

Chairmanship: Albania**1270th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 4 June 2020 (via video teleconference)

Opened: 10 a.m.
Suspended: 1.05 p.m.
Resumed: 3 p.m.
Closed: 6.25 p.m.

2. Chairperson: Ambassador I. Hasani

Prior to taking up the agenda, the Chairperson reminded the Permanent Council of the technical modalities for the conduct of meetings of the Council via video teleconferencing technology during the COVID-19 pandemic (SEC.GAL/45/20 OSCE+).

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: **REPORT BY THE HIGH COMMISSIONER ON NATIONAL MINORITIES**

Chairperson, Albania, High Commissioner on National Minorities (HCNM.GAL/3/20/Rev.2), Croatia-European Union (with the candidate countries Albania, Montenegro, North Macedonia and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Armenia, Georgia, Moldova and San Marino, in alignment) (PC.DEL/673/20), Russian Federation (PC.DEL/606/20), Turkey, Kazakhstan (PC.DEL/615/20 OSCE+), United States of America (PC.DEL/617/20), Azerbaijan (PC.DEL/610/20 OSCE+), Hungary (PC.DEL/608/20 OSCE+), Switzerland (PC.DEL/609/20 OSCE+), Norway (PC.DEL/607/20), Turkmenistan, United Kingdom, Ukraine, Georgia (PC.DEL/614/20 OSCE+), Moldova, Kyrgyzstan, Lithuania (PC.DEL/611/20 OSCE+), Armenia (PC.DEL/612/20)

Agenda item 2: REPORT BY THE HEAD OF THE OSCE CENTRE IN
 ASHGABAT

Chairperson, Head of the OSCE Centre in Ashgabat (PC.FR/15/20/Corr.1) (PC.FR/24/20 OSCE+), Croatia-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; and the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area, in alignment) (PC.DEL/674/20), Russian Federation (PC.DEL/625/20), Turkey (PC.DEL/653/20 OSCE+), Kazakhstan (PC.DEL/616/20 OSCE+), United States of America (PC.DEL/618/20), Belarus (PC.DEL/613/20 OSCE+), Kyrgyzstan, United Kingdom, Norway (PC.DEL/655/20), Uzbekistan, Turkmenistan

Agenda item 3: REVIEW OF CURRENT ISSUES

Chairperson

- (a) *Russia's ongoing aggression against Ukraine and illegal occupation of Crimea:* Ukraine, Croatia-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Georgia, Moldova and Ukraine, in alignment) (PC.DEL/675/20), Canada (PC.DEL/634/20 OSCE+), United Kingdom, Turkey (PC.DEL/654/20 OSCE+), Switzerland (PC.DEL/631/20 OSCE+), United States of America (PC.DEL/635/20)
- (b) *Situation in Ukraine and the need to implement the Minsk agreements:* Russian Federation (PC.DEL/623/20), Ukraine
- (c) *Violation of the rights of national minorities in Ukraine:* Russian Federation (PC.DEL/626/20) (PC.DEL/624/20), Ukraine, Bulgaria (PC.DEL/669/20 OSCE+)
- (d) *Commitment of the United States of America to upholding civil rights on the basis of the rule of law:* United States of America (PC.DEL/637/20), Norway (PC.DEL/622/20), Switzerland (also on behalf of Liechtenstein) (PC.DEL/632/20 OSCE+), United Kingdom, Canada (PC.DEL/636/20 OSCE+), Germany (also on behalf of Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Finland, France, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia, Spain and Sweden) (PC.DEL/645/20/Rev.1 OSCE+), Romania (PC.DEL/670/20 OSCE+), Italy
- (e) *Police violence and its serious implications for the human rights situation in the United States of America:* Russian Federation (PC.DEL/628/20)
- (f) *Parliamentary elections in Tajikistan, held on 1 March 2020:* Croatia-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the country of the Stabilisation and Association Process

and potential candidate country Bosnia and Herzegovina; and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, in alignment) (PC.DEL/676/20), United Kingdom (PC.DEL/629/20 OSCE+), Russian Federation, Kazakhstan, United States of America (PC.DEL/639/20), Belarus, Turkey, Tajikistan (PC.DEL/640/20 OSCE+)

