

**Chairmanship: Armenia**

**973rd PLENARY MEETING OF THE FORUM**

1. Date: Wednesday, 28 April 2021 (via video teleconference)

Opened: 10 a.m.  
Suspended: 1 p.m.  
Resumed: 3 p.m.  
Closed: 4.30 p.m.

2. Chairperson: Ambassador A. Papikyan

Prior to taking up the agenda, the Chairperson reminded the Forum for Security Co-operation (FSC) of the technical modalities for the conduct of FSC meetings during the COVID-19 pandemic, as outlined in FSC.GAL/31/21 OSCE+.

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

Agenda item 1: SECURITY DIALOGUE: COMPLIANCE WITH  
INTERNATIONAL HUMANITARIAN LAW

- *Presentation by Colonel G. Martirosyan, Head of the Centre for Human Rights and Integrity-Building, Ministry of Defence of Armenia*
- *Presentation by Ms. C. Droege, Chief Legal Officer and Head of the Legal Division of the International Committee of the Red Cross*
- *Presentation by Mr. A. Tatoyan, Human Rights Defender of Armenia*

Chairperson, Colonel G. Martirosyan (FSC.DEL/139/21/Corr.1 OSCE+), Ms. C. Droege (FSC.DEL/140/21/Corr.1 OSCE+), Mr. A. Tatoyan (FSC.DEL/142/21/Corr.1), FSC Co-ordinator for the Code of Conduct on Politico-Military Aspects of Security (Switzerland) (Annex 1), 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 Andorra, Georgia and San Marino, in alignment) (FSC.DEL/138/21), Switzerland (FSC.DEL/133/21 OSCE+), United States of America (Annex 2),

United Kingdom, Canada, Georgia (FSC.DEL/127/21 OSCE+), Ukraine (FSC.DEL/144/21), Russian Federation (Annex 3), Austria (Annex 4), Turkey (Annex 5), Armenia (Annex 6), Azerbaijan (Annex 7)

Point of order: Azerbaijan (Annex 8), Chairperson

Agenda item 2: GENERAL STATEMENTS

*Situation in and around Ukraine*: Ukraine (FSC.DEL/132/21) (FSC.DEL/132/21/Add.1), 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 Andorra, Georgia, San Marino and Ukraine, in alignment) (FSC.DEL/137/21), United States of America (Annex 9), United Kingdom, Canada, Russian Federation (Annex 10)

Agenda item 3: ANY OTHER BUSINESS

- (a) *Briefing on the “DEFENDER-Europe 2021” military exercise and linked exercises*: United States of America (FSC.DEL/130/21 OSCE+), Serbia
- (b) *Presentation on the LAV-ATM A2 (Light Armored Vehicle – Anti-Tank Modernization) anti-tank missile carrier*: United States of America
- (c) *Briefing on the “Immediate Response 2021” military exercise*: Albania
- (d) *Briefing on the “Brave Warrior 2021” military exercise*: Hungary
- (e) *Meeting of the Informal Group of Friends on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition, to be held via video teleconference on 6 May 2021 (FSC.GAL/35/21 Restr.)*: Chairperson of the Informal Group of Friends on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition (Latvia)
- (f) *2021 Global Exchange of Military Information and automated data workshop, being held from 27 to 29 April 2021*: Representative of the OSCE Conflict Prevention Centre
- (g) *Statement by the delegation of Armenia on the assistance request by Azerbaijan*: Armenia (Annex 11), Azerbaijan
- (h) *Resumption of verification activities in May 2021 and briefing on the “Iron Wolf I” military exercise, to be conducted in Lithuania from 19 to 30 May 2021*: Lithuania

4. Next meeting:

Wednesday, 5 May 2021, at 10 a.m., via video teleconference



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

FSC.JOUR/979

28 April 2021

Annex 1

Original: ENGLISH

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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE FSC CO-ORDINATOR FOR THE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY (SWITZERLAND)**

Excellencies,  
Dear colleagues,

First of all, I should like to thank the panellists for their insightful presentations. I noted with interest that the OSCE Code of Conduct on Politico-Military Aspects of Security was mentioned several times in their keynote addresses. This shows that – even over 25 years after its adoption – the Code of Conduct has lost none of its relevance. In my capacity as the FSC Co-ordinator for the Code of Conduct on Politico-Military Aspects of Security, I am seizing the opportunity afforded by today’s Security Dialogue on international humanitarian law to stress that the OSCE participating States, in adopting the Code of Conduct in 1994, reaffirmed their commitment to ensuring compliance with the principles of international humanitarian law and to promoting widespread knowledge of the latter in their societies in general and within their armed forces in particular.

Certain fundamental principles of international humanitarian law and human rights are enshrined in the Code of Conduct. Indeed, in some respects the Code goes beyond internationally agreed legal instruments. Thus, Section VIII refers not merely to international conflicts but to armed conflicts in general, placing an emphasis on intra-State norms and conduct, with paragraph 34 stipulating that all participating States must ensure that, in both peacetime and wartime, their armed forces are trained, equipped and staffed in accordance with international law. Similarly, paragraph 35 lays down that defence policy and military doctrine must also be consistent with international law. Elsewhere, paragraph 29 (in Section VII) calls on participating States to ensure that awareness of the international humanitarian law of war is widely propagated within their societies and their armed forces. The Code’s most relevant paragraph, however, is paragraph 36 (again in Section VIII), which reads:

“Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces’ missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be

commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.”

This is a particularly important provision, since it overcomes an apparent loophole in the Geneva Conventions of 12 August 1949, whereby a State could avoid referring to a situation as an internal conflict by claiming that it simply involved a security mission undertaken for the purpose of restoring public order and/or maintaining public safety. The Code of Conduct addresses this problem, making it clear that the use of force must be proportionate in all internal security missions, whether or not they are classed as internal conflicts.

The Code of Conduct also has something to say about human rights. In particular, paragraph 37 states that the armed forces may not be used “to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups [or] to deprive them of their national, religious, cultural, linguistic or ethnic identity”. With regard to the rights and duties of armed forces personnel, the Code lays down that they should be politically neutral; that they must be instructed in international humanitarian law, rules, conventions and commitments governing armed conflict; and that they should be made aware that they are individually accountable for their actions. At the same time, their civil rights must be protected.

In conclusion, as a politically binding normative document, the OSCE Code of Conduct on Politico-Military Aspects of Security does not merely acknowledge international humanitarian law by reminding the participating States of their legally binding obligations in international and internal conflicts, but emphasizes the need to respect and uphold human rights and fundamental freedoms at all times – even in situations that are below the threshold of what might be considered an armed conflict. Beyond imposing on us the obligation to protect human lives and limit destruction during armed conflict, the Code of Conduct sends out a strong message about humanity and dignity that we all subscribed to in 1994. Accordingly, the Code deserves to be described yet again as the “hidden jewel” of the OSCE.

Thank you, Excellencies and dear colleagues, for your kind attention.

Thank you, Mr. Chairperson.



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF THE UNITED STATES OF AMERICA**

Thank you, Mr. Chairperson, for convening this discussion today.

