G	RA		60	263	-	5	2	277	284	43	-	71.4	97.5	-28.3
GRE	G	NA		-	8	-	-	6	1	7	1	-	-	14.3	..
HUN	G	NA		8	26	7	1	10	6	24	10	38.9	44.4	25.0	25.0
IRE	G	RA	AR	-	4	8	-	4	-	12	-	66.7	66.7	-	..
IRE	G	NA	FI	-	7	3	-	3	13	19	-	50.0	50.0	68.4	..
ISR	V	RA		3	1	1	-	1	1	3	1	50.0	50.0	33.3	-66.7
ITA				-	14	-	-	-	-	-	-	..	..	..	..
LUX	G			-	8	-	-	-	-	-	-	..	..	..	..
LVA	G	NA		-	2	-	-	-	-	-	2	..	..	..	..
MDA	U			1	4	-	-	-	-	-	5	..	..	..	400.0
NET	G		AR	1,188	-	7	120	945	97	1,169	126	0.7	11.8	8.3	-89.4
NET	G		FI	222	417	2	36	516	30	584	159	0.4	6.9	5.1	-28.4
NET	G		JR	380	-	-	-	-	-	-	985	..	..	..	159.2
NOR	G	NA	FI	-	163	-	3	115	47	165	-	-	2.5	28.5	..
POL	G	NA	AR	-	-	2	-	4	-	6	-	33.3	33.3	-	..
POL	G	NA	FI	-	223	-	-	531	9	540	-	-	-	1.7	..
POR	G			-	1	-	-	1	-	1	-	-	-	-	..
ROM	G	NA		-	2	-	-	1	-	1	-	-	-	-	..
RUS	G	NA		-	1	-	-	1	-	1	-	-	-	-	..
SPA	G			-	92	4	11	36	40	91	-	7.8	29.4	44.0	..
SVK	G	NA		3	102	-	-	5	13	18	87	-	-	72.2	2,800.0
SVN	G	RA		5	1	-	-	5	1	6	-	-	-	16.7	-100.0
SWE	G	NA	AR	-	-	-	38	105	11	154	-	-	26.6	7.1	..
SWE	G	NA	FI	-	335	-	24	202	30	256	-	-	10.6	11.7	..
SWI	G		CA	-	-	-	1	-	-	-	-	-	100.0	..	..
SWI	G	NA	FI	258	465	5	23	221	271	520	227	2.0	11.2	52.1	-12.0
SYR	U			1	-	-	-	-	-	-	1	..	..	..	0.0
USA	G		EO	1,989	1,649	320	-	437	578	1,335	2,303	42.3	42.3	43.3	15.8
USA	G		IN	694	1,347	695	-	959	122	1,776	361	42.0	42.0	6.9	-48.0
YUG	V	NA	FI	-	1	-	-	-	1	1	-	..	..	100.0	..
Total				6,105	10,880	1,244	271	6,757	3,930	12,202	5,230	15.0	18.3	32.2	-14.3

## 6. UNHCR Operations 1999-2003

104. UNHCR established its presence in Armenia in December 1992 in response to the Armenian Government's appeal to help it address the problems of 360,000 ethnic Armenian refugees who arrived in the country in 1988-1992 from Azerbaijan because of the Nagorno Karabakh conflict. Currently, there are some 244,021 refugees (as of 31 March 2003) registered in Armenia.

105. In the first five years of its presence in Armenia UNHCR's work focused on meeting the acute humanitarian assistance needs of the refugees. Since 1998, UNHCR has gradually shifted its focus from humanitarian assistance to enhancing the institutional capacity of the Government of the Republic of Armenia in managing refugee protection and assistance and supporting the durable solution of local integration for refugees from Azerbaijan through their inclusion in developmental assistance.

106. UNHCR's current operational goals are: (1) strengthening and developing the legal and administrative framework, procedures and capacities necessary for establishing and managing a national refugee protection and asylum regime consistent with international standards and norms, (2) supporting the reduction of statelessness<sup>46</sup> among refugees from Azerbaijan and (3) supporting the local integration of refugees from Azerbaijan in Armenia.

