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# الجمعية العامة



## مجلس حقوق الإنسان

الدورة السابعة والخمسون

9 أيلول/سبتمبر - 9 تشرين الأول/أكتوبر 2024

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان والحقوق المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## الزيارة إلى أرمينيا

تقرير المقرر الخاص المعني بتعزيز الحقيقة والعدالة والجبر وضمانات عدم التكرار،  
فابيان سالفبولي\*

### موجز

يقدم المقرر الخاص المعني بتعزيز الحقيقة والعدالة وجبر الضرر وضمانات عدم التكرار، فابيان سالفبولي، تقريره عن زيارته إلى أرمينيا من 16 إلى 24 تشرين الثاني/نوفمبر 2023، الذي ضمّنه ما توصل إليه من نتائج وما قدّمه من توصيات.

وفي هذا التقرير، يبحث المقرر الخاص في تدابير العدالة الانتقالية التي اعتمدها الإدارات المتعاقبة لمعالجة تلك التركة من الانتهاكات الجسيمة لحقوق الإنسان التي عانت منها البلاد في سياق الحكم القمعي والحكومات الاستبدادية والنزاع المسلح. ويهدف العديد من التدابير، رغم أنه ليس جزءاً من عملية العدالة الانتقالية، إلى نقض ما أبرمته تركة الأنظمة الاستبدادية وتوفير الجبر للجنود ولضحايا النزاع. بيد أن ما تحقق من تقدم في مجالات البحث عن الحقيقة والعدالة الجنائية والجبر وإحياء الذكرى كان متفاوتاً، مما يقتضي جهوداً متجددة تتوخى أهدافاً محددة. وفيما يتعلق بضمانات عدم التكرار، يلاحظ المقرر الخاص اعتماد تدابير لإصلاح المؤسسات والأنظمة منعاً لإقدام الدولة على إساءة المعاملة والعنف مؤكداً أنها تتطلب مزيداً من التعزيز.

\* يعمّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها فقط.



الرجاء إعادة الاستعمال

## المرفق

تقرير المقرر الخاص المعني بتعزيز الحقيقة والعدالة والجبر وضمانات عدم  
التكرار، فابيان سالفبولي

## Contents

	<i>Page</i>
I. Introduction.....	3
II. Context.....	3
III. Truth.....	3
IV. Justice.....	5
V. Reparation.....	7
VI. Memorialization.....	8
VII. Guarantees of non-recurrence.....	9
A. Security sector reform.....	9
B. Judicial reform.....	11
C. Corruption prevention, electoral reform and human rights protection.....	13
VIII. Forced displacement as a result of conflict.....	13
IX. Conclusions and recommendations.....	14
A. Recommendations addressed to the State.....	16
B. Recommendations addressed to the international community.....	19

## **I. Introduction**

1. From 16 to 24 November 2023, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence conducted an official visit to Armenia to assess measures in the areas of truth, justice, reparation, memorialization and guarantees of non-recurrence that have been adopted to address the legacy of serious violations of human rights endured in situations of conflict, autocracy and State repression. He extends his appreciation to the authorities in Armenia for their openness and cooperation during his visit and thanks the United Nations presence in the country for providing support during the preparation and conduct of the visit.
2. The Special Rapporteur visited Yerevan, Jermuk and Yeghegis and the Syunik region and made field visits to refugee camps, conflict sites and memorials of past human rights violations.
3. The Special Rapporteur met with representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Security Council, the National Security Service, the Ministry of Internal Affairs, the Ministry of Defence, the Working Group of the Inter-agency Commission on Prisoners of War, Hostages and Missing Persons, the Central Electoral Commission, the Ministry of Education, Science, Culture and Sport, the Ministry of Labour and Social Affairs, the Ministry of Health, the representative of Armenia on international legal matters, the Office of the Prosecutor General, the Constitutional Court, the Supreme Judicial Council, the Standing Committee on Protection of Human Rights and Public Affairs, the Standing Committee on Defence and Security and the Standing Committee on Labour and Social Affairs of the National Assembly, as well as the Human Rights Defender of Armenia.
4. The Special Rapporteur also met with victims and survivors, representatives of civil society, international organizations and the diplomatic community, journalists and academic experts.

## **II. Context**

5. The Armenian people have endured a succession of gross human rights violations in the twentieth and twenty-first centuries, including: genocide during the First World War; deportation, purges and repression under the rule of the former Union of Soviet Socialist Republics; and international crimes in the context of the conflict in the former Nagorno-Karabakh region. Following the transition from Soviet rule, human rights abuses committed by State officials, especially before 2018, included cases of arbitrary detention and the excessive use of force during public assemblies, suspicious non-combat-related deaths of soldiers and conscripts in the armed forces and torture at the hands of law enforcement officials. Large-scale violations of property rights and electoral rights were also endured during the latter period and until 2018.
6. In the present report, the Special Rapporteur examines the progress made in Armenia in the areas of truth-seeking, criminal accountability, reparations, memorialization and institutional and legal reforms to address the legacy of those violations.

## **III. Truth**

7. Uncovering the truth about the full extent of human rights violations and abuses endured by the Armenian people during the twentieth and twenty-first centuries is essential in order to foster social understanding, provide justice and dignity to victims and prevent the recurrence of violence. Armenia has devoted commendable efforts and has achieved important outcomes in seeking the truth, gathering evidence and documentation and raising awareness nationally and internationally about genocide. The Armenian Genocide Museum-Institute Foundation, the main research hub on the subject, conducts research, collects relevant materials, publishes books and catalogues, offers education and training in

schools, organizes scientific conferences and cooperates with other research centres.<sup>1</sup> The Special Rapporteur commends the important efforts being devoted to this work.

8. However, Armenia is lagging behind in its efforts to establish specialized autonomous truth-seeking mechanisms to investigate and record systemic human rights violations suffered by the population, in particular during Soviet rule and certain episodes of the conflict, as well as State abuses carried out beginning in 1991 onwards. Some investigations about the conflict and State abuses have been carried out by the National Assembly.

9. In 2009, the National Assembly created the “1 March Commission” to investigate the human rights violations (including killings, excessive use of force and the arbitrary detention and criminalization of hundreds of protesters) committed after protests against electoral fraud on 1 and 2 March 2008. While the commission submitted its conclusions to the National Assembly, it did not identify those responsible for the killing of 10 persons during those events. With regard to the conflict, the National Assembly formed commissions of inquiry to investigate the events of the 4-day war in April 2016 and the 44-day war in 2020. The work and findings of the former commission is partially confidential, and the latter is still ongoing. The National Assembly also held public hearings, including the testimony of victims and civil society actors, to address various issues, including the illegal expropriation of property carried out beginning in the early 2000s and transitional justice matters.

