

Introduction

1. About the Report

The report has been prepared in pursuance of the following request of Article 17/1 of the NKR Law² on Human Rights Defender: “Each year, during the first quarter of the year, the Defender shall deliver a report on his/her activities and on the human rights situation in previous year to the President of the Republic of Nagorno Karabakh and the representatives of legislative, executive and judicial authorities. The report shall be presented to the National Assembly during the first sitting of the National Assembly’s spring session. The Defender also presents his/her report to the mass media and relevant NGO-s.”

The preparation and effective presentation of the annual report is not a mere ordinal statement, but an important means for raising the effectiveness of the Defender’s activity. This gives an opportunity to the Defender to bring his standpoint on the situation of human rights and freedoms to state’s authority, legislative, executive and judicial bodies and the public. On the one hand, the report is aimed at the authorities to pay heed to the violations of human rights in the country and the Defender’s suggestions on their remedy and the situation’s improvement; on the other hand, it is an effective level for forming the society’s opinion in this field.

Given that 17 April 2014 is the day of termination of the NKR first Human Rights Defender’s powers , this report also illuminates some information characterizing the constitutional period, the effectiveness of the institution’s activities, achievements and shortcomings.

Like the reports of previous years, the report of 2013 has also been prepared on the basis of the acting legislation and investigation of the situation. This has been implemented by summing up the complainants’ written and oral complaints and the information that became known during the Defender’s and his staff’s meeting with residents, visits to military units, places of forced detention of people including preliminary detention and deprivation of liberty, as well as from the materials received from state and local self-governing organisations and published by mass media and from investigation carried out by the Defender regarding the occasions and cases of public importance.

2. NKR Human Rights Defender’s Institution

The idea of establishing Human Rights Defender’s institution as a state law-enforcement body originated back in the beginning of 2000s during the third sitting of the National Assembly deputies, though, first a corresponding legal field was created and then the Defender was appointed which demanded quit lengthy and thorough analyses of the problem. While it was important to find a clear defined answer to the question raised before the state and society: should such an institution be in a country which, as a result of the aggression conducted by Azerbaijan, has been under martial law

² Hereinafter, also referred as “Law”

conditions, while the legislation of other countries even under more favourable conditions does not allow to guarantee human rights, moreover, it restricts some human rights and freedoms.

Now we can state boldly that the country's political powers passed a right decision in favour of continuation of the democratic processes.

On 9 February 2005 was enacted the NKR Law on Human Rights. Though, for about three years the Defender had not been appointed because of the lack of a concrete body responsible for nominating a candidate for the position stating that both the state's president and 1/5 of the deputies of the National Assembly has had this right.

Human Rights Defender's Institution was also envisaged by the NKR Constitution adopted on 10 December 2006, and due to the amendments made in the law on 30 May 2007, was improved the mechanism to the Defender's election.

On 6 April 2008 the National Assembly elected the NKR Human Rights Defender and in May he formed his staff.

The institution functions according to the fundamental principles on the status of national institutes dealing with human rights encouragement and protection, which were approved by the resolution № 48/134 dated 20 December 1993 of the UN General Assembly (Paris principles).

According to Article 119 of the NKR Constitution and Article 2 of the Law, the Human Rights Defender is an independent and appointed official who implements protection of human rights and freedoms violated by state and local self-governmental bodies. The Defender constitutes to the improvement of the NKR Law on Human and Civil Rights, ways and methods of their protection and its compliance with universally recognized principles and norms of international law, development of international cooperation in the field of human rights, legal education with issues on human rights and freedom.

During first years of activities the new human rights body was as well in quest of the institution's possible optimal structure, human rights effective mechanisms and its own place among more long-lasting law-enforcement bodies.

The main standard indicating the formation of such structures is, undoubtedly, people's trust. During the last six years about 2000 persons visited the institution, among which violated rights of over 300 persons were restored upon the Defender's recommendation, about 1300 persons were given legal advice and legal aid concerning the opportunities of the protection of his/her rights.

Throughout the mentioned period the institution kept active cooperation with the working group of judicial system reforms established by the NKR President, National Assembly and its standing committees during development and discussions of bills regarding human rights, as well as he introduced proposals on making amendments to above twenty articles or provisions of many other laws regarding human rights. The Defender was less burdened with frequent addresses to the

Constitutional Chamber of the Supreme Court to for the improvement of the legal field. Only once such a necessity appeared during the last six years. Upon the Defender's application, the Constitutional Chamber of the NKR Supreme Court declared unconstitutional the provision of a law containing violation of human rights.

At the same time, I think the effectiveness of the Defender's authorization to promote the improvement of the legislation on human rights, ways and methods of their protection can further be enhanced by following the example of other countries providing him with a right to legal initiative.

Five annual and three ad-hoc reports have been submitted to the state's president, legislative, executive and judicial bodies which contained specific proposals on the improvement of the situation of the state's human rights and fundamental freedoms.

Investigation of the activities and progressive experience of the ombudsmen of other countries played a key role in establishing the institution.

In this issue, the contribution of the European Ombudsman Institute is invaluable which, for the sake of investigation, has been providing the Defender with its internet resources, as well as invites him to different events making a wide ground for communication with his colleagues of European countries.

Since 31 August 2009 the NKR Human Rights Defender was an institutional member of the EOI, though due to mass hysterical complaints and provocative pressure of the Azerbaijani ombudsman and ministry of foreign affairs, the Executive Board of the Institute had to change its Statute by which since 27 May 2010 the Defender within the ombudsmen of other de facto independent countries has become an individual member.

It should be noted that the behaviour of the Azerbaijani Commissioner of human rights serves as a worse example of an ombudsperson's behaviour both in international instances and inside the country, which promotes to keep away from similar mistakes; that institution has become a stooge for the authorities and a political microphone forever leaving the well-known Paris principles, making distortion, expansion of historical facts, dissemination of hatred towards Armenians the main target of their activities.

Similar statements of the Azerbaijani ombudsman which have periodically been expanded in the EOI e-mail (eoilists.digitalis.at) made the NKR Human Rights Defender each time respond to them through the same address, simultaneously informing the same addressees about the distortion of historical facts and to unmask the liar.

As a result, Secretary General of the EOI, in his turn, in November 14 2013, had to officially refute the falsifications disseminated by the Azerbaijani ombudsman about the NKR Defender, and on 28 February 2013 in response to the political statement based on the traditional fictitious, fabricated

“information” of E.Suleymanova on the well-known events in Khojalu, he had to warn about the unacceptability of the use of the above mentioned e-mail for such purposes.

Part 1. Main Areas of the NKR Human Rights Defender’s Activities

1.1 Complainants

1.1.1 Statistical Analysis of Complaints

During 2013 the Human Rights Defender’s staff received 123 complaints from 146 persons of which 83 oral and 40 written.

Besides the above mentioned, 150 persons received legal advice via telephone from the Defender and the institution’s staff, but personal data of those were not registered, as there was no persuasion in their verity.

Throughout the reported period about 300 persons addressed the Defender, though, on the grounds mentioned above, only the data and implemented investigations and passed decisions on the issues raised by 146 complainants will be used in further analyses.

Table 1 and figure 1 and 2 below show quantitative picture of written and oral registered complaints as well as of those who applied (besides the number of those applied via telephone) according to NKR administrative territorial units and foreign countries.