107. In April 1993, Armenia acceded to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. Having signed them, Armenia assumed a wide range of national obligations and responsibilities, core among them being the need to adopt a national refugee legislative framework as well as the establishment of a functional asylum system in the country. In this regard, UNHCR and the Government of Armenia have been actively engaged in the development of national legislation regulating refugee and asylum matters. In March 1999, the National Assembly of Armenia passed the Refugee Law drafted with the advice, support, and guidance of UNHCR. The 1999 Refugee Law established the national legal and administrative procedures and mechanisms required for providing protection to refugees and asylum seekers. Following that, the Government and UNHCR have remained actively engaged in the practical implementation of the law and its further enhancement while continuing to work on ensuring that national refugee and asylum legislation and practice are in conformity with international standards.

108. Since the introduction of the 1999 Law on Refugees, Armenia has received a small but increasing number of asylum-seekers originating from countries other than

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<sup>46</sup> In May 1994 Armenia acceded to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness (see Refworld 2003, CD Three – Legal Information/International Instruments or [www.unhcr.org/refworld](http://www.unhcr.org/refworld)).



Azerbaijan. The Armenian Government has so far granted refugee status to 12 persons from Iraq, Somalia, Sudan, and Iran.

109. In order to increase the effectiveness of the national refugee protection and assistance regime, UNHCR has assisted in strengthening the institutional capacity of central and regional government units as well as national non-governmental organisations (NGOs) to address refugee issues. UNHCR has had an annual sub-project agreement with the State Department of Migration and Refugees (DMR), the governmental agency responsible for managing refugee and asylum matters, to support the implementation of activities related to refugee status determination, naturalisation, day to day refugee protection and assistance, local integration activities, especially shelter related, drafting refugee related legislation and co-ordinating with other government bodies and NGOs involved with refugee matters.

110. Since the inception of its activities in Armenia, UNHCR has been supporting the local integration of refugees from Azerbaijan, an important component of which has been the reduction of statelessness. From 1999 to 2003, over 52,000 ethnic Armenian refugees from Azerbaijan have acquired the citizenship of the Republic of Armenia through a facilitated procedure supported by UNHCR. In addition, several legislative measures have been passed based on UNHCR's legal advice and guidance that further facilitate the local integration of the refugees from Azerbaijan. Specifically, in December 2000 the National Assembly of Armenia passed a Law on Legal and Socio-Economic Guarantees for Refugees from Azerbaijan with advice and support from UNHCR that addressed a number of concerns the refugees had with regard to becoming Armenian citizens. Then again, in late 2002, a Law on the Transfer of Ownership of Cottages and Apartments built by International Donors was passed and is being implemented in 2003. This will greatly accelerate the process of refugees acquiring ownership of their shelter and further facilitate local integration.

111. Despite this progress, the sustainable local integration of the refugees from Azerbaijan has faced many obstacles. These include the fact that some 70% of the refugees were settled in rural village settings although they were well educated urban dwellers in Azerbaijan, their arrival in Armenia was shortly after the devastating earthquake of 1988 and nearly simultaneous with the near total collapse of the Armenian economy after independence. With few jobs available and little knowledge of rural life, many refugees emigrated from Armenia leaving behind a high number of women headed households and elderly refugees unable to adequately help themselves in the prevailing difficult social and economic conditions in Armenia. While these conditions adversely affect the whole population, they have had an even higher negative impact on the refugees who, as studies conducted by UNHCR together with UNDP, WFP and UNICEF have consistently shown, are among the poorest of the poor and one of the most vulnerable groups in Armenia.

112. In this operational context, UNHCR has implemented a number of activities aimed at supporting the social and economic local integration of refugees. Currently, these



primarily focus on the provision of improved permanent housing under which, since 1993, some 3,200 cottages and apartments have been constructed for refugees and assistance for the most needy and vulnerable refugees living in communal centres. Other previously implemented activities such as health care, water supply, agricultural support micro-credit funds, and the rehabilitation of schools and other infrastructure in rural communities with mixed refugee and local populations have been successfully handed over to UNHCR's former implementing partners who are continuing them with either their own resources or the support of other donors.

