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Seventy-seventh year

9175th meeting

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New York

Provisional

<i>President:</i>	Mr. Biang.	(Gabon)
<i>Members:</i>	Albania	Mr. Hoxha
	Brazil.	Mr. Costa Filho
	China	Mr. Geng Shuang
	France	Mr. De Rivière
	Ghana	Mrs. Hackman
	India	Mr. Ravindran
	Ireland	Mr. Mythen
	Kenya.	Ms. Mbabu
	Mexico	Mr. De la Fuente Ramírez
	Norway	Ms. Juul
	Russian Federation.	Mr. Polyanskiy
	United Arab Emirates	Mrs. Nusseibeh
	United Kingdom of Great Britain and Northern Ireland . .	Dame Barbara Woodward
	United States of America.	Mr. De Laurentis

Agenda

Threats to international peace and security

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Germany, Belarus, Greece, Latvia, Lithuania and Poland to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Salvatore Sciacchitano, President of the Council of the International Civil Aviation Organization, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Sciacchitano.

Mr. Sciacchitano: It is my pleasure to address the Security Council on behalf of the International Civil Aviation Organization (ICAO), the United Nations specialized agency for civil aviation, established by the Convention on International Civil Aviation, adopted in Chicago in 1944.

As mandated by the Chicago Convention, ICAO works with its 193 member States and the civil aviation industry to adopt standards and recommended practices and foster consensus on policies and global plans to enhance the safety, security and sustainability of international aviation. ICAO also coordinates and facilitates assistance and capacity-building for States and conducts audits of their oversight performance in the areas of aviation safety and security.

As I was invited to today's Security Council meeting on threats to international peace and security in order to provide a briefing on the forced landing of Ryanair Flight FR-4978 by Belarus, allow me to outline what happened and how ICAO addressed the issue.

On 23 May 2021, Ryanair Flight FR-4978, travelling from Athens to Vilnius, was diverted over Belarus airspace and landed at Minsk National Airport. The diversion was triggered by information provided by the Belarusian air traffic controller of a bomb threat on board the aircraft. That event immediately raised doubts and concerns among several ICAO member

States, which called for ICAO's action, particularly as two passengers were detained after landing in Minsk.

On 27 May 2021, the ICAO Council decided to undertake a fact-finding investigation of the event acting under sub-paragraph (e) of article 55 of the Chicago Convention, which states that the Council may:

“[i]nvestigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.”

The Council requested that the ICAO secretariat prepare a report that would present the available facts and relevant legal instruments and identify any gaps in order to safeguard international civil aviation and called upon States to collaborate with the investigation.

I wish to clarify here that this investigation does not fall within the scope of the Chicago Convention's Annex 13 — Aircraft Accident and Incident Investigation. Aircraft accidents or incidents fall under State responsibility. Pursuant to the foregoing decision of the Council, on 3 June 2021 the Secretary-General instituted a Fact-Finding Investigation Team composed of seven staff members specializing in air traffic control, operational safety, international air law and aviation security and led by the Deputy Director for Aviation Security and Facilitation of the Air Transport Bureau, who is here with me today.

With the support and cooperation of many States connected to the event, the team gathered a considerable amount of information and materials, and it had the opportunity to travel to various States to conduct interviews of relevant actors and witnesses despite the coronavirus disease-related constraints. The investigation established that, after entering Belarusian airspace, the pilots were informed by the controller of the Minsk Area Control Centre of a bomb threat on board and of the fact that the bomb would explode over Vilnius. The pilots were invited to divert to land in Minsk, and they were deliberately left with no other option. Despite their multiple requests to be put in contact with their operations centre in order to coordinate a decision, no attempt was made by the Minsk Area Control Centre to do that.

According to the authorities of Belarus, a first email was received at 9.25 a.m. Universal Time Coordinated

(UTC), followed by a second email at 9.56 a.m. UTC, both containing identical information about the bomb threat. Meanwhile, information obtained from the email service provider shows that only the second email was sent to Minsk National Airport, at 9.56 a.m. UTC, that is, 26 minutes after the information was communicated by the controller to the pilots.

The investigation team could not verify that Belarus received the threat email at 9.25 a.m. UTC that allegedly triggered the actions by the authorities, as they did not provide logs of the email server or the email files in their original format, including their metadata, citing their erasure in accordance with their data retention policy.

Moreover, no cellular phone records of the personnel involved, documenting the time and duration of the calls and person or entity contacted, were made available by Belarus to support the alleged sequence of events related to the transmission of the information regarding the bomb threat from Minsk National Airport personnel to the Minsk Area Control Centre.

The investigation report was first submitted to the Security Council in January. As there were some gaps and missing information, the report was not able to identify responsibilities at that stage. In view of new developments made public by two States around the same period, the Council decided that the investigation should continue.

Prior to the issuance of the report in January, the investigation team was not able to meet with, or interview, the controller of the Minsk Area Control Centre who was assigned to the Ryanair flight. The authorities of Belarus informed the team that that individual had not reported for duty after his summer leave and that they had no information as to his whereabouts and no way to contact him.

Subsequently, with the assistance of the authorities of the United States, the investigation team gained access to interview the controller, whose testimony materially contradicts the information and materials provided by the authorities of Belarus about the events of 23 May 2021, including with regard to the email as the origin of the bomb threat information, and reflects the involvement of an unidentified individual who had been given access to the Minsk Area Control Centre.

The investigation team had access to the audio recordings made by the air traffic controller during

the event and their transcripts, which supported his statements with verified material evidence. The audio recordings were compared to those already in the possession of the investigation team, as detailed in Appendix I of the investigation report.

The additional information and materials gathered helped to fill in some of the remaining gaps and led to the conclusion that Belarus senior officials orchestrated the deliberate diversion of the flight under the false pretext of a bomb threat. The final report of the investigation team was considered by the Council on 18 July.

The actions of the State of Belarus amounted to the use of civil aviation for a purpose inconsistent with the purposes of the Chicago Convention, which is a contravention of its article 4.

In the light of what I have reported here, the ICAO Council decided that the actions of the Government of Belarus referred to amounted to an infraction of the Chicago Convention, to be reported to the ICAO Assembly, and that the final report of the investigation team should be forwarded to the Secretary-General for information and any appropriate further action. The report was duly forwarded to the Secretary-General on 12 August.

Finally, during its forty-first session, held from 27 September to 7 October, the ICAO Assembly acknowledged that there was an infraction of the Chicago Convention by Belarus and adopted resolution A41-1, condemning the actions of the Government of the Republic of Belarus in committing an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR-4978 and the lives of those on board.

I wish to thank His Excellency Ambassador Michel Xavier Biang, President of the Security Council, for inviting me today and for giving ICAO the opportunity to address the Security Council. I will be happy to answer any questions that representatives may have.

The President (*spoke in French*): I thank Mr. Sciacchitano for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Hoxha (Albania): I would like to thank the President of the Council of the International Civil Aviation Organization (ICAO), Mr. Salvatore Sciacchitano, for his detailed and clear briefing.

On 26 May 2021, the Security Council discussed an unusual act: a Ryanair passenger plane was forced to land by the Belarus authorities in order to arrest Belarusian dissident journalist Roman Protasevich and his partner. Members of the Council called on the International Civil Aviation Organization to investigate that incident.

We welcome the report of the ICAO Fact-Finding Investigation Team and the resolution adopted at the forty-first session of the ICAO Assembly, entitled “Infraction of the Convention on International Civil Aviation by the Republic of Belarus”. We thank all the States that contributed with a significant amount of specific information, leading to objective assessments. It is also worth mentioning that several States initiated investigation processes regarding that case.