10. In 2019, the Government adopted a judicial and legal reform strategy and action plan 2019–2023, by which it established an independent fact-finding commission to investigate human rights violations committed between 1991 and 2018, a period described by many interlocutors as autocratic. The commission, which was envisaged as the only transitional justice measure in the strategy, was expected to investigate the systemic violations committed during that period, including the forced expropriation of property for the needs of the State and society (carried out from the 2000s onwards), other dispossessions, the killing of servicepersons in non-combat situations and electoral processes and post-electoral political persecutions since 1991. Civil society actors assisted in building the policy capacity of the Ministry of Justice on the above matters and helped to develop the initial version of a draft law on the fact-finding commission. However, after several rounds of public discussions, negotiations on the draft law did not advance. While the second judicial and legal reform strategy and action plan for 2022–2026 reiterated the commitment to establish the independent fact-finding commission as part of a transitional justice toolkit, a bill reportedly drafted by the Government in 2023 appears to have substantially distorted the initial concept and downgraded the commission as a transitional justice mechanism by proposing instead the creation of an expert group under the control of the Public Council of Armenia, an institution reported to have an unclear mandate, insufficient powers and a volunteer membership. Some civil society actors have strongly criticized the approach, recommending the creation of an independent institution, as envisaged in earlier proposals. The authorities reported that a public consultation was held in November 2023 to discuss the Government’s latest proposal with stakeholders and civil society. The Special Rapporteur urges the authorities to ensure that such a mechanism is established in full consultation with civil society and victims and through procedures that ensure its independence, impartiality and competence and that of its members.

11. The search for missing persons from the conflict, which totals about 5,000 people across the different stages of the conflict, has not been sufficiently addressed. While Armenia had access to some territory in the conflict zone, as a result of a lack of cooperation among the parties, progress on search for missing persons was slow and results were insufficient. In 2020, joint efforts by members of the international community, Armenia and Azerbaijan led to the recovery of the bodies of some soldiers in the battlefield. However, having lost access to those territories and lacking cooperation as a result of the conflict in 2020 and 2023, that work, regrettably, was no longer possible. The passage of time has also hampered access to witness testimonies and information about the location or burial sites of bodies of missing persons, which has further undermined search efforts. The International Committee of the Red Cross (ICRC) has carried out a mapping of missing persons from the conflict based on testimonies gathered. Cooperation between Armenian and Azerbaijani counterparts in this

<sup>1</sup> See <http://www.genocide-museum.am/eng/structure.php>.

regard has been deficient and must be urgently scaled up. Organizations of victims' families, which lack support and organization to promote this important issue on the national agenda, would benefit from national and international assistance.

12. Authorities reported that forensic examinations of persons who died in the conflict in 2020, 2022 and 2023 is currently being undertaken in Armenia, pursuant to decisions by law enforcement bodies. The entity in charge of the forensic examinations is the Scientific-Practical Centre of Forensic Medicine, under the Ministry of Health. The resources and capacities of the centre are in the process of being developed through the support of ICRC, which assists in equipping the centre and training its staff. The centre is also working with ICRC to get international certification for genetic laboratory ISO/IEC 17025: 2019 accreditation and has signed a memorandum of cooperation with the International Commission on Missing Persons. The Government reported that many unidentified bone samples from corpses recovered from the 44-day war in 2020 were sent to the centre for DNA profiling and that it had identified and recorded signs of torture in many of the samples; those records have been forwarded to an investigative committee. The Special Rapporteur noted the efforts currently being undertaken to enhance the capacities of the centre to carry out forensic examinations and welcomed the support provided by the International Commission on Missing Persons and other international organizations specializing on this issue. He notes that work in the search and identification of missing persons must be prioritized, sustained and supported by all relevant actors, including the parties to the conflict and members of the international community such as donors and international and regional organizations. The Government reported that the drafting of a law on missing persons is foreseen in the action plan for the national strategy on human rights protection 2023–2025.

#### IV. Justice

13. In 2022, the Criminal Code of Armenia was amended to incorporate a list of international crimes, including war crimes, crimes against humanity, genocide and torture, in line with international standards.<sup>2</sup> The crime of enforced disappearance was introduced to the code as an autonomous crime. In addition, the code now includes the prohibition of the application of amnesty and statutes of limitations for the above crimes. In October 2023, Armenia ratified the Rome Statute of the International Criminal Court, which entered into force in the country in February 2024. The Special Rapporteur commends the Government for its substantive legislative progress in this area.

14. Notwithstanding this improvement, criminal accountability for human rights violations committed by State officials has not been established and has been insufficiently or rarely pursued. The former Special Investigative Service, charged with investigating violations committed by public officials, failed to investigate police violence committed against peaceful protesters and journalists in 2015 and 2016, claiming that it was unable to identify the alleged perpetrators. In 2018, the Service revived investigations into the events of 1 March 2008, bringing charges against key former officials. However, the Constitutional Court, by its decision DCC-1586 of 26 March 2021, found unconstitutional the article of the Criminal Code on the “overthrowing of constitutional order”, under which some officials were being prosecuted, resulting in the dismissal of those charges. The criminal cases against three former police officers involved in the killing of protesters during the peaceful demonstrations were also terminated based on statutory limitations. Thus far, there has been no effective criminal investigation of many other instances of the excessive use of force and other abuses in the context of public assemblies. Civil society actors reported that the former Special Investigative Service had failed to investigate the mentioned cases, claiming that it was unable to identify the alleged perpetrators. Concerningly, current police practices regarding public assemblies are reportedly similar.

15. Over the years, numerous cases of torture and inhuman or degrading treatment by police, penitentiary and armed forces officials have been reported in Armenia. Abuse by

<sup>2</sup> See <https://legislationline.org/sites/default/files/2023-12/Criminal%20Code%20of%20the%20Republic%20of%20Armenia%20%282022%29%20%28English%29.pdf>.

personnel in those institutions has also been reported. Unlike prisons and police detention facilities, police stations are not subject to public monitoring, making mistreatment and abuse more difficult to identify. In 2018, the Special Investigative Service launched a number of criminal cases relating to ill-treatment committed by police officers, although the results of those investigations have not been made public.<sup>3</sup>

16. Access to justice for victims of torture is elusive. Although the crime of torture was criminalized in 2015, claims of victims have been dismissed by domestic courts through the application of statutes of limitations, until their application was outlawed in the Criminal Code of 2022. In addition, cases of torture committed before 2015 were criminally prosecuted as “abuses of office”, even after the crime of torture had been included in the Criminal Code. Interlocutors noted that, despite legislative progress, criminal investigations of cases of torture are often terminated, based on findings that no crime had been committed or suspended for failure to identify a suspect. Authorities responded that the latter outcome is generally reached because abuses do not reach the threshold of severity required to qualify as torture or inhuman treatment. The first conviction on torture charges was reportedly delivered only in March 2022. Civil society actors reported that law enforcement officers and judges are insufficiently aware of international standards on the documentation and investigation of torture and other ill-treatment and that testimonies allegedly obtained through torture are not immediately excluded from court case materials but remain until verdicts are published.<sup>4</sup>

17. The Government reported that, between 2022 and 2023, a total of 363 official examinations and studies on the use of violence by police officers were conducted by the Internal Security and Anti-Corruption Department of the Ministry of Internal Affairs: 212 cases were suspended pending a decision on proceedings; 150 cases were dismissed for lack of evidence; and 1 case was in progress. Between 2021 and 2024, the Penitentiary Service of the Ministry of Justice received 17 complaints about the undue use of force, of which seven were not confirmed, the rest were transferred to the competent authorities and one person was sentenced to prison in 2022.

