



**Statement by the Delegation of the Republic of Azerbaijan
1110th Meeting of the Permanent Council,
21 July 2016**

in response to activity report by the Head of the OSCE Office in Yerevan

Mr. Chairperson,

The Delegation of the Republic of Azerbaijan welcomes Mr. Argo Avakov, Head of the OSCE Office in Yerevan to the Permanent Council. We took note of the report on activities of the OSCE Office in Yerevan and would like to share our assessment, in this regard.

Regular reporting by field presences to the Permanent Council should serve to informed and comprehensive assessment by the participating States of their activities. In line with this understanding, we would have expected that report of the Office to be comprehensive and objective providing adequate view of real situation in the host country with respect to implementation of OSCE commitments in all three dimensions.

We found the report as excessively descriptive in content and thus, not allowing the reader to draw conclusion on the impact of field mission's activities on the ground. On some points, assertions of the report even contradict to assessment of other prominent international bodies, including the relevant institutions of the OSCE. We would be much more interested in outcomes of Office's activities and in this regard, encourage the distinguished head of the field mission to consider improvements in reporting of the mission. In this context, we would like to highlight several areas that require specific attention.

As for the independence of the judiciary, we refer to conclusions of the fourth evaluation round of the Group of States against Corruption (GRECO) of the Council of Europe that "according to several international organizations and studies, the low trust in the judiciary, which is permeated with corruption and remains closely connected to executive authorities is one of the country's major challenges". The situation regarding investigation and trial of incidents involving military personnel is equally worrisome. On this point, the commissioner for human rights of the Council of Europe, Nils Muiznieks stated that he was "struck by the high level of distrust of the families of the victims and civil society in relation to such investigations".

Corruption remains to be serious problem in the country as reflected in numerous international governmental and non-governmental reports, most notably, World Economic Forum's Global Competitiveness Report, corruption is the most problematic factor for doing business in the country. The judiciary appears to be particularly prone to corruption and suffers from the deficit of independence. Against this background, we would have expected the report of the Office in

Yerevan to outline the effect of the Office on improving the rather worrisome situation in the area of good governance.

We take note that the Office worked with the Police to increase the latter's capacity in tackling domestic violence and organized several awareness-raising activities. Nevertheless, with this report it is not possible to assess the situation in the country in area of tackling domestic violence and draw conclusion on the outcome of the Office's activities. We recall the report of UN Committee on Economic, Social and Cultural Rights that domestic violence in Armenia is widespread; that the authorities did not act effectively to prosecute domestic violence; and that the police were reluctant to act. In this context, we encourage the Office to streamline its activities in this important area.

Democratic oversight over the security sector and promotion of respect for human rights and international law in the military are of special importance. In this context, we take note of the activities of the Office in these fields, but, absence of reliable data about the outcome of measures taken by the Government remains to be a problem. Initiative of the Government to amend the Labor Code with a view to providing incentives for mercenaries and volunteers to serve in the Army is a legitimate concern for the Azerbaijani side, especially in light of unlawful presence of armed forces of Armenia in the Azerbaijani territories and armed provocations of the armed forces of Armenia against armed forces of Azerbaijan and civilians that led to dramatic escalation in the conflict zone. As we have informed the OSCE participating States on numerous occasions, large majority of military personnel killed in action in the occupied Azerbaijani territories were citizens of the Republic of Armenia serving in the Armed Forces as officers or regular conscripts. Given the persistent attempt of the Armenian side to mispresent those people as so-called "volunteers", the said amendments to the Labor Code would serve to further consolidation of Armenia's illegal military presence in occupied Azerbaijani territories. In this context, we encourage the Office to pay due attention to Republic Armenia's legislation related to military affairs, including the Military Doctrine and the Labor Code, while continuing to support the compliance of Armenia's legal framework with international obligations and OSCE commitments.

Within the programmatic activities related to human dimension, absence of proper analysis of situation in the country in terms of safeguarding human rights and fundamental freedoms is a serious deficit. Since the report indicates that the Office facilitated a two-day discussion platform, which reviewed implementation of human rights commitments and submitted recommendations for follow-up actions, we would appreciate if the Office could share this review with the Permanent Council and elaborate on situation of implementation of those recommendations.

We are especially interested in assessment of the Office on host Government's response to cases of violence against journalists, which have become particularly widespread in the context of public protests during the reporting period. As pointed out by the OSCE Representative on the Freedom of the Media, the police used violence against journalists wishing to cover public protests and the results of an investigation regarding attacks on journalists in June 2015 have not been disclosed yet. We encourage the Office to keep this issue high on the agenda and inform the Permanent Council, accordingly.

The situation with regard to political prisoners is equally concerning. As indicated in reports of several international and local NGOs, such as the Human Rights Watch and Eastern Partnership Civil Society Forum, since the beginning of 2016 number of human rights violations of civil and political activists have intensified. The Armenian authorities have tightened repression against political opponents and as a result, the number of political prisoners increased in the country.

We would also like to draw the attention to the fact that on some occasions Office's activities and financial resources were diverted to those areas that are not either related to the mandate of the Office or implementation of OSCE commitments. For instance, we wonder whether the Office should support visits of delegations from Armenia to OSCE and non-OSCE events. This should be the task of the host country. Moreover, further justification is needed in terms of Office's intention "to support the Government's initiative to further integrate into the Eurasian economic area". While respecting the sovereign decision of any participating State to decide upon its foreign policy course, we are of the view that OSCE field mission's activities should be exclusively focused on those priorities of the host country that directly stem from the OSCE commitments.

Our principled position is that peculiarities of host countries, in particular their track record in observing basic principles of the Helsinki Final Act, such as respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of states should be taken into account while crafting mandates of respective field missions and designing their programmatic activities.

We reiterate the necessity for the OSCE, in particular the Chairmanship and the CPC to keep an effective oversight of the activities of the OSCE Office in Yerevan with a view to ensuring that assistance provided to Armenia through the field mission, in particular in politico-military dimension, will in no circumstances be utilized in the occupied territories of Azerbaijan or serve to consolidation of the occupation of the Azerbaijani territories by Armenia. Our support to the activities of this field mission will be dependent on the progress in putting proper guarantees in place to prevent any misuse of assistance provided or capacity acquired by the host country against legitimate security interests of Azerbaijan. Enhanced transparency and accountability in the activities of the OSCE Office in Yerevan, in particular in the first dimension is of equal importance in this regard.

In conclusion, we once again thank distinguished head of the OSCE Office in Yerevan for his presence at the Permanent Council and wish him every success in his work.

Thank you, Mr. Chairperson.