We are deeply concerned by the findings of the report in relation to the responsibility, the role and the implication of the Belarusian authorities regarding the deviation of the aeroplane with the only purpose of arresting a dissident journalist. There is clear evidence that four individuals, Government officials of Belarus, were critical participants in diverting the flight to Minsk National Airport with a false bomb threat. The individuals worked with air traffic control staff at Minsk National Airport to convey a false bomb threat to the flight in order to cause its diversion there, and they were subsequently involved in falsifying reports to conceal their actions.

As the ICAO report states,

“[N]either a bomb nor evidence of its existence was found during pre-departure screening in Athens, Greece, and, after various searches of the aircraft in Belarus and Lithuania, it is considered that the bomb threat was deliberately false.”

Furthermore, Minsk was not the closest airport for an urgent landing in such a distressful situation. According to company executives, flights in that area would normally be diverted to Poland or the Baltic States, but the pilot was given no option but to land in Minsk, and Minsk alone. We suspected then, and we now know, that the bomb threat was inexistent, the alarm false and the entire operation staged — a premeditated breach of global aviation rules and a State-sponsored hijacking.

By doing that, Belarus violated international law, which is cause for great concern. It acted in violation of the treaties on international civil aviation, namely,

the 1944 Chicago Convention on International Civil Aviation and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Belarus is a party to both instruments and has an obligation to respect them. The 1971 Montreal Convention in particular is crystal clear in its prohibition of

“unlawfully and intentionally ... communicat[ing] information which [a person] knows to be false, thereby endangering the safety of an aircraft in flight”,

as well as of attempting to communicate or assisting the communication of such information. Belarus has intentionally committed an act of unlawful interference.

Those actions of Belarus need to be seen in the light of its well-documented domestic policy of violations of human rights and its foreign policy in violation of international law. During the mass protests against the manipulation of the parliamentary elections in 2020, we saw massive repression against the people, the opposition, civil society, independent media and every voice critical of the Government.

Belarus even invited foreign troops from countries with extensive experience in suppressing opposition to successfully crack down on those protests, reducing public space and limiting the freedom of expression. Just last week, the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, reported to the Third Committee on the erosion of the rights to participation, opinion and expression, intimidation in workplaces, independent trade union movement dismantlement and other human rights infringements.

At several of its meetings, the Security Council condemned the complicity of Belarus in Russia's aggression in Ukraine. There is abundant and mounting evidence that Belarus has been and remains heavily involved in the war in Ukraine. From the very start of the war in February, Russian tanks crossed Belarus' southern border towards Kyiv, and Russia regularly launches missiles from Belarusian territory.

Those actions qualify as an act of aggression under article 3 (f) of the annex to General Assembly resolution 3314 (XXIX), on the definition of aggression, namely,

“[t]he action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State”.

That is the definition we agreed to. Such actions run contrary to international law and also go against the will of the Belarussian people themselves. According to a poll conducted by Chatham House in March, some weeks after the start of the Russian aggression in Ukraine, the public at large was clearly against the involvement of Belarus in the aggression and the deployment of Russian troops on the territory of Belarus.

Let me conclude by reiterating a note of caution regarding the latest move of Russia and Belarus — the creation of a new joint force — which has been set up in an opaque fog. We want to believe that it is not another move preparing another act or operation from Belarus, which would expand the war and make Belarus a direct aggressor State.

Dame Barbara Woodward (United Kingdom): When we discussed this issue immediately after the incident (see S/PV.8792), many members of the Security Council emphasized the importance of an international independent investigation. We therefore thank Mr. Sciacchitano, President of the Council of the International Civil Aviation Organization (ICAO), for attending today's Security Council meeting to relate the findings of the ICAO Fact-Finding Investigation Team and the subsequent decisions of the ICAO Council and Assembly.

It is clear from the investigation that on 23 May 2021, the Belarus authorities deliberately communicated a false bomb threat to Ryanair Flight FR-4978, before manipulating circumstances to influence the aircraft to land at Minsk National Airport. That the threat was communicated to the aircraft before the so-called bomb threat email was even sent to Minsk National Airport leaves little room for doubt. It appears that the purpose of that brazen and dangerous operation was to arrest and detain a journalist, Roman Protasevich, and his partner, Sofia Sapega, who with their fellow passengers happened to be flying over Belarus on their way from Athens to Vilnius.

As the ICAO Council and Assembly made clear, the actions of the Belarussian State endangered the safety and security of a commercial passenger aircraft and the lives of all those on board. And they were a flagrant violation of the Chicago Convention on International Civil Aviation and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

But that is not all. As we said last year, the use of a spurious terrorist threat to divert an airliner also served to undermine measures put in place by the international community to counter real aviation terror threats, including those addressed by the Security Council in resolution 2309 (2016).

The Lukashenko regime therefore broke international law, created a major risk to the safety of innocent passengers and undermined aviation safety more broadly, proving itself to be entirely irresponsible on the issue of international peace and security. And for what? All to silence an opposition journalist, further stifling any semblance of free speech left in Belarus. That has only been compounded further by its role as a staging ground and facilitator of Russia's illegal invasion of Ukraine, through which it continues to show reckless contempt for international law and the Charter of the United Nations.

We call on Belarus to hold accountable those responsible for that incident, desist from any further unlawful actions and end its support for Russia's illegal war on Ukraine.

Mr. DeLaurentis (United States of America): We would like to thank Mr. Sciacchitano for his briefing. The United States expresses appreciation to the International Civil Aviation Organization (ICAO) and its Fact-Finding Investigation Team for painstakingly researching and comprehensively analysing the events surrounding the unlawful forced diversion of Ryanair Flight FR-4978 to Minsk National Airport in May 2021.

It is unfortunate that the country whose actions were investigated has sought to discredit the investigation and ICAO. We encourage those who have doubts to read the public report for themselves. The report and investigation were expertly handled and a credit to the organization.

When the Council discussed this serious threat to international civil aviation last year (see S/PV.8792), some Council members claimed it was premature to draw conclusions before ICAO had finished its investigation. Now we have the results. ICAO found that the bomb threat against Ryanair Flight FR-4978 was deliberately false, and that false threat was communicated to the flight crew on the instructions of senior officials of the Belarus regime.

As we just heard, ICAO's report established without any doubt that Belarus authorities manufactured a

false bomb threat to force Flight FR-4978 to land in Minsk for the purpose of detaining an opposition journalist, in violation of Belarus's obligations under the Convention on International Civil Aviation, better known as the Chicago Convention. That act of unlawful interference put civilians in danger and undermined the fundamental trust between pilots and air traffic controllers in a way that could have wide-ranging safety repercussions for international civil aviation. The United States underscores and applauds the condemnation by the Assembly of the International Civil Aviation Organization (ICAO) of Belarus's violations of the Chicago Convention, in particular article 4, which prohibits the misuse of civil aviation. The ICAO Assembly's show of unity in condemning Belarus's actions sends a strong message that the international community will not stand for egregious acts of unlawfulness in international civil aviation. The Council must also send a clear message that such actions threatening our skies are unacceptable. The Lukashenko regime's forced diversion of Ryanair Flight FR-4978 to detain the passenger and independent Belarusian journalist Roman Protasevich and his companion Sofia Sapega was a violation of international aviation law, an act of transnational repression and a manipulation of the civil air navigation system. There must be consequences for those responsible. They are not the actions of a responsible international actor.

We gather here in the Security Council and throughout the multilateral system charged with defending peace and security in the world. We have a responsibility to put on record our denunciation of State actors who flagrantly violate their responsibilities and put their own ulterior interests ahead of international peace and security. Since the representative of Belarus is here today, I would also like to take this opportunity to reiterate that the United States calls on Belarus to release Sofia Sapega and to cease the intimidation and harassment of opposition journalist Roman Protasevich, as well as for the unconditional release of the more than 1,300 political prisoners currently held by the regime.

