

Chairmanship: Sweden

1301st PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 4 February 2021 (via video teleconference)

Opened: 10 a.m.
Suspended: 1 p.m.
Resumed: 3 p.m.
Closed: 4.20 p.m.

2. Chairperson: Ambassador T. Lorentzson

Prior to taking up the agenda, the Chairperson reminded the Permanent Council of the technical modalities for the conduct of meetings of the Council during the COVID-19 pandemic.

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

Agenda item 1: REPORT BY THE CHIEF MONITOR OF THE OSCE
SPECIAL MONITORING MISSION TO UKRAINE

Discussion under agenda item 2

Agenda item 2: UPDATE BY THE SPECIAL REPRESENTATIVE OF THE
OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN
THE TRILATERAL CONTACT GROUP, AMBASSADOR
HEIDI GRAU

Chairperson, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (PC.FR/1/21/Corr.1 OSCE+), Mr. D. Riccò (on behalf of the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group), Portugal-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Georgia and Moldova, in alignment) (PC.DEL/159/21), Russian Federation (PC.DEL/143/21) (PC.DEL/157/21), United Kingdom (PC.DEL/142/21 OSCE+), Turkey (PC.DEL/156/21 OSCE+), Albania (PC.DEL/138/21 OSCE+), Switzerland, United States of

America (PC.DEL/140/21), Canada, Kazakhstan (PC.DEL/141/21/Rev.1 OSCE+), Hungary (PC.DEL/136/21 OSCE+), Georgia (PC.DEL/145/21 OSCE+), Norway (PC.DEL/135/21), Bosnia and Herzegovina (PC.DEL/144/21 OSCE+), France (also on behalf of Germany) (PC.DEL/137/21), Ukraine (PC.DEL/139/21)

Agenda item 3: REVIEW OF CURRENT ISSUES

Chairperson

- (a) *The aggression of Azerbaijan against Artsakh and Armenia with the direct involvement of Turkey and foreign terrorist fighters*: Armenia (Annex 1)
- (b) *Freedom of peaceful assembly in the OSCE area*: Russian Federation (PC.DEL/152/21), Portugal-European Union, Austria (Annex 2), France (PC.DEL/153/21 OSCE+), Netherlands, Belgium (Annex 3), Poland, United States of America (PC.DEL/147/21), Ukraine
- (c) *Recent developments in Belarus*: United Kingdom, Portugal-European Union (with the candidate countries Albania, Montenegro, North Macedonia and Serbia; and the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Ukraine, in alignment) (PC.DEL/161/21/Rev.1), United States of America (PC.DEL/149/21), Switzerland, Norway (PC.DEL/146/21), Canada, Belarus (PC.DEL/150/21 OSCE+)
- (d) *Continued suppression of protests in the Russian Federation and the sentencing of Mr. A. Navalny*: Portugal-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 and Ukraine, in alignment) (PC.DEL/160/21), United States of America (PC.DEL/151/21), United Kingdom, Switzerland, Lithuania (also on behalf of Estonia and Latvia), Canada, Russian Federation (PC.DEL/158/21 OSCE+)

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

- (a) *Visit by the Chairperson-in-Office to Moscow on 2 and 3 February 2021*: Chairperson, Russian Federation
- (b) *Visit by the Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process to the region, to take place from 21 to 23 February 2021*: Chairperson
- (c) *Visit by the Chairperson-in-Office to Georgia, to take place on 15 and 16 February 2021*: Chairperson
- (d) *Expert meeting on combating anti-Semitism in the OSCE area, held via video teleconference on 1 and 2 February 2021*: Chairperson

- (e) *Telephone conversation between the Chairperson-in-Office and the Minister of State for Foreign Affairs of Portugal, H.E. Mr. A. S. Silva, held on 28 January 2021: Chairperson*
- (f) *Telephone conversation between the Chairperson-in-Office and the United States Secretary of State, H.E. Mr. A. Blinken, held on 29 January 2021: Chairperson*
- (g) *Briefing on the monthly priorities of the Swedish OSCE Chairmanship: Chairperson*

Agenda item 5: REPORT OF THE SECRETARY GENERAL

- (a) *Update on the COVID-19 situation across the OSCE's executive structures: Secretary General (SEC.GAL/19/21 OSCE+)*
- (b) *Meeting of the Secretary General with the Under-Secretary-General for Counter-Terrorism of the United Nations, Mr. V. Voronkov, held via video teleconference on 27 January 2021: Secretary General (SEC.GAL/19/21 OSCE+)*
- (c) *OSCE-wide expert consultation on preventing and combating violence against women and girls, held via video teleconference on 27 January 2021: Secretary General (SEC.GAL/19/21 OSCE+)*
- (d) *Briefing on the extrabudgetary project "WIN for Women and Men: Strengthening Comprehensive Security through Innovating and Networking for Gender Equality", to be held via video teleconference on 5 February 2021: Secretary General (SEC.GAL/19/21 OSCE+)*
- (e) *OSCE-wide expert round-table meeting on "Implementing the Women, Peace and Security Agenda in the OSCE Region", held via video teleconference on 2 and 3 February 2021: Secretary General (SEC.GAL/19/21 OSCE+)*
- (f) *Visit by the Secretary General to Stockholm, to take place on 8 and 9 February 2021: Secretary General (SEC.GAL/19/21 OSCE+)*