113. However, given the fact that the social and economic problems faced by refugees in achieving full local integration in Armenia are the same problems faced by the local population, are of a long term development nature and exceed the expertise and resources of UNHCR, UNHCR has been actively advocating for the inclusion of the refugees in the national development programmes and projects being formulated by the Government, other UN agencies and international development and financial institutions. In particular, the Poverty Reduction Strategy Paper (PRSP) currently being finalised will specifically target refugees as a priority vulnerable group for whom development assistance should be targeted. It is expected that the inclusion of the refugees in the PRSP will improve their opportunities for successful local integration in Armenia. It is also expected that it will lead to increased responsibility for the problems faced by refugees in locally integrating being taken by the national authorities with the financial and material support of international development agencies. UNHCR will need to remain closely engaged in these processes to continue to advocate on behalf of the refugees and ensure that they benefit from national development plans and programmes.

### **III. Groups at Risk**

#### **1. Introduction**

114. Armenian asylum-seekers whose claims warrant particular attention belong to the groups of religious minorities, homosexuals and draft evaders/deserters. However, in order to clarify the situation with regard to the widest possible spectrum of applications by Armenian asylum-seekers, in addition to the above-mentioned groups the situation of ethnic minorities and members of political parties is also described in the following.

#### **2. Ethnic Minorities**

115. The 1995 Constitution grants national minorities the right to preserve their cultural traditions and language in its Article 37 and the 1993 Law on Language provides linguistic minorities with the right to publish and study in their native language. It is estimated that minority groups constitute around four percent of the population. The authorities mention the existence of over twenty minority groups, of which eleven are commonly listed: Russians, Ukrainians, Belarussians, Jews, Kurds, Yezidis, Assyrians,

Georgians, Greeks, and Germans.<sup>47</sup> Since the independence, Jews, Greeks, Russians (including Molokani), and Ukrainians have largely emigrated for economic or other non-persecution related reasons.

116. Before 1988, Azeris were the largest ethnic minority in Armenia. The figure from 1988 was nearly 200,000. As the conflict over Nagorno-Karabakh intensified, ethnic tensions erupted leading to the mistreatment of the Azeri minority. The Armenian authorities discriminated against ethnic Azeris and were unwilling to protect them against acts of violence perpetrated by the Armenian population. Following the anti-Armenian pogroms in Baku and Sumgait in Azerbaijan in 1988-89, nearly the entire Azeri population was either expelled by the local authorities or fled, fearing for their lives and security.

117. From 1988 to 1992, ethnic Azeris, persons of mixed Armenian/Azeri origin and couples of mixed Armenian/Azeri ethnic origin were, when not expelled, systematically victims of harassment and acts of violence, such as physical and psychological violence, threats to life, abductions, deprivation of property and social benefits, marginalisation, etc. These acts were either perpetrated by the local authorities themselves or by certain circles of the society, encouraged and tolerated by the local authorities.

118. Only a few hundred ethnic Azeris (mixed couples, elderly and sick) have remained and continue to live in Armenia. However, the exact number is nearly impossible to estimate. Most of those who stayed in Armenia come from mixed ethnic families, i.e., either Azeri wives of Armenian men or descendants of mixed Armenian-Azeri marriages.<sup>48</sup> For the elderly and sick, departure was never an option. Most of ethnic Azeris have changed their names to conceal their ethnic origin and/or to keep a low profile in the society. Currently, there is no evidence of systematic discrimination by the Armenian Government against the few remaining ethnic Azeris, persons of mixed Armenian/Azeri origin or mixed couples. It is reported that they are mostly living in the rural areas. Their neighbours are aware of their identity, but are tolerant.<sup>49</sup> UNHCR has no information in recent years as to whether they have problems with the public offices if they need to obtain official certificates or to renew their documents. However, given that many of them are understood to be elderly, it is likely that they are not in situations where they need to approach public offices or that they are not noticed as being Azeri or mix origin as they have changed their names.

119. With the exception of ethnic Azeris (cf. above), no persecution on ethnic grounds has been reported for other minorities living in Armenia. There are very few non-Armenian language schools, but this due more to the shortage of the national budget allocated to education than to government policy. There have been allegations of

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<sup>47</sup> European Commission against Racism and Intolerance (ECRI), Report on Armenia (July 2003).

