

CALL FOR URGENT ACTION

To: **UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health**
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Summary

Victims: The People of Artsakh (Nagorno-Karabakh) 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 which targets civilian populations and civilian infrastructure in Artsakh and different regions of Armenia, and which has resulted in civilian deaths, injuries, and displaced persons, fleeing from Artsakh to 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 Artsakh and Armenia at a greater risk of COVID-19 contagion due to the instant movement and accommodation of displaced persons, due to groups of people gathering in basements during bombardments, and because it threatens to overburden the healthcare systems of Artsakh and Armenia, which are already struggling with COVID-19 patients during the second wave of the pandemic.

Despite Russian, French and American OSCE Minsk Group co-chairs' numerous attempts to broker a cease-fire between Armenia and Azerbaijan, the last humanitarian cease-fire was violated immediately after it took effect on October 26, 2020.¹

On October 28, 2020, the armed forces of Azerbaijan bombed and shelled the capital of the Nagorno-Karabakh - Stepanakert, with Smerch long-range multiple rocket systems, weapon intended to ravage wide areas with explosives and cluster munition.² Apart from other civilian objects and residential buildings, the Azerbaijani forces also targeted the maternity hospital of Stepanakert.³ There were no patients or medical personnel in the maternity hospital at the moment of the strike, but it also damaged adjacent premises of a sprawling medical center filled with patients.⁴ (See attachment 1)

Discussion

¹ US State Department: <https://www.state.gov/u-s-armenia-azerbaijan-joint-statement/>

² The use of the cluster munitions on civilian populations and infrastructures is banned by IHL.

³ https://www.mfa.am/en/interviews-articles-and-comments/2020/10/28/mfa_statement_step_shushi/10600; Video footage of the destructions caused to the maternity hospital in Stepanakert: <https://www.facebook.com/ArmenianUnifiedInfoCenter/posts/820486825453913>

⁴ <https://www.usatoday.com/story/news/world/2020/10/29/azerbaijan-hits-hospital-dispute-armenia-over-nagorno-karabakh/6073536002/?fbclid=IwAR02SVB1dUx1sAFQmYQd8nd2j2zoQ3hznvUFs0V6no3kc57LnL6ARoNFKV0>

The undersigned civil society organizations invoke the framework of UN ICESCR Articles 10, 12 and other relevant legal grounds, and request the Special Rapporteur on Health to engage with the government of Azerbaijan on its military targeting of civilian infrastructure, primarily hospitals and medical centers, as it constitutes gross violation of the rights of the people of Artsakh and Armenia to the **right to special protection to mothers during a reasonable period before and after childbirth**, as well as the **right to enjoyment of the highest attainable standard of physical and mental health**. Apart from constituting a violation of the commitments under UN ICESCR, these are war crimes- gross violations of international humanitarian law and customary law, which take place during COVID pandemic, when the healthcare systems of Artsakh and Armenia are already overburdened with treatment of numerous COVID patients.

The fact that Azerbaijan targets civilian populations, resulting in civilian deaths and injuries, is apparent. This is confirmed by the Artsakh authorities⁵, by the Artaskh Ombudsman⁶, by civil society counterparts in Artsakh, by independent media⁷, and most importantly by the Independent Committee of the Red Cross (ICRC).⁸ Similar complaints were made by Amnesty International and Human Rights Watch.⁹ Civilian deaths and injuries are a violation of the right to health itself¹⁰, 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 population and infrastructures since 27 September 2020 causes loss of life and injuries, as well as exacerbates the transmission of COVID-19 among the local population.

The Azeri targeting of civilian populations has created internally displaced persons within Artsakh and has caused displaced persons to flee from Artsakh to Armenia (around 90,000 persons¹¹). Thus, the ICRC warning about COVID-19 transmission is manifesting due to displaced persons 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 CIHL Study.¹²

For all of these reasons, the undersigned civil society organizations request that the Special Rapporteur on Health:

5 Arayik Harutyunyan, President of Artsakh, post of 04 Oct 2020 at 10:40 am,

<https://www.facebook.com/ArayikHarutyunian>

6 <https://en.armradio.am/2020/10/04/artskhs-ombudsman-presents-azerbajjans-war-crimes-to-international-community-video/>

7 <https://youtu.be/m7yX8ITQ6YY> , <https://hetq.am/en/article/122543>, <https://hetq.am/en/article/122520>,

https://www.bbc.com/news/av/embed/p08tbnvh/54408167?fbclid=IwAR09IUctqCXgF2IEK3Hh7FTvX8uqkQnJhT_CQZKXJjQwzH4HEo9ZSDATZeo