Agenda item 6: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 11 February 2021, at 10 a.m., via video teleconference



1301st Plenary Meeting

PC Journal No. 1301, Agenda item 3(a)

**STATEMENT BY
THE DELEGATION OF ARMENIA**

Mr. Chairperson,

Almost three months now after the signing of the joint statement of 9 November 2020 on a ceasefire and the cessation of the hostilities unleashed by Azerbaijan with the direct involvement of Turkey and its foreign terrorist affiliates, the number of alarming developments and unresolved issues continues to give cause for great concern. Judging by the actions of the Turkish-Azerbaijani dyad, all their talk about prospects for peace and stability in the region must be regarded as insincere and deceptive. The conduct of an unnotified joint military exercise that the Turkish media has described as one of the largest winter military exercises in recent years can hardly be considered to be conducive to peace and reconciliation. Neither can the announcement by the ultra-right Turkish Nationalist Movement Party and its extremist and neo-fascist affiliate, the Grey Wolves, who promote the ideology of pan-Turkism and neo-fascism through acts of terror, of their intention to establish a centre in the recently occupied city of Shushi. The statements and announcements coming from Azerbaijan, and indeed its pattern of behaviour as a whole, attest to that country's ongoing policy of aggressive hostility.

Notably, Azerbaijan in complete disregard for its international commitments and obligations, including its obligations under international humanitarian law, to this day still refuses to release and repatriate the Armenian prisoners of war it has been detaining.

Despite all the efforts undertaken, there has been little progress in that regard. Azerbaijan continues to flout and disavow its obligations and is taking a destructive position by exploiting this purely humanitarian issue. Thus, in violation of the first provision of the joint statement of 9 November 2020 on a ceasefire, which stipulates that "the parties shall stay at the positions they occupy as of 10 November", Azerbaijan attacked, on 11 December, two villages in the Hadrut region of Artsakh, capturing as a result 64 Armenian servicemen, whom it continues to detain, labelling them as "terrorists" and bringing trumped-up criminal charges against them – in clear violation of international humanitarian law. In particular, Article 118 of the 1949 Geneva Convention relative to the Treatment of Prisoners of War stipulates that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities". It should be noted that Armenia has fulfilled all of its obligations under both under the 9 November 2020 trilateral statement on ceasefire and international humanitarian law. Moreover, Armenia has made gestures of goodwill, such as

the release of two Azerbaijani soldiers who were recently detained on the territory of the Republic of Armenia.

Azerbaijan also continues to ignore the numerous exhortations by the international community - including the United Nations, the European Union and the Council of Europe, which has been calling for the immediate and unconditional release of all prisoners of war and other detainees. In their call for the prompt release of prisoners of war and other captives from the Nagorno-Karabakh conflict, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions, together with several experts on enforced or involuntary disappearances, emphasized that “everyone deprived of their liberty for reasons related to the conflict should be returned to their homes, and [the] relatives of those killed must be able to receive the mortal remains of their loved ones” as stipulated in the ceasefire statement of 9 November 2020. They also expressed their concern over the reported cases of extrajudicial killing, enforced disappearance, torture, ill-treatment, and desecration of bodies.

Mr. Chairperson,

Search operations carried out, with the involvement of relatives of fallen or missing soldiers, in the territories of Artsakh currently under the occupation of Azerbaijan are also being obstructed every so often. Both yesterday and today, for example, Azerbaijan denied access for such an operation without giving any reason.

Meanwhile, a preliminary forensic examination of the corpses of Armenian soldiers and civilians found in the course of search operations has revealed evidence of horrifying acts of inhuman and degrading treatment and mutilation of dead bodies. The Armenian delegation has distributed an interim report by the Human Rights Ombudsman of the Republic of Artsakh which provides an update on cases of the killing of civilians as of 28 January. So far it has been established that out of 72 civilians killed, 31 civilians were killed while in captivity. A preliminary forensic examination of the bodies has revealed clear evidence and signs of torture, stabbing, beheading and shooting at close range.

A striking example is the case of Arsen Gharakhanyan, who was tortured and shot dead while in Azerbaijani captivity, despite the interim measure applied by the European Court of Human Rights in relation to the Armenian prisoners of war, including Arsen Gharakhanyan.

Mr. Gharakhanyan was identified by his parents in a video footage released on Azerbaijani social media accounts almost two months after the cessation of hostilities. In that video he was still alive, but he was subsequently found dead in the Hadrut region. A forensic examination showed that he had been killed several days earlier.