<sup>48</sup> Final Report – UNHCR-ACCORD 8<sup>th</sup> European Country of Origin Information Seminar (November 2002).

<sup>49</sup> UNHCR Interview with a local NGO (July 2003).

instances of harassment and discrimination of Yezidis by local authorities, but UNHCR does not have information to confirm this.

### 3. Religious Minorities

120. The Law of the Republic of Armenia on Freedom of Religion and Religious Organisations was adopted on 17 June 1991. It provides for the freedom of conscience and the right to profess one's faith. Furthermore, it establishes the separation between the church and the state. The law recognises, however, the Armenian Apostolic Church as the dominant religious denomination. The law forbids "proselytizing" (undefined in the law) except by the Armenian Apostolic Church and requires all religious denominations and organisations to be registered. Over 95 per cent of the Armenian population belong to the Armenian Apostolic Church. Armenia officially adopted Christianity as a state religion in 301 A.D., and the Armenian Apostolic Church is one of the world's oldest Christian churches. In 2001, Armenia celebrated the 1,700<sup>th</sup> anniversary of the Christianisation of the nation. It is perceived by the authorities and the society at large as one of the pillars of the Armenian culture and nationhood.

121. Religious freedom was restricted by a Presidential Decree in 1993, which entitled the State Council on Religious Affairs to evaluate the religious nature of activities carried out by religious groups and to ban missionaries who were engaged in activities contrary to their religious mandate. Amendments to the law were adopted by the Parliament in 1997, further restricting the activities of smaller religious sects by raising the minimum number of members required for registration from 50 to 200. President Kocharyan abrogated the 1993 Presidential Decree on religious groups on 15 March 2001. The registration procedure for a religious group was modified in April 2001. A religious group may be registered under the State Register as a legal entity upon the expert opinion of the State Council of Religious Affairs (SCRA) based on requisites as per Article 5 of the 1991 Law on Freedom of Conscience and Religious Groups.<sup>50</sup> Article 5 gives very arbitrary and subjective criteria for registration that may not be easily interpreted in favour of non-traditional religious organisations. In August 2001, an advisory body attached to the office of the Prime Minister replaced the SCRA. In general, the procedure, in practice, continues to hamper the registration of non-traditional religious organisations.

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<sup>50</sup> Article 5 of the law states: *a group shall be recognised as a religious organisation if it satisfies the following conditions: 1) It does not contradict the provision of Article 3 of the present law. Article 3 states: Any compulsion or coercion over the citizen in deciding over his or her attitude towards the issue relating to his or her participation or abstention in the clerical service, religious rite and ceremonies, religious education shall not be permitted*"); 2) *This organisation should be based on historically canonised holy scripture*; 3) *Its religion is included in the system of the world's modern religious clerical communities*; 4) *This organisation should be free from pursuing material oriented goals and it is directed for purely spiritual spheres*; 5) *The organisation should comprise at least 200 members nation-wide in order to be registered and children under eighteen cannot become members of the religious organisation.*"

122. As of 2001, there were 50 registered religious groups in Armenia.<sup>51</sup> Registered denominations are recognised by the Armenian authorities as legal entities with, *inter alia*, the right to own property, publish newspapers, sponsor TV or radio broadcasts and to officially invite visitors to Armenia. Furthermore, registered religious groups may perform religious functions in public and address their activities to non-members.

123. According to information available to UNHCR, no violent acts towards religious minorities have been reported in the last few years. The last violent incident towards religious minorities was in April 1995 when members belonging to seven sects (Hare Krishnas, the Seventh-Day Adventists, the Bahai, the Pentecostal Church, the Charismatic Church, the Evangelical Baptist Church, and Jehovah's Witnesses) were attacked by the local population and members of a paramilitary militia. They did not receive any protection from the authorities in connection with these events although the authorities reportedly tolerated some of these sects. The lack of reports on violent acts in recent years could be due to the emigration of members of the most visible sects, rather than to greater religious tolerance in Armenia towards non-traditional denominations. Non-traditional religious groups are generally viewed with suspicion. In practice, freedom to perform religious rites and profession of faith only applies fully to traditional denominations. Religious freedom has proved to be limited when it comes to new non-traditional religious groups in the religious and cultural homogeneity of the Armenian society.<sup>52</sup>