Table 1. Quantitative picture of complaints and complainants according to administrative territorial units, foreign countries and penitentiary institution

Nº	Name of region (city)	Total number of complaints	Percentage	Number of complainants	Percentage
1.	Stepanakert	35	28.5%	35	24%
2.	Askeran	8	6.5%	10	6.9%
3.	Martakert	19	15.5%	38	26%
4.	Martuni	4	3.3%	6	4.1%
5.	Shushi	8	6.5%	8	5.5%
6.	Hadrut	5	4%	5	3.4%
7.	Qashatagh	1	0.8%	1	0.7%
8.	Shahumyan	0	0%	0	0%
9.	RoA	6	4.9%	6	4.1%
10.	Penitentiary institution	37	30%	37	25.3%
11.	Total	123	100%	146	100%

Figure 1. Quantitative and percentage picture of complaints according to NKR administrative-territorial units, foreign countries and penitentiary institution

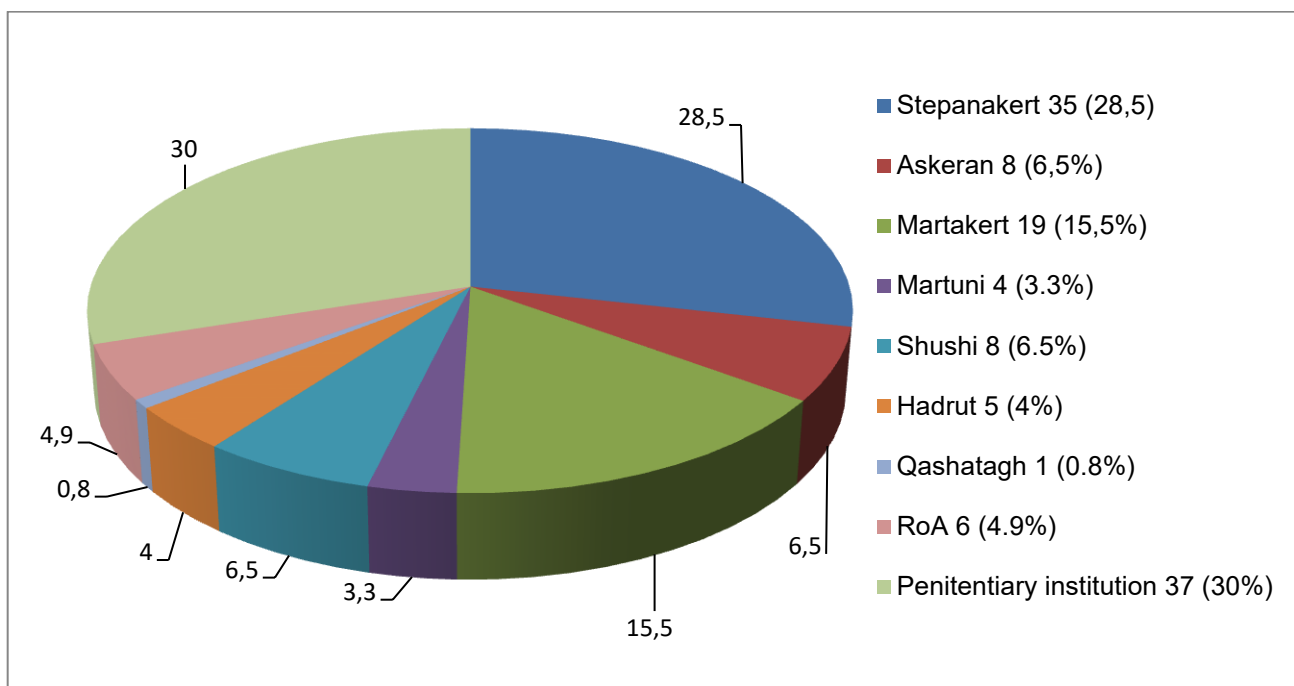


Figure 2. Quantitative and percentage picture of complainants according to NKR administrative-territorial units, foreign countries and penitentiary institution

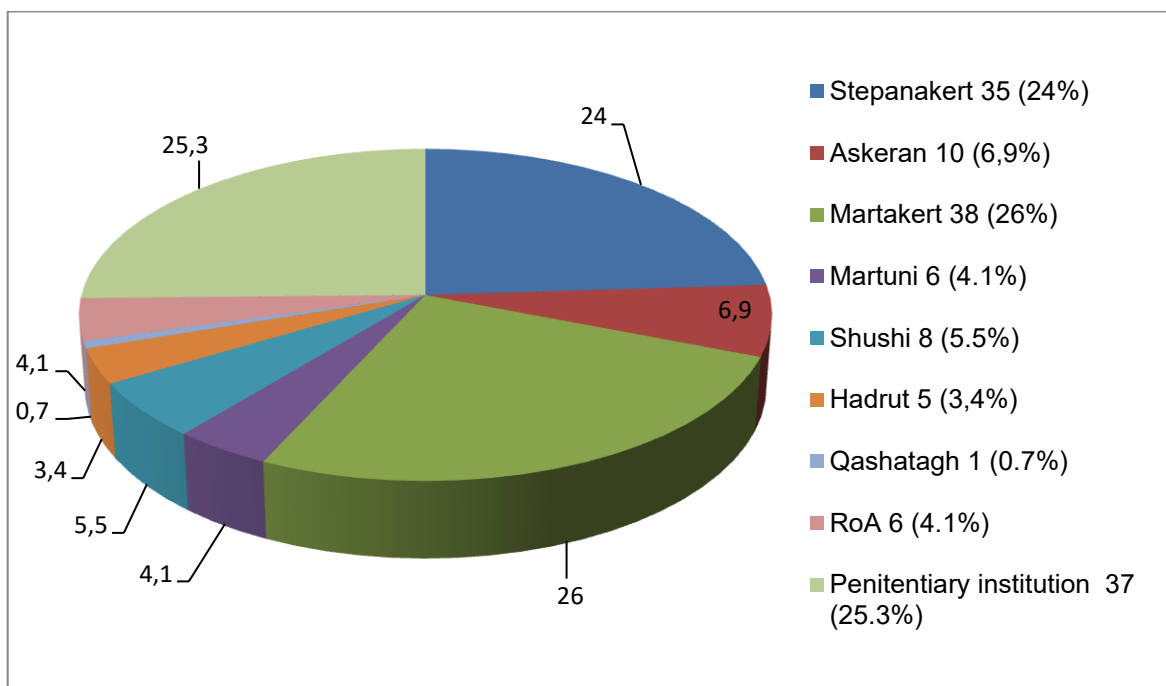


Table 2 below shows the thematic picture of the complaints received.

Table 2. Thematic picture of complaints

№	Theme of the complaint	Number	
1.	Right to judicial remedy	28	22.8%
2.	Social security right	16	13%
3.	Labour right	16	13%
4.	Right of people in places of compulsory detention	15	12.2%
5.	Right to health care and medical help	10	5.7%
6.	Property right	7	1.6%
7.	Right to live in a favourable environment	3	2.5%
8.	Right to citizenship, free movement and passport receiving	3	2.5%
9.	Right to freedom of religion	2	1.6%
10.	Family and children's rights protection	2	1.6%
11.	Right to information	2	1.6%
12.	Right to human dignity	1	0.8%
13.	Other issues	18	14.6%

Quantitative analysis of the complaints received shows that the index of 2013 is less different from the data of 2012: 123 complaints compared to 117. The increase is only 4 complaints or 3.4 percent, and the number of complainants increased only up to 11 or 8.1 percent.

