

Belgium - Brussels Court of Appeal, judgment no. 2005/QR/61

The applicant belongs to the Armenian ethnic minority in Azerbaijan. The Court declared her stateless, as the consular representatives of Azerbaijan in Belgium clearly refused to recognise her as a national on the basis of her ethnicity, even though by operation of law she may in fact have acquired Azerbaijani nationality. In determining her statelessness, the Court took into account the fact that she was previously unable to be recognised as Armenian, and does not have connections with any other States.

Case name (in original language) : 2005/QR/61

Case status: Decided

Case number: 2005/QR/61

Citation: <https://www.agii.be/hof-van-beroep-van-brussel-2006-12-07>

Date of decision: 07/12/2006

State: Belgium

Court / UN Treaty Body: Brussels Court of Appeal

Language(s) the decision is available in: French

Applicant's country of birth: Soviet Union {former}

Applicant's country of residence: Belgium

Legal instruments: 1954 Statelessness Convention

Key aspects: Burden of proof, Standard of proof, State succession, Statelessness determination

Facts

The applicant was born in 1949 in the Soviet Union, on the territory of contemporary Azerbaijan, and is of Armenian ethnic origin.

Decision & Reasoning

In an interlocutory decision dated 25 April 2006, the Court invited the Public Prosecutor to contact the Belgian Ministry of Foreign Affairs, to request that the Ministry asks for further information from the embassy of Azerbaijan in Brussels with regards to the applicant's ability to acquire evidence of her Azerbaijani nationality.

In the final decision dated 7 December 2006, the Court reasoned as follows:

"Even if in theory the applicant should have acquired the nationality of Azerbaijan by operation of its law of that country, it is clear that the Azerbaijani authorities do not intend to recognise her as one of their nationals, and it is clearly motivated by the applicant's belonging to the Armenian ethnic minority in Azerbaijan."

"The applicant was not able to, for reasons explained in the interlocutory judgment of 25 April 2006, get recognised as an Armenian national, and does not appear to have attachments with any other countries, therefore it is necessary to comply with her request of recognising her statelessness status".

Decision documents

[AppealsCourt_7Dec2006.pdf](#)

Outcome

The Court declared the applicant stateless.