



ԵԱՀԿ-ՈՒՄ ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ
PERMANENT MISSION OF THE REPUBLIC OF ARMENIA TO THE OSCE

Statement
in response to the address by the
Secretary General of the Council of Europe
as delivered by the Delegation of Armenia
at the 1319th Meeting of the OSCE Permanent Council

10 June 2021

Madame Chairperson,

The delegation of Armenia warmly welcomes Secretary General Pejčinović Burić back to the Permanent Council and thanks her for the remarks.

Madame Secretary General,

Armenia strongly supports the cooperation between the OSCE and the Council of Europe in upholding the protection of human rights, promoting and strengthening of democracy and the rule of law. The political commitments of the OSCE participating States in these areas are further supplemented by the legally binding obligations undertaken with the Council of Europe and the European Convention of Human Rights.

The protection of the right to life, prohibition of torture and other degrading or inhumane treatment - these are fundamental legally binding norms that all members of the Council of Europe are obligated to uphold. For decades the European Court of Human Rights has been safeguarding the Convention and ensuring the rights enshrined therein, with the Committee of Ministers through its decisions and resolutions ensuring the implementation of the decisions and the judgements of the Court.

By saying this, I would like to recall the numerous applications lodged at the Court by the Government of Armenia against Azerbaijan with respect to the Armenian prisoner of war and other captives, including civilians, requesting application of interim measures under the Rule 39. The last application was lodged with regards the six Armenian servicemen abducted by the Azerbaijani armed forces from the territory of Armenia on 27 May following the military incursion of Azerbaijani forces into the sovereign territory of the Republic of Armenia on 12 May 2021. The Court requested

Azerbaijan to provide by 4 June information about their status, health, and whereabouts.

In this context I would like to also recall that in March, having regard to the Azerbaijani Government's failure to respect the time-limits set by the Court, the Court notified the Committee of Ministers that Rule 39 measures remain in force with respect to 188 Armenian prisoners of war and civilians captured by Azerbaijan.

We are very much concerned by the lack of reaction on the part of the Committee of Ministers to the continued failure of Azerbaijan to meet its obligations. Moreover, it has instituted criminal proceedings and mock trials against the Armenian soldiers on the basis of confession obtained under duress and trumped-up charges. In this regard it should be underlined that the Armenian prisoners of war are clearly deprived of their right to a fair trial. They are also subjected to torture and other cruel, inhumane or degrading treatment.

We would like to highlight that the continuous failure by the Council of Europe to adequately respond to human rights violations will inevitably result not only in undermining the Court but the whole system of human rights protection, thus questioning the ability of the Council of Europe to deliver on its mandate.

Madame Secretary General,

We consider the key areas of cooperation between the Council of Europe and the OSCE - the fight against terrorism, fight against trafficking in human beings, the promotion of tolerance and non-discrimination and the protection of the rights of persons belonging to national minorities - to be extremely relevant and pertinent.

In this context, we wished to have seen more Council of Europe action and/or engagement in terms of fighting terrorism after the war of aggression against Artsakh and its people broke out last fall in view of unprecedented level of deployment of foreign terrorist fighters in the Nagorno-Karabakh conflict zone.

The monitoring mechanisms at the disposal of the Council of Europe could be an extremely useful and effective tool in ensuring the implementation of commitments by the member states. However, we should note with some concern the inadequate application of those mechanisms. In particular, in the area of promoting tolerance and non-discrimination, and combating hate speech and xenophobia much is yet to be done.

In this context I would like to recall that our delegation has continuously voiced its concern about the existing intolerance and hatred against Armenians in Azerbaijan. The state perpetrated propaganda of racial and ethnic based hatred towards Armenians aimed at dehumanization of the Armenian people has been once again

manifested these days with the opening of the so-called “Military Trophy Park” in Baku - an extreme manifestation of intolerance, with clear elements of Nazism. For years any person of Armenian origin or having Armenian last name, regardless of his or her citizenship, were banned from entering Azerbaijan. The latest example occurred just two days ago, when the authorities of Azerbaijan banned the accreditation of Russian sport commentators of Armenian origin from covering the matches of EURO 2020.