18. Numerous interlocutors raised concerns about ongoing cases of non-combat deaths in the armed forces and the insufficient pursuit of accountability in those cases. No adequate measures have been taken to ensure effective and objective investigation into those cases and no perpetrators have been held responsible. Reportedly, investigation into those violations was ineffective owing to resistance in the criminal justice system, where the vetting of allegedly corrupt personnel has not been carried out. While several non-combat deaths that had not been effectively investigated were reopened after the 2018 Velvet Revolution, civil society actors reported that those cases had not been effectively investigated. At the initiative of the Prime Minister, a working group composed of representatives of the Government and families of the victims was established in 2020–2021 to assess the results of the investigations. The group prepared comprehensive reports on five selected cases, in which it observed violations of due process. As a result, several criminal cases were reopened although others remain in standstill. At the time of writing of the present report, 103 related criminal proceedings were ongoing.

19. Between 2001 and 2006, expropriations conducted on the basis of “supreme public interests” led to the violation of the property and housing rights of numerous private individuals, including hundreds of people left homeless. The concept of “supreme public interests”, as contained in the law on the expropriation of property for the purpose of ensuring the supreme public interest, was misused by the Government to justify the illegal expropriation of property, without due and timely compensation. Domestic courts have not upheld the rights of victims to reparations. With the exception of 20 cases in which the European Court of Human Rights ruled in favour of the victims, expropriation cases were routinely subjected to the application of statutes of limitations and victims who submitted claims to the courts received no compensation. In November 2023, the Constitutional Court issued a ruling outlawing the application of statutes of limitations for expropriation cases

<sup>3</sup> See <https://www.ohchr.org/en/hr-bodies/upr/upramun-contributions-s35> (report of the United Nations country team, p. 4).

<sup>4</sup> See <https://www.ohchr.org/en/hr-bodies/upr/uprka-mtakeholders-info-s35>.

undertaken between 2001 and 2006 and established that Parliament could not adopt legislation imposing such limitations for such cases in the future. The Special Rapporteur welcomes the ruling. Despite such progress, in August 2023, civil society actors reported that in no instances had the courts ruled in favour of property owners and/or put in question the decisions of Government institutions.<sup>5</sup>

## V. Reparation

20. In 1994, Armenia adopted a law concerning victims of repression. The law applied to people who, during the Soviet era, in Soviet territory and based on political motives, were: (a) convicted under certain articles of the 1961 Criminal Code and previous codes and who were later acquitted; (b) subject to criminal liability in an extrajudicial manner; (c) subjected to unlawful coercive medical measures; (d) deported from the territory of the former Soviet Union or were stripped of their citizenship; or (e) deported or exiled as a family member of a victim of repression. The law set out reparations for victims, including: restoration of citizenship; restoration of titles and degrees; restoration of pensions; property for the purpose of construction of individual dwellings; right to long-term construction on privileged conditions; fee exemptions related to the privatization of dwellings; one-time monetary compensation for confiscated property; and restoration of unpaid salaries. Under the law, victims of Soviet repression had their status as victims recognized and were provided with reparations. A civil society proposal to expand the law to victims of repression in democratic times has not been adopted.

21. A legislative package was adopted for the provision of monetary support and other social guarantees to servicepersons killed or injured during combat operations or their families. The law of compensation of soldiers and their families (1998, reformed in 2017) and law HO-245-N (2016) provided reparation for soldiers who died or were incapacitated during the conflict. Government decision No. 806 (2013)<sup>6</sup> provides the right to free medical care for relatives of soldiers who died in military service. Civilian victims of the conflict and their families receive compensation pursuant to Government decrees, according to information provided by the Government. Victims noted the lack of psychosocial support provided by the Government.

22. In 2019, a law was adopted to provide compensation to the victims and families of the events of 1 March 2008 whose health or lives were affected. Pecuniary compensation was paid to the victims and eligible family members.

23. Aside from the above laws, Armenia has not adopted specific legislation to provide reparation to victims of other human rights violations. Nonetheless, victims can submit claims pursuant to existing general norms. The Civil Code (arts. 17, 162 (1) and 1087 (2)) provides for the right to claim compensation for non-pecuniary damages sustained as a result of violations of fundamental rights, such as loss of life, torture and the loss of personal freedom. The Government reported that there is “extensive” practice in these types of claims. However, the time frame for the submission of victims’ claims is three years, which limits victims’ access to reparation rights. Furthermore, compensation is pecuniary and does not include other forms of reparation, such as psychosocial rehabilitation. In addition, the law on fundamentals of administrative action and administrative proceedings (arts. 95–108) grants the right to compensation to victims of damage caused by administrative bodies, including loss of life, damage to health and security and restriction of freedoms. Compensation is mainly pecuniary. The amount of compensation granted to victims is relatively low, however, especially in civil courts as compared to administrative procedures.

24. Pursuant to article 1087 (3) of the Civil Code, as amended in 2016, compensation to victims of torture includes compensation for pecuniary and non-pecuniary damage, as well as rehabilitation. Rehabilitation includes the right to receive compensation for medical care and services and the right to free psychological and free legal services. In the event of the

<sup>5</sup> See <https://demdev.org/wp-content/uploads/2023/09/To-the-UN-Committee-on-Economic-Social-and-Cultural-Rights-CESCR-.pdf>.

<sup>6</sup> See [arlis.am/documentview.aspx?docID=85763](http://arlis.am/documentview.aspx?docID=85763) (in Armenian).



death of torture victims, their incapacity or their status as minors, their relatives can claim compensation for the damages suffered. Nonetheless, in 2020 civil society actors reported that there was no mechanism in place to compensate torture victims and that the State does not provide adequate rehabilitation.<sup>7</sup>

25. With regard to measures of satisfaction, the Prime Minister apologized to the victims of political prosecution and the killings related to the events of 1 March 2008 at a public commemoration held in Yerevan in 2019. The Special Rapporteur has not received information about other instances of public apologies for past human rights violations committed by State officials. He is concerned about the lack of progress in this area and urges the relevant authorities to prioritize the design and implementation of official apologies for the violations and abuses identified in the present report, in due consultation with the victims.

## VI. Memorialization

26. The Tsitsernakaberd Memorial complex in Yerevan is “dedicated to preserving the memory and legacy of the Armenian Genocide by honouring 1.5 million Armenians who have perished during the horrible events at the beginning of the 20th century”.<sup>8</sup> The complex is composed of the Genocide Monument, erected in 1967, and the Museum and Institute opened in 1995. Civil society organizations have also erected memorials in the complex to “commemorate the victims of pogroms in Baku, Sumgait and Kirovabad and the conflict”.<sup>9</sup> Those memorials are duly maintained by the authorities of the complex. The complex is an exemplary model of memorialization, which could and should be replicated in other spheres.

27. Armenia holds an annual commemoration of the memory of victims of genocide and Parliament has recognized victims of genocide elsewhere, including the Yazidi and other minorities in northern Iraq in 2018. Monuments dedicated to the victims of mass killings of Assyrians and Greeks in the Ottoman Empire, the Holocaust and the massacre of the Yazidi and other minorities in northern Iraq by Da’esh have been erected in Yerevan.

