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A Response to ISPI's Policy Paper "Selective justice? Comparing peace efforts in Armenia and Ukraine"

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A Response to ISPI’s Policy Paper “Selective justice? Comparing peace efforts in Armenia and Ukraine”

The (Italian Institute for International Political Studies) ISPI policy paper, authored by Mattia Massoletti, titled “[*Selective justice? Comparing peace efforts in Armenia and Ukraine*](#)” advances a narrative that is problematic both analytically and legally. By placing the Armenia–Azerbaijan conflict alongside Ukraine under the rubric of “selective justice,” the article introduces a false equivalence that obscures established principles of international law and, more importantly, misattributes responsibility.

The central weakness of the Mattia Massoletti’s argument lies in its implicit suggestion that responsibility for the occupation of Azerbaijani territories and the associated violations is somehow diffuse, unresolved, or contingent upon future peace arrangements. This is incorrect. Responsibility in the Armenia–Azerbaijan case is not hypothetical, shared, or negotiable — it is legally attributable to Armenia. Any analysis that fails to start from this premise risks distorting both the legal record and the political realities of the conflict.

Mattia Massoletti’s discussion appears to treat responsibility as something that may “remain” or “linger” after a peace treaty, implying that attribution itself is open-ended. This approach reverses the correct legal logic. Under international law, responsibility is determined by facts on the ground — occupation, effective control, and state conduct — not by the existence or absence of a peace agreement.¹

In the case of Armenia and Azerbaijan, the legal grounds establishing Armenia’s responsibility already exist and have existed for decades.² Peace negotiations may address modalities of normalization, reparations, or future coexistence, but they do not retroactively erase responsibility for internationally wrongful acts. To suggest otherwise risks turning international law into a political bargaining chip rather than a normative framework.

The first and most fundamental legal pillar ignored or understated in Mattia Massoletti’s analysis is the position of the United Nations Security Council. Resolutions 822, 853, 874, and 884 unequivocally reaffirm the territorial integrity of

¹ Benvenisti, E. (2023). The international law of occupation. In *Leading Works in International Law* (pp. 22-36). Routledge.

² Nesirova, A. (2022). Economic results of the Karabakh war: plundering in the territories of Azerbaijan during the occupation period. *Uluslararası Yönetim Akademisi Dergisi*, 5(2), 257-266.

the Republic of Azerbaijan and recognize Nagorno-Karabakh and the surrounding districts as part of Azerbaijan.³

These resolutions do not employ conditional language. They do not speak of “disputed territories,” nor do they recognize competing claims of sovereignty. Instead, they explicitly demand the immediate, complete, and unconditional withdrawal of Armenian forces from Azerbaijani territory. This establishes two critical facts:⁴

1. The occupation was unlawful under international law.
2. The occupying power was Armenia.

Mattia Massoletti’s attempt to situate the conflict within a broader moral discussion of “selective justice” sidelines this binding legal framework and replaces it with political abstraction. Such abstraction may be rhetorically convenient, but it is analytically misleading.

The second decisive legal pillar is the European Court of Human Rights judgment in *Chiragov and Others v. Armenia*. This case is not peripheral; it is central. The Court found that Armenia exercised effective control over Nagorno-Karabakh and the surrounding occupied territories and therefore bore responsibility for violations of the European Convention on Human Rights in those areas.⁵

This finding matters for several reasons. First, it establishes state responsibility irrespective of formal annexation. Under international law, effective control is sufficient to trigger responsibility. Second, it directly contradicts narratives portraying Armenia as a detached or indirect actor. The Court’s reasoning was based on concrete evidence: military presence, political influence, financial support, and administrative integration.⁶

Mattia Massoletti’s failure to anchor its argument in *Chiragov* results in a serious analytical omission. Any comparison with Ukraine that does not acknowledge that

³ Abilov, S., & Mahmudlu, C. (2022). The UN Security Council Resolutions on Nagorno-Karabakh: View from Azerbaijan. In *The Nagorno-Karabakh Conflict* (pp. 130-149). Routledge.

⁴ United Nations Human Rights Council. (2020). *Human Rights Council: Forty-third session (24 February–20 March 2020), agenda item 4: Human rights situations that require the Council’s attention* (UN Doc. A/HRC/43/G/36). United Nations. <https://docs.un.org/en/A/HRC/43/G/36>

⁵ *Case of Chiragov and Others v. Armenia* (Application no. 13216/05), European Court of Human Rights, Grand Chamber, Strasbourg, 16 June 2015.

<https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2213216/05%22%5D,%22itemid%22:%5B%22001-155353%22%5D%7D>

⁶ Ibid.

Armenia's responsibility has already been judicially established is fundamentally flawed.