Mr. De Rivière (France) (*spoke in French*): I would like to thank the President of the Council of the International Civil Aviation Organization (ICAO), Mr. Salvatore Sciacchitano, for his briefing.

France welcomes the ICAO Council's decision of 18 July, as well as the resolution adopted by its Assembly at its forty-first session recognizing the responsibility

of the Belarusian authorities for the diversion to Minsk of Ryanair Flight FR-4978 on 23 May 2021.

The facts are serious. The ICAO's investigation shows that Belarus organized a false bomb threat. The conclusions we draw from the case are extremely worrying. The Belarusian regime orchestrated the hijacking of a civilian aircraft with the sole aim of arresting an opposition journalist, Mr. Roman Protasevich, as well as Ms. Sofia Sapega. It did not hesitate to endanger the safety of the passengers and crew on board. France condemns that flagrant violation of international air law and the threat to the safety and security of international civil aviation, which is nothing less than an act of air piracy.

Such an irresponsible act is one of the many manifestations of the Belarusian regime's brutal crackdown on any voices of dissent since the rigged election of August 2020. I also want to recall that almost a year ago to the day, we met for consultations following the Belarusian authorities' instrumentalization of migrants at European borders. Again, on that occasion, Belarus did not hesitate to endanger the lives of vulnerable individuals for political purposes. France also condemns Belarus's complicity in the war against Ukraine, as Belarusian territory continues to be used for missile and drone strikes on Ukrainian civilian infrastructure. With its falsification of the results of the August 2020 elections, its repression and stifling of civil society, its hijacking of the Ryanair flight, its instrumentalization of the migrant issue and its participation in the war against Ukraine, Belarus' violations of international law continue to multiply. France commends the courage of the Belarusian citizens who have spoken out against Mr. Lukashenko's regime. We call on the Belarusian authorities to drop all legal proceedings against Mr. Protasevich and Ms. Sapega, as well as against all political prisoners detained in Belarus. France will continue to support the Belarusian people in their democratic aspirations.

Mr. Ravindran (India): Let me also thank President of the International Civil Aviation Organization (ICAO) for his briefing. We have taken note of the points made.

The incident involving Ryanair Flight FR-4978 in the Belarusian airspace in May 2021 is being dealt with by ICAO, the apex international technical organization in the field of civil aviation. India has always maintained that such incidents should be subject to independent investigations conducted by ICAO. In

that regard, we have taken note of the conclusions of the investigation into the incident. The conclusions of any such investigation should be established based on facts and free of any political considerations.

India calls for consistency in action with regard to violations of the Chicago Convention by Member States. Actions that lead to isolation or exclusion will not only impinge on cooperation in the civilian aviation sector, but they will cause delays in determining circumstances that put the safety and security of the passengers in jeopardy. We need to encourage concerned Member States to extend their cooperation to those investigations. We also believe that measures that harm civilian populations should be avoided.

Mr. Mythen (Ireland): I thank Mr. Sciacchitano, President of the International Civil Aviation Organization (ICAO), for his briefing.

Ireland welcomes the conclusions of the ICAO investigation into the forced landing of a Ryanair aircraft in Minsk in May 2021, as confirmed by the ICAO Council and endorsed by its Assembly. We thank the ICAO Fact-Finding Investigation team for its work, as well as the Member States that contributed to that important task. Ireland condemns the act of unlawful interference committed by the Government of Belarus concerning the forced landing of Flight FR-4978, which was a clear breach of international aviation law. It needlessly endangered the safety of an aircraft in flight and of its passengers and crew on board. We call on Belarus to take all appropriate action, as requested by the ICAO Assembly.

The facts are clear and based on a detailed and thorough fact-finding investigation that gathered incontrovertible evidence of State-led breaches of international aviation law. The bomb threat against the Ryanair aircraft was deliberately false. Senior Government officials in Belarus knowingly participated and gave instructions to force it to land in Minsk. In sum, the Lukashenko regime orchestrated the hijacking of a civilian aircraft to arrest an opposition journalist and his companion, in a clear indication of the lengths to which Lukashenko will go to repress all dissent against his brutal regime.

Ireland condemns the detention of journalist Roman Protasevich and his companion, Sofia Sapega, for his alleged crime of honest media reporting on Lukashenko's regime of repression and intimidation. That serious incident was the latest in a pattern of

repressive actions by the Lukashenko regime against the Belarusian people and civil society following the fraudulent presidential election of August 2020. With no democratic legitimacy, Lukashenko relies on repression and threats to maintain his rule at the cost of his country's prosperity and the human rights of his people. Ireland condemns the use of State violence against peaceful protesters, indiscriminate detentions and curtailments of the freedom of assembly and media freedoms in Belarus, and calls for their immediate cessation. We remain steadfast in our support for a sustainable, democratic and peaceful resolution of the situation in Belarus.

The brazen steps taken by Belarus to arrest Mr. Protasevich are yet another stark reminder of the dangers faced by journalists and media workers. They have long been the international community's early-warning system. Our efforts to uphold democracy, monitor human rights abuses and identify emerging conflicts would be a fraction of what they are without the information we receive from journalists. Peace and security, freedom of expression and a free and independent press are inextricably linked. Journalists and media workers are indispensable to our work in the Security Council. It is therefore vital that the Council uphold resolutions 1738 (2006) and 2222 (2015) in order to protect journalists and media professionals working in armed conflict and to secure accountability for crimes against them, as well as to ensure a free and independent press.

With Russia's war of aggression against Ukraine, it is clear that the impact of Lukashenko's actions is no longer confined to the borders of Belarus. Russia has not acted alone in this war: it invaded Ukraine via Belarus; it launched missile strikes against Ukrainian targets, including against critical civilian infrastructure, from the territory of Belarus. Ireland condemns the involvement of Belarus in this illegal, unjustified war and reminds it of its responsibility to abide by international law.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): Before I address the topic of today's discussion, let me express our surprise and great disappointment at the decision of the President to allow representatives of several European Union (EU) States to participate in today's meeting. They have no connection with today's agenda item. That sets a bad example and demonstrates a lack of integrity. It also plays into the hands of Western countries, which as

we just heard very clearly, planned an anti-Belarusian show — and for that matter anti-Russian show — for the Security Council today. We can explain the President's clear neglect of the Council's rules of procedure and duties by inexperience and the overall strain that comes at the end of a Security Council presidency, which was on the whole successful.

We take note of the briefing by the President of the Council of the International Civil Aviation Organization (ICAO), Mr. Salvatore Sciacchitano, on the event involving the landing of Ryanair Flight FR-4978 at Minsk National Airport on 23 May 2021. However, the picture painted of that event and its allegedly objective investigation by the ICAO team does not resemble what actually happened. We have every reason to believe that the so-called "fact-finding process" was nothing more than the widely practiced settling of scores by Western countries with countries they dislike. Let me explain.

Let us start with the report submitted by the ICAO Fact-Finding Investigation Team, which was the basis of the recent ICAO Assembly resolution condemning Belarus. There are many questions that can be posed about that document — questions about which some States prefer to remain silent. Let us examine the facts.

On 31 January, the ICAO Council hosted a discussion about what it said was the final report on the incident involving Ryanair Flight FR-4978. The Team had concluded that a Belarusian MIG-29 had not intercepted or escorted the Ryanair flight and that the decision to land in Minsk had been made independently by the crew of the aircraft and the alleged guilt of the Belarusian side was not established.

Could such conclusions satisfy Western countries? Clearly not, as they needed the report to be political in nature so that they could use it to justify their illegitimate restrictive measures against the Belarusian air industry. They took advantage of their majority in the ICAO Council and forced the Team to continue the investigation. As a result, the final report was not final at all.

