



LEGAL ANALYSIS AND RESEARCH PUBLIC UNION

Alternative Report to the UN Committee on the Elimination of Racial Discrimination (CERD) on the Situation in Armenia

Submitted by: Legal Analysis and Research Public Union
NGO with UN ECOSOC Special Consultative Status

Email: hüquqitehlil@gmail.com

Phone: +994503921331

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1. Introduction

This report is submitted by the Legal Analysis and Research Public Union (LAR), an independent non-governmental organization (NGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). Established on August 28, 2012, in Baku, Azerbaijan, LAR is dedicated to the protection and promotion of human rights in the South Caucasus region, focusing on analyzing and researching legal frameworks to build a legal state in Azerbaijan.

LAR actively conducts research on legal and social aspects of public participation and the role of NGOs in society. Previously, LAR has submitted reports on juvenile justice in Azerbaijan to the UN Committee on the Rights of the Child (CRC) and has been actively promoting access to justice issues in Azerbaijan. LAR is also a member of the Global Alliance of NGOs on Crime Prevention and Criminal Justice, which collaborates with the UN Office on Drugs and Crime (UNODC) and the Commission on Crime Prevention and Criminal Justice (CCPCJ).

This alternative report provides the UN CERD Committee with a comprehensive overview of the current situation regarding racial discrimination in Armenia, highlighting key issues and providing recommendations for action.

2. Legal Framework

Armenia is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and has committed to upholding its principles. However, significant gaps remain in the implementation of national laws and international commitments related to racial discrimination.

3. Key Issues and Concerns

a. Discrimination Against Ethnic Minorities

Armenia has a history of discrimination against ethnic minorities, particularly Azerbaijani and other Muslim communities. Reports indicate that historical Azerbaijani cultural and religious sites have been destroyed or repurposed. For example, the Demirbulag Mosque, which remained operational until 1988, has been demolished and replaced by a multistory building.

There has been systematic ethnic cleansing against ethnic Azerbaijanis living in Armenia, particularly in the late 20th century. Approximately 300,000 Azerbaijanis were forced to leave their homes, and the population was entirely removed by 1992, following a campaign of violence that resulted in the deaths of 261 individuals and the destruction of their properties and cultural landmarks.

Despite these grave concerns, the Armenian government continues to reject the rights of Azerbaijanis to return to their homes in Armenia, in violation of international human rights and humanitarian laws. Azerbaijani civil society organizations, including LAR, advocate for the return of ethnic Azerbaijanis to their ancestral lands in Armenia and the restoration of their destroyed cultural heritage.

According to the report of the United States Commission on International Religious Freedom (USCIRF), published in July 2023, on religious freedom concerns in European Union,¹ While France is often quoted in the report as a typical example of these problems, other countries are mentioned as well. Different religious minorities are targeted. Both Jews and Muslims suffer because of prohibitions to wear distinctive clothing such as the Islamic hijab and the Jewish yarmulke in public places.

It has come to our attention that a number of mosques in Armenia documented at the beginning of the 20th century, have been intentionally destroyed, repurposed, or altered. A poignant example of this is the Demirbulag Mosque, which, until 1988, remained operational but has since been demolished, with a multistoried building erected in its stead.