The United States is committed to complying with its obligations under international humanitarian law and supporting other participating States' efforts to strengthen their implementation of their obligations under international humanitarian law. The Code of Conduct on Politico-Military Aspects of Security has made a significant contribution to this work.

We appreciate the focus of today's discussion on ways in which participating States can minimize the human suffering caused by armed conflict. That effort was important in 1975, as reflected in the Helsinki Final Act. It was important in 1994, when the participating States adopted the Code of Conduct, and it remains important today. In particular, we would take this opportunity to emphasize participating States' compliance with their obligations under international humanitarian law that address the protection of civilians, as well as the broadest possible implementation of good practices to mitigate the risk of harm to civilians in military operations. In the 25 years since the participating States adopted the Code of Conduct, too many civilians have been harmed during military operations, both within the OSCE area and beyond. For that reason, implementation of the Code of Conduct with its emphasis on international humanitarian law remains relevant and essential today.

International humanitarian law includes obligations to distinguish between armed forces and the civilian population, which apply both to parties in conducting attacks and to parties in defending against attacks. In conducting attacks, a party to an armed conflict must, among other requirements, only make military objectives the object of attack, and refrain from making civilians or civilian objects the object of attack; refrain from attacks expected to cause death or injury to civilians and damage or destruction to civilian objects excessive in relation to the concrete and direct military advantage expected to be gained; and take feasible precautions to reduce the risk of harm to civilians and other persons and objects protected by international humanitarian law.

Outside the context of conducting attacks, a party to an armed conflict has obligations to take feasible precautions to protect the civilian population, individual civilians, and civilian objects under their control against the dangers resulting from military operations. Such precautions can include refraining from placing military objectives in densely populated

areas; removing civilians and civilian objects from the vicinity of military objectives; and establishing areas where civilians are protected.

We believe that States can take a variety of measures to strengthen the implementation of existing legal requirements and to improve civilian protection in military operations. This should include instituting effective programmes within their armed forces to help ensure compliance with obligations under international humanitarian law related to the protection of civilians. In our own practice, this includes: periodic training of members of the armed forces on international humanitarian law; legal advisers advising commanders and other decision-makers within the armed forces on international humanitarian law; instructions, regulations, and procedures to implement standards under international humanitarian law and to establish processes for ensuring compliance with international humanitarian law; internal mechanisms for the reporting of incidents involving potential violations under international humanitarian law; assessments, investigations, inquiries, or other reviews of incidents involving potential violations under international humanitarian law; and appropriate actions to ensure accountability and to improve efforts to prevent violations under international humanitarian law.

Although I do not have time to detail all the good practices participating States have developed to ensure compliance with their obligations under international humanitarian law, one important good practice is communicating with impartial humanitarian organizations, such as the International Committee of the Red Cross (ICRC), or other relevant NGOs. We appreciate the participation of the ICRC today and its excellent contributions to this discussion.

Mr. Chairperson, let me conclude by underscoring the law of war is of fundamental importance to the armed forces of the United States. We also know that the law of war poses no obstacle to fighting well and prevailing. For example, the self-control needed to refrain from violations of the law of war under the stresses of combat is the same as that required to operate cohesively and victoriously in battle. Similarly, the law of war's prohibitions on torture and unnecessary destruction are consistent with the practical insight that such actions ultimately frustrate rather than accomplish the military objectives.

We look forward to continuing this important conversation about strengthening compliance with international humanitarian law.

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

FSC.JOUR/979

28 April 2021

Annex 3

ENGLISH

Original: RUSSIAN

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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF THE RUSSIAN FEDERATION**

Mr. Chairperson,

We are grateful to the Armenian Chairmanship for choosing the topic of compliance with international humanitarian law for the Security Dialogue. The issue being examined today at the Forum for Security Co-operation (FSC) is complex, multifaceted and extremely important. We thank the distinguished keynote speakers – Mr. Arman Tatoyan, the Ombudsman of Armenia, Ms. Cordula Droege, the representative of the International Committee of the Red Cross (ICRC), and Colonel Gevorg Martirosyan – for their interesting presentations.

It remains a key priority for the Russian Federation that all those involved in international relations comply strictly with international humanitarian law. The establishment of a rulebook relating to international humanitarian law represents one of the greatest achievements of the twentieth century. Humanity, including on the battlefield, is a hallmark of civilized behaviour by States.

As one of the countries most affected by the two world wars, confronted during the Second World War with the terrible phenomenon that was a war of annihilation, Russia advocates unconditional respect for international humanitarian law. Our country took a most active part in the Diplomatic Conference of Geneva of 1949 to revise the rules in force at the time and draft a new convention on the protection of civilians in time of war. It contributed effectively to the sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held between 1974 and 1977, at which two Additional Protocols to the Geneva Conventions were drawn up. The USSR was among the first to sign and ratify them.

We are convinced that the responsibility for improving compliance with international humanitarian law lies with States themselves. To this end, there is a need to strengthen existing mechanisms in this area. We believe that these mechanisms are sufficient for the time being and do not need to be modernized.

The Russian Federation is opposed to the creation of legally questionable mechanisms in the field of international humanitarian law aimed at achieving a political result. In the

absence of the consent of the affected State or a United Nations Security Council resolution, giving such “mechanisms” quasi-investigative powers and the ability to “attribute” internationally wrongful acts is a gross violation of the principle of non-intervention in States’ domestic affairs. It is also unacceptable to establish “attributive mechanisms” within various international organizations that do not have the relevant mandate.

We take the view that any activities to investigate violations of international humanitarian law, to attribute responsibility and to impose punishments should be carried out primarily by the competent authorities of the State of the perpetrator’s nationality or of the State on whose territory the violations were committed. In that connection, emphasis should be placed on threats emanating from non-State actors who adhere to a terrorist ideology.

Mr. Chairperson,

We welcome the fact that today’s discussion is in line with the Code of Conduct on Politico-Military Aspects of Security. Its goals and principles have not lost their relevance more than a quarter of a century after its adoption. By adopting this document at the CSCE Budapest Summit in 1994, the participating States agreed to reform their domestic politico-military mechanisms and to apply internationally agreed principles to their foreign and domestic policies.

However, we remain concerned about the occasional attempts at one-sided interpretation and selective application of the Code’s provisions, including those relating to the humanitarian aspects of security. We trust that we will have an opportunity to consider this in more detail during the forthcoming Annual Discussion on the Implementation of the Code of Conduct on Politico-Military Aspects of Security in June.

Mr. Chairperson,

The deterioration of the humanitarian situation in eastern Ukraine is a matter of deep concern. Seven years into the conflict in Donbas, it has still not been possible to achieve a lasting ceasefire. The massive loss of civilian life, unceasing violations of human rights, and instances of abuse and torture by the Ukrainian security forces have all been recorded in reports by authoritative international organizations. Turning to the questions from the concept note for today’s meeting, we are compelled to point out that, in this particular case, the reporting to the international community of large-scale violations of international humanitarian law by the Ukrainian Government has prompted neither the Ukrainian authorities to fundamentally change their policy nor the OSCE participating States to bring influence to bear on those who violate this law.