- (g) *Promotion of impunity for hate crimes in Azerbaijan: Armenia (Annex), Azerbaijan (PC.DEL/638/20 OSCE+)*

Point of order: Armenia

Agenda item 4: REPORT ON THE ACTIVITIES OF THE
CHAIRMANSHIP-IN-OFFICE

Announcement of the distribution of a written report on the activities of the Chairmanship-in-Office (CIO.GAL/82/20 OSCE+): Chairperson

Agenda item 5: REPORT OF THE SECRETARY GENERAL

- (a) *Announcement of the distribution of a written report of the Secretary General (SEC.GAL/74/20 OSCE+): Secretary General*
- (b) *Meeting of the Secretary General with H.E. Ms. Khojesta Fana Ebrahimkhel, head of the delegation of Afghanistan, held on 3 June 2020: Secretary General (SEC.GAL/74/20 OSCE+)*

Agenda item 6: ANY OTHER BUSINESS

- (a) *Parliamentary elections in Georgia, to be held in October 2020: Georgia (PC.DEL/664/20 OSCE+)*
- (b) *Presidential election in Poland, to be held on 28 June 2020: Poland*

4. Next meeting:

Thursday, 11 June 2020, at 10 a.m., in the Neuer Saal and via video teleconference



1270th Plenary Meeting

PC Journal No. 1270, Agenda item 3(g)

STATEMENT BY THE DELEGATION OF ARMENIA

Mr. Chairperson,

Our delegation would like to draw the Permanent Council's attention to the judgment issued on 26 May 2020 by the European Court of Human Rights (ECHR) on the case of "Makuchyan and Minasyan v. Azerbaijan and Hungary".

The purpose of raising this current issue is to inform the participating States of the essence and details of the case, and thereby to expose the Azerbaijani authorities' latest attempts at manipulation and disinformation – in particular, their denial of any wrongdoing in case of Ramil Safarov, the Azerbaijani military officer convicted of the premeditated brutal murder of an Armenian fellow officer in 2004. The Azerbaijani authorities are in effect justifying, and endorsing the glorification of, that despicable hate crime.

The position of the Ministry of Foreign Affairs of Armenia on the main points of the ECHR judgment was presented in an attachment to a note verbale from our delegation distributed to the OSCE participating States on 27 May 2020 (SEC.DEL/183/20).

The case in question was brought before the Strasbourg court by Mr. Hayk Makuchyan and Mr. Samvel Minasyan on 25 February 2013 (application no. 17247/13). It concerns the presidential pardon given to Ramil Safarov, who was convicted by a Hungarian court and sentenced to life imprisonment for having murdered the Armenian military officer Gurgen Margaryan (by decapitation with an axe while the victim was asleep) and attempted to murder another Armenian officer, Mr. Makuchyan, during a NATO/PFP course held in Budapest back in 2004.

On 13 April 2006, the Budapest High Court found Mr. Safarov guilty of the exceptionally cruel and premeditated murder of Gurgen Margaryan and of preparing to murder of Hayk Makuchyan. The Hungarian court concluded that the crimes had been committed with an abject motive, that is, purely because of the Armenian nationality of the victims.

On 31 August 2012, Mr. Safarov was transferred to Azerbaijan to continue serving his sentence there. However, immediately upon landing in Baku, he was pardoned by the President of Azerbaijan and given a hero's welcome by the Government and other State officials, including the Azerbaijani parliamentarians Mr. Azay Guliyev, who already then was

a member of the OSCE Parliamentary Assembly and is now the Vice-President of that august body, and Ms. Ganira Pashaeva, at the time a member of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe. Moreover, during a public ceremony on the following day, 1 September 2012, Mr. Safarov was promoted to the rank of Major by the Minister of Defence. On 6 December 2012, he was provided with a State-owned flat and awarded eight years of salary arrears.

I am giving all these details so that the participating States can see clearly for themselves that those who are today trying to convince the international community of their commitment to peace and tolerance are in fact the same people who have been glorifying a murderer – the perpetrator of a heinous hate crime.