So, the inference made in the annual report of 2012 on natural optimization of the number of persons who applied to the Defender is approved.

Analysis of the complaints received, according to the state's administrative territorial units, shows that if the main part of the complainants in previous years is residents of Stepanakert (about 60 percent of the total number of complaints addressed to the Defender, as well as the complainants), the picture of the year 2013 has dramatically changed.

During the reported year the residents of Martakert region (26 percent of the complainants) made the majority of the complainants as compared with those of other administrative units, then comes complainants of Stepanakert (24 percent).

From the thematic analysis it becomes clear that a large number of complaints were received from places of compulsory detention of people (37 or 25 percent of the total number). If we also add the complaints of the relatives and legal representatives of the convicts the mentioned number will make about 33 percent of the complaints. At the same time, the 15 of 37 persons who applied or 12.2

percent of the total number of complaints contain issues regarding mere imprisonment punishment and security of the convicts' rights by the penitentiary institution. The convicts have actively profited their right to apply to the Defender in case they do not agree with the decisions passed by the courts, social security of their families.

It is noticeable that the population is still mostly concerned about such issues as right to judicial remedy (28 complaints or 22.8 percent of the total number), social security and labour rights (16 complaints on each question or 13 percent), property right (7 complaints or 5.7 percent).

Results of the reported period have proved the trend of excluding corruption from the practice of law-enforcement bodies mentioned in the annual report of 2012 to be sustainable. This is proved by the fact that the number of citizens complaining against the activities of some law-enforcement bodies has dropped.

In 2010 complaints on the right to judicial remedy addressed to the Defender made 23.7 percent, in 2011 – 27.7 percent, and in 2012 and 2013 it accordingly made only 22.2 and 22.8 percent.

According to the basis of the reported year no complaints addressed to the Defender were lodged against the prosecution and the police activities, which can be proved both by a more careful behaviour of these bodies towards human rights and, as already been mentioned, by the trend of excluding corruption .

The above mentioned can also be explained through the following example: during the Defender's own-initiative-launched investigations throughout the years of 2008-2009, it was found out that the police, under the pretext of martial law, had subjected a number of citizens (about 100 persons) to administrative detention thus violating the right to personal freedom enshrined in Article 22 of the NKR Constitution. Though, the content of the records on administrative violations did not reveal what particular right had been violated during the martial law regime, especially at that time no specific rule of conduct aimed at ensuring the regime had been imposed by law (curfew, mobilization, censorship, etc.).

It was also discovered that a part of the citizens having been subjected to administrative detention was then arrested for having been accused in a concrete crime and the other part was set free, which clearly shows that detention of the people was rather on the grounds of suspicion for a crime than for the martial law regime which requested to enforce procedural coercive measures and implement investigative actions, operative-investigative measures as prescribed by the NKR Criminal Procedure Code, rather than implement administrative detention.

Given the fact that the mentioned violations had been made before the investigations conducted by the employees of the Human Rights Defender's staff, as well as a part of the persons subjected to administrative detention had been arrested as a precautionary measure, and the other part had been released, it was not necessary to response for the restoration of the violated rights of the mentioned

people.

In this respect the Defender, guided by Article 16 of the NKR “Law on Human Rights,” sent advisory clarifications and proposals to the NKR Chief of Police in order to refrain from further violations.

Periodical monitoring directed at the implementation of the mentioned proposals, as well as the dramatically drop of the complaints of citizens on this issue addressed to the Defender in the first year following the proposal, and the lack of those in recent years allow us to be sure the police system has got rid of the mentioned discrediting practice.

1.1.2 Meeting, Visits, Own-Initiative-Launched Investigations, Undertaken Measures and Results

The main source providing the most accurate and comprehensive information on the situation of human rights in the country is population, and the Defender’s permanent communication with them is the main direction of the Defender’s activities.

In order to establish better communications with people and to respond to their complaints promptly and effectively, the Defender paid special heed to hosting meetings with citizens. This was realized immediately by the Defender and the employees of his staff both at the Defender’s office and during the visits made to different residences.

The staff does not appoint special days for meetings; they are realized within each working day, as well as on Saturdays (for the convenience of the employed applicants).

Hostility of meetings on weekends due to mere technical reasons was mostly applied in the period when the Defender’s staff was in Stepanakert.

As has already been mentioned, meetings were hosted on the spot in some regions of the state, villages, different establishments and organisations.

Throughout six years about 1000 citizens visited the Defender’s office.

This number includes citizens who applied both in oral and in written way, who preferred direct communication to become sure that their complaints had been processed seriously and to try to prove the truth of their position and fair solution of the raised question in their favour.

Few people who applied in written form could not only legally justify that their rights had really been violated, but also interpret clearly the activities of state or local self-governing organisations which violated their rights, as well as they attached necessary documents regarding the raised questions which created grounds for inviting them to the Defender’s office for introducing necessary additional documents.

There are also few applicants who came to get introduced with the institution’s activities and received the answers to the questions they were interested in. In 2013 18 students from the faculty of journalism of Artsakh State University met with the Defender and, naturally, they had not been

registered as complainants.

A number of visits were implemented to some regions of the state, different organisations, inter alia, educational and children care protection boarding institutions, and in summer, visits were made to youth campaigns, nursing home, military units and places of compulsory detention of citizens. The visits were implemented throughout the institution's activities and the reported year.

The experience shows that this contributes to people's applying to the Defender on the questions they are interested in; moreover it gives an opportunity to discover such violations about which they have not even suspected. Examples of such violations and the Defender's responses for their remedy are illustrated in the reports of previous years.

Implementation of such visits has become more actual in 2013 in order the transportation of the Defender's staff from Stepanakert to Shushi does not negatively impact on the public's accessibility to the institution.

Visits launched in a number of schools in Stepanakert on the day of the NKR Constitution, the Day of Independence Referendum of 1991 and International Human Rights Day were accompanied with lessons touching upon the Human Rights Defender's Institution, NKR Constitution and children's rights.

Article 119 of the NKR Constitution defines the main function of the Defender and stipulates that he shall realize the protection of violated rights of the citizens and freedoms against the state and local self-government bodies and officials.

This function has been realized in the following two ways:

1. by submitting a suggestion to the official having made a violation on eliminating the violations discovered as a result of the own-initiative-launched investigations,
2. by responding to the violations discovered as a result of the own-initiative-launched investigations in the same way as mentioned in the first point.

Throughout the own-initiative-launched investigations in 2008-2014, about 500 requests were addressed to the NKR state and local self-governing bodies, proposals on violated rights remedy and clarifications regarding the acting law due to which over 300 violated human rights were restored.

1.1.3 Legal Advice. Legal Education

The culture of human rights is an integral peculiarity of democratic society, a precondition of favourable life for each member of it.

In this respect, one of the solid components for building a legal state is realization of legal awareness, enlightenment and education in the field of human rights and freedoms, which should be considered as an obligation for the relevant bodies of the state (including the Human Rights Defender's Institution).

Giving legal advice to citizens and leaders of the state bodies, contribution to the population's

legal education are among the main targets of the Human Rights defender's activities.

Almost all those who have addressed the Defender receive necessary consultation, especially in cases when the Defender is not authorized for giving a solution to the raised question, and they have to apply to a relevant body.