28. The Government of Armenia has raised awareness nationally and internationally about the importance of the Convention on the Prevention and Punishment of the Crime of Genocide, commemorated its anniversary and advocated the commemoration of 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime. It has also continued to raise awareness about the risks of atrocity crimes and the importance of prevention, including by presenting the “Prevention of genocide” resolution in the framework of Human Rights Council, co-sponsoring related resolutions in the Council and convening the biennial Global Forum Against the Crime of Genocide. The Special Rapporteur commends the active role that the Government has played in the international arena over the years in memorializing the victims of genocide and advancing global discussions and mechanisms to prevent this crime.

29. With regard to the commemoration of other human rights violations, 14 June has been declared the day of remembrance of victims of repression. The Cascade Monument to the Victims of Political Repression, which was constructed in the 1980s and opened by the Government in 2008, is dedicated to the Armenian victims of Soviet deportation and murder. The monument, which is maintained by civil society organizations without governmental support, opens once a year, on 14 June, to commemorate the victims of repression. The commemoration is carried out by civil society actors without Government support or participation. The monument is located in the Yerevan Cascade Complex, next to an obelisk erected by authorities in 1967 to commemorate 50 years of Soviet Armenia.

30. A monument commemorating the victims of the events of 1 March 2008 was opened by the Government in 2023, in a ceremony attended by high-ranking officials, including the Prime Minister and the President, who expressed support to victims and their families and stated that election-rigging and police violence should never happen again.

<sup>7</sup> See <https://www.ohchr.org/en/hr-bodies/upr/uprka-mtakeholders-info-s35>.

<sup>8</sup> See <http://www.genocide-museum.am/eng/statement.php>.

<sup>9</sup> Information provided by the Government.



31. The Remembrance Day of Missing Persons (29 June) and the International Day of the Victims of Enforced Disappearances (August 30) are officially commemorated in Armenia. A monument was erected, and official commemorations have been held. Commemorations organized by the families of victims to commemorate those days have not always been attended by the authorities.

32. The Government reported that school curricula and manuals include education on human rights and peace culture, as well as history education about past serious human rights violations mentioned in the present report.

33. The educational programme developed by the Armenian Genocide Museum-Institute Foundation offers teaching to school children and training for history teachers.

34. Civil society representatives reported that there is insufficient education about the violations suffered by Armenians during Soviet rule, with the exception of Stalin's purges and deportations, as well as insufficient information about State abuses committed after 1991. The lack of a comprehensive approach to the violations committed in the context of the conflict in the region was also noted. The Government has pledged to revisit the existing textbook "distortions" regarding the events of 1 March 2008 and to provide an "objective depiction of the events". However, civil society representatives have expressed concern about possible political manipulation of school texts in this regard.

35. Given the lack of truth-seeking and accountability mechanisms addressing some of the above events, which would have been the natural and most appropriate source of information for education tools, it is important that history textbooks about past serious human rights violations are formulated or revised based on objective information that is not permeated by political or other interests.

## **VII. Guarantees of non-recurrence**

### **A. Security sector reform**

36. As mentioned above, for decades the security sector in Armenia has been swamped by allegations of human rights violations and abuses committed by officials of the police and penitentiary services and members of the armed forces, including deaths in custody, non-combat deaths, torture, ill-treatment, abuse and/or excessive use of force. Civil society actors have long called for the reform of those institutions to curb existing practices, prevent new violations and increase their transparency and accountability. However, the reform of the sector had not been prioritized, existing practices remain in place and civilian and parliamentary oversight has remained weak. The Special Rapporteur was informed of recent measures adopted by the Government to reform institutions in the security sector as part of a broad institutional reform package adopted in 2020. Authorities reported that allegations of torture and ill-treatment have decreased since 2021.

37. The police reform strategy and action plan for 2020–2022, which was aimed at transforming the police from a force focused on defence functions into a prevention-oriented body, introduced structural changes and clarification of functions of the police, including the establishment of a Ministry of Internal Affairs and the transfer of the police force, previously under the purview of the Prime Minister, to the control of the new Ministry. It also included the creation of an operational management centre; the establishment of a new police patrol service to maintain civil order and respond to emergencies; and the transformation of police troops into a new national guard, consisting of police officers, security guards and witness protection officers. The personnel of the new national guard will receive training and monitoring. In addition, the reform entails the reorganization of the functions and the governing model of the criminal and communal police services. Pursuant to the reform, in 2023 the Internal Security and Anti-corruption Department, an internal control body that investigates human rights and discipline violations by police officers and reviews their security cameras (523 were installed in 69 police divisions, and others on community police uniforms), was restructured and transferred from the police to the Ministry of Internal Affairs to improve the checks and balances over the police. The activities of the Department are

publicized by the Ministry to ensure public control. A mechanism for public control over disciplinary and legal activities carried out by the Ministry was also established. A new specialized unit for witness protection is also planned as part of the reform.

38. The reform includes a police certification process, through which all police officers must undergo an examination of their knowledge, discipline and behaviour within the next three years, as a precondition for staying in the force. The certification will be carried out by an evaluation commission comprised of ministerial authorities, members of Parliament and civil society actors. Staff training and measures to promote professional development were also introduced. Further, a police education centre is responsible for the development of pedagogic materials for police officers, in cooperation with international partners such as the Organization for Security and Cooperation in Europe (OSCE), the United Nations Development Programme and the European Union.

39. A police reform coordination council, headed by the Prime Minister, was established to oversee the reform process. Civil society organizations, which were assigned a participating role in the council and welcomed the reform, raised concerns that it appeared to be segmental rather than systemic. While expressing appreciation for the opportunity to participate in the design of the reform process, the civil society organizations have recently resigned owing to the appointment of new management of the coordination council.

40. With regard to the penitentiary service, a decree of the Minister of Justice established in 2005 a public prison monitoring group to provide public oversight of penitentiary institutions in Armenia and protection of rights of prisoners. The group consists of representatives of civil society organizations, which have unrestricted access to many penitentiary institutions. The group acts independently and is not part of the existing national preventive mechanism. A similar public monitoring group for temporary detention facilities is no longer active. The Ministry reported that, along with structural changes, surveillance systems, operational management centres, hotlines and medical examination guidelines and forms have been established within the penitentiary service to prevent torture and ill-treatment. The Human Rights Defender acts as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment and runs a hotline.

41. The Government reported on other organizational and legal reforms carried out to improve the operations of detention centres and to bring them into line with the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which contributed to improving the living and sanitary conditions in the centres and providing better protections for the rights of inmates. These included improved accessibility to hotlines, reforms to the law on the treatment of arrestees and detainees and decision No. 574-N of June 2008,<sup>10</sup> the establishment of regulations on construction and furnishing of detention centres and the adoption of video-recording systems as preventive tools.