As a co-mediator in the peace process, the Russian Federation stresses that the Ukrainian Government needs to lift the inhumane socio-economic blockade of Donbas as soon as possible. All of Ukraine’s obligations under the Minsk agreements must be fulfilled. Political and security measures are closely interlinked and should be implemented simultaneously. Without resolving the political issues, a comprehensive settlement of the crisis in Ukraine is impossible. We emphasize the direct responsibility of the Ukrainian Government for the practical implementation of the Minsk Package of Measures and the instructions issued at the “Normandy format” summit in Paris on 9 December 2019.

Mr. Chairperson,

We note with satisfaction that the provisions of the statements by the leaders of Russia, Azerbaijan and Armenia on 9 November 2020 and 11 January 2021 are being implemented consistently. In accordance with the agreements reached, the declared ceasefire and the termination of all military activities in Nagorno-Karabakh are being fully realized along the entire line of contact and reliably monitored by the Russian peacekeeping contingent deployed there.

With the help of this peacekeeping contingent, 52,700 refugees have already returned to their places of permanent residence in Nagorno-Karabakh since 14 November 2020. In co-operation with ICRC representatives, the contingent assists in locating and handing over the bodies of those killed in action. A unit has been set up to collect information on participants in the conflict and missing persons. As part of the implementation of the agreements reached, the engineering units of the Russian peacekeeping contingent have demined more than 1,979 hectares of land, 612 kilometres of road and 17,070 houses and social facilities, and have found and defused 25,556 explosive devices. Nagorno-Karabakh's electricity supply has been fully restored, as has the heating and gas supply to homes in the region. This important humanitarian work will continue.

In summary, we should like to reaffirm our readiness to continue international co-operation on issues related to international humanitarian law and we look forward to the practical implementation of its norms and principles of State behaviour in the wider international context.

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



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

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28 April 2021

Annex 4

Original: ENGLISH

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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF AUSTRIA**

Thank you, Mr. Chairperson.

Austria fully aligns itself with the statement delivered on behalf of the European Union. However, since Colonel Martirosyan mentioned Austria in his presentation, allow me to make some additional remarks from a national perspective.

We are grateful to the Armenian Chairmanship of the Forum for Security Co-operation for having put the topic of compliance with international humanitarian law on the agenda of today's Security Dialogue, and we thank the panellists for their thought-provoking presentations.

Austria considers awareness-raising and training on international humanitarian law and related aspects among military personnel, as well as among the general public, to be essential for its enforcement. Together with other participating States, Austria is steadfastly promoting implementation of the Code of Conduct on Politico-Military Aspects of Security, with an emphasis on the democratic control of armed forces.

The OSCE's Armenia Co-operation Programme provides for project-based co-operation in all three dimensions of the OSCE's work. One focus of the programme is precisely to support the strengthening of democratic control and oversight of the security sector.

As we pursue our efforts to raise awareness of the Code of Conduct in the OSCE area, we are regularly in contact with the Centre for Human Rights and Integrity-Building at Armenia's Ministry of Defence. In particular, we are discussing with the Centre further options for addressing certain issues related to the human rights of armed forces personnel.

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



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF TURKEY**

Mr. Chairperson,

International humanitarian law provides an important set of tools for mitigating the effects of armed conflicts. In this regard, the Geneva Conventions have been one of the main legal instruments for more than 70 years now.

Turkey has been a party to the four Geneva Conventions (of 1949) since 1954.

Various measures have been undertaken by the Turkish authorities since then to ensure full compliance with, and implementation of, these Conventions.

For instance, Turkish military officers who serve as legal advisers receive special training in international humanitarian law.

Army personnel participate in training programmes on international humanitarian law and related fields.

Academic institutions under the National Defence University offer various training activities and academic programmes, such as a master's course on the law of war and armed conflict.

The Turkish authorities also organize training activities that are open to participants from other countries. For example, the Partnership for Peace Training Center, established in 1998 under the Turkish General Staff, runs annual courses on the law of armed conflict. The most recent such course is being held this very week.

The Partnership for Peace Training Center has also been organizing a course on gender awareness in peace support operations since November 2019.

Mr. Chairperson,

In response to the guiding questions contained in the concept note for today's Security Dialogue (FSC.DEL/124/21), we would emphasize that focusing on prevention and addressing the root causes of conflicts should be at the top of our agenda. There are several aspects related to this endeavour.

The most effective way of protecting civilians is to prevent the outbreak, escalation, prolongation and recurrence of armed conflicts.

We possess adequate tools for tackling challenges to international peace and security.

We should act accordingly and put our legal and political commitments into practice.

First, full respect for the sovereignty and territorial integrity of each participating State must be the primary principle.

A second important aspect has to do with the fight against terrorism. Unfortunately, certain OSCE participating States are failing to implement their commitments in the face of terrorist threats. We must look into ways to further improve and co-ordinate our joint fight against this scourge, in all its forms and manifestations. Any selective approach towards terrorist organizations should be eschewed. Terrorist organizations are particularly skilled at exploiting legal loopholes. All States must be vigilant with regard to terrorist propaganda, recruitment and finance activities.

A third aspect pertains to the grim fact that there are currently more than 26 million refugees worldwide – owing partly to internal strife, and partly to armed aggression.

Women and children continue to suffer the most in humanitarian crises. Turkey alone is sheltering more than 4 million people displaced by armed conflicts. The international community has an obligation to help to share this burden. Legal obligations should be fully implemented by all States. Inhumane measures, such as push back of refugees should be prevented. It is disturbing to see some States that frequently set themselves up as champions of international humanitarian law falling into a deep silence when it comes to refugees. Such double standards are a great disappointment.

Last but not least, we stress that the implementation of other complementary elements of international humanitarian law – such as the Convention on the Rights of the Child (1989) or the Anti-Personnel Landmines Convention (Ottawa Convention) (1997) – should be promoted. For example, the presence of mines in Ukraine is endangering civilians. The mines used during the occupation of certain territories of Azerbaijan pose a similar threat. Urgent demining action by the international community is required in both Ukraine and Azerbaijan.

Mr. Chairperson,

Before concluding my statement, I should like to recall the fact that chairing the Forum for Security Co-operation (FSC) requires the utmost responsibility, vigilance, neutrality and impartiality vis-à-vis all the participating States.

Meaningful progress in many topics in the FSC field require professional and responsible approach.

I kindly ask that my statement be attached to the journal of the day.

Thank you.



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

FSC.JOUR/979

28 April 2021

Annex 6

Original: ENGLISH

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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF ARMENIA**

Mr. Chairperson,

Today we witnessed yet another manifestation of the attacks against the Human Rights Defender of Armenia recently actively promoted by the Azerbaijani media and members of the Azerbaijani Parliament. This is quite an expected reaction from a country that imprisons human rights defenders on politically motivated charges and where the human rights defender promotes the official anti-Armenian policy of her Government.

