



# Armenian Bar Association

P.O. Box 29111, Los Angeles, CA 90029  
ArmenianBar.org | [info@ArmenianBar.org](mailto:info@ArmenianBar.org)

March 29, 2023

**To:**

**Michael Fakhri**

Special Rapporteur on the right to food

[hrc-sr-food@un.org](mailto:hrc-sr-food@un.org)

**Tlaleng Mofokeng**

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

[hrc-sr-health@un.org](mailto:hrc-sr-health@un.org)

**Ashwini K.P.**

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

[hrc-sr-racism@un.org](mailto:hrc-sr-racism@un.org)

**Alena Douhan**

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

[hrc-sr-ucm@un.org](mailto:hrc-sr-ucm@un.org)

**Farida Shaheed**

Special Rapporteur on the right to education

[hrc-sr-education@un.org](mailto:hrc-sr-education@un.org)

Re: Human Rights Violations Arising from Azerbaijan's Blockade of Artsakh

To Special Rapporteurs Michael Fakhri, Tlaleng Mofokeng, Ashwini K.P., Alena Douhan, and Farida Shaheed:

The purpose of this letter is to bring to your attention the growing humanitarian crisis caused by Azerbaijan's blockade for over 100 days of the only highway connecting Nagorno-Karabakh (also called Artsakh) to the rest of the world, effectively placing the 120,000 residents of that region under siege. The blockade arises in a context of Azerbaijan's state-sanctioned anti-Armenian racism and creates grave implications for the rights of Nagorno-Karabakh's ethnic Armenian residents to education, adequate food, and the highest attainable standard of health. Given the situation's urgency and risk for irreparable harm, International Court of Justice required

in February that Azerbaijan “ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.”<sup>1</sup> Azerbaijan has yet to comply with this order.

The Armenian Bar Association is an international non-profit organization of judges, attorneys, law professors, law students, and legal professionals that addresses and provides education on areas of legal concern to the Armenian community.

In this letter, we provide an overview of the factual circumstances of this blockade, including specific information about its impacts on education, food, and health for residents of Nagorno Karabakh. We then provide a legal analysis of the situation vis-a-vis Azerbaijan’s international human rights obligations, and show how Azerbaijan has violated these obligations.

In light of this information, we urge you to make an urgent appeal to Azerbaijan as the responsible state and take all further necessary actions to end this ongoing crisis. Without intervention from various stakeholders demanding accountability from Azerbaijan, the ethnic Armenian population of Nagorno Karabakh is at heightened risk of ethnic cleansing.

## **I. Factual Background**

This section will provide an overview of the circumstances of the blockade, the context of anti-Armenian racism within which it arises, then discuss in greater detail its impacts on the rights of residents to education, adequate food, and the highest attainable standard of health.

### **A. Circumstances of the Blockade**

#### *i. Timeline and Overview of the Blockade*

On December 12, 2022, Azerbaijan blocked the only road connecting Nagorno-Karabakh to Armenia and the rest of the world.<sup>2</sup> The Goris-Stepanakert highway passes through the Lachin Corridor, which is used for the passage of people and essential goods to the primarily ethnic Armenian residents of Nagorno-Karabakh, and which under the provisions of the trilateral statement ending the 2020 Nagorno-Karabakh War, is to remain open and under the control of Russian peacekeepers.<sup>3</sup>

---

<sup>1</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Arm. v. Az.), Order on the Request for the indication of provisional measures, 2023 I.C.J. General List No. 180, ¶ 62 (Feb. 22).

<sup>2</sup> See Updated Joint Ad Hoc Report on the Humanitarian Consequences of Blocking the Only Road Connecting Artsakh with Armenia and the World, Human Rights Defender of Armenia & Human Rights Defender of Artsakh (Jan. 13, 2023), <https://artsakhombuds.am/en/document/985>; Rayhan Dymetrie, *Nagorno-Karabakh: Empty shops and blockade pile pressure on Armenians*, BBC (Jan. 6, 2023), <https://www.bbc.com/news/world-europe-64174164>.

<sup>3</sup> Joint Ad Hoc Report, *supra* note 2 at 3.

The three-month blockade is steadily creating a humanitarian disaster.<sup>4</sup> The 120,000 ethnic Armenian individuals living in Nagorno-Karabakh face food shortages and are rationing available food supplies.<sup>5</sup> The healthcare system has also been severely affected, due to a lack of medicine.<sup>6</sup> Gas supplies have also been intermittently cut by Azerbaijan;<sup>7</sup> combined with food shortages, this has resulted in the closure of schools, affecting thousands of children.<sup>8</sup> The impacts on food, health, and education will be discussed in greater detail in Part I.B below.

