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PERMANENT MISSION OF THE REPUBLIC OF ARMENIA TO THE OSCE

## STATEMENT

**as delivered by the Delegation of the Republic of Armenia at the 86<sup>th</sup> Joint  
Meeting of the OSCE Forum for Security Co-operation and  
the Permanent Council**

**Security Dialogue on “International Humanitarian Law in the OSCE region”**

*23 November 2022*

At the outset I would like to commend the OSCE Polish chairmanship and the FSC Belgian chairmanship for organizing this joint meeting dedicated to international humanitarian law, which bears particular significance against the backdrop of a major security crisis in Europe and large scale use of force with the involvement of foreign terrorist fighters and mercenaries in armed conflicts within the OSCE area, which was accompanied by mass violations of the International Humanitarian and Human Rights Law. I also thank the keynote speakers for their insightful presentations.

Distinguished chairs,

We understand the complexity of the environment in which the international humanitarian organizations in general and the ICRC in particular operate. In this regard, through you Ms Nishat, we would like to once again thank the Committee for all its efforts, including its periodic visits to Armenian prisoners of war and other detainees.

Dear colleagues,

Fundamental principles of International Humanitarian Law and Human Rights Law are embedded in the Code of Conduct, through which the OSCE participating States reaffirmed their commitments to those principles. However, during the wars of aggression unleashed by Azerbaijan against Artsakh/Nagorno-Karabakh and its people in 2016 and 2020, as well as the recent aggression of September 13 against the sovereignty and territorial integrity of Armenia, our people have experienced numerous egregious atrocities and mass violations of IHL both against civilians and military personnel, which amount to war crimes.

The principle of distinction, which is a fundamental principle of international humanitarian law, provides that parties to armed conflict must “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives”. We recall that, during the very first hours of its aggression against Artsakh in 2016, also known as the Four-day War, the Azerbaijani army shelled a school in the Martuni region of Artsakh, as a result of which a 12-year-old boy was killed, and two other children were injured. Moreover, during the 44-day war of aggression in 2020, the Azerbaijani armed forces deliberately targeted towns and villages, including critical infrastructure and civilian facilities: hospitals, including the maternity hospital in Stepanakert, schools and kindergartens. As a result, a total of 81 civilians, including 12 women were killed in Artsakh.

More than 60% of the entire population of Nagorno-Karabakh, 90 thousand people were forcibly displaced, most of whom were women and children.

Distinguished colleagues,

The IHL also prohibits indiscriminate attacks and the use of indiscriminate means and methods of warfare to cause superfluous injury or unnecessary suffering widespread, long-term and severe damage to the natural environment. The Azerbaijani armed forces apart from multiple-launch rocket systems and attack UAVs, also used prohibited weapons, such as cluster and incendiary munitions, targeting residential and forested areas of Artsakh. This criminal act resulted in large scale destruction of civilian objects and infrastructure, forest fires and deforestation.

In clear defiance of the Geneva Convention on the Treatment of Prisoners of War, which explicitly states that prisoners of war are released and repatriated immediately after the cessation of hostilities, Azerbaijan continues to illegally detain at least 33 Armenian POWs and civilians, subjecting them to torture and other cruel, inhuman, or degrading treatment, as well as mock-trials staged by the leadership of Azerbaijan, which are gross violations of the IHL. There is ample evidence of enforced disappearances, extrajudicial, summary or arbitrary executions of both civilians and servicemen that were taken hostage by the Azerbaijani armed forces.

Distinguished chairs,

The failure by the international community to adequately react and contain Azerbaijan’s unlawful actions including the strong condemnation of war crimes and other gross violations of the IHL, largely contributed to the creation of an atmosphere of impunity and served as an incitement to new aggressions and the recurrence of such crimes. Thus, on 13 September this year, Azerbaijan launched a new large-scale aggression against Armenia with the use of heavy weapons, including multiple launch rocket systems and combat UAVs targeting civilian settlements and critical infrastructure in the sovereign territory of the Republic of Armenia. This attack was accompanied by another round of abhorrent war crimes, arbitrary killings and mutilation of dead bodies. As a result, more than 200 hundred Armenian soldiers and several civilians were killed. Up until now Azerbaijan obstructs the retrieval of bodies of fallen soldiers on the sovereign territory of Armenia keeping those parts under fire. Moreover, several video shootings were widely

disseminated in the Azerbaijani segment of social media, which show the degrading and inhumane treatment of dead bodies of Armenian servicemen, including female soldiers, as well as brutal executions of *hors de combat*, unarmed and non-resistant soldiers. We once again thank our international partners who made clear-cut assessments and addressed and targeted calls regarding these abhorrent war crimes.

The IHL obliges parties to an armed conflict to protect and respect cultural property, enshrined in international treaty and customary law, including the 1954 Hague Convention on the Protection of cultural property in the event of armed conflict and its two Protocols as well as the 1977 Additional Protocols to the 1949 Geneva Conventions. During and after the 2020 war, we witnessed deliberate targeting of the Armenian religious heritage, such as the Holy All Savior Ghazanchetsots Church of Shushi, partial destruction or complete erasure, as well as numerous cases of distortion of the identity of Armenian churches and other cultural heritage in the territories fallen under the control of Azerbaijani armed forces.

Dear colleagues,

30 years ago, during the Helsinki Summit in 1992, the participating States reiterated their commitment, *inter alia*, to hold accountable those who violate international humanitarian law.

States have obliged to ensure unimpeded access of humanitarian relief to civilians in need, under the IHL. What we witness is Azerbaijan's consistent policy to deliberately hinder the involvement of humanitarian organizations, including the relevant UN structures, including the UNESCO to Nagorno-Karabakh, thereby blocking the access of 120.000 people of Artsakh, to humanitarian aid, a fact, which has been publicly acknowledged by the United Nations and UNESCO. This policy aims to conceal the evidence of its war crimes, further aggravate the humanitarian consequences of its imposed war by creating unbearable living conditions, and eventually to reach its ultimate goal: complete ethnic cleansing of Nagorno-Karabakh from its indigenous population.

Dear colleagues,

The effective preservation of international law by all parties to the conflict is possible only in case of inclusive approach and consistency by relevant international organizations, including this organization, with regard to all conflict areas, without distinction or prioritization of any of them. This entails first of all early preventive actions, as well as strong stance and condemnation backed by practical steps and means to hold accountable the perpetrators and those responsible, including through imposition of economic and other sanctions. The muted and half-hearted reaction of the OSCE and its Participating States to the major breaches of the principles and commitments of IHL is fraught with new waves of violence and war crimes in other parts of the OSCE area as well as with fragmentation and further erosion of IHL.

Thank you.