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Freedom in the World 2009 - Nagorno-Karabakh [Armenia/Azerbaijan]

Capital: N/A

Population: 145,000

Political Rights Score: 5

Civil Liberties Score: 5

Status: Partly Free

Explanatory Note

The designation of two countries is intended to reflect the international consensus on the status of Nagorno-Karabakh, as well as the de facto authority over the territory.

Overview

Clashes along Nagorno-Karabakh's ceasefire line in March 2008 left 16 people dead, marking one of the worst violations of the ceasefire in years. Also in March, the UN General Assembly passed a resolution calling on Armenia to withdraw its troops from Nagorno-Karabakh, stirring increasingly heated rhetoric from Yerevan and Baku. Kosovo's declaration of independence in February and Russia's recognition of South Ossetia and Abkhazia in August exacerbated the tensions.

Nagorno-Karabakh, populated largely by ethnic Armenians, was established as an autonomous region inside Soviet Azerbaijan in 1923. In February 1988, the regional legislature adopted a resolution calling for union with Armenia. The announcement led to warfare over the next several years between Armenian, Azerbaijani, and local Nagorno-Karabakh forces.

At its inaugural session in January 1992, Nagorno-Karabakh's new legislature adopted a declaration of independence, which was not recognized by the international community. By the time a Russian-brokered ceasefire was signed in May 1994, Karabakh Armenians, assisted by Armenia, had captured essentially the entire territory, as well as seven adjacent Azerbaijani districts. Virtually all ethnic Azeris had fled or been forced out of the enclave and its surrounding areas, and the fighting had resulted in thousands of deaths and an estimated one million refugees and internally displaced persons (IDPs).

In December 1994, the head of Nagorno-Karabakh's state defense committee, Robert Kocharian, was selected by the territory's National Assembly for the newly established post of president. Parliamentary elections were held in 1995, and Kocharian defeated

two other candidates in a popular vote for president the following year.

In September 1997, Foreign Minister Arkady Ghukassian was elected to replace Kocharian, who had been named prime minister of Armenia in March of that year. Kocharian was elected Armenia's president in 1998. In the territory's June 2000 parliamentary vote, the ruling Democratic Artsakh Union (ZhAM), which supported Ghukassian, won a slim victory, taking 13 seats.

Ghukassian won a second term as president in August 2002 with 89 percent of the vote. While a number of domestic and international nongovernmental organizations (NGOs) concluded that the elections marked a further step in Nagorno-Karabakh's democratization, they did note some flaws, including limited access for the opposition to state-controlled media. Azerbaijan's Foreign Ministry described the election as a violation of international norms, insisting that a legitimate vote could be held only after a peaceful resolution to the conflict. An upsurge in shooting incidents along the ceasefire line during the summer of 2003 fueled concerns of a more widespread escalation of violence.

Nagorno-Karabakh held parliamentary elections in June 2005, with the opposition accusing the authorities of misusing state resources to influence the outcome. According to official results, Ghukassian's renamed Democratic Party of Artsakh (AZHK) received 12 of the 33 seats. Only three seats were won by parties opposed to the president.

In December 2006, a referendum on a draft constitution in Nagorno-Karabakh elicited criticism from the international community, including the Organization for Security and Cooperation in Europe (OSCE), which said it would not recognize the vote. Official reports indicated that 98 percent of those voting supported the referendum, which sought to declare the disputed territory an independent and sovereign state.

Presidential elections held in July 2007 also went unrecognized by the OSCE and other international bodies. Nagorno-Karabakh security chief Bako Saakian reportedly took more than 85 percent of the vote. His main opponent, Deputy Foreign Minister Masis Mailian, received 12 percent. All four political parties represented in the National Assembly, as well as outgoing president Ghukassian, supported Saakian's candidacy, while the territory's small NGO sector supported Mailian's bid. The government, citing the need for unity in the face of Nagorno-Karabakh's unresolved status, subsequently absorbed or co-opted most political opposition. In September 2007, Saakian appointed as prime minister Arayik Harutyunian, chairman of the Free Motherland party and one of Nagorno-Karabakh's wealthiest businessmen. The cabinet was shuffled slightly in 2008, expanding to 11 ministries, with an increased emphasis on economic rehabilitation programs.

The OSCE's Minsk Group – which had been established a decade earlier to facilitate negotiations on Nagorno-Karabakh's status – has hosted a number of meetings over the past several years with the goal of finding a peaceful solution to the conflict. Optimism in early 2008 was shattered by political turmoil and increasingly heated rhetoric from both Yerevan and Baku. Armenia's disputed presidential election results in February led to deadly opposition-led protests on the streets of Yerevan in March, and skirmishes broke out along the ceasefire line several days later, killing 16 soldiers on both sides and marking one of the worst violations of the ceasefire in years. On March 14, the UN General Assembly passed a resolution identifying Nagorno-Karabakh as part of Azerbaijan and calling on Armenia to withdraw its troops. The measure was supported by 39 member states and rejected by seven, including Russia, France, and the United States, the Minsk Group's three co-chairs.