Since the beginning of the institution's activities, about 1500 persons received legal advice and over 200 citizens were provided with legal assistance period of which 150 via telephone during the reported.

To ensure legal advice to people, the Defender's institution was guided by three main methods:

1. by the results of the appeal under consideration,
2. by the results of investigation not liable to consideration,
3. Giving advice upon the applicant's request without a complaint submitted by him/her.

The first mode refers to the advice which a citizen receives during his complaint's reviewing or the question's solution when a violation of the complainant's rights is discovered and means are defined for eliminating the infringement. The complainant is informed about all of this which is agreed in advance with the steps to be implemented.

The second method is the advice when no violation is discovered on the issue raised by the complainant, or it is not subject to consideration by the Defender. In such cases the complainant shall be explained the current law and the legal bases of the arguments indicated by him/her as not qualifying as a violation. In a case his/her raised question is liable to solution by another state body, he/she is given consultation on all possible methods for the question's solution.

The third method is the advice when a citizen applies to the Defender merely to receive consultation with the aim of clarifying any situation or existing legislation.

The complainants' responses prove that there are few cases when the advice received by the Defender's institution contributes to succeed in protection of their rights.

According to Article 2 of the NKR Law on Human Rights Defender, the Defender shall contribute to the legal education of human rights and freedoms.

Although, the mentioned provision does not define legal education of the public as the Defender's immediate obligation binding him only to contribute to this procedure, the Defender, throughout six years, periodically implemented dissemination of legal awareness as a supplementary issue of the main functions.

This process bore a diverse and comprehensive character.

One of these methods was, first of all, conducting propaganda of human rights and fundamental freedoms and mechanisms of their protection to mass media, in internet and through meetings with the population.

The Defender and the employees of his staff about thirty times had speeches on Artsakh Public

TV and radio broadcasting, gave interviews to local and foreign media services, such as *Regnum*, *De Facto*, *Armedia* and others.

Given the importance of the internet nowadays and the interest of vast majority of population in it an official page of the NKR Ombudsman in Facebook social net was opened, which provides not only mere informative articles, but also invites the society to debates by introducing specific situations, which, naturally, will have a positive impact on the raise of level of the public's legal awareness.

Similarly, periodical visits and meetings with population by the Defender's and representatives of his staff contribute to the dissemination of legal knowledge.

Since 2012, it has become a good tradition of the employees of the staff to conduct lessons in some of the state's schools, during which pupils are explained the provisions of the NKR Constitution, human rights and fundamental freedoms, as well as children's rights and mechanisms for their protection.

For the clarity's sake of the materials mentioned above, the employees prepared different quizzes, allocated leaflets to pupils which introduced the children the procedure and cases how to apply to the Human Rights Defender.

Such events were organized in schools number 1, 2, 7, 9 in Stepanakert and schools number 1 and 2 in Shushi.

Active discussions, different and interesting questions raised by the children in the frame of the events prove that these meetings really served their aim and they should be continued in the future.

1.2 Legislation Improvement Targeted Activities

According to Part 2 of Article 2 of the Law, the Defender is favouring the improvement of Nagorno Karabakh Republic's legislative concerning person's and citizen's rights, its defending forms and methods and its conforming on international law's universal recognized principles and norms.

As has already been mentioned in previous reports, the Defender's function targeted at legislation improvement is important because the gaps, vagueness and contradictions in the laws on human rights and fundamental freedoms, as well as in other legal acts can entail to a violation of right while realizing a legal act: a gap in a law makes the effective protection of the right impossible, and vagueness and contradictions of legal acts emerge arbitrary interpretations.

The Defender's contribution to the legislation is realized in different ways: through participation in discussions on draft laws, by applying to the Constitutional Chamber of the NKR Supreme Court with a request to decide the constitutionality of laws and by submitting suggestions on improving or adopting a legal act to authorized bodies endowed with legal initiative.

As we have already pointed, some suggestions on making amendments to the NKR Criminal Procedure, Civil Procedure and Administrative Procedure Codes and above 20 articles or provisions

concerning human rights have been submitted. A large number of them have been adopted by the legislative and executive bodies and the other part is in the phase of discussion.

Among those mentioned above, I find it important to outline the suggestion to the NKR Ministry of Healthcare on developing the draft law regarding the protection of human rights of people with mental derangements.

Due to the conditions came from the lack of the respective law, in fact, full protection of the rights of people with mental derangements and those who became involved in these relations have not been guaranteed, especially in cases of involuntary hospitalization, discharging from a medical institution and others. As a result, the NKR National Assembly passed the law on Psychiatric Aid on 21 December 2011.

Part 9 of Article 35 of the NKR Law on State Pensions established that the pension may be paid when submitting the power of attorney verified by a notary performing activities in the Republic of Nagorno Karabakh to the unit assigning pensions.

That is, the power of attorney verified by a notary of other state, including Republic of Armenia, has not legal effect for receiving pension in our republic.

With a writ to the Chairman of the NKR NA, the Defender proposed to undertake the question of reviewing the provision of Part 9 of Article 35 of the NKR Law on State Pensions, which would contribute to a full realization of everyone's right to social security as enshrined in Article 39 of the NKR Constitution.

As a result of the amendment made in the law, the mentioned point of Article 35 has been compiled with the following: "The pension may be paid on the basis of the pensioner's power of attorney verified by a notary or (in the case of the pension beneficiary is a minor or under custody of another individual his/her representative – parent, adopter or custodian), if the individual files the written application and the power of attorney to the unit assigning pensions. The pension may not be paid by the attorney of power being already accredited."

The Defender's legislation improvement targeted activities had its continuation in 2013 as well during which two suggestions were addressed to the NKR National Assembly and the Government.

Part 2 of Article 218 of the NKR Civil Procedure Code states that review in civil cases on property request is permissible if the value of the point at issue in this case exceeds 50 times the minimum wage.

This provision contradicts to Articles 1, 2 and 44 of the NKR Constitution as guided by the following corroboration: first, the reasons and aims of restricting the right to complaint with 50.000 (fifty thousand) AMD is vague and unclear, and the tendency to such restriction does not correspond to the significant part of the population's standard of living which does not derive from the functions of the social state.

This also contradicts to Article 44 of the NKR Constitution which states that everyone has the right to judicial protection of his rights and freedoms.

This right which is enshrined in the Constitution has an imperative nature without providing any exception for its realization.

The provision under consideration also contradicts to a range of directions and principles prescribed by the NKR Civil Procedure Code which states that any violation of procedural norms during the lawsuit may entail to amendment in the passed decision or quash by the superior court. However, this provision does not allow complaining against the decisions which have been passed with outrages of law.

Based on the above mentioned, the Defender with a letter addressed to the Chairman of the NKR National Assembly and the Prime-minister, requested to intervene in the discussion of the question of repealing Part 2 of Article 218 of the NKR Civil Procedure Code.

In another case of the year 2013, a number of citizens applied to the Defender informing they were tenants residing in the flats which had been transferred from the NKR Defence Army to the housing fund of Stepanakert's Municipality, but for a good reason, they could not manage (the term of validity of the respective law had already expired) and now they are not able to privatize these flats and asked to assist to solve this question.

The fact is, Article 28 of the NKR Law on "Privatization of housing fund of the Republic of Nagorno Karabakh" prescribes that the process of privatization of state housing fund had been realized up to 31 December 2012, while a part of users of these flats had received the right to privatization yet in the validity term, however they applied after 31 December 2012 and a great part of those flats were transferred to the housing fund of the Municipality of Stepanakert or administrations of regions only in 2013.

