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PERMANENT MISSION OF THE REPUBLIC OF ARMENIA TO THE OSCE

STATEMENT

**in response to the report by the Director of ODIHR, Mr. Matteo Mecacci
as delivered by Ambassador Armen Papikyan
at the 1364th meeting of the OSCE Permanent Council**

24 March 2022

Mr. Chairperson,

The Delegation of Armenia welcomes Director Matteo Mecacci back to the Permanent Council and thanks him for presenting ODIHR's 2021 annual report.

Last year, we had the opportunity to discuss and outline both the achievements of the ODIHR and its setbacks throughout the 30 years of existence of the Office, as well as the emerging problems and challenges the OSCE region is facing. The Armenian delegation honestly engaged in that exercise and the conclusions we drew were sobering to say the least.

Human rights and fundamental freedoms are universal and their protection and promotion should not be a matter of geopolitical considerations, and no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs. Unfortunately, this principle, to which the responsible members of the international community committed themselves, is yet to be implemented and followed upon in the OSCE area.

The protection and promotion of human rights and fundamental freedoms in conflict areas is even more crucial in view of our positive obligation to safeguard the human rights and fundamental freedoms of all people without distinction. There should be no gray zones, and respective international mandate holders should have unrestricted access to all those areas.

Let me also reiterate the long standing position and strong belief of the Armenian delegation that almost all existing conflicts in the OSCE area are the result of flagrant violations of human rights and fundamental freedoms. Likewise, we must admit that our performance in this regard has been, to put it mildly, far from perfect.

Director Mecacci,

The current report covers a wide range of ODIHR's activities and addresses many important issues in the daily lives of people in the OSCE region.

However, we see that many human rights issues, which apparently do not fit into the general trend, continue to remain outside ODIHR's attention. We note with concern that while the rights of the people of Artsakh are violated almost on a daily basis, their suffering continues to go unnoticed by the OSCE institutions and executive structures.

For almost a fortnight, natural gas supply from Armenia to Artsakh was deliberately disrupted and the entire population of Artsakh was left without heating in the conditions of sub-zero temperatures and unprecedented, heavy snowfall.

The supply of gas was resumed for two days and was again cut off on the evening of 21 March. This recognizable pattern of behavior of Azerbaijan gives sufficient ground to assume that under the guise of repair works the Azerbaijani side installed a valve with the aim of disrupting the gas supply at any time, thereby turning this vital supply into an instrument of coercion and terror against the people of Artsakh.

When considered within the broader picture of latest provocations, ceasefire violations and intimidation tactics by Azerbaijan directed against the civilian population of Artsakh, these actions are manifestations of continued state policy of hatred and intolerance aimed at ethnic cleansing of Artsakh from its Armenian population.

These are not actions of a state that wants peace, no matter how loudly Azerbaijani delegation here professes that, because actions speak louder than words.

And this is exactly in such situations that international bodies and institutions with a mandate for human rights protection should step in and act without undue delay or special encouragement. At least this is what is expected from those bodies and institutions.

It should also be underlined that unlike other conflicts in the OSCE area the Nagorno Karabakh conflict was accompanied by ethnic cleansing carried out by Azerbaijan. In the territories that came under the Azerbaijani control Armenians were killed, beheaded, their corps were mutilated. Today there is no single Armenian left in these territories to protest or rally and then to be abducted or arrested. This is the reality on the ground, and this reality speaks volumes about our Organization's ability, intentions, willingness, consistency and above all about sincerity of our actions and statements.

As of today Azerbaijan didn't face any robust reaction from international community, OSCE and its executive structures and institutions, from the CiO or this Council for unleashing unprovoked war of aggression, for bombing Children Hospital of Stepanakert on 26th October, for shelling the schools, kindergartens, vital civilian infrastructure, Armenian

churches and cultural sites and for occupation of the sovereign territory of Armenia. Azerbaijan continues to act in total impunity under the silent connivance of the international community.

Director Mecacci,

Your report also refers to the “right to a fair trial [which] has been under pressure in several OSCE participating States due to the COVID-19 pandemic”. We regret to note the continued silence of the ODIHR regarding the fate of the Armenian prisoners of war, who are still held in Azerbaijan and who continue to be illegally sentenced to long terms of imprisonment on trumped-up charges, in clear defiance of international humanitarian law and in violation of the trilateral statement of 9 November 2020.

In particular, I would like to draw your attention to the fact that on 5 March, as part of a series of mock trials, the Armenian military servicemen Ishkhan Sargsyan and Vladimir Raphaelyan, who were captured on the sovereign territory of Armenia on 26 May following the 12 May 2021 incursion of the Azerbaijani armed forces, were sentenced to 19 and 18 years in prison, respectively.

We were expecting that the ODIHR in pursuance of its mandate should have conducted an *ad hoc* trial monitoring and we would like to hear your clarifications in this regard. We also would like to learn what steps were taken by the ODIHR to address the issue of safeguarding the rights of Armenian prisoners of war for fair trial and protection of their rights in general, including from torture and ill-treatment.

In this context, let me also remind that after almost 18 months, Azerbaijan continues to detain Armenian prisoners of war and civilians, in violation of its obligations under international humanitarian law and Geneva Conventions and the provisions of the 9 November trilateral statement, and in clear disregard for the repeated calls from the international community.

According to Azerbaijan, it holds 38 people, including three civilians. They are hostages, which are used as an instrument for bargaining and their release is conditioned upon fulfilling by Armenia of new demands.

However, according to data by Armenian authorities, based on various evidence from verifiable sources, the real number of prisoners of war is much higher. There are two dozen well-documented cases of enforced disappearances, where we are in possession of indisputable, recorded facts of the capture of Armenian prisoners of war, yet Azerbaijan has neither confirmed their captivity nor any other status.

Azerbaijan’s refusal to provide accurate information about the Armenian captives is deeply alarming. Cases of enforced disappearance, torture and inhuman treatment of Armenian prisoners of war and civilian hostages are also a matter of serious concern.

But even more worrying in this case is the lack of a proper response from the OSCE institutions, and in particular ODIHR.

Against the backdrop of ODIHR's silence on violations of human rights of the people of Artsakh and the Armenian prisoners of war by Azerbaijan, we expect the Office to be vigilant in considering any engagement, which may be construed as ODIHR's endorsement of the abysmal human rights record of the participating state.

Director Mecacci,

On a final note, let me express hope that issues raised by the Armenian delegation will receive due consideration by the ODIHR.

Once again thank you, Director Mecacci.

We wish you every success.

I thank you.