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

9 <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/> ; <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh>

10 As of October 16, 2020, 115 civilians were wounded and 36 civilians were killed.

11 <https://www.artsakhombuds.am/en/document/735>

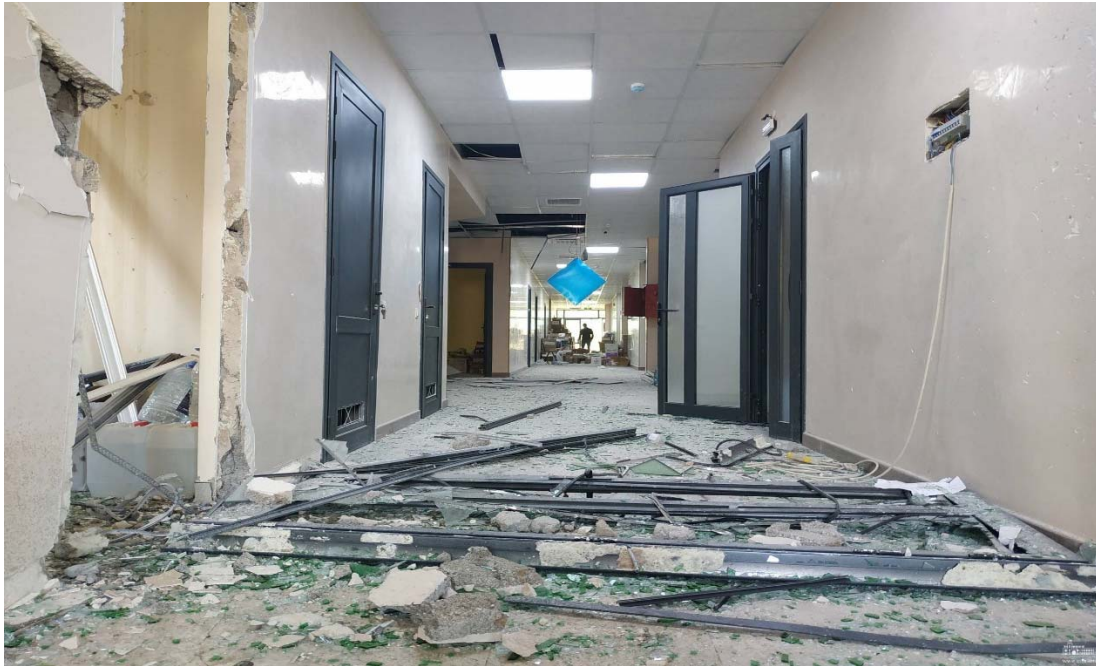
12 ICRC, https://www.icrc.org/en/download/file/118038/covid-19_and_ihl.pdf

- 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 effects on health of civilians in Artsakh and Armenia;
- provide objective information and assessment in the Annual and Special reports on the issues related to protection of the right to health for the people of Armenia and Artsakh in the context of the military aggression launched by Azerbaijan.

Civil Society Signatories:

Helsinki Citizens' Assembly-Vanadzor
Transparency International Anticorruption Center
Open Society Foundations – Armenia
Protection of Rights without Borders NGO
Law Development and Protection Foundation
Armenian Medical Association
Armenian Psychiatric Association
Center for Rights Development NGO
Real World, Real People NGO
New Generation Humanitarian NGO
Mission Aid and Development NGO
Committee to Protect Freedom of Expression
Yerevan Press Club
Analytical Centre on Globalization and Regional Cooperation
Union of Informed Citizens NGO
Public Journalism Club
Youth for Change Civil Society Development NGO
Women's Support Center
Tatevik NGO
Peace Dialogue NGO
"Spitak Helsinki Group" human rights NGO
Civil Youth Center NGO
Direct Democracy NGO
Goris Press Club
Centre for Community Mobilization and Support NGO
"KhoranArd" Intellectual Center NGO
"For Equal Rights" NGO
Women's Resource Center
Influential Citizen NGO
CineMArt NGO
Progress Gyumri NGO
Human Rights Research Center
"Agate" rights defense center for women with disabilities

Attachment 1
(photos of the affected maternity hospital and medical center in Stepanakert¹³)



¹³ https://www.mfa.am/en/interviews-articles-and-comments/2020/10/28/mfa_statement_step_shushi/10600