In its judgment of 26 May 2020, the European Court of Human Rights concluded that Azerbaijan's actions in granting impunity to the axe murderer Ramil Safarov had no justification whatsoever. Specifically, the Court considered that Azerbaijan had assumed responsibility for the enforcement of Mr. Safarov's prison sentence upon his transfer, and that from then on it had been under the obligation "to provide an adequate response to a very serious ethnically-biased crime for which one of its citizens had been convicted in another country". However, instead of enforcing the sentence, Azerbaijan had set Mr. Safarov free: he was "treated as an innocent or wrongfully convicted person and bestowed with benefits".

The measures taken by high-ranking Azerbaijani officials, including the launch of a page specially dedicated to Mr. Safarov on the official website of the President of Azerbaijan, meant that Mr. Safarov had in effect been granted impunity in Azerbaijan for the crimes committed against his Armenian victims. The Court concluded that Azerbaijan had violated its obligation under Article 2 ("Right to life") of the European Convention on Human Rights to "effectively deter the commission of offences against the lives of individuals".

The Court found sufficient evidence to conclude that Mr. Safarov's pardon and the other measures in his favour had been "racially motivated". The "ethnic bias" of his crimes had already been fully investigated during the court proceedings in Hungary.

Moreover, the ECHR expressed its concern about the statements by Azerbaijani officials calling Mr. Safarov a "patriot" and a "hero" and about the special page dedicated to him on the official website of the President of Azerbaijan. It deplored the fact that the majority of those statements had expressed "particular support for the fact that R. S.'s crimes had been directed against Armenian soldiers", and considered that the very existence of that web page suggested that Mr. Safarov "had been pardoned because his attack had been of an ethnic nature".

Official statements submitted by the Azerbaijani Government to the Court had not been sufficient to refute "the overwhelming body of evidence submitted by the applicants indicating that the various measures leading to R. S.'s virtual impunity, coupled with the glorification of his extremely cruel hate crime, had a causal link to the Armenian ethnicity of his victims". Therefore, the Court found that Azerbaijan had violated both Article 14 ("Prohibition of discrimination") and Article 2 ("Right to life") of the European Convention on Human Rights.

Mr. Chairperson,

The release and subsequent glorification of Mr. Safarov immediately after his transfer to Azerbaijan sparked outrage and wide-spread condemnation from countries all over the world and from such international organizations as the European Union and the Council of Europe. The European Parliament adopted a resolution on the Ramil Safarov case, and various parliamentary assemblies also reacted to this case.

As already emphasized by our delegation in the past, failure to condemn Azerbaijan's position on this issue means condoning the words and actions of that country as it implicitly condones hate crimes like Mr. Safarov's. Fanning the flames of hatred, the Armenophobia sponsored and propagated by the Azerbaijani State provides a pretext, a reason, a motivation, better yet, a licence to those who are inclined to operate outside the law, thinking they are doing national duty.

It is symptomatic that Mr. Safarov's brutal crime is being referred to by Azerbaijan as an "incident", thus encouraging other self-appointed avengers to commit similar despicable acts of vengeance. The Azerbaijani Government has never expressed any remorse for this ethnically motivated hate crime by a murderer who openly professed: "My job is to kill all [Armenians], because as long as they live, we will suffer."

Azerbaijan's conduct clearly demonstrates that it cannot be regarded as a reliable partner in bilateral and multilateral relations, particularly when it comes to delivering on such international obligations as the commitment to combating hate crimes.

This whole case reveals the true face of the Azerbaijani authorities, whose actions – including the abetting of criminals, distortions, exaggerations, manipulations and disinformation, in short, their effective hate propaganda have become an obstacle to peaceful resolution of the Nagorno-Karabakh conflict. The prevailing level of hostility towards Armenians could not contribute to the creation of an environment conducive to peace. The Safarov case vividly illustrates that under no circumstances can the Azerbaijani authorities be entrusted with responsibility of providing security to any part of the Armenian people. Therefore, the people of Artsakh must never be left without secure lines of defence.

Thank you.