The results of concurrent disruptions to energy and internet infrastructure have exacerbated the crisis caused by the blockade. Azerbaijan has disrupted the natural gas supply from Armenia to Artsakh for 1 to 3 days at a time on four instances since December 2022, leaving the whole territory of Nagorno-Karabakh without heating in the midst of cold winter conditions.<sup>9</sup> Azerbaijan has also disrupted the electricity line from Armenia to Nagorno-Karabakh since January 9, 2023, leaving residents reliant on electricity produced within Nagorno-Karabakh—which normally produces only 57% of its electricity needs—and resulting in 6-hour rolling blackouts.<sup>10</sup> Azerbaijan has also disrupted the sole fiber-optic cable providing Internet to Nagorno Karabakh on at least one occasion since the beginning of the blockade, and on various occasions since 2020.<sup>11</sup>

The blockade is being executed by the Azerbaijani state.<sup>12</sup> The self-styled Azerbaijani “activists” effectuating the blockade are acting with the full backing of the Azerbaijani regime, which is usually quick to suppress any civil society demonstrations.<sup>13</sup> Journalists have reported that among the group are Azerbaijani civil servants,<sup>14</sup> and that the Azerbaijani government has provided these “activists” food, tents, and other support.<sup>15</sup> Fact-finding missions have confirmed

---

<sup>4</sup> Joint Ad Hoc Report, *supra* note 2 at 3. *See also* Artsakh Human Rights Defender, Interim Report on the Violations of Human Rights of Artsakh People as a Result of the Deliberate Disruption of Critical Infrastructure in the Midst of the Blockade of Artsakh by Azerbaijan Since December 12, 2022 (2023), <https://artsakhombuds.am/en/document/987>.

<sup>5</sup> Lilit Shahverdyan, Blackouts and food rationing as Karabakh blockade enters second month, Eurasianet (Jan. 12, 2023), <https://eurasianet.org/blackouts-and-food-rationing-as-karabakh-blockade-enters-second-month>; Taline Oundjian, Thousands of Armenians trapped in Nagorno-Karabakh face humanitarian crisis, France 24 (Jan. 20, 2023), <https://www.france24.com/en/asia-pacific/20230120-thousands-of-armenians-trapped-in-nagorno-karabakh-face-humanitarian-crisis>.

<sup>6</sup> Shahverdyan, *supra* note 5.

<sup>7</sup> Oundjian, *supra* note 5; Joint Ad Hoc Report, *supra* note 2 at 5, 22.

<sup>8</sup> Joint Ad Hoc Report, *supra* note 2 at 29.

<sup>9</sup> Interim Report, *supra* note 4 at 6.

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.* at 8.

<sup>12</sup> *See* The Azerbaijani Government’s “Eco-Activist” Who Blocked the Only Road of Life Connecting Artsakh to Armenia and the Rest of the World, Center for Law and Justice, Tatoyan Foundation, & Human Rights Ombudsman of Artsakh 7 (Feb 2023), <https://artsakhombuds.am/en/document/995>.

<sup>13</sup> *See* Dymetrie, *supra* note 2; *see also* Ryan Grim, et al., *The Hidden Siege of Nagorno-Karabakh*, *The Intercept* (Jan. 6, 2023), <https://theintercept.com/2023/01/20/deconstructed-armenia-azerbaijan-nagorno-karabakh/>.

<sup>14</sup> Bachir Kitachayev, *Azerbaijani roadblock cuts tens of thousands off from food, fuel and medicine*, Open Democracy (Dec. 16, 2022), <https://www.opendemocracy.net/en/odr/nagorno-karabakh-azerbaijan-armenia-roadblock/>.

<sup>15</sup> Grim, *supra* note 13.

that these individuals are members of organizations financed by the Azerbaijani state, and compiled information about their names and positions.<sup>16</sup>

ii. *Anti-Armenian Racism as the Motivation for Azerbaijan's Execution of the Blockade*

The racial motivations of this unilateral coercive measure are evidenced not only by the impact the policy has had on ethnic Armenians, as will be described in fuller detail in Part I.B, but also the statements and actions of agents of the Azerbaijani state. Ilham Aliyev, president of Azerbaijan, stated in a January 2023 speech that, in regards to the blockade, if an individual living in Nagorno Karabakh does not want to become a citizen of Azerbaijan, “the road is not closed, but open. They can go,”<sup>17</sup> showing a desire to rid Nagorno Karabakh of its ethnic Armenian inhabitants.