The occupation of Azerbaijani territories was not merely a matter of territorial control. It was accompanied by systematic destruction of civilian infrastructure, cultural and religious heritage, and the long-term displacement of hundreds of thousands of Azerbaijanis. These outcomes were not accidental or incidental; they were the predictable consequences of a prolonged occupation regime.⁷

From a legal standpoint, this provides Azerbaijan with grounds to pursue claims related to:

- unlawful occupation,
- destruction of property and infrastructure,
- violations of human rights, and
- damage to cultural heritage.

Mattia Massoletti's framing risks diluting this reality by subsuming concrete violations under a generalized discussion of peace processes. Justice in this context is not selective — it is specific, evidence-based, and grounded in established legal norms.⁸

A particularly problematic aspect of Mattia Massoletti's analysis is the suggestion that responsibility may somehow be transformed or neutralized through a peace treaty. This misunderstands the function of peace agreements in international law. Peace treaties regulate future relations; they do not negate past responsibility unless explicitly and lawfully agreed by the injured party.

In other words, responsibility does not “disappear” after peace; nor does it float in a legal vacuum awaiting resolution. It lies with Armenia. The only open question is how that responsibility is addressed — politically, legally, or through negotiated arrangements. Treating attribution itself as unresolved confuses accountability with reconciliation.

The comparison with Ukraine further undermines Mattia Massoletti's argument. In Ukraine, the international legal order is confronted with an ongoing act of aggression by a state that denies responsibility and seeks to revise borders by force. In the

⁷ Talıblı, S. (2024). Historical and Cultural Heritage of Azerbaijan Destroyed as a Result of Armenian Aggression. *Vakanüvis-Uluslararası Tarih Araştırmaları Dergisi*, 9(2), 1510-1529.

⁸ Abel, L. K. (2009). Evidence-based access to justice. *U. Pa. J.L. & Soc. Change*, 13, 295.

Armenia–Azerbaijan case, the occupation concerned internationally recognized Azerbaijani territory, was condemned by the UN Security Council, and was legally attributed to Armenia by the ECHR.⁹

Equating these contexts under the label of “selective justice” ignores these fundamental differences and weakens the analytical value of the comparison. Justice is not selective when cases are legally distinct; it is selective only when legal distinctions are ignored.¹⁰

The Mattia Massoletti paper’s treatment of Ruben Vardanyan illustrates a broader issue of selective contextualization. Vardanyan is presented primarily as a political or civic figure, without adequate reference to his financial background or the serious allegations associated with his past activities.

Public investigations, including extensive reporting on the “Troika Laundromat”, have linked Vardanyan to large-scale money-laundering operations involving billions of dollars moved through offshore networks.¹¹ These are not marginal or speculative claims; they are well-documented and have been examined by international investigative bodies.¹²

Moreover, Vardanyan’s political role in the post-2020 period was not neutral. His involvement contributed to the consolidation of separatist governance structures on Azerbaijani territory and directly undermined efforts at post-conflict normalization. Any analysis that omits this context risks whitewashing both financial misconduct and political obstruction, thereby distorting the moral and legal landscape.¹³

The Armenia–Azerbaijan conflict does not exemplify “selective justice” in the manner suggested by Mattia Massoletti. Rather, it demonstrates the dangers of selective legal interpretation. International law has already provided clarity on territorial integrity, attribution, and responsibility. Attempts to blur these conclusions —

⁹ *Case of Chiragov and Others v. Armenia* (Application no. 13216/05), European Court of Human Rights, Grand Chamber, Strasbourg, 16 June 2015.

[https://hudoc.echr.coe.int/eng#{%22appno%22:\[%2213216/05%22\],%22itemid%22:\[%22001-155353%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2213216/05%22],%22itemid%22:[%22001-155353%22]})

¹⁰ Lemmens, T. (2000). Selective justice, genetic discrimination, and insurance: should we single out genes in our laws. *McGill LJ*, 45, 347.

¹¹ Sophie Perryer, *Troika Laundromat: inside Europe’s latest money laundering scandal*, *European CEO* (July 1, 2019), <https://www.europeanceo.com/finance/troika-laundromat-inside-europes-latest-money-laundering-scandal>

¹² AnewZ. (2025, December 19). *The Oligarch’s Design | Ruben Vardanyan* [Video]. YouTube. https://www.youtube.com/watch?v=-k7Kj3_8WPQ

¹³ *Ibid.*

whether through false equivalence with Ukraine or sanitized portrayals of key actors — do not contribute to peace.

A sustainable peace requires legal honesty. In this case, honesty begins with acknowledging that responsibility for the occupation and associated violations lies with Armenia. Any serious discussion of justice, reconciliation, or normalization must be built on that foundation.