The Human Rights Defender of Armenia presented just a few examples of the heinous crimes and atrocities committed by the Azerbaijani armed forces during the war of aggression against Artsakh and its people. Deliberate attacks on the civilian population and infrastructure; the use of cluster munitions, and chemical weapons, ballistic missiles, large-calibre artillery and aviation, including unmanned aerial vehicles; cases of torture and inhuman and degrading treatment of prisoners of war and civilian captives; public executions, beheadings and killings; and the mutilation of and disrespect towards dead bodies are just few examples of war crimes committed by Azerbaijan. And I believe that we have to thank the distinguished Human Rights Defender of Armenia for having exercised restraint when addressing the implementation of international humanitarian law in our region. Being familiar with his tireless efforts aimed at promoting and upholding human rights in Armenia, I may confidently assert that Mr. Tatoyan could serve as a role model for any country in the OSCE area when it comes to acting as an honest broker between society and the government.

Mr. Chairperson,

It goes without saying that perpetrators always try to cover up their crimes, but we noted with deep regret that some other participating States have also chosen to go down that path.

Thank you. I kindly ask you to attach this statement to the journal of the day.



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 1

**STATEMENT BY  
THE DELEGATION OF AZERBAIJAN**

Mr. Chairperson,

The delegation of Azerbaijan welcomes that today's Security Dialogue has been convened on the subject of compliance with international humanitarian law. The utmost importance of this topic cannot be overlooked in view of the invariable necessity to ensure adequate protection of non-combatants in situations of armed conflict. Compliance with international humanitarian law and its cornerstone – the Geneva Conventions of 1949 – also constitutes an essential element for attaining a broader objective of peace and security.

Azerbaijan recognizes all too well the value and significance of international humanitarian law in view of the recently ended three-decade-long conflict and occupation of its territories by Armenia, which inflicted on Azerbaijani civilians immense suffering. Armenia is responsible for persistent egregious violations of international humanitarian law and numerous war crimes committed by it, its agents and officials and those under its command and control in the territories of Azerbaijan since the war unleashed by Armenia in the early 1990s and until the end of the conflict last year. Such crimes include: civilian deaths and injuries; massive destruction and appropriation of civilian property; the mistreatment of detainees and prisoners of war; the taking of hostages; ethnic cleansing, forced displacement and changing the character of the occupied territories; the exploitation of natural resources; the destruction of cultural heritage; and damage to the natural environment.

As a result of the war in 1990s, 3,890 Azerbaijanis went missing and their fate still remains unknown. Among these missing people 3,171 are military servicemen and 719 are civilians, including 71 children, 267 women and 326 elderly. According to the witnesses of 1,480 former Azerbaijani prisoners of war, in a grave violation of international humanitarian law, including the Geneva Conventions of 1949, the Azerbaijani prisoners of war were tortured, ill-treated and held in degrading conditions. Criminal investigations proved that 35 people were responsible for degrading treatment and torture against the Azerbaijani prisoners of war and detainees.

The responsibility of Armenia is established both under general international law and with regard to the European Convention on Human Rights and involves legal consequences manifested, *inter alia*, in the obligation to provide full reparation for injury. These crimes also invoke the individual criminal liability of the perpetrators. Accountability must be an

inevitable consequence of the offences committed. It is also an important preventive tool and an essential prerequisite on the path to genuine reconciliation.

On 27 September 2020, in order to repulse another act of aggression and occupation of Azerbaijan's territories by Armenia, the armed forces of Azerbaijan launched a counter-offensive operation in the exercise of Azerbaijan's inherent right of self-defence in accordance with Article 51 of the United Nations Charter. Azerbaijan acted exclusively on its sovereign soil to protect its civilian population, liberate the occupied territories and allow hundreds of thousands of internally displaced persons to return to their homes and properties in dignity and safety. As a result of the counter-offensive operation, more than 300 cities, towns and villages in Azerbaijan were de-occupied and Armenia was forced to peace.

It must be stressed that in the course of last year's 44-day war, the Azerbaijani side took all necessary measures to ensure that its armed forces discharged their duties in full compliance with international humanitarian law, including the 1949 Geneva Conventions and their Additional Protocols. It was declared from the early days of the counter-offensive that the armed forces of Azerbaijan would target only military objects and that civilians residing in the formerly occupied territories as well as civilian infrastructure therein would not be a target under no circumstances. Azerbaijan, unlike Armenia, strictly adhered to an essential principle of distinction between civilians and combatants, military targets and civilian objects, and honoured its obligations under international humanitarian law. During this time Azerbaijan has also actively co-operated with the International Committee of the Red Cross (ICRC) in order to facilitate the implementation of various humanitarian measures, including under declared humanitarian ceasefires, which were breached by Armenia soon after coming into force. Azerbaijan has also undertaken unilateral humanitarian steps, such as transfer to Armenia of remains of fallen Armenian servicemen via a pre-agreed corridor with the mediation of the ICRC.

Against this background, similar to its atrocious methods of warfare employed in the early 1990s, Armenia, with the participation of mercenaries and foreign terrorist fighters, mobilized all its resources to target civilians and caused indiscriminate and disproportionate harm to cities, towns and villages in Azerbaijan. Deliberate, systematic and indiscriminate attacks of the Armenian armed forces against densely inhabited civilian areas in Azerbaijan located outside the former combat zone resulted in a high number of losses among civilians and widespread destruction of civilian infrastructure. The armed forces of Armenia have repeatedly used prohibited cluster munitions and white phosphorus projectiles, various rockets and missiles, including Smerch cluster munition rockets, Smerch multiple-launch rocket systems, Scud-B ballistic missiles as well as Iskander-M missiles in their attacks against populated civilian areas.

Ganja, the second largest city of Azerbaijan, was hit three times. Two of these strikes, on 11 and 17 October, were launched with the use of Scud ballistic missiles, after a declaration of a humanitarian ceasefire. The consequences of these attacks have been devastating, causing the death of 25 civilians, including women, children and infants, more than 84 civilians have been wounded, a great number of residential buildings and other civilian facilities have been destroyed or damaged. Night-time attacks on Ganja with ballistic missiles of such a high devastating capacity and precision leave no doubt that it was a pre-planned deliberate strike conducted with the aim of inflicting the maximum level of casualties among civilians.

On 27 to 28 October 2020, Armenia attacked Barda district and then Barda city with 300 mm Smerch cluster munition rockets and Smerch multiple-launch rocket systems. This attack, being the deadliest single attack on civilian areas of Azerbaijan in the course of last year's war, claimed the lives of 26 civilians, including children, while 82 civilians were seriously wounded. The United Nations High Commissioner for Human Rights Michelle Bachelet has characterized the consequences of the attack on Barda on 28 October as "the biggest single loss of life", noting also that "the rockets, allegedly fired by Armenian forces from Nagorno-Karabakh, reportedly carried cluster munitions".

Overall, as a result of direct and indiscriminate attacks carried out by the armed forces of Armenia between 27 September and 10 November 2020, 101 Azerbaijani civilians, including 12 children, were killed, 423 civilians were wounded, almost 84,000 people were forced to leave their homes and over 4,300 private houses and apartment buildings and 548 other civilian objects were either destroyed or damaged. Even hospitals, medical facilities, ambulances, schools, kindergartens, religious sites, cultural monuments and cemeteries were not spared.