124. The Jehovah's Witnesses group claim to have 7,500 adherents and have thus far been denied registration on the grounds that several provisions of their statute were considered to be contrary to the Constitution and Armenian legislation, allegedly due to "illegal proselytizing" and the refusal to the military service<sup>53</sup> (cf. paragraph 4.11. below). The Hare Krishnas are not registered as their membership is below the membership threshold of 200.<sup>54</sup>

125. According to the Law on Freedom of Religion and Religious Organisations, registered religious denominations have the possibility to perform military service in unarmed units.<sup>55</sup> However, Armenian law does not allow for conscientious objection to military service and does not provide for any alternative service. It appears that, in practice, the possibility offered by the Law on Freedom of Religion and Religious Organisations is rarely granted to conscientious objectors. Some denominations, in

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<sup>51</sup> Armenian Sociological Association, *Selected Groups of Minorities in Armenia* (2001).

<sup>52</sup> Commonly listed non-traditional denominations in Armenia are: Hare Krishna, the Seventh-Day Adventists, the Bahai, the Pentecostal Church, the Charismatic Church, the Evangelical Baptist Church, the Unification Church and Jehovah's Witnesses. With the exception of the Jehovah's Witnesses and Hare Krishna, all the listed denominations are registered.

<sup>53</sup> ECRI, Report on Armenia (July 2003).

<sup>54</sup> *Idem*.

<sup>55</sup> Article 19 of the law states that "All civil duties provided by the acting legislation apply also on the members of the religious organisations in the same manner as to other citizens. In certain cases of contradiction between civil duties and religious convictions, civil duties can be performed on the basis of the alternative principle and its procedure stipulated by law...."

particular Jehovah's Witnesses, not being a registered religious denomination, may fear disproportionate punishment and harassment for draft evasion and desertion and discriminatory treatment in the army for being a member of a non-traditional religious group. Young Jehovah's Witnesses who refuse military service as conscientious objectors have been imprisoned over recent years and a number of Jehovah's Witnesses remain in detention.<sup>56</sup> Mistreatment of members of religious minorities within the army and penal institutions has been reported.

126. Although mere membership of one of these religious groups would in itself not suffice to substantiate a claim to refugee status, the general suspicion of non-traditional religious groups and the events described above may nevertheless in certain cases give rise to a well-founded fear of persecution on religious grounds for individual members.

#### 4. Homosexuals

127. Under Article 116 of the former Armenian Criminal Code, adopted during the Soviet time, sexual intercourse between consenting adult males is considered a crime and is sanctioned with up to five years of imprisonment. The law was silent on sexual relations between consenting females. In the period of 1998-2000, at least ten men were imprisoned under this article. There is no further information or documents available indicating whether or not these cases refer to circumstances involving violence against or abuse of minors. The new Criminal Code adopted on 18 April 2003, which has entered into force on 1 August 2003, decriminalised homosexual relations between consenting adults (both males and females).

128. Homosexuality is not accepted within the traditions of Armenian society, and homosexuals in the country conceal their sexual orientation. Because of social pressure and traditions, homosexuals are reportedly victims of discrimination, harassment, subject to maltreatment, and do not enjoy the effective protection of the authorities. Depending on the degree of severity and/or frequency of the reported acts, they may amount to persecution. It is the general view that the decriminalisation of homosexual relations in the new Criminal Code will have little impact on the way homosexuals are perceived in the society and their treatment in general. In prison and in the army, homosexuals are reportedly often subject to inhuman or degrading treatment. If male homosexuals, being afraid of serving in the army, reveal their sexual orientation at the moment of conscription, they will be exempted from military service but officially certified as being psychologically disabled by medical authorities which will result in discrimination and the impossibility to find a job.<sup>57</sup> A local human rights NGO has stated that it had received complaints from homosexuals claiming to have been treated by the police with forced psychiatric examinations.<sup>58</sup>

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<sup>56</sup> ECRI, Report on Armenia (July 2003).

<sup>57</sup> UNHCR Interview with a local NGO (June 2003).

<sup>58</sup> US Department of State, *Armenia – Country Reports on Human Rights Practices – 2002* (March 2003).