Upon considering the revised report, the ICAO Council reached a completely different decision, which condemned the acts of the Belarusian authorities and found that its officials were allegedly complicit in providing Ryanair Flight FR-4978 with false information about the threat of an explosion. Thus, essentially, the ICAO Council repeated the allegations made by Western countries in May 2021.

This situation is painfully reminiscent to the investigation by the Organization for the Prohibition of Chemical Weapons (OPCW) into the incident that occurred in Douma, Syria, on 7 April 2018. I recall that Western sponsors were not satisfied with the OPCW's initial report, which confirmed the lack of proof of the use of chemical weapons, and as a result the already finalized report was further doctored and tailored to satisfy their predetermined conclusions about Syria's involvement in the provocation staged by the notorious White Helmets.

Western States and the OPCW Director-General, Mr. Arias, do their utmost to turn a blind eye to the obvious facts that confirm manipulation and fraud, which dramatically undermines trust in the OPCW Technical Secretariat and the organization as a whole.

Similarly, the revised ICAO report on the landing of the Ryanair flight in Minsk, which is completely at odds with the initial report, carries little credibility in terms of its objectiveness. Suffice it to say that the revised report cites as one of its sources an anonymous individual, who allegedly used to be an air traffic controller and is now outside Belarus, and uses unverified audio recordings while ignoring the information shared by the Belarusian authorities.

Many appear to forget that the Team's task was not to find ways to accuse the Republic of Belarus but to determine the facts and identify gaps with a view to maintaining the safety and security of international air transport. I will provide just one example. The report states that some European States read the communications about a threat of an explosion onboard the aircraft 24 or more hours after those messages had been sent. Is that the proper level of flight security? Is that acceptable to European airline passengers? However, instead of adopting measures to rectify that egregious situation, Western States continue to blame the Belarusian side.

In our view, what is important is that Belarus itself maintained absolute transparency in the investigation, with no other agenda. The Belarusian aviation authorities interacted closely with ICAO and provided all the information requested. However, that responsible approach was not welcome, as it did not fit into the predetermined plans of Western countries, which did not wait for the outcome of the international investigation. Before the report was even released, they decided to suspend flights through Belarusian air space, ban EU-

bound flights of Belarusian air companies and impose illegitimate restrictions on Minsk. As far as they were concerned, ICAO had only one goal — to confirm the conclusions and claims of the Western capitals, which ICAO did the second time around to the detriment of its reputation.

As a result, we now have serious doubts about the impartiality of ICAO because no objective and transparent investigation into the incident involving that Ryanair flight was conducted. Let us recall similar air incidents. What would be the reaction of the international community to an investigation into, for example, the forced landing of the aircraft of the President of Bolivia in Vienna in 2013, the landing of a Belavia flight in Kyiv in 2016 or the emergency landing in Berlin in May 2021 of a Ryanair flight en route from Dublin to Krakow upon receiving information about an explosive device onboard?

In October, the biased report that had been redrafted to meet the pre-cooked accusations was endorsed by a resolution adopted at the forty-first session of the ICAO Assembly, which characterizes the legitimate acts of the Belarusian Government as a blatant violation of the Convention on International Civil Aviation. We consider that decision to be not only unfounded, but also overtly politicized. We sincerely regret that, contrary to ICAO's long-standing reputation as a technical body, its Assembly was used as a platform to promote the political interests of some countries.

Overall, the recent developments in ICAO have demonstrated that the organization is rapidly losing its ability to deliver in an impartial and professional way on its mandate, namely, to contribute to the safe and progressive development of international civil aviation. We see an ever-increasing number of situations in which ICAO acts in the interest of a small group of countries.

As we can see, the inability to properly respond to civil aviation issues leads to those topics being addressed in a non-specialized forum — the Security Council. Instead of addressing issues pertaining to the maintenance of international peace and security, the Security Council must again spend its time on the schemes concocted by our former Western partners against countries they dislike, although that bears no relation to the mandate of the Security Council.

Judging by the number of representatives of European States inscribed on the list of speakers, those schemes are of greater concern to them than

the real issues facing the States Members of the United Nations. It is otherwise difficult to explain the presence of five additional participants from the European Union at today's meeting and none at all at the debate of 28 October on the situation in the Middle East (see S/PV.9174).

We believe firmly that international civil aviation and the International Civil Aviation Organization should not become an instrument for applying political pressure. It would be extremely regrettable if it were allowed to slide down the same slippery slope as that of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, which is being rapidly politicized and losing all sense of independence. Such a scenario would cause irreparable damage to international cooperation in the area of civil aviation.

Ms. Juul (Norway): We thank the President of the Council of the International Civil Aviation Organization (ICAO) for sharing this important but worrying information. We appreciate the opportunity to discuss the issue today and thank the United States and Albania for the initiative.

In our view, ICAO's reports makes it clear that the Belarusian authorities forced the landing of Ryanair Flight FR-4978. They did so deliberately on a false premise of safety concerns and therefore bear the responsibility for unnecessarily endangering the safety of the passengers and flight crew. While Belarus has pointed to missing information in the investigation, ICAO's conclusions make it clear that that is in large part due to a lack of full cooperation in good faith on the part of the Belarusian authorities themselves. We deplore that and stress once again that their actions constituted a threat to European security, undermining international law and our collective security.

We should also recall that the incident took place in conjunction with the Belarus authorities' active facilitation of migration flows across its borders with Poland, Lithuania, and Latvia as a destabilizing measure putting people's lives at risk. With the benefit of hindsight, we now see the full context of the forced landing. It not only constituted a threat but was a clear sign of Belarus's complete disregard for global peace, security and international norms. Since the incident, Belarus has helped facilitate Russia's illegal invasion of Ukraine. We are gravely concerned about the escalation, as well as about the reports of Russia's additional military build-up on Belarusian territory.

Norway has repeatedly expressed its concern about the oppressive political situation in Belarus and its Government's actions in using any means deemed necessary to maintain its grip on power. We continue to urge the authorities to cease their policies of intimidation and harassment of civil society, media workers and members of the pro-democracy movement. Belarus must cease its attacks on civil society and human rights defenders, commit to regional stability, fully respect its obligations under international law, re-establish good relations with its neighbours and engage in a genuine dialogue with pro-democracy forces in the country. That is the only possible path forward.

Mr. Costa Filho (Brazil): I thank Mr Sciacchitano for his briefing. Brazil participated actively in the discussions in July of the Council of the International Civil Aviation Organization (ICAO) on the incidents involving Ryanair Flight FR-4978. We reiterate our appreciation for the efforts of the Fact-Finding Investigation Team in updating information essential to clarifying the episode. We are concerned about the indications of violations by Belarus of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. We understand that altering a flight plan for political purposes establishes a serious precedent that jeopardizes the integrity and the safety of international civil aviation. The report of the ICAO Fact-Finding Investigation, entitled *Event Involving Ryanair Flight FR4978 in Belarus Airspace on 23 May 2021*, should be seen as an appeal to all States to avoid such practices in the future.

The seriousness of the incident is undeniable. However, Brazil understands that this is an issue related to human rights and the safety of international civil aviation. Perhaps, we should reflect on whether the Security Council is the most appropriate forum for discussing the matter. In that regard, we fully support the submission of the report to the Office of the United Nations High Commissioner for Human Rights, which we consider to be a forum more competent to duly discuss the issue within the United Nations system.

Ms. Mbabu (Kenya): I thank Mr Sciacchitano for his briefing.

Kenya expresses its deepest condolences and sympathies to the Governments and the people of Somalia for the heinous terrorist attack in Mogadishu. We stand with them and the families that have lost loved ones and wish all the injured a quick recovery.