With the aforementioned heinous attacks Armenia ignored a vital principle of distinction between military and civilians which sits at the core of *jus in bello* and generally, international humanitarian law. Deliberate, systematic and indiscriminate targeting of civilians and civilian objects by the armed forces of Armenia constituted a clear and gross violation of international humanitarian law, including the Geneva Conventions of 1949 and their Additional Protocols, and qualified as a war crime.

Furthermore, information on the use of Iskander-M missiles by Armenian armed forces against Azerbaijan surfaced after the end of last year's war. On 15 March 2021, during mine clearance operations in the liberated territories of Azerbaijan, the Azerbaijan National Agency for Mine Action found wreckage of two exploded missiles in the city of Shusha, which on the basis of inspection of the unique identification number on the remains and as a result of additional investigation were identified to belong to non-export Iskander-M missiles. Prior to that, the fact of launching Iskander missiles against Azerbaijan has been publicly admitted by senior officials of Armenia, including its Prime Minister N. Pashinyan.

Given the solid track record of Armenia's attacks on civilian areas in Azerbaijan and persistent threats to use force against the Azerbaijani civilian infrastructure, we are concerned that the sense of defeat in the 44-day war in Armenia may prompt this country to again use ballistic missiles against Azerbaijan in order to destabilize the situation and undermine the prospects for peace in the region. Thus, we call upon the international community, including the OSCE, to condemn in the strongest terms Armenia's use of ballistic missiles against civilian objects as well as the irresponsible and provocative policy and aggressive actions of this country that threaten regional peace and security; to express serious concerns on the deplorable fact of illicit transfer or smuggling of this type of deadly weapon and to exert political pressure on Armenia to reveal all the details of the use of Iskander-M missiles against Azerbaijan.

Mr. Chairperson,

Besides bombardment of civilian areas in Azerbaijan in the course of last year's war, Armenia committed further egregious violations of international humanitarian law, such as employment of child soldiers and use of kindergartens and school buildings for military purposes. There have also been multiple instances of extrajudicial executions and mistreatment of Azerbaijani prisoners of war, as well as the desecration and mutilation of dead bodies by Armenian military servicemen. There are numerous evidences testifying to this, including video materials widely disseminated in social media showing the mistreatment of the Azerbaijani prisoners of war by the Armenian armed forces.

All Azerbaijani prisoners of war and civilians previously detained in Armenia and later returned to Azerbaijan underwent forensic medical examination and were questioned about the conditions of their detention. Expert opinions, personal statements, and other materials confirmed that the vast majority of detainees were subjected to physical torture and inhumane treatment. Unlike Azerbaijan, which has launched criminal investigations against its military servicemen who were allegedly linked to cases of abuse, the Government of Armenia despite repeated requests has refused to investigate cases of torture and inhumane treatment by its servicemen.

The 10 November trilateral statement signed by the leaders of Armenia, Azerbaijan and Russia put an end to the armed conflict and set agreed parameters for establishing a durable peace in the region. Humanitarian measures are being implemented in accordance with Article 8 of the statement, which envisages the exchange of prisoners of war and other detainees as well as bodies of the deceased servicemen.

Following the trilateral statement, in accordance with its obligations, Azerbaijan facilitated the collection and retrieval to the Armenian side of its deceased servicemen. As the result of search operations carried out in the former combat zone around 1,500 corpses of Armenian servicemen were found and handed over to the Armenian side. We encourage Armenia, in the same vein, to disclose information on the whereabouts of remains of deceased Azerbaijani servicemen. According to the latest information, 24 Azerbaijani servicemen are still missing after last year's war.

In further fulfilment of the provisions of the trilateral statement, Azerbaijan has returned all Armenian prisoners of war to Armenia. Contrary to the groundless accusations of Armenia, Azerbaijan currently holds no detainees classified as prisoners of war under international humanitarian law.

While detained, Armenian prisoners of war and civilians were provided with regular visits by representatives of the ICRC, and telephone and video calls with family members were facilitated. In addition, representatives of the Ombudsman's Office of the Republic of Azerbaijan regularly reviewed the conditions of Armenian prisoners of war by visiting their places of detention.

We would like to remind you that a sabotage group of 62 Armenian servicemen was transferred into the territory of Azerbaijan in late November 2020 after the signing of the trilateral statement, hence after the end of hostilities. The group was deployed in the Lachin district of Azerbaijan in late November, before its return to the control of Azerbaijan on

1 December 2020 under the trilateral statement. It penetrated deep into the territory of Azerbaijan and committed a series of terrorist attacks against Azerbaijani military servicemen and civilians in the liberated areas of the Khojavand district, causing the death of five servicemen and one civilian. The group was detained as a result of a joint anti-terror operation of the State Security Service and the Ministry of Defence of Azerbaijan.

Those sent by Armenia to the territory of Azerbaijan with the aim of engaging in sabotage and terrorist activities in the period after the signing of the trilateral statement are not and cannot be considered prisoners of war in accordance with international humanitarian law and are liable under the criminal law of the Republic of Azerbaijan. These detainees are being treated with full respect to their dignity and human rights in accordance with international human rights law and Azerbaijani law. We call on Armenia to abandon its futile approach of distorting facts and misrepresenting information on the circumstances and reasons for the detention by Azerbaijan of the members of the aforementioned sabotage group, claiming for them the non-applicable status of prisoners of war and falsely accusing Azerbaijan of not honouring its obligations.

It must be mentioned that Azerbaijan has created the necessary conditions for the humanitarian activities of Russian peacekeeping forces and the relevant Russian government agencies in the zone of operation of the peacekeepers. For instance, transportation routes were defined and facilitated for carrying cargo and necessary equipment to the zone of operation of the peacekeepers. At the same time, we would like to remind you that humanitarian activities by international organizations and other entities and bodies should be carried out in conformity with the principles of neutrality, impartiality and consent of the affected country, while fully respecting the sovereignty, territorial integrity and national unity of the affected State in accordance with the Charter of the United Nations, as reaffirmed in the Guiding Principles on humanitarian assistance adopted by the United Nations General Assembly through its resolution 46/182 on strengthening of the co-ordination of humanitarian emergency assistance of the United Nations of 19 December 1991.

We also would like to draw attention to another sphere of gross violations by Armenia of international humanitarian law. During almost three decades of occupation of Azerbaijan's territories as well as during its forced withdrawal from these territories last year, in blatant violation of international humanitarian law, Armenia deliberately planted mines on a massive scale in these territories with a view to inflicting damage, as well as creating additional obstacles for the return of civilians. Currently Armenia refuses to release the information concerning the location of minefields, which is yet another gross violation of Armenia's obligations under customary international humanitarian law. As a result, since 10 November 2020, during demining activities in the liberated territories of Azerbaijan, there have been numerous casualties and injuries not only among the Azerbaijani military and civilians, but also among the Russian peacekeeping forces. According to the latest figures, 21 Azerbaijanis, among them 14 civilians, were killed, and 98, among them 17 civilians, were wounded by mines. Human costs inflicted by Armenia-planted mines cannot but constitute another crime. Thus, the release of information by Armenia on the location of minefields is an absolute necessity so as to avoid the further loss of innocent lives, improve the humanitarian situation in the liberated territories of Azerbaijan and to move forward towards a speedy post-conflict rehabilitation, thereby contributing to lasting peace in the region.