## 5. Draft Evaders/Deserters

129. According to Article 3 of the 1998 Law on Military Service of the Republic of Armenia, every male citizen of Armenia is obliged to perform regular military service. Young men can be recruited up to the age of 27 and serve for a period of two years. Those who have received a rank of officer in the course of study in the military faculties of institutions of higher education may be recruited for regular military service up to the age of 48. Non-performance of this duty results in criminal liability and is punishable with a maximum of 12 years imprisonment according to the terms stipulated by Articles 327 and 362 of the new Criminal Code (effective 1 August 2003).

130. Armenian law does not allow conscientious objection to military service and does not provide for an alternative service. Armenia committed itself upon accession to the Council of Europe in January 2001 to adopt a law on alternative service that would allow conscientious objectors to choose, when the law on alternative service has come into force, to perform non-armed military service or alternative civilian service. Two draft laws on alternative military service are under consideration by the government and by a parliamentary group.<sup>59</sup>

131. In the course of 1994, the Armenian authorities resorted to irregular recruitment methods. Men of draft age were seized in public places and brought before the recruitment commissioner. Similarly, recruitment personnel visited private houses where men of draft age were reported to live and often threatened or detained the residents. Those who did not hold an exemption certificate or could not pay bribes were transferred to military locations. Since 1995, military recruitment practices have improved, although instances of harassment by military commissioners and their staff are still being reported.

132. When the authorities resorted to sweep operations to recruit men of draft age, the method was applied indiscriminately to any able-bodied men of the draft age, including ethnic Armenian refugees from Azerbaijan. The refugees, for not having acquired Armenian citizenship, do not have an obligation to serve in the armed forces of the Republic of Armenia. The forced recruitment of refugees was mostly observed when the conflict with Azerbaijan was at its height.<sup>60</sup> Due to the lack of a system to protect refugees from forced recruitment and the lack of knowledge of both the recruitment office and refugees that the refugees have no obligation to serve, the involuntary recruitment of refugee men may continue, as it is associated with social pressure to serve the army and contribute to defending Armenia. However, it should be noted that refugees were not targeted as a group to be forcefully recruited, especially during the sweep operations, but were treated like other Armenian citizens in the context of military recruitment.

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<sup>59</sup> ECRI, Report on Armenia (July 2003).

<sup>60</sup> UNHCR Interview with a local NGO (June 2003).

133. Draft evasion and desertion are widespread phenomena. They are motivated by the wretched conditions and the harassment prevailing in the Armenian national army, by the need to work and earn money to support families, and, though to lesser extent, by the fear of being deployed to Nagorno-Karabakh and the occupied territories.<sup>61</sup> There are allegations from reliable sources that Armenian conscripts have been and are deployed on Azerbaijani territory in and around Nagorno-Karabakh. In addition, there is the lack of flexibility in the system to provide any alternative non-military service to conscientious objectors or any possibility for highly educated persons to serve at their capacities (cf. *Religious minorities* and 4.16. above). The Police reportedly maintain surveillance of draft-age men to prevent them from fleeing the country.<sup>62</sup>

134. The bullying of military conscripts by superior officers, or with their complicity, remains commonplace. According to the official data distributed by the Ministry of Defence, the number of deaths of military servicemen due to mistreatment, training related accidents and illness has decreased by more than fifty percent since 1996. However, human rights organisations view that the positive trend does not actually reflect an equal improvement of the conditions of conscripts as the deaths due to mistreatment are often disguised and officially recorded as illness or deaths on service.

135. Regarding *draft evasion*, sanctions for violation of Article 327 (on evasion from military service) in the new Armenian Criminal Code are:

- evasion from the regular military conscription or training exercises, without any legal grounds for exemption, is punished with a fine 300 to 500 times the minimum salary, or with detention for a term of up to 2 months, or with imprisonment for a term of up to 2 years;
- if the same action is committed by inflicting bodily injuries to oneself or simulation of illness, or by forging documents or by deception, it is punished with detention for a term of 1-3 years, or with imprisonment from 1 to 5 years;
- if the action is committed during martial law, war or military actions, it is punished with imprisonment from 4 to 8 years.