Kenya takes note of the report of the International Civil Aviation Organization (ICAO) Fact-Finding Investigation, *Event Involving Ryanair Flight FR4978 in Belarus Airspace on 23 May 2021*, published in July after investigations into the diversion of a Ryanair passenger aircraft on 23 May 2021. When the Security Council met last year about the worrying allegations (see S/PV.8792), we called for further investigations of the situation that would enable us to engage on it from an informed position. In the report, ICAO acknowledges that the bomb threat against the Ryanair flight was deliberately false, endangering the flight's safety in an unlawful act of interference and an infraction of the Convention on International Civil Aviation.

Civil aviation, including scheduled and non-scheduled commercial passenger flights, is essential to our mobility in our globalized system. The operation of commercial air services hinges on the adherence of Member States to the relevant principles of international law, conventions and other legal and administrative obligations. The findings of the report, which confirm State interference with respect to the freedoms of the air, particularly the first freedom of the air, and the interception of the passenger aircraft in Belarus's airspace, are therefore deeply concerning. Such action sets a dangerous precedent that could prompt unnecessary restrictions on commercial passenger air services and diminish confidence in air travel.

As countries of the international system, we have a duty to respect established international jurisdictions and norms and the rights of passengers. In that light, we reiterate the critical need to honour and adhere to principles of international law, the Montreal and Chicago Conventions and other legal obligations and instruments that guarantee the safety and security of all passengers boarding international aircraft.

Mr. De la Fuente Ramírez (Mexico) (spoke in Spanish): We thank the President of the Council of the International Civil Aviation Organization (ICAO), Salvatore Sciacchitano, for his briefing.

Mexico expresses its concern about the seriousness of unlawful interference in civil aviation in any form. With regard to the issue of Ryanair Flight FR-4978, the incident has already been appropriately addressed, and as Mr. Sciacchitano mentioned, it has been taken up by the ICAO Council and Assembly, which are the competent bodies for dealing with the issue.

As Mexico has stated in the context of such discussions and based on the conclusions contained in the report of the ICAO Fact-Finding Investigation, entitled *Event Involving Ryanair Flight FR4978 in Belarus Airspace on 23 May 2021*, I would like to reiterate our condemnation of any act in contravention of the Chicago Convention. As my country made clear within the ICAO Council, the interference with the Ryanair flight constituted a violation of the rules of international civil aviation by endangering the safety of a commercial passenger aircraft and the lives of those on board. But while all of that is unacceptable, in Mexico's opinion the incident, as well as the subsequent detention of a journalist and his travelling companion, should be addressed within the framework of the competent civil aviation and human rights forums.

Mr. Geng Shuang (China) (*spoke in Chinese*): I thank Mr. Salvatore Sciacchitano for his briefing.

In May last year, the Security Council discussed the forced landing of a Ryanair flight by Belarus under "Any other business" in internal consultations. Since then, the International Civil Aviation Organization (ICAO) has been responsible for the handling of that matter in accordance with the division of labour and its responsibility. Today, the Council is convening this debate to discuss that incident at the behest of a small number of members. Whether this is conducive to resolving the issue and whether it is an appropriate way for the Council to fulfil its primary responsibilities in the maintenance of international peace and security are debatable.

China noted that, on 27 July, Belarus submitted a position paper to the General Assembly at its seventy-sixth session (see A/76/909 annex), objecting to the final ICAO report on the forced landing of the Ryanair flight by Belarus. In the position paper, Belarus states that key information on which the conclusions of the final report were based is false and has not been verified with Belarus. Furthermore, the information provided by Belarus, the State in question, was not reflected in the ICAO fact-finding report.

China maintained that the forced landing of the Ryanair flight in Belarus should be judged and handled in accordance with the purposes and principles of the Charter of the United Nations, international law and international norms based on facts and evidence without geopolitical considerations, without selectivity and without double standards. We also believe that

ICAO, the specialized agency of the United Nations responsible for civil aviation affairs, should abide by the purposes and principles of the Chicago Convention and perform its duties strictly according to its mandate.

At present, different parties have different views on the ICAO fact-finding report and have concerns about the source and authenticity of some key information in the report. ICAO should eliminate interference from political factors, fully listen to the views of relevant parties, seek to fully grasp the situation, treat the concerns of all parties equally, conduct independent, professional and serious analysis, and draw conclusions that can stand the test of time.

China has always opposed unilateral sanctions that are not authorized by the Council and those that lack a basis in international law. Unilateral sanctions against Belarusian airlines and restrictions on and disruptions of the normal aviation order are detrimental to the healthy development of international civil aviation and should be lifted immediately.

Just now, some members mentioned the domestic situation in Belarus. I would like to point out that the situation in Belarus is the internal affair of that country. China has always respected the Belarusian people in independently choosing their development path in accordance with their national conditions, respected the sovereignty, independence and territorial integrity of Belarus, and resolutely opposed external interference in the internal affairs of Belarus.

Mrs. Nusseibeh (United Arab Emirates): I thank the President of the International Civil Aviation Organization (ICAO), Mr. Sciacchitano, for his briefing.

At the outset, I would underline that the United Arab Emirates has engaged in both the ICAO Council and Assembly in relation to the matter before us today.

As stressed in the preamble to the 1944 Convention on International Civil Aviation, the Chicago Convention, the development of international civil aviation can "greatly help to create and preserve friendship and understanding among the nations and peoples of the world". Those words continue to ring true today. The smooth and safe operation of international civil aviation is vital for international exchange, commerce and development.

The United Arab Emirates is keenly aware of the value and importance of the proper functioning of international civil aviation. As a major global aviation

hub, we have prioritized civil aviation as an important element in our own economic diversification. The United Arab Emirates, including as a member of the ICAO Council, strongly supports the need to uphold rules and standards that govern international civil aviation. That centrally includes the aforementioned Chicago Convention and the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

When there is an incident affecting the safe functioning of civil aviation, it is important to establish the facts professionally and impartially. The formation by the ICAO Council of the fact-finding investigation team and its report on the event involving Ryanair Flight FR-4978 on 23 May 2021 therefore served a valuable purpose. We appreciate ICAO's work and the consideration given to the issue by both the ICAO Council and the Assembly.

It is our firm belief that international civil aviation rules and standards are mutually beneficial to all Member States. We believe they should continue to be dealt with as a technical matter. We reiterate our call for all Member States to comply with the applicable conventions and regulations.

The world is in dire need of economic stability and reliability. We can respond to that need by protecting both the tremendous economic opportunities and the people-to-people connections that international civil aviation affords.

Mrs. Hackman (Ghana): At the outset, I would like to thank you, Mr. President, for convening this briefing, which borders on the important matter of aviation safety and security.

I also thank the President of the International Civil Aviation Organization (ICAO), Mr. Salvatore Sciacchitano, for his briefing and for sharing with the Council the conclusions of the ICAO Council's discussions on the fact-finding investigation report on the May 2021 incident involving Belarus' unlawful interference with Ryanair Flight FR-4978.

The Security Council, in its resolution 2309 (2016), recognized the vital importance of a secure global aviation system to the economic development and prosperity of all States. Like other forms of international transportation, air travel has for decades enabled the movement of people across national borders and served

as a bridging factor for trade, education, culture, science and several other aspects of human interaction.

The disruption of air travel by unauthorized authorities therefore poses grave danger not only for those passengers involved in specific travel, but for the wider global community and the many States that rely on the predictability of air travel for managing inter-State exchanges.

We therefore welcome ICAO's final fact-finding report, which established accountability for Belarus' actions for the landing of Ryanair Flight FR-4978 in Minsk on 23 May 2021. The actions, the report indicates, were in contravention of international aviation regulations, including the preamble and article 4 of the Chicago Convention on International Civil Aviation, to which Belarus is a State Party.

The landing of Flight FR-4978, which was en route to Vilnius from Athens, together with preceding incidents of State and non-State orchestrated attacks on international civil flights, some of which have been tragic, are incompatible with the norms of international behaviour and deserve international condemnation.

