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PERMANENT MISSION OF THE REPUBLIC OF ARMENIA TO THE OSCE

STATEMENT

**on “Azerbaijan’s continued policy of aggression and violation of its obligations threatening further escalation of situation in and around Nagorno-Karabakh”
as delivered by Ambassador Armen Papikyan
at the 1416th meeting of the OSCE Permanent Council**

23 March 2023

Mr. Chairperson,

The delegation of Armenia is raising the issue of the Azerbaijan’s continued policy of aggression directed at Nagorno-Karabakh and the Republic of Armenia to apprise the Permanent Council and the participating States on the escalation of the situation in and around Nagorno-Karabakh and on the Armenia-Azerbaijan border area.

Yesterday, the serviceman of the Armed Forces of Armenia was killed by the Azerbaijani fire on the western border of Armenia and Azerbaijani Nakhijevan. We condemn in strongest terms this unprovoked attack and express our condolences to the family of the fallen soldier.

As you know, for more than 100 days already, Azerbaijan has been keeping the people of Artsakh under an illegal blockade, by obstructing the movement along the Lachin Corridor. Moreover, sporadic and indiscriminate shootings directed at the civilians in Nagorno-Karabakh, preventing them from carrying out necessary agricultural works, have become almost a daily occurrence.

Along with the escalation of the military situation, Azerbaijan continues its hostile and expansionist rhetoric, which is yet another demonstration of the intent to continue on the path of aggression and to use territorial claims against Armenia as a pretext for new attacks and hostilities.

The bellicose rhetoric and actions of Azerbaijan on the ground clearly suggest that the leadership of Azerbaijan intends to launch new aggressions against Armenia and Artsakh (Nagorno-Karabakh) and subject the Armenians of Nagorno-Karabakh to ethnic cleansing, which has been a distinctive and salient feature of Azerbaijan’s demographic engineering for many decades.

Mr. Chairman,

The recent weeks have seen a drastic upsurge in the amount of hate-filled and warmongering rhetoric from the highest political authorities of Azerbaijan starting with the President Aliyev, who, leading by his example, set the tone for the new wave of Armenophobia, thus grossly violating the provisional measure ordered by the International Court of Justice on 7 December 2021 to “take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin”.

To recall, on 21 March we all were marking the International Day for the Elimination of Racial Discrimination, with the 2023 theme focusing on the urgency of combating racism and racial discrimination.

The cultivation of anti-Armenian hatred, along with the continued incitement to violence against people of Armenian origin has been elevated to the level of state policy in Azerbaijan. The hate and xenophobic sentiments are used by the state apparatus as a propaganda tool to cement the consolidation of the Azerbaijani society around the ruling regime. The systemic nature of racial profiling, hateful and incendiary rhetoric, prevailing sense of impunity and glorification of hate crime perpetrators in Azerbaijan have been documented in numerous reports of international bodies and organizations, including the Committee on Elimination of Racial Discrimination and the European Commission against Racism and Intolerance.

Last week, 16 members of the Standing Committee of the Azerbaijani parliament on Foreign and Inter-parliamentary Relations issued a statement in reaction to the resolution adopted by the European Parliament of 15 March 2023 on EU-Armenia relations, which was full of offensive, denigrating, slanderous and derogatory language directed against not only Armenia and Armenians, but primarily against the member of the European parliament directly elected by the European citizens. They also went as far as to claim that the EP resolution, and I quote “have originated from Armenia and the Armenian diaspora, long since a cancerous tumor of Europe”.

I spare you the details of this statement but I would advise especially colleagues of the EU member states to read it to finally see that tolerance towards authoritarian regimes for whatever reasons enables them and their appointed parliamentarians to attack the democratic institutions and the law-obedient citizens of Europe. By the way, one of those who endorsed such a statement is Tural Ganjaliyev, member of the Azerbaijani delegation to the OSCEPA, moreover, he is also the head of the EU-Azerbaijan parliamentary cooperation committee. We expect that the OSCEPA will take a good note and appropriate measures in this respect.

Distinguished colleagues,

The impunity and the lack of accountability for past crimes emboldened Azerbaijan to continue to pursue its anti-Armenia policies and violate international law as well as its own commitments and legal obligations. Two orders by the International Court of Justice on

provisional measures for immediate implementation are blatantly disregarded by Azerbaijan, as well as decisions on interim measures by the European Court of Human Rights.

There is not a single clause of trilateral and quadrilateral statements adopted in various formats since the cessation of hostilities in the 44-days war of aggression that Azerbaijan has not violated - from keeping Armenian prisoners of war and other captives in illegal detention, to illegal closure of the Lachin Corridor and obstructing the opening of regional communications.

In violation of the paragraph 8 of 9 November 2020 trilateral statement Armenian prisoners of war and civilian detainees continue to remain in Azerbaijani custody sentenced to lengthy prison terms under bogus charges. Azerbaijan continues to disregard the ICJ order of 2021 ("Protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law") and decisions of the European Court of Human Rights on the implementation of interim measures to provide information on Armenian hostages, which gives rise to legitimate concerns about possible enforced disappearance and extrajudicial killings, as well as about physical and psychological integrity of the Armenian PoWs and civilian captives.