42. In 2012, the law on the disciplinary code of the armed forces was adopted.<sup>11</sup> In 2014, the Government established the General Military Investigative Department within the Investigative Committee, whose members are appointed by the Prime Minister, with a mandate to investigate crimes committed by military personnel. In 2015, the Centre for Human Rights and Building Integrity was established in the Ministry of Defence, aiming at introducing a culture anchored on human rights and benevolence. In January 2017, the rapid response service (hotline) of the Ministry of Defence was launched under the authority of the Centre for Human Rights and Building Integrity.

43. The Government reported that the armed forces had been subject to reforms since 2020 to increase transparency, prevent corruption, review tasks and combat capabilities and improve democratic oversight. The reform comprises aspects of command and control of the armed forces, defence planning, organizational restructuring, changes to conscription and mobilization systems, strengthening of transparency, accountability processes, democratic

<sup>10</sup> See [http://www.parliament.am/law\\_docs/070302HO305eng.pdf](http://www.parliament.am/law_docs/070302HO305eng.pdf); see also CCPR/C/ARM/2-3 and Corr.1.

<sup>11</sup> See <https://ihl-databases.icrc.org/en/national-practice/law-approve-code-conduct-armed-forces-2012> (in Armenian).

oversight and the professional development and training of personnel. Legislative amendments and newly adopted legislative acts and directives underpin the changes. The reform package includes: (a) the revision of the defence sector planning and governance system and other regulations; (b) structural and functional changes of the management units; (c) the revision of training and selection criteria for teachers in military educational institutions and the development of human rights and good governance training programmes, in cooperation with the Council of Europe; (d) the adoption of a new order of certification of servicepersons, with increased remuneration for persons with positive records; (e) the improvement of social security for military personnel and their families; and (f) the introduction of a transition from compulsory military service to contractual military service after six months of mandatory service.

44. Mechanisms to oversee and discuss security sector reforms in consultation with civil society, lawmakers and oversight mechanisms have been established in Parliament and by the Prime Minister, although their work has been affected by political appointments or inaction. In February 2020, an advisory body to the Standing Committee on Defence and Security was established to discuss the ongoing reforms in the security sector. The advisory body brings together representatives from oversight and government bodies, security sector institutions and civil society organizations, although its meetings are not regular and the full potential of the mechanism has not been fulfilled. Observers noted that parliamentary scrutiny over the security sector remains weak, despite the role afforded to the Standing Committee to oversee police, emergencies and defence as well as the National Security Service. This is reportedly the result of a lack of political will and understanding of how to use the existing oversight capacities of Parliament. In addition, legislation regulating secrecy in order to ensure national security is reportedly used by the Government to avoid disclosing information and being held to account, which further hinders democratic oversight of the sector.<sup>12</sup>

45. Within the National Security Service, reforms include the adoption of a certification mechanism for personnel, the appointment of an anti-corruption officer to coordinate work within the anti-corruption framework and ensure compliance with international standards, an integrity officer to provide professional advice to employees regarding rules of conduct and training and the introduction of whistle-blower mechanisms.

46. The Special Rapporteur takes note of the breadth of reforms recently adopted to improve the practices and oversight of the security sector entities. He is concerned, however, about the reported ongoing human rights violations committed by members of those institutions, including acts of torture, excessive use of force during demonstrations and suspicious deaths of soldiers outside combat situations. The insufficient criminal investigation and sanction of these alleged violations is not assisting in preventing their recurrence.

## **B. Judicial reform**

47. Following independence from the Soviet Union and the adoption of the Constitution of 1995, the first set of judicial and legal reforms were adopted to replace the Soviet judicial system, including new judicial bodies and legislation. With the entry of Armenia into the Council of Europe in 2001, further legal reforms were implemented to bring the national judicial system into line with European standards. Technical and financial support was provided by regional and international organizations and donors in that regard. Strategies for judicial and legal reforms adopted during the periods 2009–2011 and 2012–2016 aimed at establishing an efficient judiciary and an independent judicial system. Judicial procedures were amended through the adoption of the administrative procedure code of 2013. In the 2015 constitutional reform process, the Office of the Prosecutor was relocated from the judiciary to the prosecution and investigative bodies to ensure the separation of powers.

<sup>12</sup> See [https://peacedialogue.am/en/wp-content/uploads/sites/2/2023/10/CESS-Volten-Brief\\_9-2022\\_EN.pdf](https://peacedialogue.am/en/wp-content/uploads/sites/2/2023/10/CESS-Volten-Brief_9-2022_EN.pdf), pp. 2, 3, 5, 6, 8 and 9.

48. Despite the reforms, the judicial system was still widely perceived by local and international actors as insufficiently independent and captive to political interests and corruption. Case overload was high owing to an insufficiency of judges, a shortage of defence lawyers and restricted access to free legal aid.<sup>13</sup>

49. Following the Velvet Revolution, a new strategy for judicial and legal reforms for 2019–2022 was adopted with the stated aim of increasing efficiency in the courts, improving public accountability of the judiciary and eliminating corruption and patronage. Under the new strategy, a new Criminal Code and Criminal Procedure Code were adopted, aimed at improving the quality of crime investigations, ensuring effective criminal proceedings, enhancing the protection of human rights and freedoms and adopting a more victim-centred criminal justice system. The Government established an integrity-checking procedure for the selection and promotion of judges and prosecutors. In 2018, the Supreme Judicial Council was established as an independent body mandated to guarantee the independence of courts and judges, as prescribed by the Constitution of 2015.<sup>14</sup>

50. While welcoming these measures, civil society actors reported that the reform was fragmented, lacking a holistic and comprehensive vision for rebuilding the judicial and prosecutorial system to deliver justice and end impunity for abuses. Numerous interlocutors noted that progress in the reform process had stalled following the 44-day war in Nagorno-Karabakh, which had forced a shift in the Government’s priorities; the reform was subsequently not resumed. In 2021, the Parliamentary Assembly of the Council of Europe noted a low level of public trust in the judiciary and the perception that it suffered from a significant degree of corruption. In a 2022 report, the Organisation for Economic Co-operation and Development noted the lack of a prosecutorial governance body to protect the autonomy of prosecutors, discretion in the selection and promotion of prosecutors without a merits-based criteria and the allocation of cases to prosecutors by their line managers. It also noted insufficient transparency in operations of the Supreme Judicial Council and the lack of merit-based criteria in the selection of five of its members by Parliament. Concerning the findings in the present report, the authorities indicated that the selection and promotion of prosecutors is based on merit and that the main functions traditionally assigned to a prosecutorial self-governing body are carried out by two entities attached to the Office of the Prosecutor General, whose members include prosecutors, legal scholars and members of the Office: (a) the Qualification Commission, with mandate in the appointment and promotion of prosecutors, and (b) the Ethics Commission, with mandate to establish disciplinary measures.

51. The Government has developed a strategy for judicial and legal reform for 2022–2026, which has yet to be implemented. Draft amendments to existing legislation have been developed to advance changes. The strategy foresees proposed amendments to: (a) the Judicial Code to establish a unified “e-justice” management system (for which regulations were adopted), create a legal avenue to appeal decisions of the Supreme Judicial Council and establish an Advisory Committee on Ethics and Code of Conduct; (b) the Civil Procedure Code to better regulate the jurisdiction of competent courts, court notifications, interim measures and expedited trials; (c) the Administrative Procedure Code, to combat abuse of judicial rights and opportunities; and (d) the legal aid sector. It also proposes the development of alternative dispute resolution methods.