In reminding all States parties of their commitments not to use international civil aviation for purposes that are inconsistent with the aims of the Convention, we stress the urgent need for enhanced cooperation among States parties and ICAO to secure the aviation environment from all forms of threats, including terrorist attacks, piracy, hijacking and such other threats currently derailing maritime and other international transportation sectors.

Finally, we reaffirm our full commitment to the Convention on International Civil Aviation and stand ready to support further Council action aimed at securing safer skies in the interest of our international community.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of Gabon.

I thank Mr. Salvatore Sciacchitano, President of the Council of the International Civil Aviation Organization (ICAO), for his briefing.

This meeting sends a strong message of the Security Council's commitment to ensuring the safety and security of international civil aviation. We listened carefully to the recounting of the events that occurred

on 23 May 2021, concerning the incident involving the commercial Ryanair Flight FR-4978 from Athens to Vilnius, as they appear in the July report of the ICAO Fact-Finding Investigation Team.

At the outset, I would like to commend the cooperation throughout the process by most of the States concerned in the investigation. That enabled the collection of the factual data presented to us today.

Gabon takes careful note of the course of events on 23 May before, during and after the receipt of the email message indicating that a bomb had been placed on the aircraft, that it could be activated over Vilnius and that, consequently, the aircraft had to return to land in Minsk.

We also take note of the results of the investigations carried out by the relevant services of the countries concerned, which concluded:

“[a]s neither a bomb nor evidence of its existence was found during pre-departure screening in Athens, Greece and after various searches of the aircraft in Belarus and Lithuania, it is considered that the bomb threat was deliberately false.”

The report also relates that the investigators were not able to establish the receipt by the Belarusian authorities of an initial message informing them of a bomb threat on the basis of which said authorities notified the crew.

In view of the seriousness of the facts reported, we call on all the States concerned to participate constructively in the investigations by providing all the information required to establish the facts, in accordance with the international conventions governing air navigation.

My country urges all the countries concerned to respond to the requests for information and to collaborate, in good faith, in the criminal investigations to establish responsibility. It is essential that the safety of air traffic be preserved in all circumstances and that the integrity of equipment, crew members and passengers never be subject to unlawful constraints or restrictions contrary to the relevant provisions of the Chicago Convention on International Civil Aviation.

I now resume my functions as President of the Council.

I give the floor to the representative of Lithuania.

Mr. Paulauskas (Lithuania): At the outset, I would like to thank the delegations of Albania and the United States for requesting that the Security Council consider the incident in Belarus airspace involving Ryanair Flight FR-4978, under the agenda item “Threats to international peace and security”. Indeed, we regard this matter as a threat to international peace and security.

Let us recall that on 23 May 2021, the lives of 122 persons of various nationalities who were on board the hijacked Ryanair aircraft were endangered by the Belarusian authorities. Let us also recall that the Security Council held its first meeting on the incident on 26 May 2021.

I sincerely thank Mr. Salvatore Sciacchitano, President of the Council of the International Civil Aviation Organization (ICAO), for his comprehensive briefing. We welcome the recent adoption by the ICAO Assembly of the resolution on the breach of the Convention on International Civil Aviation by the Republic of Belarus. Lithuania appreciates the initiative of the President of the ICAO Council to forward the fact-finding investigation report and the Council’s related decisions thereon to Secretary-General António Guterres for consideration of any appropriate actions.

On behalf of my Government, I would like to express appreciation to the ICAO Fact-Finding Investigation Team for its strenuous and diligent efforts, as well as its comprehensive analysis of the incident. I also thank numerous Governments, including Bulgaria, Germany, Greece, Ireland, Latvia, Poland, Romania, Ukraine, United Kingdom and the United States, as well as the aviation safety control institutions and equipment manufacturers for their engagement with the ICAO team and for providing it with an extensive amount of information and material in order to establish the facts and identify the relevant provisions in international air law instruments.

We fully share ICAO’s assessment that, by forcing the Ryanair flight to land in Minsk, Belarus violated the Conventions for the Suppression of Unlawful Acts against the Safety of Civil Aviation, also known as the Montreal Convention, and the Convention on International Civil Aviation, also known as the Chicago Convention. Besides numerous other important findings and conclusions by the investigative team, it is also very important to underline that, following its consideration of the complete fact-finding results, the ICAO Council acknowledged that the bomb threat

against Ryanair Flight FR-4978 was deliberately false and endangered its safety and, furthermore, that the threat was communicated to the flight crew upon the instructions of the senior Government officials of Belarus.

It is therefore evident that the sole purpose of the actions of the Belarus authorities in this grave incident was to take into custody two members of the anti-Government opposition — Mr. Roman Protasevich and Ms. Sofia Sapega — who were passengers on the flight from Athens to Vilnius. The actions of the Belarus authorities were aimed at forcing Ryanair Flight FR-4978 to land in Minsk, and therefore, under false pretences, allowing Belarus security services to arrest the persons in question. By doing so, Belarusian authorities committed yet another human rights violation.

Permit me to recall that Lithuania's criminal investigative authority initiated an investigation regarding the commission of an offence of enforced disappearance — the hijacking of an aircraft for terrorist purposes under the relevant articles of the criminal code of the Republic of Lithuania. Lithuania duly informed the investigative team that requests for mutual legal assistance had been submitted to the other States connected to the incident. The investigations have been initiated and are ongoing in other States concerned.

In conclusion, various actions in the commission of these flagrant violations of the security of civil aviation that deliberately endangered the safety and security of the Ryanair flight and the lives of all those on board should be condemned internationally. The ICAO Council also recalled that the use of civil aviation in that manner contravenes the spirit of the Convention on International Civil Aviation, in particular its preamble and article 4.

We therefore call on the Security Council to recognize the responsibility of Belarus for the breaches of international law. Belarus must be held accountable for those grave violations. All human rights violations committed by the Belarus authorities in the Ryanair flight incident must become the subject of scrutiny by the Human Rights Council. It is also necessary that the Council demand from the authorities of Belarus that they provide all critical information that was requested but not made available to the team of investigators. The results of this investigation could lead to the improvement of ICAO standards and recommended

practices, procedures and guidance materials, as well as help fill gaps in the safety and security of international civil aviation. We kindly request that the Security Council remains seized of this issue.

The President (*spoke in French*): I now give the floor to the representative of Poland.

Mr. Szczerski (Poland): I would like to express my gratitude to the President of the Council of the International Civil Aviation Organization (ICAO) for a very informative briefing on the findings of the ICAO investigation into the May 2021 forced landing in Minsk of the Ryanair Flight FR-4978 aircraft, which was registered in Poland. My country, including the Ministry for Foreign Affairs, the Civil Aviation Authority and the National Public Prosecutor's Office, cooperated closely with the ICAO's Fact-Finding Investigation Team, which visited our country several times in the past year. The evidence provided by Poland to ICAO experts was used in the preparation of the final version of the report and served as a basis for its key findings.

It was long-overdue for the Security Council to discuss the threats to international peace and security posed by the policies and actions orchestrated by the regime in Minsk. Such behaviour destabilizes the situation in our region on several levels. The forced landing we are discussing today is just one of many examples of such misconduct.

First, let me refer to the matter directly at hand. We wish to express our appreciation for the work of the ICAO Council, which confirmed — as we just heard — that the submitted evidence undeniably indicates that the action of the Belarusian authorities violated international civil aviation regulations, namely, the Chicago Convention on International Civil Aviation and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and that those authorities deliberately communicated a false bomb threat in order to cause the Ryanair flight to land in Minsk, thereby endangering the lives of the passengers on board. The only reason for doing that was the premeditated apprehension of an activist of the Belarusian opposition who was present on board. The materials contained in the ICAO report clearly indicate that the sanctions measures taken against Belarus by the European Union (EU) and other countries in the aftermath of the incident were appropriate and took place in response to an act of

unlawful interference. Poland expresses its readiness to continue its cooperation in international forums to prevent such incidents in the future. The overriding goal of the international community should first and foremost be global aviation safety.