Azerbaijan continues to adhere to the full implementation of humanitarian measures as envisaged by provisions of international humanitarian law and the 10 November trilateral statement. We urge Armenia to demonstrate a similar approach and fulfil its obligations, instead of consistently bringing up obsolete conflict narratives and misrepresenting the facts on the ground as we witnessed today. Implementation of humanitarian measures is an indispensable part of the broader efforts aimed at building confidence and promoting reconciliation between the former sides to the conflict, and bringing about a durable peace and security in the south Caucasus region. The two trilateral statements signed on 10 November 2020 and 11 January 2021 provide a clear and irreversible guidance to this end and thus, must be realized in a comprehensive manner without reservations.

We also would like to reply to the statement delivered on behalf of the European Union and aligned countries, regarding the issue of access to the territories of Azerbaijan where the contingent of the Russian peacekeeping forces is located, as well as regarding the European Union's call on the exchange of prisoners of war and detainees. Azerbaijan has been providing to the ICRC unimpeded access to its conflict affected territories since the early 1990s. As it has already been mentioned, after last year's 44-day war, new realities on the ground emerged, necessitating adjustment of the ICRC's activities to these realities. We expect the ICRC to apply the same approach in all the internationally recognized territories of Azerbaijan and bring its operations in the formerly occupied territories of Azerbaijan in compliance with the new reality and international framework as envisaged by United Nations General Assembly resolution 46/182. The same approach must be applied to all other humanitarian organizations.

As to the issue of prisoners of war and detainees, it is quite strange to hear such a call from the European Union and aligned countries. When a significant part of the internationally recognized territories of Azerbaijan was occupied by Armenia for nearly three decades, when ethnic cleansing was carried out against the Azerbaijani civilian population in these territories, when Azerbaijani prisoners of war and detainees were held by Armenia, torture and inhumane treatment was inflicted upon them, when thousands of people went missing as a result of Armenia's aggression against Azerbaijan, when two Azerbaijani civilians were illegally detained, tortured and inhumanely treated by Armenian authorities between 2014 and 2020, when Azerbaijani cultural and religious heritage in the formerly occupied territories of Azerbaijan was destroyed and damaged by Armenia, we somehow have not been witnessing such resolute calls by the European Union concerning these wrongdoings. Thus, we are of the view that the current position and calls of the European Union are a clear case of double standards, and Azerbaijan rejects such an approach.

If the European Union is genuinely interested in contributing to sustainable peace in the region and to reconciliation between Armenia and Azerbaijan, it should take an unambiguous position based on the norms and principles of international law, expressing clear support for territorial integrity, sovereignty and inviolability of the internationally recognized borders of Azerbaijan. In the same vein, it should render support to the realization of the trilateral statements signed by the leaders of Armenia, Azerbaijan and Russia, as well as support and promote the normalization of relations between Azerbaijan and Armenia based on the principles of sovereignty and territorial integrity.

As it was mentioned by the distinguished representative of the ICRC in her presentation, international humanitarian law is designed to protect civilian population in

times of war, and States have to ensure protection of their citizens from terrorist attacks. Azerbaijan fully shares this view and our stance on the issue of prisoners of war is in full accordance with international law, including international humanitarian law and the Geneva Conventions of 1949, as well as national legislation. We once again emphasize that those sent by Armenia to the territory of Azerbaijan with the purpose of committing terrorist acts in the period after the signing of the trilateral statement cannot be considered prisoners of war under international humanitarian law. They are liable under the criminal law of the Republic of Azerbaijan and are currently under investigation. These detainees are being treated with full respect to their dignity and human rights in accordance with international human rights law and Azerbaijani law.

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

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

FSC.JOUR/979

28 April 2021

Annex 8

Original: ENGLISH

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**973rd Plenary Meeting**

FSC Journal No. 979, Point of order

**STATEMENT BY  
THE DELEGATION OF AZERBAIJAN**

Mr. Chairperson,

The panellists of a Security Dialogue are supposed to contribute with their knowledge and expertise to the work of our Forum, so that all participating States can make the best use of these in order to engage in constructive dialogue and discussions. Yet in the presentation of the current panellist thus far we once again encounter Armenia's obsolete conflict narrative, baseless accusations and aggressive rhetoric against Azerbaijan based on a distortion of facts and torn out of the reality on the ground.

The Chairperson of the Forum for Security Co-operation (FSC) should assume a neutral and impartial attitude, while panellists invited by the Chairperson to contribute to our deliberations should focus on the topic, which is in compliance with international humanitarian law, instead of groundlessly attacking participating States and infusing the FSC with a spirit of confrontation.

Thus, we request you as the FSC Chairperson to ensure the orderly and impartial conduct of our meeting, and intervene with the panellist to bring his presentation in line with constructive language reflecting the purposes and spirit of the FSC and the OSCE. This is essential for the "good order and smooth running of meetings" as clearly indicated in the Rules of Procedure of the OSCE (MC.DOC/1/06, paragraph IV.1(C)5).

I request that this point of order be officially registered and attached to the journal of the day.

Thank you, Mr. Chairperson.



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 2

**STATEMENT BY  
THE DELEGATION OF THE UNITED STATES OF AMERICA**

Mr. Chairperson,

The United States is speaking under the topic raised by Ukraine.

Russia continues to fuel the conflict it began more than seven years ago and seeks to further destabilize an already volatile situation. The non-transparent, large-scale, and unilateral military build-up of Russian forces in and around Ukraine this month is the most recent illustration of Moscow's brinksmanship. Russia's failure to provide a substantive response to Ukraine's request under the Vienna Document Chapter III, paragraph 16, risk reduction mechanism or to meet with Ukraine is inconsistent with the letter and spirit of the Vienna Document. While we find it difficult to believe that Russia's exercises were below Vienna Document notification thresholds, we reiterate that "unusual military activities" under Chapter III are not limited to above-threshold activities. Furthermore, the lack of transparency concerning this unusual activity underlines the urgent need to modernize the Vienna Document so there are adequate provisions to provide neighbours with assurance regarding the character of activities. We also need transparency regarding so-called snap exercises, which are precisely the type of activity most likely to threaten neighbours – intentionally or not – and yield a high risk of miscalculation and conflict. As we recommended in the 14 April joint meeting of the Forum for Security Co-operation and the Permanent Council, we would welcome a briefing by the Russian Federation on these military activities and other transparency measures, if any, Russia is prepared to provide. Thus far, Russia has provided none. In fact, a Chapter IX inspection request by Switzerland was regrettably delayed by the Russian Federation, which cited among its concerns the size of the inspectable area, though paragraph 80 does not specify a maximum area. We note Russia itself has in the past notified larger areas under paragraph 80.