And there are plenty of similar cases which clearly indicates that Baku is not going to cease its discriminatory policy. Regrettably, it should be noted that in light of total disregard by Azerbaijan of the calls of the international community, the latter is not sufficiently consistent and assertive whereas the intolerance and hatred in Azerbaijan continues to acquire new shapes and forms.

This proves once again that there is no future for Artsakh under the jurisdiction of Azerbaijan. Anyone claiming the opposite condemns the people of Artsakh either to imminent death or, at best, being subjected to the policy of ethnic cleansing, similar to the fate of the Armenian population of Nakhijevan. The assurances by Azerbaijan about peaceful coexistence are hollow sounds, and those who tend to believe are either under the delusion or simply try to evade the problem.

Madame Secretary General,

For several years now, the leadership of the Council of Europe as well as the PACE, through its relevant resolution, have been highlighting and acknowledging the need to extend the protection provided by the European Convention for Human Rights to individuals residing in conflict areas.

We took note of the expressed readiness of PACE rapporteur as well as of the Council of Europe Commissioner of Human Rights to visit the areas affected by the recent war of aggression. Protection of human rights, guaranteed by the European Convention on Human Rights should be of inclusive nature, covering all the areas of responsibility of the Organization without any exclusion. In this regard we fully support unrestricted and full access of the Council of Europe including its monitoring bodies to Nagorno-Karabakh amid the dire humanitarian consequences and sufferings inflicted on the people of Artsakh as a result of the war and the COVID-19 pandemic.

Unfortunately, the unconstructive stance of Azerbaijan made these visits impossible.

Azerbaijan continues to ignore the Court’s decisions, hinders the access of monitoring mechanisms, thus undermining the efficiency of the Convention system as a whole.

Madame Chair,

While bearing in mind your request to be short and concise, let me also take advantage of the presence of the Secretary General Pecinovic Buric and address some of the accusations and allegations made by the delegation of Azerbaijan.

From the outset, it should be stressed that the root cause of all the recent tragedies in the region is the use of force and aggression, the hostile policy and propaganda of anti-Armenian hatred carried out by the dictatorial regime of Azerbaijan throughout all these years. This was the case in the early 1990s, when Azerbaijan waged a war of aggression against the people of Nagorno-Karabakh instead of peacefully addressing their legitimate demands and resolving the issue by political means. This was also the case last year, when the hereditary leader of Azerbaijan, emboldened by the support of its allies, opted for the use of force as a means of resolving the conflict instead of peaceful negotiations within the agreed format of the Co-Chairs of the Minsk Group. It was Azerbaijan that unleashed the 44-day war of aggression, accompanied by numerous war crimes and gross violations of international humanitarian law. It is also important to recall that the current regime in Azerbaijan is notorious for its track record of systemic and systematic, and brutal repression of free and independent media, including killings, intimidation and prosecution of journalists and human rights activists.

It may be useful to remind some colleagues that Azerbaijan is a country where any credible source of information or dissenting opinion as an alternative to the official one is simply non-existent. As *Reporters Without Borders* put it: “Not content with crushing all forms of pluralism, President Ilham Aliyev has been waging a relentless war against his remaining critics since 2014. Independent journalists and bloggers are jailed on absurd grounds if they do not first yield to harassment, blackmail or bribes. In a bid to silence journalists who continue to resist in exile, the authorities harass their family members still in Azerbaijan. The main independent news websites are blocked”. Azerbaijan is currently ranked 167 out of 180 countries in the World Press Freedom Index for 2021. The Aliyev regime silences critical journalists in various ways, not least by imprisoning them. Some of them are later released on condition that they serve the regime. One such striking example is the case of Eynulla Fatullayev who was imprisoned for his criticism of the government policies and for his publications on the Khojalu tragedy, in which he questioned the official version of the Azerbaijani authorities about the events. Unfortunately, not being able to endure the “comfort” of the Azerbaijani prison, he then became an ardent advocate of the Aliyev regime.