- In light of these grave concerns, I earnestly appeal to your authority to deploy an expert team to Armenia with the objective of conducting a thorough assessment of the current state of Azerbaijani historical and religious heritage sites. This evaluation is crucial for devising strategies aimed at preserving these invaluable sites and preventing further destruction.
- In the second half of the 20th century, as a result of a systematic ethnic cleansing campaign against ethnic Azerbaijanis living in Armenia, 300,000 Azerbaijanis were forced to leave their homes. To provide you with a better understanding, I want to underline that Azerbaijanis used to be the largest ethnic minority in Armenia, representing about 10% of the population at that time. Currently there are no Azerbaijanis left in the territory of Armenia. This brutal campaign, which lasted until 1992, led to the deaths of 261 individuals. It culminated in the total eradication of Armenia's largest ethnic minority, including the widespread destruction of their properties and the obliteration of their historical, cultural, and religious landmarks.
- That racist policy continues today along the same pattern of hate towards Azerbaijanis and with the same criminal determination by present Armenian rulers, who hysterically reject the undeniable right of Azerbaijanis to return in security and dignity to their homes in Armenia - an OSCE and CoE member country, from which they were forcibly expelled in gross violation of international human rights law and international humanitarian law. 300,000 Azerbaijanis must return to their homes in Armenia before any peace and stability are restored in this region.
- Azerbaijani civil society organizations, including the one I represent today, are extremely concerned about this trend. Having witnessed more than 30 years of conflict between Armenia and Azerbaijan, Azerbaijani society advocates for a lasting peace with Armenia. And a necessary component of this lasting peace should be the return of ethnic Azerbaijanis to their ancestral lands in the Republic of Armenia and the restoration of their destroyed cultural heritage in Armenia.

- The report submitted by the Republic of Armenia did not contain any information about about 4,000 civilians and servicemen taken prisoner and hostage during the active war with Azerbaijan.
- Despite the fact that 26 years have passed since the signing of the ceasefire agreement on the active war () waged by Armenia in the territories of Azerbaijan, Armenia does not provide any information about the 4866 hostages taken from the occupied territories. There are 694 women and 154 children among the hostages and missing ones.
- The Azerbaijani government has registered 4,015 people as missing and 1,409 as captives and hostages in the State Commission.
- Information on 877 out of 4015 missing people, including 27 children, 99 women and 133 elderly people was submitted to relevant international organizations¹.
- According to the official website of the International Committee of the Red Cross, this figure is 4,496 people ².

b. Hate Speech and Racist Incidents

Despite recommendations from the UN CERD in previous reporting periods, Armenia has made limited progress in combating hate speech and hate crimes. There has been a notable increase in hate speech and racist incidents, especially online, exacerbated by the lack of adequate legislation and enforcement mechanisms to combat hate crimes and ensure accountability.

The Armenian government's inaction in addressing these issues is particularly concerning given the violent history of ethnic cleansing and hate-based violence against Azerbaijanis and other minorities.

¹Source:

http://human.gov.az/az/interviews/view/69/Azərbaycan_Respublikası_Esir_ve_itkin_dushmush_girov_goturulmush_vetendashlarla_elaqedar_Dovlet_Komissiyasi_Ishchi_qrupunun_rehberi_Firudin_Sadiqovun_AzerTAc-a_musahibesi.#.V1vOBbuLTcd

²The *International Committee of the Red Cross* Source: <https://www.icrc.org/en/document/nagorny-karabakh-icrc-submits-updated-list-missing-persons>

Concluding observations on the combined seventh to eleventh periodic reports of Armenia*

1. The Committee considered the combined seventh to eleventh periodic reports of Armenia (CERD/C/ARM/7-11), submitted in one document, at its 2524th and 2525th meetings (see CERD/C/SR.2524 and 2525), held on 27 and 28 April 2017. At its 2539th meeting, held on 9 May 2017, it adopted the present concluding observations.

12. **Bearing in mind its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party take appropriate measures to strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures, and that it call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred. It also recommends that the State party register, investigate and bring to justice cases of hate speech and sanction those responsible. The Committee further recommends that the State party introduce a separate definition and prohibition of hate crime in its criminal law.**

Despite the recommendation of UN CERD in previous reporting period, not much is changed in the sphere of combatting hate speech and hate crimes. There has been an increase in hate speech and racist incidents, particularly online. This is exacerbated by the lack of adequate legislation and enforcement mechanisms to combat hate crimes and ensure accountability.

300,000 Azerbaijanis were ethnically cleansed from their historic lands as early as in 1987 in what is called today Armenia (10% of the-then population of that country), of which 261 persons were brutally killed by Armenian mobs. This ethnic cleansing continued until 1992, and resulted in a complete elimination of the biggest ethnic minority in Armenia, accompanied by a full destruction of their property, elimination of their historic, cultural, religious heritage in the territory of a modern-day Armenia, with a deafening silence of "international community".