Given the above mentioned and the fact that paragraph 5 of Part 1 of Article 60 of the NKR Constitution stipulates that contribution to living conditions of citizens is one of the important issues of the state and that the solution of this question needs a legislative initiative, the Defender requested to review the question of time extension as prescribed by Article 28 of the NKR Law on Privatization of the housing fund of the Republic of Nagorno Karabakh or to give another solution to this situation.

I would like to once more attract the attention of the legislative and executive authorities to the legislative amendments the necessity of which was analyzed in the Defender's previous annual reports, though no solution has been given up today.

The amendments made in the NKR Law on Human Rights Defender in 2012 gave the Defender one more opportunity to clarify how the provisions in judicial practice are applied to, which not being clearly defined, can be interpreted both for and against a man. If it is interpreted in favour of the individual, naturally, no question of amendment may arise.

For the staff of the Human Rights Defender it was necessary to get introduced with the judicial practice of application of Part 2 of Article 398 of the NKR Criminal Procedure Code. The matter was, Part 2 of Article 398 of the Code states that the decision on refusal of the motion on restoration of the missed time limit due to a good reason provided for complaining in appeal procedure can be appealed throughout fifteen-day period to the Court of Appeal, which is authorized to restore the dismissed term and examine the case. However, the norm did not clearly define which is the beginning of the defined term for appeal – the moment of its announcement or the moment of receiving of the copy of the judicial?

In practice the mentioned legal vagueness gave an opportunity for dissimilar interpretation of this provision, thus, the Defender guided by Part 7 of Article 12 of the law, requested the Board of Chairmen of the NKR Courts to clarify which is, following the judicial practice, considered the beginning of the term pointed in Part 2 of Article 398 of the NKR Criminal Procedure Code: the moment of its announcement or the moment of receiving it? As a result, the Board of Chairmen of the NKR Courts passed a decision to consider the beginning of the fifteen-day term, as defined in Part 2 of Article 398 of the NKR Criminal Procedure Code, the moment when the addressee has factually received the respective judicial act or when practically he has become competent in the order described by law.

However, there are some complicated questions of public interest and requiring legal initiative which also require joint discussions on behalf of various political powers, law-enforcement bodies and the wide range of society.

It comes to the contribution of the institution of compensation for moral damage.

Given the necessity of the protection of human rights and freedoms and the full value of regulations regarding the institute of moral damage, general standards and order of material compensation of moral damage shall be clearly defined by law, so as to guarantee fair and reasonable compensation of the moral damage caused to a person, support effective realization of human rights and freedoms guaranteed by the NKR Constitution.

Throughout the Human Rights Defender's activities, a lot of citizens tried to receive legal advice on questions alike which proves the actuality of the matter and the necessity of its legal solution.

1.3 Development of Public Relations, Information, Cooperation with Non-Governmental Organisations

Six-year experience of the institution's activities proves that one of the preconditions for effective protection of human rights is its transparency and publicity, development of relations with the society, the key achievement to which is the cooperation with mass media.

Respective attention was paid to these issues in 2013.

With the aim of clarifying the means for protection of human rights and fundamental freedoms, as well as to enlighten the activities of the institution, the Defender and his staff many times broadcast on Artsakh Public Television and on radio, in *Azat Artsakh* newspaper, as well as gave a number of interviews to *Regnum*, *Armedia*, *De Facto* and other local and foreign media agencies.

The society also becomes aware of the results of the Defender's each year activities which are being summarized in annual reports.

The reports are submitted both to state authorities and to mass media.

The Defender's website (www.ombudsnkr.am) since 2011 and the official page of the staff in Facebook opened in 2013 also answer this purpose.

As for the cooperation with non-governmental law-enforcement sphere, it comes to be a serious concern the fact that despite of the favourable conditions (respective legal field and state financial support) provided for the republic's non-governmental organisations for implementing their activities, the majority of these organisation does not work or initiate enough activity for the aims for which they were created to serve.

In this regard we can outline the NKR Trade union federation, "Civic initiative centre," "NKR Refugee union" and "Vita" (represents injured warriors during Artsakh struggle for existence) non-governmental organisations.

In the frame of cooperation, the Defender's institution is in mutually beneficial relations with the mentioned organisations which significantly contribute to the Defender's prevention and revelation of human rights violations and the effectiveness of violated human rights restoration.

Given the role and opportunities of the NGOs in citizens' legal education, their rights protection and revelation and enlightenment of existing gaps in this issue, the state shall go on taking care of the development of social sphere encouraging the organisations that have greater contribution in state building.

In this regard, it may be proposed to take into account the Defender's opinion while formulating while making the list of the NGOs being financed by state budget, it could be proposed to take into account the Defender's opinion as a cooperating body with them which will naturally contribute to a more purposeful and effective allocation of these sums.

1.4. International Cooperation

According to Article 2 of the NKR "Law on Human Rights Defender" the Defender contributes to the development of international cooperation in the field of human rights.

Throughout the preceding six years the above mentioned function has been implemented by two principle directions: the first is the active cooperation with the European Ombudsman Institute

and, upon the mediation of the latter, creation of business ties with the European official and international non-governmental organisations dealing with human rights encouragement and protection, participation in some conferences and seminars organized by them.

This direction for the development of international cooperation was widely enlightened in the Defender's each report of previous years, as well as in the chapter “The NKR Human Rights Defender’s Institution” of this report, and I think that there is no need to return to this again. We can only add that activities in this direction have been implemented during 2013 as well.

The second direction is the cooperation with the ombudsmen of other states regarding restoration of violation of concrete human rights.

Such issues were addressed to the Defender by the RoA Human Rights Defender and the Commissioner for Human Rights of Transdnestrian Moldovan Republic, as well as Commissioner of Human Rights of the Sverdlovsk region, RF, Head of south branch of international office of Kazakhstan.

Upon the Defender’s request, Human Rights Defender of the Republic of Armenia, Commissioner for Human Rights of Sverdlovsk region of the Russian Federation and one of the social services of Uzbekistan dealt with the protection of the rights of our compatriots.

Cooperation with the ombudsmen of the countries of post-USSR territory targeted at protection of the rights of our compatriots and those of the citizens of these countries mainly does not meet any obstruction due to the clear reason - we are all members of the same European human rights structure.

Chapter 2. Violations of Human Rights and Fundamental Freedoms

This section includes those legal areas which mainly refer to a large number of complaints addressed to the Defender throughout the discussed period, as well as cases which are not widely disseminated but seriously damage human rights, his legal benefits and freedoms.

According to Article 2 of the NKR Constitution, the state recognizes the fundamental human rights and freedoms as inalienable and supreme value, for freedom, justice and peace, and Article 5 defines that the state guarantees the protection of individual and citizen’s rights and freedoms in accordance with the international human rights principles and norms.

While realizing their powers, the public authorities are obligated always to be guided by the mentioned articles of the Constitution, as the maintenance of individual and citizen’s fundamental rights and freedoms and the guarantee of their protection is greatly due to the policy conducted by public authorities, which also is based on the constitutional requirements: “The State and local self-government bodies and officials are only to execute activities for which they have been authorized by the Constitution and the laws” (Part 2 of Article 6 of the NKR Constitution).