Secondly, the situation at the border between Poland and Belarus has remained unstable for more than a year now. In 2021, the Minsk regime decided to artificially engineer a migration crisis of unprecedented size in order to exert political pressure on the EU. Thousands of vulnerable people from all around the world were deceitfully lured by a Belarussian disinformation campaign to enter Belarus on the false promise of a better future, whereas their lives in fact became bargaining chips in the political machinations that contributed to destabilizing the situation in the entire region. Unfortunately, the Polish border authorities still record violent attempts to illegally cross the border on a daily basis. The weaponization of migration serves the sole purpose of diverting our attention from helping Ukraine to defend its country against the Russian aggression.

Thirdly, the authorities in Minsk violate human rights on a massive scale and persecute their own citizens. That was confirmed by numerous international organizations and independent reports. Tens of thousands of Belarusians were forced to flee the country. Many thousands are imprisoned only for expressing their views. The number of political prisoners is steadily increasing and has reached almost 1,350 persons. In order to artificially create an external enemy, Minsk undertook a series of hostile activities against the Polish minority in Belarus. They include the arrests of the leaders of the Union of Poles in Belarus, Ms. Andželika Borys, who was released from custody after one year and is currently under house arrest, and Mr. Andrzej Poczobut, who was arrested in 2021, still awaits trial and was recently included in the register of those regarded as terrorists. Polish cultural associations in Belarus are under coordinated attack from the local and central authorities, which have adopted a systemic approach to eliminating the Polish language from the public discourse, including the education system.

Against that backdrop, Poland has continuously offered safe refuge for Belarusians who left their country due to fear of political persecution. Since the fraudulent presidential elections in 2020, we have issued more than 450,000 visas to Belarusian nationals, including 43,000 humanitarian visas. We also provided support

to journalists, researchers, students and other people who settled in our country, enabling them to continue their professional activity. In the long term, the policies pursued by the Minsk regime will not only destabilize the situation in Belarus, but also negatively influence regional security and undermine international efforts for the broad implementation of international human rights standards. Without the democratization of the political system in Belarus, there will not be sustainable stability in the region.

Two weeks ago, on 4 October, Alexandr Lukashenko, President of Belarus, finally openly admitted that Belarus was taking part in the Russian-waged war against Ukraine. But, since the very first days of the Russian invasion, Belarus has in fact been used by Russia as a launching pad for its attacks against Ukraine, including Kyiv. Invading Russian troops were given free passage through Belarusian territory, and hundreds of Russian missiles were launched from it. As a neighbour of Belarus, Poland is deeply concerned by the Belarusian complicity in the Russian aggression. Our message to the authorities in Minsk is clear: they should think about all the negative effects of their engagement on the side of the aggressors, withdraw all their support and help to stop the shedding of blood of their next-door neighbours.

The President (*spoke in French*): I now give the floor to the representative of Latvia.

Mr. Pildegovičs (Latvia): I speak on behalf of the Czech Republic, Estonia and my own country, Latvia.

We welcome the fact that the Security Council is addressing the Lukashenko regime's reckless behaviour with regard to the forced landing of the Ryanair plane in May 2021. We thank the President of the Council of the International Civil Aviation Organization (ICAO) for his briefing and for drawing the Security Council's attention to the results of the investigation.

We reiterate our strong condemnation of the forced landing of the Ryanair flight in Minsk on 23 May 2021. That premeditated and intentional act of the Lukashenko regime was a blatant attack on the safety of international civil aviation and demonstrated flagrant disregard for international law.

After a thorough, impartial and independent investigation, the ICAO Council established that the bomb threat against the Ryanair flight was deliberately false and endangered its safety, and that the threat was

communicated to the flight crew upon the instructions of officials of the Lukashenko regime. There can be no doubt about the attribution and the perpetrators of that irresponsible and dangerous act. Those are the methods of terrorists, not responsible actors of international relations.

The ICAO investigation established the facts, and it provides trustworthy and reliable information. That information constitutes a good basis for the further actions of the Security Council and the United Nations.

Public confidence in the security of air transport is vital. In its resolution 2309 (2016), the Security Council affirms that all States have the responsibility to protect the security of citizens and nationals of all nations against attacks on air services operating within their territory, in a manner consistent with existing obligations under international law. We call on the Council to maintain close attention to the safety of international aviation and full accountability for those responsible.

It is clear to everyone by now that the Lukashenko regime landed the plane by force only for one reason — to arrest a journalist and civil activist who used to criticize the Lukashenko regime.

The Lukashenko regime's attempts to silence political opposition and independent journalists were not an exception, but a deliberate policy, especially after the sham so-called presidential elections of August 2020, when the Lukashenko regime felt particularly vulnerable. According to the Viasna Human Rights Centre, as of 28 October, there are 1,337 political prisoners in Belarus. People are arrested just for expressing their political views. That was the policy and practice of the Soviet Union.

Unfortunately, due to various support from Russia, Lukashenko managed to keep de facto power in Belarus at the expense of fundamental human rights despite the large majority of the Belarus people demanding change. It is a sad reality that Lukashenko has highjacked the sovereignty of Belarusian people.

The forced landing of the plane is just one element of the reckless behaviour of the Lukashenko regime. Since 24 February, Belarus has supported and enabled Russia's aggression against Ukraine in many ways, both politically and practically, such as letting the Russian armed forces use its territory and airspace for military supplies and missile, artillery and drone attacks, as

well as for equipment and troop incursions into the internationally recognized territory of Ukraine.

We call on Belarus to stop supporting Russia's aggression against Ukraine, immediately release all prisoners sentenced on politically motivated grounds, cease all other ongoing human rights violations, respect the fundamental democratic rights of Belarusian citizens and stop hybrid attacks on the European Union border.

We call on the Russian armed forces to withdraw from the whole territory of Ukraine within its internationally recognized borders, stop the war and the human suffering and cease exacerbating the negative global consequences. Justice must prevail; the perpetrators must, and will, be held accountable.

The President (*spoke in French*): I now give the floor to the representative of Greece.

Mrs. Theofili (Greece): At the outset, I wish to thank the President of the Council of the International Civil Aviation Organization (ICAO) for his informative briefing.

Greece condemned in the strongest terms the act of unlawful interference by the Belarusian authorities that took place on 23 May 2021 and resulted in the forced landing in Minsk of the Ryanair aircraft operating Flight FR-4978 from Athens to Vilnius. We wish to recall that there were 11 Greek citizens among the aircraft's passengers. Such practices are reminiscent of a different era and do not befit any State bound by, and compliant to, its international obligations.

From the very beginning, Greece supported the adoption of tough measures against Belarus in order to send a strong message that such behaviour cannot be tolerated. We also stated that this unprecedented incident bears all the legal characteristics of a blatant violation of international law and cannot be allowed to stand without any consequences whatsoever.

In that regard, we note the conclusions of the report of the ICAO Fact-Finding Investigation Team determining that the actions of the Government of Belarus amounted to a flagrant violation of the Chicago Convention on International Civil Aviation. We also welcome the ICAO Council's condemnation of the actions of the Government of Belarus in committing an act of unlawful interference.

In conclusion, we would like to underline that the violation of the relevant provisions of the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation not only endangers the safety of aircraft and civil aviation in general but is also a violation of the Convention on International Civil Aviation and its regulatory framework. Greece once again stresses and reaffirms that respect for international law and the international treaty framework, especially the Convention and its annexes, is of paramount importance and the central pillar of its foreign policy.