* Adopted by the Committee at its ninety-second session (24 April-12 May 2017).

Srebrenica and Rwanda did not happen yet. Followed by a foreign-backed military invasion and illegal occupation of 16,000 sq. km. of the sovereign territory of Azerbaijan (20% of its internationally recognised territory) and a tragic plight of 700,000 Azerbaijani IDPs, that situation established a strong legal basis for 4 UN Security Council Resolutions adopted in 1993, all of which demanded a complete, unconditional, and immediate withdrawal of occupying Armenian forces from Azerbaijan, however none of them was ever implemented. For more than 30 years human rights of 300,000 Azerbaijani refugees from Armenia were being violated by consecutive fascist regimes in Armenia, leaders of which with blood on their hands were welcomed in Europe and U.S.

That racist policy continues today along the same pattern of hate towards Azerbaijanis and with the same criminal determination by present Armenian rulers, who hysterically reject the undeniable right of Azerbaijanis to return in security and dignity to their homes in Armenia - an OSCE and CoE member country, from which they were forcibly expelled in gross violation of international human rights law and international humanitarian law. 300,000 Azerbaijanis must return to their homes in Armenia before any peace and stability are restored in this region.

Extracts from the 2020 US State Department Report on Human Rights Practices in Armenia

War crimes, Hate speech /Hate crimes and anti-Semitism

- Following the closure of borders between Armenia and Azerbaijan in 1991, inflammatory rhetoric and **hate speech** became increasingly prevalent (p.46)
- Human Rights Watch documented incidents in which Armenian forces used ballistic missiles, unguided artillery rockets, and large caliber artillery projectiles, which Human Rights Watch reported resulted in the **deaths and injuries of dozens of civilians** (p.5).
- Significant human rights issues connected with the Nagorno-Karabakh armed conflict included **unlawful killings and civilian casualties** (p.2).
- Amnesty International report documented the cutting of an Azerbaijani border guard's throat while the guard was gagged and bound, and it assessed that the guard received a wound that led to his **death** (p.4).
- The number of **anti-Semitic posts** increased, according to members of the Jewish community and other observers. Members of the Jewish community

also reported **anti-Semitic comments** directed at them on public transport. (p. 44)

- Activists and NGOs that promoted gender equality were frequent targets of **hate speech** and criticized (p.38) Women politicians and officials experienced severe **hate speech** targeting their gender (p.40)
- These included **hate crimes** such as physical violence, sexual violence, repeated psychological violence, and violation of property, as well as threats toward the life and health of a person. (p.47)
- Government did not take effective measures to counter **hate speech** campaigns and at times fed into the narratives promoted by the **hate groups** (p. 50).

Source: US State Department, <https://www.state.gov/wp-content/uploads/2021/03/ARMENIA-2020-HUMAN-RIGHTS-REPORT.pdf>

c. Glorification of Nazism

Armenia has been criticized for glorifying individuals associated with Nazi collaboration, such as Garegin Nzhdeh. Despite international condemnation, including from the UN General Assembly, which has adopted resolutions against the glorification of Nazism, the Armenian government has not taken sufficient measures to address these concerns. Monuments honoring figures like Nzhdeh remain, signaling a troubling endorsement of ideologies of hatred and xenophobia.

UN GA resolution on glorification of Nazism, neo-Nazism and other practices that encourage modern forms of racism and xenophobia that adopted by UNGA in December 18, 2019, stresses the General Assembly's concern about the use by neo-Nazi groups, as well as other groups and individuals espousing ideologies of hatred, of information technologies, the Internet and social media to recruit new members, especially targeting children and young people, and to disseminate and to amplify their hate-filled messages. The glorification and excitement of fascism and anti-Semitism and neo-Nazis has become an integral part of Armenia's state policy, Israeli expert Arye Gut said in "Israel Hayom" on May 16, 2020 be concretely, we mainly concern about glorification of Nazi collaborator Garegin Nzhdeh in Armenia. Furthermore, on May 9, 2020 that marks the victory over Nazism in WW2, Armenian Prime Minister Pashinyan shared in his Facebook page his grandfather's