Those few voices critical of the Azerbaijani regime are heard from elsewhere but not from Azerbaijan. One of such voices is Muhammad Mirzali, an Azerbaijani blogger who fled from Azerbaijan to France in 2016 after being targeted by the Azerbaijani regime. In March 2021, Mirzali barely survived a stabbing attack because of his critical blogs about the ruling family of Azerbaijan. Previously, he has also survived attempted murder with a firearm, beatings, harassment, numerous acts of

intimidation and blackmail directed against himself and his family members. Recently, after his interview to an Armenian news agency on 31 May, in which he spoke about peace between the two peoples after last year's bloody war, he began receiving death threats. It is interesting that the delegation of Azerbaijan also speaks about peace here in the Permanent Council. I hope this fact has not escaped the attention of the OSCE Representative on Freedom of the Media and relevant structures of the Council of Europe. We urge to take this matter under close scrutiny. Undesirable bloggers, journalists and human rights activists are also prone to suicide or fatal accidents. One such death was the drowning of Bayram Mammadov in Istanbul, another harsh critic of the Aliyev regime. I would appreciate if the RFOM could clarify whether she intervened on this particular case, since we have not heard of any reaction on this particular case.

My delegation has spoken at length about the restrictive environment, fear of reprisals and the possibility of being blacklisted or punished in Azerbaijan.

But let me once again recall some of these outrageous cases. Travel blogger Alexander Lapshin, who was arbitrarily arrested in Minsk on 15 December 2016 at the request of the President of Azerbaijan and extradited to Baku, barely survived torture and attempted murder in Azerbaijani prison. The European Court of Human Rights, in a recent ruling, found the Azerbaijani authorities guilty of torture and attempted murder of Mr. Lapshin in a Baku prison.

During the 44-day war of aggression, the Azerbaijani armed forces deliberately targeted and seriously wounded several journalists, while the OSCE Representative on Freedom of the Media was effectively neutralized and conveniently silenced by that very country at a time when it was most needed. In particular, journalists from France 24, *Le Monde*, Russian and local media were seriously wounded. Russian journalist Yuri Kotenok was injured during a second strike on the Ghazanchetsots Holy Savior Cathedral in Shushi, while he was reporting on the first strike on the church just a few hours earlier.

All of the aforementioned shows the real attitude of the current regime in Azerbaijan towards independent media and journalists, both national and international. Their abysmal track record in this regard is stable and remains unchanged for decades.

Madam Chairperson,

All our appeals to react to this act of state terror against the journalists were turned down on the grounds of imperfect legal regulations in the absence of the RFOM. What is even more outrageous, in response to the statements of my delegation at the Permanent Council, the representatives of Azerbaijan have cynically justified their flagrant violations of IHL /e.g., PC 1287 of 29 October/ by references to UN Security

Council resolutions 1738 (2006) and 2222 (2015), claiming that “under international humanitarian law, journalists in armed conflicts are classified as civilians, and as such should be afforded the same protection as applicable to civilians”, and so on and so forth.

Now, given this declared position of Azerbaijan, and also bearing in mind the fact that the Azerbaijani authorities have restricted the access of the Azerbaijani civilian population to the occupied territories of Nagorno-Karabakh as a precaution against mine risk, a legitimate question arises: how and why did these journalists appear in such a dangerous area? Why did these journalists end up in an area where there should be no civilians? Why were they driven to death? Reporters Without Borders also remind Azerbaijan of their duty to protect journalists during their work. Obviously, this plays into the hands of those promoting the (fake) narratives about the minefield maps. The expression “end justifies the means” is so close to the hearts of dictators.

Coincidentally, these journalists were sent to this high-risk area the day after the ECtHR refused to accept Azerbaijan's application demanding that Armenia provide maps of alleged minefields (in the Nagorno-Karabakh conflict zone) as a new separate complaint.

In this regard, as the RFOM noted in her statement, we too, would like to see a credible investigation into the case. Unfortunately, with the current system in Azerbaijan, it is simply impossible.

In closing, Madame Secretary General, let me reiterate Armenia's full support of your efforts in promoting and protecting human rights and fundamental freedoms throughout the entire area of the Council of Europe.

I thank you.