Azerbaijan, which had been engaged in a military build-up, soon indicated that it wanted to change the existing peace-process format, while the Armenian Government passed a resolution calling on the government to pursue a "more proactive" policy on the dispute. Tensions were eased somewhat by a meeting between Azerbaijani president Ilham Aliyev and newly elected Armenian president Serzh Sargsyan on the sidelines of a Commonwealth of Independent States (CIS) summit in June. In August, Turkey made its

own proposal for a new regional peace-process format. Meanwhile, Kosovo's declaration of independence from Serbia in February and Russia's recognition of South Ossetia's and Abkhazia's independence from Georgia in August raised questions about Nagorno-Karabakh's status, but the leaders of Nagorno-Karabakh, Armenia, and Russia all promised that they would not call for Nagorno-Karabakh's recognition as a result of the other moves. In a November summit meeting in Moscow, Aliyev and Sargsyan, along with Russian President Dmitri Medvedev, signed a declaration observing international law and reaffirming the non-use of force in the conflict, with the Armenian and Azerbaijani foreign ministers meeting in Helsinki in December for additional talks. While recent actions were met with optimism by the international community for a potential breakthrough in the conflict, both sides seemed skeptical of any imminent resolutions by year's end.

Political Rights and Civil Liberties

Nagorno-Karabakh has enjoyed de facto independence from Azerbaijan since 1994 and retains close political, economic, and military ties with Armenia. Parliamentary elections in 1995 and 2000 were regarded as generally free and fair, as were the 1996 and 1997 presidential votes. Parliamentary elections, which the opposition claimed were marred by fraud and other irregularities, were held in June 2005, while presidential elections held in 2007 were criticized for the use of state resources to influence the outcome. All of these elections, however, were considered invalid by the international community, which does not recognize Nagorno-Karabakh's independence.

The president, who is directly elected for up to two five-year terms, appoints the prime minister. Of the unicameral National Assembly's 33 members, 22 are elected from single-mandate districts and 11 by party list, all for five-year terms. The main political parties in Nagorno-Karabakh are the AZhK, Free Motherland, Movement 88, and the Armenian Revolutionary Federation-Dashnaksutiun. The latter two ran as an opposition alliance in the 2005 elections, but most of the opposition groups have since been brought into the government.

Nagorno-Karabakh continues to suffer from significant corruption, particularly in the construction industry, as well as favoritism in appointing civil service positions. The territory was not listed separately in Transparency International's 2008 Corruption Perceptions Index.

The region officially remains under martial law, which imposes restrictions on civil liberties, including media censorship and the banning of public demonstrations. However, the authorities maintain that these provisions have not been enforced since 1995, a year after the ceasefire was signed.

The government controls many of the territory's broadcast media outlets, and most journalists practice self-censorship, particularly on subjects related to Azerbaijan and the peace process. The underfunded public television station Karabakh Television, which has a monopoly on electronic media, broadcasts only three hours a day. Internet access is limited. The territory's only independent news site, Karabakh-Open.com, closed in July 2008, citing financial reasons as well as concern from the journalists involved of becoming a political opposition in a broader political environment that emphasizes unity.

Print media are more vibrant, and publications such as the biweekly *Demo*, which is funded by an international NGO, are openly critical of the government.

The registration of religious groups is required under Nagorno-Karabakh's 1997 law on religion, although the Armenian Apostolic Church, to which most residents belong, is the only registered religious organization. A number of minority groups have allegedly faced restrictions on their activities.

Freedom of assembly and association are limited, but trade unions are allowed to organize. The handful of NGOs that are active in the territory, virtually all of them progovernment, suffer from lack of funding and competition from government-organized

NGOs, or GONGOS.

The judiciary, which is not independent in practice, is influenced by the executive branch as well as powerful political, economic, and criminal groups. A poll conducted in 2003 found that 48 percent of Nagorno-Karabakh residents believed court sentences were unjust, and 47 percent did not trust the police.

The majority of Azeris who fled the territory during the separatist conflict continue to live in poor conditions in IDP camps in Azerbaijan. Land-mine explosions continue to cause deaths and injuries each year. According to the International Committee of the Red Cross, at least 50,000 antipersonnel mines were laid during the war, but in many cases, records of minefield locations were never created or were lost.

The continued control of major economic activity by powerful elites limits economic opportunities for most residents.

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