52. A constitutional reform council was established in 2022, with cross-sectoral representation, including three representatives of civil society, to design a constitutional reform proposal. However, progress has been slow, owing, partially, to the conflict.

53. The authorities reported that the current administration has adopted a new policy of transition from punitive to restorative criminal justice, in which the rehabilitation and reintegration of offenders into society was considered essential. The Special Rapporteur welcomes the approach in connection to ordinary crimes. However, he recalls that that due to their gravity, international law imposes limits on the use of procedural benefits for

<sup>13</sup> See the report of the United Nations country team prepared in accordance with paragraph 15 (b) of Human Rights Council resolution 5/1 for the third universal periodic review of Armenia, available at <https://www.ohchr.org/en/hr-bodies/upr/upramun-contributions-s35>.

<sup>14</sup> See <https://www.president.am/en/constitution-2015/>.

perpetrators of gross human rights violations and requires the imposition of penalties proportionate to the seriousness of the crimes committed, as detailed in his previous reports (A/HRC/48/60 and A/HRC/54/24). He calls on the relevant authorities to bear in mind and to conform with international standards in respect to such crimes.

### **C. Corruption prevention, electoral reform and human rights protection**

54. The reforms initiated in 2020 were focused on fighting and preventing corruption. Anti-corruption strategies were adopted for the periods 2019–2022 and 2023–2026, including in consultation with civil society. The strategies led to the establishment of a corruption prevention commission, as a specialized autonomous body for the prevention of corruption, an anti-corruption court, a court of appeal and an anti-corruption chamber within the Court of Cassation, and an anti-corruption committee as a specialized investigative body for corruption crimes. A specialized anti-corruption department in the Office of the Prosecutor General had already been established. A new department on civil forfeiture of illegal assets was established within the Office of the Prosecutor General in 2020. Authorities reported that the department had initiated 419 investigations and submitted court petitions in 115 proceedings in order to ensure the protection of claims.

55. Much needed reforms to the electoral system have also been introduced, with the support of international organizations and observation missions. However, a series of reforms discussed over the last 15 years have not all come to fruition owing to the interference of political interests. Following the adoption of a constitutional amendment, which shifted governance from a semi-presidential to a parliamentary system, a new electoral code was adopted in May 2016, incorporating a number of reforms recommended by the European Commission for Democracy through Law and the OSCE Office for Democratic Institutions and Human Rights, including greater representation of women and minorities, enhanced transparency and new voting technologies. However, concerns remain regarding vote-buying and pressure on voters. A series of reforms to the electoral code was subsequently adopted in 2020, 2021 and 2022 following cross-sector consultations. Although not all expected reforms were incorporated, those adopted included: redefining the procedures for the elections of members of the Central Electoral Commission; regulating a transition to the proportional electoral system for local self-government bodies and the National Assembly; adopting regulations and accountability mechanisms for the conduct and funding of pre-electoral campaigns; increasing the indicator of gender distribution to one-third for elections to the National Assembly and local self-government bodies; adopting online accreditation of electoral observers and representatives of the media and online broadcasting for voting processes and results; and introducing an electoral electronic platform for the nomination of political parties and alliances.

56. The Government reported that a strategy on human rights protection was adopted in 2019 and that its action plan for the national strategy on human rights protection 2023–2025 was endorsed. As part of its implementation, a law on ensuring equality was drafted and is expected to be adopted in 2024.

## **VIII. Forced displacement as a result of conflict**

57. The population in the former Nagorno-Karabakh region suffered the egregious consequences of the war in the 1990s and has suffered once again since the resurgence of the conflict in 2020. The nine-month closure of the Lachin corridor, from December 2022 to September 2023, despite the provisional measures ordered by the International Court of Justice, led to a humanitarian crisis – virtually all access to food, water, medical supplies and essential services was halted by the blockade imposed by Azerbaijan. In the latest stage of the conflict, more than 115,000 residents of the region, virtually its entire population, were displaced to Armenia following the military offensive of Azerbaijan in September 2023. Currently, as few as 17 persons remain in the region.

58. The displaced population faced numerous challenges as a result of their sudden forced relocation to Armenia, including loss of means of livelihood, employment, property, material

and intangible cultural heritage, family ties and access to vital records and registries. Upon their arrival in Armenia, the authorities, with support from the population, has spared no efforts to provide them with food, housing, education and health care.

59. Refugees are housed in individual houses or apartments in communal buildings and can register with primary health-care facilities in Armenia to receive medical treatment free of charge. In addition, children may be registered in local schools free of charge. Refugees can register as jobseekers in the unified social service of the Ministry of Labour and Social Affairs in order to receive counselling, job placement petitions and to be included in the State employment programmes. Authorities reported that 59,200 refugees have registered in polyclinics and outpatient clinics in Armenia. Displaced teachers and medical personnel are employed and certified in Armenia, which helps the health-care system to respond to the increased demand in services and to develop sources of livelihood for the newly arrived population. The Government reported that 100 displaced medical workers have started working in different medical centres of Armenia and 725 displaced medical workers were to receive professional development credits. Interlocutors noted that, despite these positive examples, not all potential candidates for such positions had received employment offers and were hoping that access to employment opportunities would improve soon.

60. The Special Rapporteur warmly welcomes the policies adopted by the Government of Armenia to respond to the enormous challenges presented by the mass arrival of refugees in Armenia. However, he warns that medium-term solutions need to be devised and implemented, with active and decisive support from the international community, to provide sustainable solutions, in particular in the fields of housing, employment and professional training.

61. The registration of the displaced population represented another challenge owing to its scale. In October 2023, the Armenian Government adopted a decision to grant that population refugee status, which envisages the provision of a “temporary protection (refugee) certificate”. Passports issued to refugees are valid only when paired with these certificates. The Migration and Citizenship Service of the Ministry of Internal Affairs is responsible for the registration process and record-keeping of registered refugees in a database. The Ministry reported on plans to develop a unified administrative digitalized database of existing registries for the displaced population and has applied for additional resources from international donors to assist with this work. Regarding citizenship status, interlocutors reported that when displaced persons decide not to request Armenian citizenship, owing to fears that it could impair future access to their rights and properties in the former Nagorno-Karabakh region, it can entail restrictions in gaining access to public service employment in Armenia. Information for affected persons and responses to their understandable concerns should be strengthened to complement the significant initiatives adopted by the Government in the field of registration.

62. With regard to documentation left behind in the former Nagorno-Karabakh region during the displacement, the Government reported that it was aware of the difficulties faced by many displaced persons to access their records and was devising appropriate solutions.

