

Press release issued by the Registrar

**GRAND CHAMBER HEARING
SARGSYAN v. AZERBAIDJAN**

The European Court of Human Rights is holding a Grand Chamber hearing today, **Wednesday 15 September 2010**, at **2.30 p.m.** in the case of ***Sargsyan v. Azerbaijan*** (*application no. 40167/06*). The hearing will be broadcast at the end of the day on the Court's Internet site (www.echr.coe.int).

This case concerns the applicant's complaint that he was forced to flee from his home in 1992 during the Armenian-Azerbaijani conflict over Nagorno-Karabakh ("the NKAO")¹, which, until the dissolution of the Soviet Union in 1991, was an autonomous province landlocked within the Azerbaijan Soviet Socialist Republic ("the Azerbaijan SSR"). In 1989 the NKAO was approximately 75% ethnic Armenian and 25% ethnic Azeri.

Armed hostilities in Nagorno-Karabakh commenced in 1988, coinciding with Armenian demand for the incorporation of the NKAO into Armenia. In September 1991 Armenian members of the Regional Council of the NKAO announced the establishment of the "Nagorno-Karabakh Republic" ("NKR"), which then declared its independence from Azerbaijan in January 1992. After that, the conflict gradually escalated into full-scale war. By the end of 1993, ethnic Armenian forces gained control over almost the entire territory of the former NKAO as well as seven adjacent Azerbaijani regions. The conflict resulted in hundreds of thousands of internally displaced persons and refugees on both sides. In May 1994 the parties to the conflict signed a cease-fire agreement, which holds to this day. However, no final political settlement of the conflict has been reached. The self-proclaimed independence of "NKR" has not been recognised by any state or international organisation.

The applicant, Minas Sargsyan, was born in 1929 and lived in Yerevan. He died in 2009 and his widow and children are pursuing the application on his behalf.

He and his family, ethnic Armenians, lived in a two-floor house with auxiliary premises in the village of Gulistan of the Shahumyan region (the Azerbaijan SSR). Shahumyan shared part of NKAO's northern border. The region did not form part of NKAO, but was later claimed by "NKR" as part of its territory. According to the applicant, prior to the conflict, 82% of the population of Shahumyan were ethnic Armenians. When the Nagorno-Karabakh conflict escalated into full-scale war in 1992, Gulistan was bombed by Azerbaijani forces and the entire population of the village, including the applicant and his family, fled fearing for their lives. His house was destroyed in the bombing.

¹ The Nagorno-Karabakh Autonomous Oblast.

The applicant complained about his forced displacement from Gulistan and continuing refusal by the Azerbaijani Government to allow him access to his home and belongings. He relied on Article 1 of Protocol No. 1 (protection of property) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights. He also complained under Article 13 (right to an effective remedy) of the Convention, in conjunction with his other complaints, that there were no effective remedies available to ethnic Armenians who were forced to leave their homes in Azerbaijan due to the unresolved status of the Nagorno-Karabakh conflict.

Further relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 and 9 (freedom of religion), he complained about the reports of alleged demolition or vandalism of Armenian cemeteries in Azerbaijan (in Baku and near the town of Julfa). He submitted that not being able to visit the graves of his close relatives and not knowing what had happened to them – but aware that they were at risk of destruction – caused him severe suffering and distress, visiting and maintenance of cemeteries being one of his religious customs.

Lastly, he submitted under Article 14 (prohibition of discrimination), in conjunction with his other complaints, that only ethnic Armenians living in Azerbaijan were the target of violence and that the Azerbaijani Government failed to investigate such attacks against Armenians or to provide redress for illegal occupation of their properties as well as destruction of Armenian cemeteries.

The application was lodged with the European Court of Human Rights on 11 August 2006. On 11 March 2010 the Chamber to which the case was assigned relinquished jurisdiction in favour of the Grand Chamber.

The case will be heard by the Grand Chamber composed as follows:

Jean-Paul **Costa** (France), **President**,
Christos **Rozakis** (Greece),
Nicolas **Bratza** (the United Kingdom),
Peer **Lorenzen** (Denmark),
Françoise **Tulkens** (Belgium),
Josep **Casadevall** (Andorra),
Corneliu **Bîrsan** (Romania)
Boštjan M. **Zupančič** (Slovenia),
Nina **Vajić** (Croatia),
Elisabet **Fura** (Sweden),
Alvina **Gyulumyan** (Armenia),
Khanlar **Hajiyev** (Azerbaijan),
Egbert **Myjer** (the Netherlands),
Sverre Erik **Jebens** (Norway),
Giorgio **Malinverni** (Switzerland),
George **Nicolaou** (Cyprus),
Luis **López Guerra** (Spain), **judges**,
Dean **Spielmann** (Luxembourg),
Isabelle **Berro-Lefèvre** (Monaco),
David Thór **Björgvinsson** (Iceland), **substitute judges**,

and also Michael **O'Boyle**, **Deputy Registrar**.

Representatives of the parties

Azerbaijan Government: Chingiz **Asgarov**, *Agent*;
Malcolm N. **Shaw**, *Counsel*;
Gabriel **Lansky**, Hannes **Tretter**, Otari **Gvaladze**, *Advisers*.

Applicant: Narine **Gasparyan**, Philip **Leach**, *Counsel*;
Knarik **Ohanyan**, Arman **Aloyan**, *Advisers*.

Third party intervention

Armenian Government: Gevorg **Kostanyan**, *Agent*,
Emil **Babayan**, *Deputy Agent*,
Siranush **Sahakyan** and Shahen **Avakian**, *Advisers*.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on its [Internet site](#). To receive the Court's press releases, you can subscribe to the [Court's RSS feeds](#).

Press contacts

echrpress@echr.coe.int / +33 3 90 21 42 08

Tracey Turner-Tretz (telephone: + 33 3 88 41 35 30)

Emma Hellyer (telephone : + 33 3 90 21 42 15)

Kristina Pencheva-Malinowski (telephone: + 33 3 88 41 35 70)

Céline Menu-Lange (telephone: + 33 3 90 21 58 77)

Frédéric Dolt (telephone: + 33 3 90 21 53 39)

Nina Salomon (telephone: + 33 3 90 21 49 79)

***The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.*