However, very often the state and local self-government bodies take such deviations from the

law, which emerge violations of individual and citizen's fundamental rights and freedoms.

During the period under review, the complaints received by the staff of the NKR Human Rights Defender include almost all areas of the public administration.

2.1 Right to Judicial Remedy

Everyone has the right to the public hearing of his or her case by an independent and impartial court maintaining all requirements of justice under conditions of equality and fair deadline (Part 1 of Article 45 of the NKR Constitution).

The great part of the complaints addressed to the Defender throughout 2013, 28 of 117 complaints, that is, 22.8 percent regarded the right to judicial remedy.

Comparing with 2012, this index has grown only by 2, but if we compare it with the earlier indices we will see that it has dropped and can be said to be stabilizing.

During the whole period of the Defender's activities, about 200 complaints regarding this area were received (18 percent of all the complaints), of which 22 in 2008, 30 – 2009, 50 – 2010, 34 – 2011, 26 – 2012, 28 – 2013, and some others in 2014.

Therefore, it may be stated that measures (improvement of legislation's judiciary, judicial norms, mechanisms for election of judges, as well as social state of judges) taken for improvement of the quality of justice are already yielding their positive results.

Thus, for the sake of an effective justice, the violations in current conditions and the phenomena which prevent for the realization of an effective justice are becoming more intolerable and inadmissible, though they still exist. These mainly refer to unnecessary delays of the trial, improper way of notifying to the parties about the hearing, unclear decision and so on.

Both in 2013 and throughout preceding years, the Defender became aware of such cases, when the trial on civil cases was delayed not for days or months but for years. One of the reasons of such delays of the trial is the ones of the pointed forensic examination. This mainly happens when the examination is assigned to institutions beyond the territory of NKR.

Due to the amount of work in these institutions, (they explain so anyway), it becomes impossible to make examination in short period of time, thus it affects the NKR justice, everyone's right to the public hearing of his or her case by an independent and impartial court within a reasonable time becomes violated.

For instance, examination of one of the complaints showed that due to the reason mentioned above the civil case in the NKR first instance court had been suspended for already 3 years.

In this case, the NKR courts are not authorized to affect the procedure of examination in such institutions.

It would be more effective to develop the expert institutes in NKR for avoiding such cases. It is

necessary that the scientific and technical potentials and the experts' professional skills allow making all kinds of examinations, as well as to legally regulate the terms of examinations and make a possibility to undertake means of for influencing those who implement unnecessary delays for the forensic examinations.

As it has already been mentioned, a vicious phenomenon preventing the realization of an effective justice is also improper allocation of judicial notifications to the parties.

This has been mentioned in the Defender's previous reports; unfortunately, in the reported period this goes on to take place more vividly.

The Defender became known to a case when the notification about the scheduled trial addressed to the participant had been handed to the post on the day of the trial. Naturally the trial processed without the participant; moreover, before the beginning of the trial the court was sure that the participant had not been notified about the trial. While it should have been the vice versa: the court should have been sure that all participants of the trial had been properly notified and there were no reasons for anyone of them to be absent.

Guided by paragraph 8 of Part 1 of Article 12 of the NKR "Law on Human Rights Defender," a disciplinary proceeding was submitted against this judge to the NKR Ministry of Justice.

The Defender also became known to such cases when the vague and contradictory decision passed by the Court of first instance of general jurisdiction caused problems in the phase of its implementation.

Applying to the Defender, the citizen informed that upon the court's decision (the descriptive part) it was stated that 300.000 (three hundred thousand) drams damage was caused to the health of the victim by the crime, of which 150.000 (a hundred and fifty thousand) drams had already been compensated. However, in the tailpiece of the decision the court pointed that 300.000 drams should be seized from the libellee, due to which the court, in fact, damaged the applicant with 150.000 drams.

Investigation of the verdict proved the applicant's arguments about the sentence's to be obviously contradictory.

What was the reason of the court's obvious mistake and what kind of responsibility will the judge be subjected to? This will become clear in the frames of disciplinary proceedings the petition filing of which is in the phase of discussion and the applicant received respective advice and legal assistance concerning correction of the uncertainties of the court's decision.

2.2 Right to Property

According to Article 33 of the NKR Constitution, everyone has a right to determine in accordance with his views, the right to property, use and inheritance of property obtained through legal principles.

The right to property is everyone's right and is one of the most important conditions of

freedoms of a man, as well as the basis of dependence of his/hers from others, sometimes even being the only source of existence of a man.

During 2013 the Human Rights Defender's staff received 7 complaints concerning violation of the right to property, which make 1.6 percent of the total number of the complaints.

Throughout the period of the Defender's activities about 110 complaints (10 percent of all the complaints) were received concerning this area.

Although complaints concerning the right to property were fewer in the reported period than in preceding years, however, there are still violations which became a subject for discussion in the reported period like almost in all previous years.

It comes to the citizens' alienation of property without following the requests of the NKR Law on Alienation of Property for Public and State Needs.

Since preceding years such cases are known when the arable land, plots of land adjacent to homes or other plot owned to a citizen were taken by the state and used without the government's respective decree on recognizing it as prevailing public interest and prior adequate compensation.

In previous years complaints on such issues were received from the regions of Askeran and Martuni, which were mentioned in the respective reports.

In 2013 such complaint has been received from Vank village of Martakert region. A number of villagers informed that in 2010 without a decree and, naturally, any compensation their owned arable lands had been alienated by the state, all their efforts to receive compensation were fruitless up to the day of applying, despite the fact that this right of citizens is prescribed both by the NKR Constitution and the mentioned law.

According to Part 4 of Article 33 of the NKR Constitution, alienation of property for public and state needs can be implemented only in exceptional cases prescribed by law within adequate compensation. Following Article 7 of the mentioned law, alienation of property for public and state needs is implemented by the government only when the aim is recognized exceptional, prevailing public interest. It shall be recognized upon the government's decree; the copy is properly allocated to the owner of the alienable property within 7 days after it has come into force.

As a result of cooperation with the NKR Government and the Martakert Region Administration, on the basis of the decree passed by the NKR Government and adopted on 19 December 2013, sale and purchase agreements were signed with the villagers of Vank, as well as they were compensated by financial means for the alienation of the lands.

The complainants' request seemed to have been satisfied. However, it should be stated that the unlawful seizure of the plots of land from the owners led the fact that people, for years were deprived of the income from the use of these lands.

Unlike previous years, there were no complaints regarding violations of right to property of

non-residential territories owned by the residents of apartment buildings. Unfortunately, this cannot be conditioned by a final solution of the question, as since 2012 the process of privatization has ended neither in 2013 nor in 2014.

That is, because the NKR Civil Code and the Law on Apartment Building Management state that territories of common use (cellar, roof, technical floors, etc.) of apartment building, plot under and around the building 1.5 meter in width are common shared property of the owners of these apartments and non-residential spaces.

Upon the NKR Government's decree 135 dated 27 March 2007, the Mayor of Stepanakert and the heads of administrations of the NKR regions were assigned within 6 months to introduce to the state committee of the NKR Real Estate Cadastre the necessary land plans for maintenance and service of flats of apartment buildings as well as the passed decisions on unauthorized structures of the mentioned buildings.