136. For *deserters*, sanctions for violation of Article 362 (on desertion) in the Armenian Criminal Code are:

- imprisonment up to five years;
- imprisonment from 3 to 8 years if committed with the granted service weapon, or by prior agreement of a group of persons;
- imprisonment from 5 to 12 years if committed during martial law, during war or military actions.

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<sup>61</sup> *Idem.*

<sup>62</sup> US Department of State, *Armenia – Country Reports on Human Rights Practices – 2002* (March 2003).

137. Servicemen who did not commit these actions during martial law, during war or military actions for the first time can be exempted from criminal liability. In addition, they may be exempted, if these actions were committed under dire circumstances, or if within 3 days after absence from service, they surrendered to their military unit, place of service or to national law enforcement bodies or other state body.

138. Article 14, para. a, of the Law on Military Duty regulates the issue of draft deferment for graduate students. The text of this provision as amended in 2000 establishes that “deferment of military service shall be granted to those graduate students in the State-run research and educational system who have been admitted through the State commission so that they continue their studies.” Self-paying graduate students from state institutions are no longer entitled to draft deferment. On 16 September 2002 Armenian Government, by its decision #1394-N, established a procedure for setting bond of 8.5 million AMD (equivalent USD 15,000) for any young man enrolling privately for study abroad.<sup>63</sup>

139. On several occasions, the UN Security Council has condemned the military conflict in Nagorno-Karabakh and the occupation of parts of the Azerbaijani territory.<sup>64</sup> Violations of international humanitarian law, such as, hostage taking and execution of prisoners of war were reported throughout the conflict. A no-war, no-peace situation prevails since the cease-fire agreement was negotiated in 1994 despite the efforts of the OSCE Minsk Group who have the responsibility to broker a peace deal. Although bellicose statements are some times made, both sides have regularly expressed their commitment to the truce. In 2001, the peace process saw some positive signs. The Presidents of Armenia, Azerbaijan met several times, and it was thought the two sides were close to agreement but this never materialised in 2002. The stalemate over the disputed region has since continued as neither Armenia nor Azerbaijan were not prepared to agree on any significant compromises in advance of the presidential elections taking place in 2003 in both countries. Cease-fire violations by both sides in the Nagorno-Karabakh conflict continue to be reported which result in death and injuries to civilians.

140. Consequently, and in view of the above, UNHCR advises to exercise particular scrutiny of cases concerning male asylum-seekers having deserted their army units. In addition, refusal to perform military service on grounds of conscience and political conviction will be an important element in assessing claims for refugee status. Without formal guarantees from the authorities and an effective monitoring system, one cannot rule out the possibility of excessive punishment, harassment, and deployment to military operations on Azerbaijani territory.

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<sup>63</sup> Human Rights Watch Report (2003).

<sup>64</sup> UN Security Council resolutions 822 (1993), 30 April 1993; 853 (1993), 29 July 1993; 874 (1993), 14 October 1993; 884 (1993), 12 November 1993.



## 6. Political Party Members

141. According to information available to UNHCR, there is currently no discrimination towards individuals based on their membership of any political organization existing in Armenia. According to the Council of Europe, there are no political prisoners in Armenia.

142. After two rounds of the Presidential elections held in February and March respectively, Robert Kocharyan was inaugurated on 9 April 2003 to serve his second term as the President of the Republic of Armenia. The inauguration took place amid protests from the opposition, which claimed the election results were not valid. Mass protests in the streets of the Armenian capital, Yerevan, created public disorder and led to administrative detentions of numerous demonstrators who later were released after paying fines. The claim of the opposition, questioning the outcome of the elections, was examined at the Constitutional Court, which, however, endorsed the results of the second round of the presidential elections. The OSCE/ODHIR Election Observation Mission concluded that the Presidential elections in Armenia fell short of international standards as serious irregularities were reported in the round up to the elections and during both rounds.