In violation of another provisional measure ordered by the ICJ on 7 December 2021, which reads that Azerbaijan should "take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artifacts", Armenian historic, cultural and religious heritage has been erased to ground in the territories that came under the control of Azerbaijan following the war of aggression. Azerbaijan has virtually annihilated every trace of the civilizational presence of Armenians in all the territories currently under its control, in particular in Nakhijevan, as well as in the occupied parts of Artsakh (Nagorno-Karabakh) and other areas.

Azerbaijan obstructs the return of refugees and internally displaced persons to Nagorno-Karabakh and adjacent regions as well as creates impediment for UNHCR unhindered access to Nagorno-Karabakh, in violation of Article 7 of the 9 November 2020 trilateral statement, while at the same time implementing the resettlement programme as part and parcel of its policy to change the demographic picture of the region.

Azerbaijan also launched several attacks against the sovereign territory of Armenia, effectively occupying around 150 square kilometers of Armenia's internationally recognized territory.

Mr. Chairman,

As I have said, for more than 100 days now, Azerbaijan continues its illegal blockade of the Lachin Corridor in pursuit of the ultimate goal of achieving either forced deportation of the people of Artsakh (Nagorno-Karabakh) by creating unbearable conditions for life or their forced subjugation.

This is nothing short of an attempt of ethnic cleansing and once again demonstrates that the Nagorno-Karabakh conflict is not about territory, it is about people who have been and continue to face existential threat and expansionist aggression from Azerbaijan. With this in mind, Armenia continuously stressed that the rights and security of the people of Nagorno-Karabakh should be ensured as a priority issue which would then create a conducive environment for lasting peace.

Mr. Chairman,

The looming humanitarian crisis prompted repeated calls around the world, including by national parliaments and inter-parliamentary bodies, for Azerbaijan to ensure that the free movement along the Lachin Corridor is restored. The latest statement came from the Committee on Legal Affairs and Human Rights of the PACE on the obstruction of the Lachin Corridor, expressing grave concern by the humanitarian crisis unfolding due to the ongoing obstruction of the Lachin Corridor and fully supporting the public statement made by the PACE co-rapporteurs on Armenia calling for “immediate action” and “immediate cessation of the unlawful and illegitimate obstruction of the Lachin Corridor”.

Azerbaijan continues to ignore not only political statements, but also the measures addressed to it by the ICJ and the European Court of Human Rights.

In particular, on 21 December 2022, the ECtHR indicated the obligation of Azerbaijan to guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions, as stipulated by the 9 November 2020 trilateral statement.

We also recall the second Order by the International Court of Justice issued on 22 February 2023, which ordered Azerbaijan to urgently “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”. The ICJ orders on provisional measures under Article 41 of the Statute of the Court have binding effect, thus creating legal obligations for any state to whom the provisional measures are addressed.

Therefore, this complete and blatant disregard of the legally binding decisions and their non-implementation should warrant steps, including by the relevant international bodies, vested with the right to guarantee the peace and security as well as implementation of the legally binding rulings of the International Court of Justice.

Armenia will take all necessary steps in this direction and will explore all avenues available in this regard.

Mr. Chairman,

The endlessly expanding “shopping list” of demands of Baku suggests that the current Azerbaijani leadership is not interested in peace. There is a clearly identifiable pattern - after each meeting that creates certain positive expectations and may lead to concrete results Azerbaijan comes up with new narratives, demands and claims.

This approach of Azerbaijan is to try to make maximum gains by reverting to the use of force and threat of force as an instrument of coercive bargaining, which is unacceptable and constitutes a violation of norms and principles of international law and the Helsinki Final Act.

Those actions clearly demonstrate that the final goal of Azerbaijan remains the complete destruction of the people of Artsakh (Nagorno-Karabakh) by inflicting on them conditions of life calculated to bring about its physical destruction in whole or in part or to achieve its forced displacement which is a crime, punishable under international law.

I would like to make it abundantly clear. Today Azerbaijan is in preparation for a new war, new aggression, new atrocities and new tragedy, which will have devastating effects on the region and beyond. Jingoistic and utterly derogatory and vituperative statements of the President Aliiev against Armenians and Armenia, unprecedented level of hatred within the Azerbaijani society against Armenians nourished and encouraged by state institutions, arrogant and disrespectful behavior towards interlocutors, inability to implement agreed steps, environment of impunity within which Azerbaijan find itself - all this factors encourage Azerbaijan to believe that it can wage another war of aggression without being held accountable for its actions. Ultimate question is, are we jointly, as the OSCE, going to tolerate or license another war of aggression by an authoritarian regime against its neighbor.

Under current circumstances it is necessary to launch the international mechanism for the prevention of genocides, and send an international fact-finding mission to the Lachin Corridor and Nagorno-Karabakh. Though we, of course, appreciate the clear position of our partners on the unacceptability of the closure of the Lachin Corridor and the imperative to engage in the peace process, unfortunately we see that the calls alone do not yield any result. More robust actions are needed, and we strongly believe that it is time to consider application of targeted sanctions against those who are directly responsible for constant violation of international law, and making the peace and security and stability in the region even more distant.

In conclusion, Mr. Chairman, I would like to reiterate the steadfast commitment of the Government of Armenia to the peace agenda and its readiness to continue its efforts towards normalization of relations with Azerbaijan. However, for maintaining a constructive dialogue in pursuit of sustainable peace and stability and development in the South Caucasus we need an environment free from hate speech, from warmongering rhetoric, from threats or use of force.

I kindly ask you to attach this statement to the journal of today's meeting.

Thank you.