## IX. Conclusions and recommendations

63. **The administrations that have governed Armenia since its independence from Soviet rule in 1991 have adopted a series of measures to address the legacy of human rights violations committed during Soviet rule, by autocratic governments and over the course of the conflict. Although such measures have not been embedded in a transitional justice process or officially considered as part of such an agenda, many have been directed at reversing the heritage of repressive or autocratic regimes or at investigating and providing redress for violations suffered by Armenian soldiers and victims of the conflict.**

64. **Progress in establishing truth-seeking mechanisms and mechanisms in the fields of criminal justice, reparations and memorialization of past human rights violations has been inconsistent. Specialized autonomous truth-seeking initiatives have not been adopted to investigate and record violations and abuses endured during Soviet rule and**

episodes of the conflict and under different State administrations beginning in 1991, although some investigations have been carried out by the National Assembly. It is vital that Armenia establish an independent mechanism to investigate and record the range of human rights violations referred to in the present report and make them accessible to current and future generations. The Special Rapporteur welcomes the plans to establish a fact-finding commission but warns that its placement and mandate must guarantee independent and effective investigative and reporting powers in compliance with international standards applicable to truth-seeking entities.

65. The criminal investigation of numerous instances of excessive use of force, torture, suspicious deaths and arbitrary detention have been scarce owing to lack of political will and ineffective investigations. The Special Rapporteur welcomes the legislative measures recently adopted to outlaw the application of statutes of limitations and amnesties for international crimes, including war crimes, crimes against humanity, genocide and torture. However, he underscores that prosecutorial and judicial authorities must urgently step up efforts to discharge their national and international duty to provide accountability for such human rights violations and abuses.

66. While Armenia has not adopted an overarching reparation scheme, reparations have been provided to victims of Soviet repression, soldiers killed or incapacitated during the conflict, civilian victims of the conflict and victims of the events of 1 March 2008, pursuant to domestic legislation or governmental decrees. However, other victims of human rights violations have struggled to receive reparations. The Special Rapporteur stresses that Armenia needs to adapt its legislative and administrative framework to ensure that victims of illegal expropriations, State repression and abuse in the context of public assemblies and torture and suspicious deaths in the custody of law enforcement officers or the armed forces are provided with specific legal status as victims of human rights violations and that they receive full reparation accordingly. He also notes that public apologies for past State abuses have been scarce and must be scaled up.

67. Memorialization regarding the above-mentioned violations, which is limited, with the significant exception of the Tsitsernakaberd Memorial complex in Yerevan, requires increased commitment and resources. In addition, teaching of the history of such violations, aimed at fostering critical thinking and a pluralistic understanding of the issues at stake, based on textbooks formulated or revised in the light of objective academic information should also be prioritized and scaled up.

68. The process of transition to democracy in Armenia has evolved gradually since the adoption of the 1995 Constitution. Initial processes of State-building and the reconstruction of structures inherited from Soviet rule, along with the country's entry into the Council of Europe in 2001, including the support of regional and international organizations and donors, have fostered the establishment of emerging democratic processes, institutions and norms. Progress has not been linear, however, and enormous challenges have been encountered, such as electoral fraud, insufficient independence of the judiciary, widespread corruption in State institutions and excessive use of force by security and armed forces. Over the decades since 1991, such concerns led to social criticism of State institutions, crystallizing in the "Velvet Revolution" of 2018. In response, a new package of reforms was elaborated by the new administration, aimed at improving efficiency, reducing corruption and increasing transparency in the processes and decisions of State institutions. Progress in this field has been elusive, however, partially as a result of the coronavirus disease (COVID-19) pandemic and the resurgence of the conflict and partially to insufficient governmental efforts to see the changes through.

69. According to numerous accounts, the establishment of the Supreme Judicial Council and integrity checking procedures for judges, although important, have not provided sufficient protections for the judiciary from political interference. Opacity in appointments and decisions of the Council and the Office of the Public Prosecutor has also been reported. The reform process must be enforced and deepened to ensure the effective independence of those vital institutions from corruption and undue political influence; democracy and respect for the rule of law cannot be effectively accomplished



otherwise. The Government has adopted sectorial reforms to improve practices, enhance capacities and increase oversight of the police, penitentiary and armed forces. The reforms have been insufficient, however, to curb the patterns of human rights violations and abuses perpetrated by officials of the police, penitentiary and armed forces, which have been insufficiently investigated either by the Government or the judicial system. To prevent the recurrence of such violations, it is imperative that the reform package of the security sector is effectively and fully implemented, that officials in all forces are certified and vetted and that accountability is pursued in all instances of abuse.

70. The Special Rapporteur calls on the Government of Armenia to renew its efforts to advance the transitional justice agenda through a comprehensive approach in the above-mentioned areas and calls on the international community to actively support Armenian institutions and civil society in this vital endeavour. Armenia must continue (or embark on, where necessary) the urgent task of seeking comprehensive truth, establishing responsibilities, providing full reparation for past abuses and consolidating the process and regulations required to prevent further abuses in State institutions.

71. The arrival of the Special Rapporteur in Armenia coincided with the forced displacement of 115,000 Armenians from the Nagorno-Karabakh region as a result of the conflict. He met with refugees and authorities in receiving communities as well as in Yerevan, where he observed the pain and the urgent needs of the displaced population, as well as the immense tasks being carried out by the authorities to address their basic and urgent needs. He extends his solidarity to the refugees and commends the authorities for their commitment and expediency in assisting the victims. Essential services, housing and livelihood support are being provided to refugees. However, the passage of time will make this task more challenging. Medium-term solutions must be assessed, with the support and advice of the international community, which the Special Rapporteur understands is already the case. Devising and implementing such measures is an urgent task. Registration for employment schemes and social services must be monitored and reviewed, where necessary, to ensure their implementation, irrespective of the citizenship status of refugees, and to prevent unexpected obstacles in this regard. In addition to these essential needs, refugees have insisted on the urgency in ensuring preservation and access to documentation and registration papers left in the former Nagorno-Karabakh region, as well as the safeguarding of their cemeteries and cultural heritage in those territories. The Special Rapporteur echoes the call of the refugee community and urges the parties to the conflict and the relevant members of the international community to heed their request.

72. The Special Rapporteur calls on the parties to peace negotiations and the members of the international community relevant to the process to ensure that any discussions or agreements concerning the former Nagorno-Karabakh region include the adoption of mechanisms of truth (including facilitating the search-of-missing persons and fact-finding processes), criminal accountability, reparation for victims (including restitution, satisfaction, rehabilitation and compensation), the preservation of archives and the cultural heritage of the displaced population and guarantees of non-recurrence, in consultation with the affected population and victims. Such mechanisms should be established under the auspices of the international community to ensure impartiality and trust from all parties and to prevent the recurrence of violence. The Special Rapporteur recalls that international standards on transitional justice must be reflected in and form the basis of all discussions and any future agreements.