On the basis of these documents the head of the NKR Government attached state committee of Real Estate Cadastre ought to have performed registration of common shared property rights of the owners of apartment buildings and (or) non-residential territories to those lands. However, during the investigation of the issue from the answers received as a result of the requests submitted to the NKR Government attached SCREC, the mayor of Stepanakert and heads of the boards of administration it was followed that the requirements of the aforementioned decision had not been realized, particularly common property rights of the owners of apartment buildings to those territories had not been registered.

The reason was that the heads of boards of administration of the regions and the mayor of Stepanakert had not given necessary documents to the NKR Government attached SCREC in order the latter could perform state registration of the right to property.

The created situation may bring and it really brings to violation of the right to common property of the owners of apartment buildings, constructions as it is they who can decide the fate of those territories and not the local self-governmental bodies.

Given the above mentioned and guided by Paragraph 1 of Part 1 of Article 15 and Article 16 of the NKR Law on Human Rights Defender, the Defender, by the decision of C-1-008/11 dated 2 October 2011, proposed the heads of administrations of the NKR regions and the Mayor of Stepanakert, for implementing the requests of points 3 and 4 of the NKR Government's decree 135 dated 27 March 2007, to take measures for registering the owners' rights to common equity property of the residential and non-residential spaces of apartment buildings and further, to refrain from activities and passing legal acts violating these rights.

Besides the mentioned, in 2011 a respective letter concerning the created situation was addressed to the state's executive body.

Returning to this issue once again, is conditioned by its importance and the fact that it has not received a final solution yet.

During 2013 a number of citizens applied to the Defender informing they were tenants residing in the flats which had been transferred from the NKR Defence Army to the housing fund of Stepanakert's Municipality, but for a good reason, they could not manage (the term of validity of the respective law had already expired) and now they were not able to privatize those flats and asked to assist to solve this question.

Given the importance of the question, guided by Part 4 of Article 11 of the NKR Law on Human Rights Defender, and the powers enshrined to the Defender, the Defender passed a decision to conduct investigation of the situation concerning this issue.

As a result, it was found out that hundreds of families of the NKR regions were in the same situation.

This is due to the fact that Article 28 of the NKR Law on Privatization of housing fund of the Republic of Nagorno Karabakh prescribes that the process of privatization of state housing fund has been realized up to 31 December 2012, while a part of users of these apartments received the right to privatization yet in the validity term, however they applied after 31 December 2012 and a great part of those apartments were transferred to the housing fund of the Municipality of Stepanakert or administrations of regions only during 2013.

The mentioned tenants of the apartments were serving or retired officers in reserve and non-commissioned officers of the NKR Defence Army, who, after privatizing their apartments, would get the opportunity, equally with other NKR citizens to use the right to property enshrined by Article 33 of the NKR Constitution which would contribute to the endorsement of social justice in this question.

Despite the fact that the NKR Law on Local Self-Governing Bodies defines these provisions, which, in fact, give an opportunity to grant these apartments by donation or another way of free granting to the tenants, however, this may result in subjective behaviour or corruptive risks as no tenant of such apartments is guaranteed he/she will be able to privatize it.

Given the above mentioned and the fact that Paragraph 5 of Part 1 of Article 60 of the NKR Constitution states that one of the state's basic issues is to contribute to the improvement of residential conditions of the citizens, and that this issue demands a legal solution, the Defender, with a letter addressed to the Chairman of the NKR National Assembly and the Prime-minister, asked to discuss the issue of prolonging the term defined by Article 28 of the NKR Law on Privatization of Housing Fund of the Republic of Nagorno Karabakh or to resolve otherwise.

This issue is expected to be resolved favourably.

Important progress was stated in cases regarding privatization of the apartments of refugees and immigrants.

There were a number of complaints on this issue made a significant part in previous years, and a lot of means were undertaken to eliminate the shortcomings in these relations.

On 7 July 2011 the employees of the Defender's staff visited to the Vazgenashen, Norshen and Hatsi communities of Martuni region to organize meetings with the local people. Immigrants of Vazgenashen community informed that in 2002 they had signed an agreement with the administration of Martuni region on inhabiting there for 5 years. According to the agreement after its expiration the administration should have to provide the inhabitants with houses which had been allocated to them as a property. But after the agreement expired those houses were not privatized, moreover, the administration of the region unilaterally extended the agreement for another 5 years. This term also expired but the administration did not take any means concerning the privatization of the mentioned houses yet.

Investigations show that the responsibilities on implementing the privatization of the residential territories provided for refugees and immigrants were violated by other region administrations as well.

As a result of the negotiations and writings conducted with the Ministry of Labour and Social Affairs, on 27 September 2011 the NKR Government passed a decree regulating that the state-owned residents to be owned by the NKR immigrants.

The lack of similar complaints in the reported period proves the solution of the issue raised before.

2.3 Social Security Rights and Right to Ensuring of Living Standard. Right to Live in a Favourable Environment

According to Article 39 of the NKR Constitution, everyone has the right to social security in the event of motherhood, many children, old age, disability, sickness, and loss of breadwinner, unemployment and in other cases provided by the social security rights. The limits and forms of social security are stipulated by law.

The state's effective policy (especially, periodical increase of pensions, supplying separate groups of citizens with residential territories) conducted in these areas is proved by decrease of the number of complaints on social security rights and right to ensuring of living standard addressed to the Defender. During the reported period 16 complaints on social security were addressed to the Defender which makes 13 percent of the total number of complaints. Throughout six years of the Defender's activity, 101 complaints concerning the same area were received, that is, 9 percent of the total number of complaints.

The principal part of the applications of this area received in 2013 was not complaints; the citizens requested either mere social support or clarification of social programs implemented by the state. Investigation of other applications did not show the requested violations.

A number of facts have been brought in previous annual reports, which prove people's well-grounded complaints the thorough complaints of people on violations made during pension appointment and restoration of violated rights upon the Defender's mediation.

The number of complaints regarding these issues decreased in 2013, which is rather due to a more conscientious attitude on behalf of the authorized bodies, than due to the institutional changes.

In a number of his writings and statements the Defender has many times stated that it is necessary to reduce, as possible, oral bureaucratism in administrative legal relations as this comes to be the reason of violations made not only during pension appointment, but also in other similar legal relations, the substratum and order of which shall be defined by respective law.

The Defender also became aware of such cases, when the Department for Compulsory Execution of Judicial Acts, based on the courts decision, deducted fifty percent of the monthly paid pensions of the debtors, which significantly worsened their living standards.

In the result of investigations it was found out that according to Part 1 of Article 58 of the NKR Law on "Compulsory execution of judicial acts" during the exercise of the writ a debtor's salary or equivalent payments (including pension) can be withheld with no more than 50 percent until full pay off of the confiscated amounts while Part 3 of Article 43 of the NKR Law on "State pensions" adopted in November 30, 2011 stipulates that the total amount of deductions shall not exceed 30 percent of the pension.

So, there was discovered lack of correspondence between the mentioned two laws which needed to be removed.

With this aim in view, it was proposed to make amendment in the NKR Law on Compulsory Execution of Judicial Acts in order the exacted sum from the pension did not exceed its 30 percent.

As a result, a respective amendment was made in the law and the amount of pensions of over 20 pensioners was recalculated.

One more issue: pensioners of NKR living beyond the territory of the republic had often been complaining to the staff of the Human Rights Defender about some provisions which prevented receiving their pointed pension sometimes even depriving them of their only income for a long time.