photo who had allegedly served in the 554th Infantry Regiment of the 138th Infantry Division. The former Armenian authorities erected a monument, in the centre of Yerevan, in honour of the fascist executioner and traitor Garegin Ter-Harutyunyan, who served with the German fascists under the nickname Garegin Nzhdeh. Unfortunately, the new government of Armenia did not dismantle this monument. The fact that former Armenian President Serzh Sargsyan and former Defense Minister Seyran Ohanyan have taken part in the ribbon-cutting ceremony for Nzhdeh's monument and that on Victory Day, once again confirmed that both Armenia's former and current leaders consider themselves to be Nzhdeh's genuine heirs. In June 25, 2020, Armenia National Platform of the Eastern Partnership program of the EU, in its Statement, called on the Armenian authorities to give a legal and political assessment of the continuous seizure of state power by the previous criminal and oligarchic regime and urged the Armenian authorities to implement full and profound vetting of the judiciary and to start this process without a delay. There are no any legal procedures, or even political measures had been taken against the fact of glorification of Nazism of previous government, which proves enactment of current government in fair administration of justice against glorifiers of Nazism. "The Jewish people will never forget the acts of cruelty committed by the 20,000 Armenian legionnaires led by Nzhdeh during World War II. Historic documents confirm this fact. The purpose of the Armenian Legion, led by Nzhdeh, was to raid the homes and destroy the lives of Jews, as well as other "objectionable" to the German army. It was "thanks" to the Armenian Legion that the towns Simferopol, Yevpatoria, Alushta, Kerch, and Feodosia, as well as other areas of Western Crimea, were completely expunged of Jews. In this regard, the author emphasized that it is therefore required of us not to be indifferent to the way modern Armenia elevates past figures who were clearly fascist and anti-Semitic to the rank of national heroes. "Modern Armenia's policy can be seen as something of a ticking time bomb: Young people who grow up on such ideology will continue to live according to fascism's creed" - Arye Gut said in "Israel Hayom" on May 16, 2020.

4. Government Measures

While the Armenian government has adopted some anti-discrimination laws and policies, these measures are often insufficient and poorly implemented. The lack of comprehensive data on racial discrimination further hampers the effectiveness of these measures.

5. Recommendations

To effectively address racial discrimination in Armenia, Legal Analysis and Research Public Union recommends the following actions:

1. **Strengthening Legal Framework:** Enhance the anti-discrimination legal framework to include specific protections for ethnic minorities, refugees, and asylum seekers. Ensure effective implementation and enforcement of existing laws.
2. **Data Collection and Monitoring:** Establish a comprehensive system for collecting data on racial discrimination and hate crimes to inform policymaking and ensure transparency.
3. **Education and Awareness:** Implement nationwide education and awareness campaigns to promote tolerance, diversity, and inclusion, targeting both the general public and specific institutions such as schools and workplaces.
4. **Support for Ethnic Minorities:** Develop targeted programs to support the economic, social, and cultural rights of ethnic minorities, including measures to increase their representation in government and other decision-making bodies.
5. **Combating Hate Speech:** Strengthen legislation against hate speech and ensure its rigorous enforcement. Promote initiatives to counter online hate speech and support victims of racist incidents.
6. **Realization of the Rights of Azerbaijani Refugees:** Ensure the right of Azerbaijanis to return to their homes in Armenia, as a crucial component of lasting peace and stability in the region.
7. **International Cooperation:** Continue to engage with international bodies and civil society organizations to align national policies with international human rights standards and best practices.

6. Conclusion

Legal Analysis and Research Public Union urges the Committee to consider these issues and recommendations in its review of Armenia's compliance with the ICERD. Addressing these concerns is essential for fostering a more inclusive and equitable society in Armenia.

Submitted by:

Ramil Iskandarli

Chairman of the Board

Legal Analysis and Research Public Union

ⁱ <https://bitterwinter.org/religious-freedom-at-risk-in-european-union-uscirf-report-says/>