## A. Recommendations addressed to the State

73. The Special Rapporteur recommends that the State:

(a) Adopt official initiatives, including an independent investigative mechanism, aimed at comprehensively establishing the truth and collecting data and victims' testimonies on all past human rights violations and abuses detailed in the

present report as a matter of urgency since the passage of time will make this vital task impossible;

(b) Adopt a gender perspective and victim-centred approach to fact-finding processes and ensure that information about all violations is comprehensively and duly considered, acknowledged and recorded for present and future generations;

(c) Guarantee the preservation and public access to the information gathered and support related efforts by civil society;

(d) Adopt the necessary measures to ensure that, in designing and establishing the fact-finding commission envisaged in the judicial and legal reform strategy, its mandate, membership, powers and capacities fully comply with international standards regarding truth-seeking mechanisms, as detailed in previous reports ([A/HRC/24/42](#) and [A/HRC/54/24](#));

(e) Ensure that the fact-finding commission works in full consultation with victims and civil society and, in particular, is established through procedures that ensure its independence, impartiality and competence and that of its members, as well as a clear articulation of the relevant selection criteria for commissioners, including professionalism, integrity, independence and expertise;

(f) Adopt the necessary measures to ensure the disclosure of classified records on past human right violations;

(g) Establish a repository of records of past serious human rights violations, consider enacting legislation for the management and use of records and adopt the necessary administrative and legislative measures to guarantee victims' access to records of human rights violations without restrictions;

(h) Provide continued financial, material and human resources to accelerate the search and identification of missing persons, accelerate the collection of relevant witness testimonies and information about the burial sites of missing persons that are accessible to Armenian authorities, continue and deepen efforts to enhance the capacities of the Scientific-Practical Centre of Forensic Medicine, including with the support of specialized international organizations and international donors, and urgently scale up cooperation between Armenian and Azerbaijani counterpart;

(i) Step up the efforts of prosecutorial and judicial authorities to discharge their national and international duty to investigate, prosecute and, where relevant, sanction the human rights violations and abuses addressed in the present report, in compliance with international standards, as detailed in the previous report of the Special Rapporteur ([A/HRC/54/24](#));

(j) Provide the judiciary with continued financial, material and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions;

(k) Adopt the necessary measures to ensure that claims against the State for past State violence are not subjected to statutes of limitations and implement procedures to provide remedy to victims whose claims were dismissed on such grounds;

(l) Ensure that all victims of State abuse or violence and their families have access to free legal aid to litigate their cases;

(m) Adopt the necessary legislative and administrative measures to ensure that victims of illegal expropriations, State repression, human rights violations and abuse in the context of public assemblies as well as victims of torture and suspicious deaths in the custody of law enforcement or armed forces are provided with a specific legal status as victims of human rights violations and with full reparations for harms suffered;

(n) Consider adopting a reparation policy and programme to provide effective and timely reparations to the aforementioned categories of victims of human rights violations and abuse, including compensation, rehabilitation, satisfaction and restitution, in full consultation with victims, in full compliance with international

standards and with a gender and victim-centred perspective; registration procedures should be clearly communicated and accessible to all victims, require a low threshold of evidence of victimhood and not be time-bound;

(o) Provide psychosocial and physical rehabilitation services to all victims of human rights violations and abuse;

(p) Develop and deliver official public apologies to all categories of victims of human rights violations and abuses addressed in the present report, in full consultation with the victims regarding their content, scope and format, in compliance with the international standards detailed in the previous report of the Special Rapporteur to the General Assembly (A/74/147);

(q) Adopt the necessary measures to comprehensively memorialize past serious human rights violations and abuses, in full consultation with and the effective participation of victims in their design and implementation, devote increased resources and efforts to this task and support civil society efforts to commemorate past human rights violations;

(r) Adopt policies in the fields of education, culture and the media to provide society with accurate accounts of the past human rights violations and abuses addressed in the present report, with a view to promoting and transmitting such knowledge to current and future generations and fostering a pluralistic enabling environment in which all members of society can freely and respectfully engage on these topics; the teaching of such violations should be aimed at fostering critical thinking and a pluralistic understanding of the issues at stake and be based on textbooks formulated or revised in the light of objective academic information;

(s) Advance implementation of the package of reforms aimed at improving efficiency, reducing corruption and increasing transparency in the processes and decisions of State institutions;

(t) Continue and deepen implementation of reforms in the judicial and prosecutorial sector, in particular the Supreme Judicial Council and the Public Prosecutor's Office, to ensure their effective independence and resistance to undue political influence;

(u) Ensure that the legal and procedural frameworks of the security sector involved in past human rights violations, in particular the police, penitentiary services and armed forces, are in full compliance with international standards;

(v) Continue and deepen the implementation of reforms in the security sector aimed at ensuring transparency, accountability, democratic oversight and respect for human rights, proceed with the planned training and certification of officials, reinforce human rights-compliant training and selection of personnel, undertake the vetting of officials in all institutions accused of human rights violations, introduce independent monitoring and accountability mechanisms in all institutions and ensure due accountability for all instances of abuse;

(w) Conduct a comprehensive vetting process on the human rights background of all officials serving in State institutions who have been accused of corruption or human rights abuses, ensure that adequate judicial or administrative sanctions are imposed on State officials who have been proven in Court to have committed wrongful or illegal acts and disclose relevant information to the public;

(x) Advance the establishment of the planned specialized unit for witness protection;

(y) Continue to train public officials, the judiciary and security and armed forces personnel on human rights and historical memory, including an examination of State responsibility in past serious human rights violations;

(z) Ensure an environment that is respectful and fosters the work of institutions of civil society on anti-corruption, transitional justice and human rights issues;

(aa) Ensure that victims and civil society actively participate in the design and implementation of all aspects (truth, justice, reparation, memorialization and guarantees of non-recurrence) of transitional justice processes;

(bb) Assess, design and implement, in consultation with the affected population and with the support and advice of the international community, medium-term sustainable solutions for persons displaced from the former Nagorno-Karabakh region, in particular in the fields of housing, employment and professional training, and sustain efforts currently being provided to that population;

(cc) Ensure that registration processes for employment schemes and social services for displaced persons are monitored and, where necessary, reviewed to ensure their proper implementation, irrespective of the citizenship status of the displaced persons;

(dd) Armenia and Azerbaijan must discuss and aim to devise, in consultation with victims and with the advice and support of the international community, mechanisms to ensure the preservation and access to archives and the cultural heritage, including cemeteries, of the population of the former Nagorno-Karabakh region.

## **B. Recommendations addressed to the international community**

74. The Special Rapporteur recommends that the international community:

(a) Ensure that regional and international partners and donors consider supporting the unfinished transitional justice process, with particular focus on the establishment of an independent truth-seeking mechanism, bilateral mechanisms to advance the search for missing persons and financial and technical support and capacity-building for the Scientific-Practical Centre of Forensic Medicine;

(b) Ensure that regional and international partners and donors consider providing support in the design and implementation of medium-term sustainable solutions for persons displaced from the former Nagorno-Karabakh region, in particular in the fields of housing, employment and professional training;

(c) Ensure that members of the international community party to or relevant to peace negotiations consider mechanisms to ensure the preservation and access to archives and the cultural heritage, including cemeteries, of the displaced population;

(d) Ensure that parties to peace negotiations and members of the international community relevant to such processes include, in any discussions or agreements concerning the former Nagorno-Karabakh region, the adoption of mechanisms of truth (including the facilitation of search-of-missing persons and fact-finding processes), criminal accountability, reparation for victims (including restitution, satisfaction, rehabilitation and compensation), the preservation of archives and the cultural heritage of the population of the former Nagorno-Karabakh region and guarantees of non-recurrence, in consultation with the affected population and victims, and establish such mechanisms under the auspices of the international community in compliance with international standards.

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