The reason is that paragraph 9 of Article 35 of the NKR Law on "State Pension" prescribed that pension might be paid in the case of submitting the power of attorney to the unit assigning pensions verified by a notary performing activities in the Republic of Nagorno Karabakh.

That is, the power of attorney verified by a notary of other state, including Republic of Armenia, in our republic had no legal power for receiving a pension.

In this regard the Defender, in a letter addressed to the NKR NA Chairman, made a suggestion to take measures for reviewing the mentioned provision of paragraph 9 of Article 35 of the NKR Law on "State pension" which would contribute to full realization of everyone's right to social security

enshrined in Article 39 of the NKR Constitution.

Due to the law passed on 26 December 2013 the above mentioned provision was subjected to amendment, as a result, the verified powers of attorney of the notaries beyond the NKR territory have become acceptable. This also contributed to the decrease of the complaints on social security.

According to Paragraph 1 of Article 36 of the NKR Constitution, Everyone has the right to live in a favourable surrounding environment.

Throughout previous years, there were far many complaints on similar issues. In these complaints the complainers (especially those from Stepanakert) complained about the sanitary hygienic situation of the residents, and a number of dwellers of apartment buildings of Tumanyan Street in Stepanakert complained about the dustbins without lids having been situated too close to the buildings.

There were no similar complaints in 2013, and the number of the complaints about favourable environment overall was three.

Unfortunately, violations in this area were made in 2013, which seemed to have been eliminated in previous year.

We are speaking about the fireworks at nights in Stepanakert, the noise of which disturbing the dwellers' rest, first of all, caused trouble to children, old and sick men, and led to righteous complaints.

The Defender proposed the Major of Stepanakert to discuss the expediency of the issue of forbidding (besides the NKR holidays and memorial days defined by the NKR Law) or holding them in a quite far distance from the residential territories of Stepanakert. Despite the fact that the holding of fireworks in Stepanakert was forbidden by the decision 53 dated 4 November 2011 by the councilor of the urban community of Stepanakert (besides the NKR holidays and memorial days defined by the NKR Law), however this phenomenon still goes on to take place. Therefore, it is necessary to set an ordered control over this.

2.4 Labour Right

In each annual report the Defender has strived to formulate the necessity of a more careful attitude towards the protection of the rights and troubles of the employee – the less protected party of the participants of labour relations.

Throughout six years of experience the Defender received over 150 complaints on violation of labour rights, of which only 16 in 2013. However, the decrease of the number of complaints no way proves the improvement of the situation, as almost all the received complaints were substantiated, moreover, sometimes they contained some facts which proved the claims of the NKR Labour Law to be overlooked on behalf of the employers which can be illustrated by the following example: A resident of Tsemakahogh village informed that since 2006 she had been employed at the primary

school of the village as a teacher of Chemistry and Biology, nevertheless, the region's education department announced a competition for this post, while Part 3 of Article 24 of the NKR "Law on Education" states that such competition can be announced only if the post of the teacher is vacant.

Upon the Defender's mediation this issue was favourably solved and the applicant went on holding this post.

However, four months after the applicant complained, she again applied and informed that her salary was being paid to a less extent than that pursuant to law which again demanded the Defender's mediation. As a result, recalculation of the salary was carried out and the unpaid sum was paid to the applicant.

The vicious practice reflected in previous reports goes on to take place, when the employers sign labour contracts employees for a certain period of time in cases, when the law permits to sign only contracts with an indefinite period of time.

In this situation it became necessary to organize a round table entitled "Peculiarities of Labour Contracts for a Certain Period of Time in NKR Regulating the Problems of the Employee's Rights Protection in Labour Relations" held in December, 2013. Among the participants were representatives from the NKR Federation of Trade Unions, state labour inspectorate of the NKR Ministry of Labour and Social Affairs and other concerned organisations.

In order to inform the employers, employees and the wide society about such violations, as well as to avoid them in future, the activities of the round table were broadcast on Artsakh Public Television, illustrated on the Defender's website and in the *Trade Unions* paper.

There are a lot of cases when the employees' salaries are not paid in time or generally they are not being paid. The prevailing part of the violating employers includes private entrepreneurs.

Given the control over the protection of the labour law's requests of non-governmental organisations are beyond the powers of the Defender and is realized by state labour inspectorate, such complaints have been transformed to the consideration of this body and the raised issues have been solved only in the applicants' favour, and a part of the employers was subjected to administrative responsibility.

By the way, the state labour inspectorate has had a significant role in preventing the cases of failure of the responsibilities of Labour law.

Given the importance of the control and supervision implemented by this structure, its development requires the authorities' constant attention.

It is a matter of concern that some provisions of the acting labour law are not intended to provide the employee's protection in labour relations; moreover, they at least do not provide the parties' equality.

There is an example in the report of 2012, when the court considering illegal the dissolution of

the contract upon the initiative of the headmaster of one of the schools with the teacher, however did not restore the latter's post given the employer's opinion about the impossibility of their future joint work.

Naturally, the court had such a basis as this is prescribed by Part 2 of Article 265 of the NKR Labour Law.

However, it is evident that this provision needs to be reviewed as unfair and unnecessarily protecting the employer.

2.5 Civil Right, Rights to Free Movement and Passport Receiving

Citizenship is a person's stable legal and civil tie with the state based on a person's legal recognition by the state as his citizen which in cases prescribed by law brings forward mutual rights, duties and responsibilities for the state and the citizen.

In the first years of the institution's activities there were a lot of applications containing issues on obtaining and change of citizenship, and similar issues.

The persons who applied to the Defender on such issues, many of which were our compatriots forcibly displaced from Azerbaijan, complained against the competent government bodies dealing with the issues of granting passports to the citizens. The citizens noted that their applications were being arbitrarily rejected only because allegedly there was not a dual citizenship institute in NKR. Such an opinion of the Police employees was groundless and their unawareness astonishing, as in NKR they apply the Law on the main principles of citizenship of the Republic of Nagorno Karabakh dated 15 November, 1995, which regulates these legal relations, which was previously mentioned about by the Defender.

Due to the groundless arguments mentioned above, requests of 35 persons were denied, which was periodically mentioned in the Defender's reports (2009, 2010, 2011) and this issue was basically solved through the mediation of the state's leadership.

Article 25 of the NKR Constitution guarantees everyone's right to free movement, leave and return to the Republic. However, this right is being gravely violated not because of the state's authorities, but directly by the neighbouring Azerbaijan and indirectly by Turkey.

The only way connecting the country with the external world is the Stepanakert-Yerevan heavy highway.

This connection would have been significantly facilitated through exploitation of Stepanakert airport, but Azerbaijan has threatened that it will destroy the civilian aircrafts using the Stepanakert airport, and the international community has not provided favourable solution of this issue yet.

De jure recognition of the Republic makes some difficulties for our citizens for receiving free

access to foreign countries, which also seriously violates the realization of people's right to free movement.

Conclusion

Besides those mentioned above, throughout the activities of the reported six years, as well as in 2013, the Defender became known to other violations of human rights which also required the Defender's mediation which have not been reflected in this report as they were small in number or due to the short space of time for the persons to eliminate the violations committed by them.

The investigations have shown that the principal part of the Defender's suggestions and advice for elimination of the violations of human rights and fundamental freedoms mentioned in previous reports have been accepted and realized by the authorities.

We are expecting a similar attitude towards this report as well.

Yuri Hayrapetyan

Human Rights Defender of the Republic of Nagorno Karabakh