Dear colleagues,

The above-mentioned facts confirm that the lives of the Armenian prisoners of war who remain captive in Azerbaijan are in grave danger. We call on all the OSCE participating States, especially the OSCE Minsk Group Co-Chair countries, to exert pressure on Azerbaijan so as to secure the immediate and unconditional release of all prisoners of war. In this connection, I wish to inform the Permanent Council that Armenia has filed an inter-State

application against Azerbaijan at the European Court of Human Rights concerning that country's violation of, among others, the right to life and of the prohibition of torture and inhuman or degrading treatment during its aggression against Artsakh and Armenia.

Mr. Chairperson,

I should also like to reiterate Armenia's grave concerns over the joint military exercise currently being conducted by Turkey and Azerbaijan some 50 kilometres from the Armenian border.

The Armenian delegation has already raised this issue at meetings of the Forum for Security Co-operation, pointing out these participating States' violation of their commitments under the Vienna Document. Both the Turkish and the Azerbaijani delegations have asserted in response that it is a battalion-level exercise – one where the level of military personnel and equipment involved is below the threshold for notification – and that they “in good faith” provided information about the military exercise through official channels.

We have already heard this line of argument being used by both countries on numerous occasions over the past decade or so. And during that same period, the Armenian delegation has repeatedly been raising the alarm about the true intentions of Turkey and Azerbaijan. The recent war and other developments in the South Caucasus have, unfortunately, proved us right.

However, today, in the current extremely fragile and at the same time volatile regional context, which is marked by a glaring security deficit, the conduct of joint exercises of a clearly and explicitly announced offensive nature seems to be completely at odds with the so-called “peace narrative” that these two countries are actively promoting.

Once again, we stress that actions speak louder than words. We therefore call on Turkey and Azerbaijan to refrain from any activities that can only deepen mistrust and animosity and further diminish the prospects for peace and stability in the region. Furthermore, we call on the OSCE participating States to react in an appropriate manner to all instances of provocative behaviour by Turkey and Azerbaijan, notably through bilateral and multilateral arrangements, by urging the two countries to act responsibly, abandon their jingoistic policies and honour their commitments to building up genuine trust and good-neighbourly relations.

Mr. Chairperson,

The current situation in Nagorno-Karabakh is the result of a flagrant violation by Azerbaijan of several of the core principles of the Helsinki Final Act, namely refraining from the threat or use of force, peaceful settlement of disputes, equal rights and self-determination of peoples, not to mention respect for human rights and fundamental freedoms. Consequently, there should be no illusion that the outcomes of the use of force, accompanied by war crimes and violations of international humanitarian law, can ever become the basis for a negotiation process aimed at reaching a lasting and sustainable peace.

Lasting and durable peace in the region can only be achieved through a comprehensive resolution of the Nagorno-Karabakh conflict, which must include resolving

the issue of the status of Artsakh based on the realization of right to self-determination, ensuring the safe and dignified return of the recently displaced population to their homes, and preserving the cultural and religious heritage of the region.

Thank you.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1301
4 February 2021
Annex 2

ENGLISH
Original: GERMAN

1301st Plenary Meeting
PC Journal No. 1301, Agenda item 3(b)

**STATEMENT BY
THE DELEGATION OF AUSTRIA**

Mr. Chairperson,

As Austria was mentioned under this agenda item, please allow me to exercise my right of reply.

Austria's legislation, administration and jurisprudence are unambiguously committed to freedom of assembly as guaranteed by the Constitution and international law.

As is customary in the world, the right of assembly is subject to limits as to the way it is exercised. Such restrictions are imposed only in compliance with the European Convention on Human Rights, the International Covenant on Civil and Political Rights and commitments within the OSCE and are subject to the principles of necessity and proportionality.

The development of the epidemiological situation in Austria makes it necessary to give constant consideration to this in relation to the health of the people living in Austria. With that in mind, several assemblies had to be prohibited recently.

I should like to point out in conclusion that such considerations by the responsible security and health authorities are transparent, evidence-based and legally verifiable.

I request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1301
4 February 2021
Annex 3

ENGLISH
Original: FRENCH

1301st Plenary Meeting
PC Journal No. 1301, Agenda item 3(b)

**STATEMENT BY
THE DELEGATION OF BELGIUM**

Mr. Chairperson,

I should like first to align myself with the statement made on behalf of the European Union. As the country I represent was mentioned, I should nevertheless also like to briefly exercise my right of reply in a national capacity. At the Permanent Council meeting last week, I recalled Belgium's strong commitment to protection of freedom of peaceful assembly and the framework established to ensure respect of this right. So as not to repeat myself, I refer you to the statement made on 28 January.

The need to protect public health and safety can sometimes justify restrictions – as was the case on 31 January – applied with due respect for the principles of legality, necessity and proportionality.

In Belgium, any violation of the legal framework and the principles underlying intervention by the police is subject to prosecution, including criminal prosecution. All persons concerned also have the right to appeal to independent police control and evaluation bodies, including the Standing Police Monitoring Committee (Committee P).

Before concluding, I am obliged to add that I regret the dramatic way in which the images were presented, which does not contribute to calm discussion or to the constructive form we should be giving to it.

Mr. Chairperson, I request that this statement be attached to the journal of the day.
Thank you.