We have seen Moscow's announcements and preliminary reports that Russia has begun to withdraw some of its forces from around Ukraine's borders. A complete withdrawal of the additional troops and weapons Russia massed in occupied Crimea and around Ukraine would be a welcome development. The United States will continue to monitor the situation closely and remain in close communication with our partners as we seek to confirm that Russian forces have indeed been fully withdrawn.

We encourage Russia to refrain from any further escalatory actions and immediately take the necessary steps to de-escalate tensions in the region, including by rescinding its actions to block vessels in parts of the Black Sea, recommitting to a ceasefire in the Donbas, and ceasing all its destabilizing activity in Ukraine. Only when Russia takes these much-needed steps can we expect to see a true reduction of tensions.

Meanwhile, ceasefire violations again increased in eastern Ukraine as Russia continues to engage in provocations at the line of contact, use prohibited heavy weapons, and bolster its disinformation campaign designed to falsely portray Ukraine as the aggressor. Between July and November of 2020, the Special Monitoring Mission to Ukraine (SMM) reported approximately 600 ceasefire violations per month. That number increased to around 2,800 violations between December and January 2021. In April alone the SMM has already reported more than 6,600 ceasefire violations. Unfortunately, Russia and its proxy forces conducted another live fire exercise near the Donetsk filtration station on 15 April with more than 1,500 ceasefire violations and a total of 2,432 violations that day, the largest number of violations in a day since 20 July 2020.

The heightened interference by Russia-led forces with the SMM and its assets has exacerbated this already volatile situation. Over the past week, the SMM reported multiple instances of signals interference, or small-arms fire, directed at its unmanned aerial vehicles (UAVs). In fact, between 21 April and 22 April, the SMM reported more than seven instances of interference with its UAVs and, on 23 April, a UAV was damaged after its operator was forced to make an emergency landing following sustained signals interference.

We call on Russia to direct the forces it arms, trains, finances, leads, and fights alongside in eastern Ukraine to cease its targeting of the SMM's valuable UAVs. The continued targeting of these valuable assets cannot and will not be tolerated.

We further call on Russia to direct its forces to cease their harassment of the SMM. Last Friday we marked the fourth anniversary of the tragic death of Mr. Joseph Stone killed by a landmine in Luhansk, a sad reminder of the serious risks monitors face on a daily basis. Once again, this week the SMM reported multiple freedom of movement restrictions. The vast majority of these incidents occurred, as we have come to expect, in Russia-controlled areas of eastern Ukraine. The SMM's mandate, as agreed to by all of the participating States, including Russia, affords it the freedom to operate throughout all of Ukraine, and the monitors must be allowed to fulfil their reporting responsibilities without interference. Restricting the SMM's freedom of movement only serves to prevent the peaceful resolution of this multi-year conflict. We regret that Russia continues to obstruct the peace process.

Mr. Chairperson, the United States fully supports Ukraine's sovereignty, independence, and territorial integrity within its internationally recognized borders, including its territorial waters. We do not, nor will we ever, recognize Russia's purported annexation of Crimea. We join our European and other partners in affirming our Ukraine-related sanctions against Russia will remain in place until Russia fully implements its Minsk commitments and returns full control of Crimea to Ukraine.

Thank you, Mr. Chairperson.



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 2

**STATEMENT BY  
THE DELEGATION OF THE RUSSIAN FEDERATION**

Mr. Chairperson,

We cannot ignore the statements heard today from a number of OSCE participating States regarding the alleged “refusal” of the Russian Federation to provide Ukraine with clarifications in the light of its request under Chapter III of the Vienna Document 2011 about so-called unusual military activity.

Firstly, Ukraine’s request was not consistent with the provisions of the Vienna Document since the activity of the armed forces of the Russian Federation mentioned in the request was not “unusual and unscheduled” but routine in nature.

Secondly, the activity of the armed forces of the Russian Federation mentioned in the request was not “militarily significant” since it did not reach the parameters of a notifiable military activity.

Thirdly, Ukraine did not have and does not have any real grounds for “expressing its security concern” in relation to the activity of the armed forces of the Russian Federation mentioned in the request since this activity could not in any way affect the security of Ukraine’s territory or its armed forces.

The Ukrainian request was thus groundless.

During the special joint meeting of the Forum for Security Co-operation (FSC) and the OSCE Permanent Council on 14 April this year, the Russian Federation opposed the adoption of any decisions or the approval of recommendations. Our position has not changed. We consider this “exercise” to be baseless. We see no point in discussing this now that the decision has been taken to end the training exercises in the Southern and Western Military Districts. The troops will return to their permanent bases between 23 April and 1 May this year.

The Russian Federation moves troops around within its own territory as it sees fit. This is the right of any OSCE participating State. Nevertheless, accusations continue to be made against Russia: some quarters do not like exercises being conducted on our territory,

others get agitated when our troops return to their permanent bases. And someone else decided to warn us about the “consequences” of our activity on our own territory. Such warnings are unacceptable, and we intend to continue doing everything necessary to ensure the security of Russia’s borders in view of NATO’s threatening military activities and the stirring up by the Western “minders” of nationalist sentiments in Ukraine, which are provoking an armed conflict in Donbas.

Mr. Chairperson,

This month marks exactly seven years since the start of the Ukrainian Government’s large-scale punitive operation against the civilian population of Donbas. At all stages, the Russian Federation has called on the international community to demand that the Maidan supporters who seized power in Kyiv and the post-Maidan authorities end the war on their own people as soon as possible. However, the Western sponsors did not rein in their out-of-control protégés, did not force them to dissociate themselves from the neo-Nazis and did not call for an end to the use of the armed forces against Ukraine’s own citizens.

Unfortunately, our Western colleagues have hardly learned their lessons from seven years ago. They continue to turn a blind eye to the Ukrainian security forces’ war crimes and indulge the Ukrainian Government in maintaining the myth about “Russian aggression” against Ukraine. I should like, finally, to hear an unambiguous answer from our partners in these negotiations: what “restraint”, let alone “steps by the Ukrainian Government towards a settlement”, can they talk about when the suburbs of Donetsk and Luhansk are subjected to shelling by the Ukrainian armed forces on a daily basis, and civilians are wounded and killed by bullets and shells? And if they believe this is “restraint”, what must provocative behaviour by the Ukrainian Government actually look like?

Ukraine continues to wage an active disinformation campaign, the basis of which is the image of Russia as the enemy. This is merely a smokescreen designed to distract the attention of the Ukrainian people and the international community from the deteriorating socio-economic situation and growing political unrest. According to the results of a recent public opinion poll conducted by the Ukrainian SOCIS Centre, almost 73 per cent of Ukrainians consider the economic situation in the country to be “poor” or “very poor”, while some 50 per cent of respondents are disappointed with the current government.

Against this backdrop, the momentum of the negotiation process for the settlement of the crisis in Ukraine remains discouraging, and the situation on the ground tense. According to Donetsk media, on 23 April this year, around a thousand people were left without electricity when the settlement of Staromykhailivka was shelled using 122 mm calibre artillery prohibited under the Minsk agreements. Residential buildings were damaged in Oleksandrivka and Mineralne. A civilian was injured on the outskirts of Donetsk.