The President (*spoke in French*): I now give the floor to the representative of Germany.

Ms. Leendertse (Germany): I would like to thank you, Sir, for the opportunity to speak in the Security Council today. I also thank Mr. Salvatore Sciacchitano, President of the Council of the International Civil Aviation Organization (ICAO), for his briefing.

We take note that the ICAO Council condemned the actions of the Government of Belarus and designated them an act of unlawful interference. Germany agrees with that assessment and condemns in the strongest terms the forced diversion and landing of the flight. Also, as acknowledged by the ICAO Council, the claim of a bomb threat was deliberately false and communicated on the instructions of senior Government officials of Belarus. The sole purpose of that egregious act, which seriously endangered the safety of more than 100 passengers and crew personnel, was the pre-planned arrest of activist Roman Protasevich and his companion, Sofia Sapega. That shocking incident shows the true nature of the Belarusian regime, which does everything in its power to silence the voices of the people.

After rigging the August 2020 presidential elections and violently suppressing public dissent, the Belarus authorities organized a relentless campaign of persecution and intimidation to eradicate the country's formerly vibrant civil society and political opposition. Today there are well over 1,300 political prisoners in Belarus, and thousands more have been forced into exile. More than 700 civil-society and charity organizations have been dissolved.

Germany is appalled by those immense restrictions affecting all of Belarusian society and has therefore expanded its support programmes by setting up an action plan for civil society in Belarus. The initiative supports, among others, students, independent media and victims

of State violence. It also funds the documentation of the severe human rights crimes, for which the Lukashenko regime must be held accountable. To that end, jointly with our partners, we support the crucial efforts of the International Accountability Platform for Belarus.

Unfortunately, as the incident with Ryanair Flight FR-4978 shows, the repression does not stop at the borders of Belarus. The Lukashenko regime is also actively engaged in spreading instability and fuelling war in Eastern Europe, against the will of the vast majority of Belarusian citizens. In the early days of Russia's war of aggression on Ukraine, Russian troops attacked Ukraine from the territory of Belarus. Its territory has since been a staging ground for missile and drone attacks against Kyiv and other Ukrainian cities, killing thousands of innocent Ukrainian citizens.

Those Belarussian officials complicit in the committing of war crimes by Russia in Ukraine will be held to account. We urge the Government of Belarus to be on the right side of history and to immediately stop its support for Russia's war of aggression on Ukraine. We further call on Minsk to free all political prisoners and unconditionally end its campaign of domestic repression. Belarus must leave its path of self-destruction — a path towards isolation, oppression and poverty. It is still not too late to reverse course.

The President (*spoke in French*): I now give the floor to the representative of Belarus.

Mr. Rybakov (Belarus) (*spoke in Russian*): For many years now, Western countries have been waging a large-scale political, economic and information war against the Republic of Belarus. Economic terrorism is being used, including the imposition of numerous sanctions to economically strangle our country and its people, in violation of the Charter of the United Nations and international law. They have also grossly violated the provisions of the Budapest Memorandum — to which delegations in this Chamber often like to refer — under which Belarus voluntarily gave up the most modern nuclear weapons of the time without receiving anything in return.

The convening of today's meeting is yet another manifestation of the war. The very establishment of the International Civil Aviation Organization (ICAO) Fact-Finding Investigation Team to investigate the event involving Ryanair Flight FR-4978 in the airspace of Belarus on 23 May 2021 contradicts the mandate of the organization and sets a dangerous precedent of

manipulating the foundations of civil aviation safety. The report of the ICAO Fact-Finding Investigation Team, which was written hastily and under the pressure brought to bear by certain Western countries, is not a consensus report, is biased and lacks objectivity. Incidentally, that point was also brought to the attention of the participants at the recently held forty-first session of the ICAO Assembly.

As has already been mentioned today, the position of the Republic of Belarus on that report was circulated as official document of the General Assembly on 27 July under agenda item 88, entitled “Strengthening and promoting the international treaty framework” (see A/76/909 annex). Belarus will never accept the conclusions of the report, which is based on incomplete information and lacks the necessary international cooperation, which is also noted in the report.

We have not received answers to key questions sent to other countries involved with the aim of conducting an objective and comprehensive investigation. Also, additional information from Belarus was not requested. The report is full of mistakes and inaccuracies and uses non-aviation and biased approaches. The fact that the report uses information from an anonymous source in the absence of proper technical expertise is unacceptable.

In addition, the written testimony of the air traffic controller who was present, which Belarus duly provided to ICAO, was not taken into account. We have stated that the content of the alleged audio recording supposedly made by air traffic controllers and submitted — very conveniently — by United States authorities to the ICAO Fact-Finding Investigation Team is fraudulent and a forgery.

Let me turn to the most important point. The Fact-Finding Investigation Team itself acknowledged that there was no escort, interception or forced landing of Ryanair Flight FR-4978 by any military aircraft in the airspace of Belarus, which indicates that the captain of the foreign aircraft personally and independently made the decision to land at Minsk National Airport. Those indisputable facts, which, by the way, were acknowledged by the Fact-Finding Investigation Team, did not prevent Western countries from immediately accusing Belarus of forcibly landing the aircraft — even words such as “air terrorism” were uttered here today. And almost immediately after the incident, those countries imposed sanctions not only

on Belarus’ national airline, Belavia, but also on their own national airlines, which were banned from using Belarusian airspace. I would like to remind the Council that Belavia, Belarus’s national airline, was practically the only carrier that transported and rescued citizens of Western countries, at their States’ request, during the pandemic in situations of total lockdown, for which it was profusely thanked at the time by both nationals and representatives of those States.

Another outrageous fact is that the members of the Belarusian delegation were ready to hold a substantive discussion on all of these issues at the forty-first session of the ICAO Assembly, but Canada would not grant them visas and they were therefore forced to participate in the session virtually. It was clear that the organizers of that performance simply did not want to receive uncomfortable answers to any of their questions. Even in that online format, the Belarusian side submitted working documents on aviation security for consideration by the session, but they were blocked by Western countries, only confirming the West’s desire to compel international organizations — in this case, ICAO — to act in their particular political interests, even when that was to the detriment of flight safety.

Mr. Protasevich’s name has been mentioned several times here, since he is supposedly the reason why the incident in question occurred. Mr. Protasevich has prepared a video address to the Council specifically for this meeting, and a link to it can be found on the Belarusian Permanent Mission’s Twitter account. Anyone can listen to what Mr. Protasevich has to say, but I would ask them not to be distracted when he says that he is still under house arrest. That is a legal decision by the courts of the Republic of Belarus, a State that fully adheres to the rule of law, unlike certain other countries.

I would also like to say a few words with regard to the many accusations against Belarus that we have heard in this Chamber today about alleged violations of human rights. Some of the versions of events provided are far-fetched, to say the least. In any case, I will speak briefly on human rights.

In that connection, I would like to remind the Council about the illegal sanctions on Belarusian potash fertilizer, among other things. Of course, while potash fertilizer is not a foodstuff, we all know that it is essential to ensuring future harvests. The lack of Belarusian potash fertilizer in the world

markets — given that, according to certain statistical calculations, the Republic of Belarus produces as much as one third of the world's potash fertilizers — will lead to the needless death by starvation of additional tens of millions of people. To those who are developing and implementing the sanctions, I want to say that they are depriving people of their most fundamental right, the right to life, and yet they have the nerve to lecture us on how we should be complying with human rights — as they understand them, of course. Sooner or

later, they will be cast out, either by their own people or by the millions arriving from those countries that they are trying to destroy, who will come not in search of their mythical human rights as the West understands them, but for a piece of bread to feed their families and their children. And there will be a place for the West's leaders in history not as politicians, but as criminals and mass murderers.

The meeting rose at 11.45 a.m.