143. According to the Armenian Constitution, Armenia has a multiparty political system, and there are more than 40 registered political parties in the country. The current government consists of a coalition of three of four winning parties of the 25 May 2003 parliamentary elections, namely the Republican Party of Armenia, the Orinats Yerkir Party, and the Armenian Revolutionary Federation–Dashnaktsutiun (Dashnak Party). In the new coalition government, the previous Prime Minister retained his post, as did most senior ministers, while the leadership of the National Assembly, Armenia's legislative body, has changed to reflect the results of the parliamentary elections. The OSCE Election Observation Mission reported on numerous irregularities, but concluded that, although falling short of international standards, the parliamentary elections were better conducted as compared to the Presidential elections. The referendum on the amendments to the Constitution adopted in 1995 was organized simultaneously with the parliamentary elections. However, the majority of the population rejected the amendments.

144. Former President Levon Ter-Petrossian's party, the Armenian National Movement (ANM) continues to exist, but keeps a low profile. In relation to allegations of abuse of power and embezzlement there have been calls for prosecution of high-ranking government officials belonging to the ANM, including former leader of the ANM, ex-Interior Minister Vano Siradeghyan, who is charged with alleged involvement in five murder cases and is on the Interpol wanted list. However, little action has been taken in this regard, for which President Kocharyan has drawn much criticism by the opposition and the public at large.

145. Other opposition parties include the People's Party of Armenia (leader, ex-presidential candidate Stepan Demirchyan), the National Democratic Union (leader

Vazgen Manukian), the Self-Determination Union (leader Paruyr Hairikian), the Democratic Party of Armenia (leader Aram Sarkissian) and the Communist Party of Armenia (leader Vladimir Darbinian). The People's Party of Armenia as well as Democratic Party, the Party of People's Democrats and the Union of People's Democrats have formed a major opposition bloc called "Justice." This bloc was second in terms of the number of votes won in the parliamentary elections. Currently, no member of any political party appears to face discrimination or specific problems or difficulties based on his/her party membership. This includes the political party leaders as well.

146. A 1994 Presidential Decree suspended the activities of the nationalist-socialist Dashnak Party on allegations that a clandestine terrorist group named *Dro* was operating inside the party and was responsible for criminal offences. Several Dashnak members were subsequently arrested, detained, and placed under investigation for alleged criminal offences. Dashnak-affiliated media, including one of the country's largest newspapers, *Yerkir Daily*, were closed down without any legal basis. It should be noted that the diaspora-based Dashnak Party had a history of armed struggle against civilian targets for the "Armenian Cause" during the time of Soviet Armenia. However, UNHCR has no information as to what degree the above-mentioned sanctions against the Dashnak members were based on real criminal acts.

147. Allegations of torture and ill-treatment of detainees were reported in connection with court proceedings against the Dashnak party in 1995; one activist died while in police custody. Judicial and procedural irregularities were reported throughout these cases. The actions of the Armenian Government against the Dashnak Party were essentially limited to high-ranking party members and/or persons suspected of being involved in the clandestine organisation *Dro*. There are no indications that other members were arrested or subjected to harassment only due to their membership of the Dashnak Party.

148. In 1998, President Kocharyan overturned the verdicts in the Dashnak cases and all detained members were subsequently released. A previously detained Dashnak leader, Vahan Hovhannisian, served as special advisor to President Kocharyan from 1998 to 1999 and presently holds the post of Vice-Chairman of the National Assembly. Other members of the party also hold influential positions, including cabinet posts. Dashnak newspapers and publications have again become available to the public. The party is now registered and it has re-established itself in Armenia as a regular and influential political force.

149. Eight Armenian politicians, including the then Prime Minister and Speaker, were assassinated in an attack during a session in the National Assembly on 27 October 1999. The five perpetrators, including the leader Nairi Hunanian, were arrested and are presently standing trial. In addition, up to mid-January 2000, eleven persons were arrested who are claimed to have links with the assassins.



#### **IV. Summary**

150. In general, the human rights situation in Armenia has improved somewhat in the last few years, although the country remains afflicted by rampant corruption, a weak judiciary, limited press freedom, a dire socio-economic situation and has seen a considerable outward migration. However, without considering the list below as exhaustive, particular attention should be paid to asylum-seekers from Armenia who base their refugee claim on the fact that they are:

- followers and/or leaders of the non-apostolic religious groups,
- homosexuals; and
- draft evaders/deserters – in particular, homosexuals and members of religious minorities – and conscientious objectors.

## V. Map



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