

Complaint to the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Submitted: 06 October 2020

To: Mr. Dainius Pūras, UN Special Rapporteur on the Right to Health

Summary

Victims: The People of Artsakh and Armenia

Perpetrators: Azerbaijan

Communication by: The undersigned civil society organizations

Factual Circumstances: As of 27 September 2020 and continuing today, Azerbaijan has launched a military attack with support of Turkey, which targets civilian populations and infrastructure in Artsakh, and which has produced civilian deaths, injuries, and internally displaced persons in Artsakh, as well as resulted in a large number of people fleeing away from Artsakh to seek security in Armenia, where they are accommodated in hotels and with guest families. In addition to civilian deaths and injuries, Azerbaijan's attacks consequentially put the people of Artsakh and Armenia at a greater risk of COVID-19 contagion due to the movement and accommodation of internally displaced persons and those seeking security in Armenia, due to groups of people gathering in basements during bombardments, and because it threatens to overburden the already taxed health care systems of Artsakh and Armenia during this time of pandemic.

Discussion

The undersigned civil society organizations, invoke the framework of International Covenant on Economic, Social and Cultural Rights (ICESCR) Art. 12 and other relevant legal grounds, and request the Special Rapporteur on the Right to Health to engage with the government of Azerbaijan on its military targeting of civilians, residential areas, and civilian infrastructure, because it puts at greater risk the right to health of the people of Artsakh and Armenia due to: a) civilian death and injury by shelling and bombardment, and b) enhanced risk of COVID-19 contagion as per huddling in groups in basements during bombardments, due to population movements and temporary accommodations in hotels and with guest families, and because increased COVID-19 transmission threatens an already overburdened healthcare system.

On March 23 2020 the UN Secretary-General Antonio Guterres called for a worldwide ceasefire, appealing to "...end the sickness of war and fight the disease that is ravaging our world."¹ Later he had several updates of his call, whereas he made "...a special appeal to all countries with influence on parties waging war to do everything possible for the ceasefire to become a reality."² In spite of this, during the second wave of COVID-19 pandemic, on September 27 2020 Azerbaijan has launched a large-scale attack along the entire length of the frontline of Artsakh, using heavy artillery, tanks, aircraft and missiles, targeting peaceful settlements, civilians and civilian infrastructure.

¹ UN News, <https://news.un.org/en/story/2020/03/1059972>

² UN Press Release, <https://www.un.org/press/en/2020/sgsm20032.doc.htm>

Civilian deaths and injuries are confirmed by Artsakh authorities³, by Artsakh Ombudsman⁴, by independent media⁵, by human rights organizations⁶ and most importantly by the Independent Committee of the Red Cross (ICRC).⁷ Those are a violation of the right to health itself, and these injuries put an unnecessary burden on the healthcare system during a time of pandemic. Additionally, during the bombardment of civilian populations people must cower together in basements for protection, and it is proven that COVID-19 is transmitted via droplets and aerosols, especially when people are confined together inside in tight quarters. Thus, Azerbaijan's targeting of civilian populations for already 10 days now causes loss of life and injuries as well as exacerbates the transmission of COVID-19, while also overburdening healthcare systems.

Furthermore, the ICRC warns that "... people who have been displaced by conflict are often particularly vulnerable to health complications or worse – being exposed to the coronavirus COVID-19 outbreak. Their temporary accommodation or camps can be crowded, often with inadequate sanitation and shelter or little access to medical care and good nutrition."⁸

The Azerbaijani targeting of civilian populations has created internally displaced persons within Artsakh and has caused people to leave Artsakh to seek security in Armenia. Some hotels in Stepanakert now house many dozens of internally displaced persons from Artsakh border villages (e.g. Talish), and those are at risk of bombardment as is the whole of capital Stepanakert. In Yerevan and other towns, many hundreds of people seeking temporary shelter, among which children and elderly, have been received and are housed in hotels, guesthouses or placed with "host families." At meal times people cannot wear masks and hotel dining and other facilities cannot enforce social distancing because of inadequate space. Also, people congregate to console each other in the public areas, particularly at funerals of soldiers or civilians, whereas the proper wearing of masks is impossible to control. As for host family accommodations both host and guest families are exposed to each other without first being tested for COVID-19 due to the urgency of the situation and due overburden of medical facilities and personnel exacerbated by the war.

Thus, the ICRC warning about COVID-19 transmission is manifesting due to internally displaced persons and those seeking security in Armenia as a result of Azerbaijan's targeting of civilian populations. Furthermore, as per the ICRC, the situation caused by Azerbaijan violates the following norms of international law: All general rules covering the civilian population; specific rules include Arts 35, 44, 45(4), 49, 70(2), 147 GC IV; Art 73 AP I; Art 17 AP II; Rules 105, 129 and 131 ICRC Customary International Humanitarian Law (CIHL) Study.⁹

Moreover, Azerbaijan's aggression towards civilians has caused mental health issues for internally displaced persons and those seeking security in Armenia, including children, which only time will allow to be documented.

³ Arayik Harutyunyan, President of Artsakh, post of 04 Oct 2020 at 10:40 am, <https://www.facebook.com/ArayikHarutyunian>

⁴ <https://en.armradio.am/2020/10/04/artsakhs-ombudsman-presents-azerbajians-war-crimes-to-international-community-video/>

⁵ France 24, <https://youtu.be/m7yX8ITQ6YY>, Hetq.am, <https://hetq.am/en/article/122543>, <https://hetq.am/en/article/122520>, BBC,

https://www.bbc.com/news/av/embed/p08tbmvh/54408167?fbclid=IwAR09IUctqCXgF2IEK3Hh7FTvX8uqkQnJhT_CQZKXJiQwzH4HEo9ZSDATZeo

⁶ Amnesty International, https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/?utm_source=TWITTER-IS&fbclid=IwAR3o8sKxgQO-R7faLTzA4SC2DGw2zy128svdhYxroP0zge8zWxZwjW2usBk

⁷ ICRC, <https://www.icrc.org/en/document/naqorno-karabakh-conflict-icrc-condemns-attacks-causing-civilian-deaths-and-injuries>

⁸ ICRC, <https://www.icrc.org/en/what-we-do/covid-19-pandemic>; <https://www.icrc.org/en/document/protecting-prison-populations-infectious-disease>

⁹ ICRC, https://www.icrc.org/en/download/file/118038/covid-19_and_ihl.pdf

For all of these reasons, the undersigned civil society organizations request that the Special Rapporteur on the Right to Health engage with the government of Azerbaijan as soon as possible to call an end to the targeting of civilian populations in Artsakh and the consequent detrimental affects on health of civilians in Artsakh and Armenia.

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