At the same time as the Kyiv authorities are making statements about the need to revise the Minsk agreements, the deployment of heavy military equipment and troops to Donbas continues. As you know, there is already a large group of Ukrainian armed forces operating in the region. Its numerical strength and composition greatly exceed the numerical strength of the armed formation detachments of certain areas of the Donetsk and Luhansk regions, and the presence of tanks and artillery suggests the possibility of indiscriminate and disproportionate use of force by the Ukrainian Government. What is more, the Ukrainian

Government does not provide the notifications required by the Vienna Document 2011 and does not invite observers to that area. We would emphasize that voluntary transparency measures by Ukraine are no substitute for the implementation of mandatory Vienna Document provisions.

Efforts to militarize Ukraine continue with the support of its external “minders”. The Ukrainian armed forces have considerably upgraded their capabilities since 2014. Their numerical strength has increased from 140,000 to 205,000 military personnel, and military spending has more than quadrupled (from 2.2 billion US dollars in 2014 to 9.2 billion dollars in 2021.) The Ukrainian armed forces’ capabilities have also been increased through personnel gaining combat experience in the crisis region and through the intensification of troops’ combat training. Around 350 combat training exercises and drills from battalion level upwards are held annually. The recent announcement about the start of “multi-stage anti-terrorism exercises” in a number of regions in south-eastern Ukraine – Sumy, Kherson and Kharkiv – sent an alarming signal. We have still not heard from the Ukrainian delegation today about the true purposes of these exercises.

We regret that, for seven years in a row, the Ukrainian Government’s Western partners have not really sought to promote a real cessation of hostilities and a political settlement of the crisis. On the contrary, they are in fact giving the Ukrainian Government the green light to commit war crimes in eastern Ukraine; they are training the Ukrainian army and beefing it up with weapons and equipment, which then end up in the zone of armed confrontation. Let me give you just one example. An analysis of a visual sequence from a report by Ukrainian Military Television on 29 May 2020 shows Ukrainian soldiers in the zone where the so-called Joint Forces Operation is being conducted in Donbas using rounds for GP-25 under-barrel grenade launchers manufactured by the Bulgarian Arsenal factory. These grenade launchers are designed to take out personnel, including those in dugouts and trenches. We call on the OSCE participating States providing military assistance to one of the parties to the internal Ukrainian conflict to finally think seriously about the fact that they share responsibility with the Ukrainian security forces for the casualties and further destruction in Donbas.

We see, however, that the West has no aversion to manipulating the facts in order to justify pumping Ukraine full of military goods. For example, on 12 April this year, the US television channel CNN presented Ukrainian military equipment being transported by train as Russian equipment. About a week later, the United States Senate Committee on Foreign Relations approved the Ukraine Security Partnership Act of 2021, which provides for an increase in the scale of annual military financing to the Ukrainian Government, including the provision of lethal weapons. No comment is probably needed here.

Incidentally, the focus of military co-operation between Ukraine and the NATO countries was made quite clear by the adviser of the Ukrainian delegation to the Trilateral Contact Group, Oleksiy Arestovych, who said that the purpose of the forthcoming “Defender Europe 2021” exercise, which will also take place in Ukraine, is to “work out the war with Russia”. NATO aircraft are already firmly “established” in Ukrainian airspace, where, for example, since early March there have already been at least 30 flights conducted by US Air Force strategic reconnaissance aircraft and unmanned aerial vehicles.

Mr. Chairperson,

If the OSCE participating States are interested – not only in words but also in practice – in a settlement of the conflict in Ukraine, instead of expressing solidarity with the Ukrainian Government and increasing military assistance, they should force the authorities in Kyiv to dissociate themselves from the neo-Nazis and other extremists, and convince them to stop using the armed forces against the people of Donbas and begin a genuine dialogue with the authorities in Donetsk and Luhansk on the basis of the Package of Measures for the Implementation of the Minsk Agreements (endorsed by United Nations Security Council resolution 2202). The Russian Federation will continue to do everything it can to facilitate this.

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



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**973rd Plenary Meeting**

FSC Journal No. 979, Agenda item 3(g)

**STATEMENT BY  
THE DELEGATION OF ARMENIA**

Mr. Chairperson,

At the 967th meeting of the Forum for Security Co-operation (FSC) on 3 February 2021, the delegation of Armenia delivered a statement on the assistance project requested by Azerbaijan in the field of explosive hazards risk reduction (FSC.DEL/45/21). Armenia's position was reiterated in a letter addressed to the FSC Chairperson dated 18 March 2021, which was distributed under reference number FSC.DEL/87/21. I should like to reiterate that Armenia views the project proposal by Azerbaijan, which is to be implemented in the Nagorno-Karabakh conflict zone and in the occupied territories of Artsakh, as an attempt to legitimize its recent war of aggression and the outcomes of its use of force against Artsakh.

Mr. Chairperson,

The areas in the Nagorno-Karabakh conflict zone where the proposed demining activities are to be performed were mined by Azerbaijan during the first Karabakh war. For almost 30 years Azerbaijan consistently obstructed any demining activities in the Nagorno-Karabakh conflict zone, labelling them as illegal. The people of Artsakh suffered greatly because of the landmines on their territory. The International Committee of the Red Cross had recorded 747 cases of landmine victims in Artsakh, 59 per cent of whom were civilians. Unfortunately, the international community was reluctant to engage in demining activities in the Nagorno-Karabakh conflict zone succumbing to the threats by Azerbaijan. As a result, the mine clearance operations carried out after the first Karabakh war were restricted to the territory of the former Nagorno-Karabakh Autonomous Oblast.

For almost 30 years Azerbaijan impeded co-operation between Armenia and the OSCE and single-handedly blocked relevant activities and projects by making unsubstantiated claims about their conflict-related nature. Even the OSCE Office in Yerevan had to be closed following Azerbaijan's baseless allegations about the Office's engagement in demining activities. Now the delegation of that country, which a few months ago during FSC meetings was openly stating (I quote): "Azerbaijan is not in a position to support any assistance project requested by Armenia", is complaining about (I quote) "politically motivated silence" and "undue linkages with unrelated issues".

Mr. Chairperson,

Armenia is convinced that the OSCE must not engage in assisting a country that bears full responsibility for unleashing a war of aggression accompanied by war crimes and numerous violations of international humanitarian law. Moreover, the OSCE assistance mechanisms should not be misused by Azerbaijan for trying to get the OSCE to share the burden of the consequences of its own aggression and war crimes. Therefore, any action in support of the aforementioned assistance request by Azerbaijan would run contrary to the OSCE principles and the participating States' commitments. We call on the current and future FSC Chairmanships and all the OSCE structures to refrain from any actions or activities that might be perceived as endorsing Azerbaijan's policy in that regard.

Any conflict-related OSCE activity may only be carried out after careful consultation and after obtaining the clearly expressed consent of all the parties concerned. Once a comprehensive settlement of the Nagorno-Karabakh conflict has been achieved under the auspices of the Co-Chairs of the OSCE Minsk Group, the OSCE may become involved in, and contribute to, such projects.

Thank you, Mr. Chairperson. I kindly ask you to attach this statement to the journal of the day.