Additionally, a number of the so-called “activists” were recorded listening to nationalist Turkish songs, one was photographed making the Grey Wolves hand sign,<sup>18</sup> and another published a social media post on the way to the blockade with the words: “We are life-takers, we go to kill.”<sup>19</sup> The UN Special Rapporteur on Contemporary Forms of Racism has noted reports that the Grey Wolves are an ultra-nationalist group whose ideology is characterized by racist violence against ethnic minorities in Turkey and around the world,<sup>20</sup> including against ethnic Armenians.

The Committee on the Elimination of Racial Discrimination (“CERD”) has taken note of the extensive evidence of anti-Armenian racism in Azerbaijan’s policies. In its most recent concluding observations on Azerbaijan’s periodic report, CERD noted its deep concern about Azerbaijani forces’ extrajudicial killings and torture of ethnic Armenians, Azerbaijan’s destruction of Armenian cultural heritage, and Azerbaijan’s incitement to racial hatred of ethnic Armenians, including in Azerbaijani school textbooks.<sup>21</sup>

CERD recommended that Azerbaijan “[a]dopt measures to monitor and combat hate speech, incitement and promotion of racial hatred and discrimination, including on the Internet and social

---

<sup>16</sup> Joint Ad Hoc Report, *supra* note 2 at 15-16.

<sup>17</sup> President Ilham Aliyev gave an interview to local TV channels, Vesti.az (Jan. 12, 2023), [https://vesti.az/xeber/politika/prezident-ilxam-aliev-dal-intervyu-mestnym-telekanalam-foto-480285?fbclid=IwAR3EjVDt-G\\_NMZow3a9\\_cpyb89EzjJX6n9NUk-6LiN0papce5eYb9OKY3RI](https://vesti.az/xeber/politika/prezident-ilxam-aliev-dal-intervyu-mestnym-telekanalam-foto-480285?fbclid=IwAR3EjVDt-G_NMZow3a9_cpyb89EzjJX6n9NUk-6LiN0papce5eYb9OKY3RI).

<sup>18</sup> Kitachayev, *supra* note 14; Joint Ad Hoc Report, *supra* note 2 at 15.

<sup>19</sup> The Azerbaijani Government’s “Eco-Activist” Who Blocked the Only Road of Life Connecting Artsakh to Armenia and the Rest of the World, Center for Law and Justice, Tatoyan Foundation, & Human Rights Ombudsman of Artsakh 7 (Feb 2023), <https://artsakhombuds.am/en/document/995>.

<sup>20</sup> Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance: Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/48/77 (Sept. 13, 2021), para. 105.

<sup>21</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan, CERD/C/AZE/CO/10-12 (Sept. 22, 2022), paras. 4, 34.

media as well as by its officials and public institutions, targeted at persons of Armenian national or ethnic origin.”<sup>22</sup>

Previous instances of anti-Armenian racism by high-ranking Azerbaijani authorities have been well-documented. In a 2020 address, Aliyev called the ethnic Armenians of Artsakh “wild beasts... predators... jackals.”<sup>23</sup> Other Azerbaijani politicians have called ethnic Armenians “terrorists and vandals” and have stated that “[n]ot a single civilian should be left alive in Nagorno-Karabakh.”<sup>24</sup> These statements are echoed in other sectors; for example, Qarabag FK Soccer Club Official of Azerbaijan, Nurlan Ibrahimov, said in 2020, “We must kill Armenians – children, women and the elderly. We need to kill them without making a distinction. No regrets. No compassion.”<sup>25</sup>

## B. Harms Caused by the Blockade

### i. Negative Impacts on Education

Azerbaijan’s blockade has greatly affected the education of students in Nagorno Karabakh, often effectively causing formal education to cease altogether.<sup>26</sup>

In the context of education, it is important to note that in addition to blocking the only road connecting Artsakh to Armenia and the rest of the world,<sup>27</sup> Azerbaijan has also intermittently cut gas supplies.<sup>28</sup> The lack of gas due to intermittent shut-offs by Azerbaijan have caused the closure of schools,<sup>29</sup> in view of the fact that 65 percent of Artsakh’s educational institutions are heated solely by gas and the intermittent shut-offs have led to the inability to operate the schools in frigid Artsakh winters, fluctuating between -2° and 2° Celsius (28° to 36° Fahrenheit).<sup>30</sup>

Together with food and medicine shortages (discussed in greater detail below, *infra* Part I.B.ii) caused by the blockade at the Lachin corridor, the intermittent gas cut-offs have culminated in the shutdown of educational institutions leaving the children of Artsakh without a formal

---

<sup>22</sup> *Id.* at para. 5 (emphasis added).

<sup>23</sup> Human Rights Defender of Armenia & Human Rights Ombudsman of Artsakh, Ad Hoc Public Report Organized Hate Speech and Animosity Towards Ethnic Armenians in Azerbaijan as Root Causes of Ethnically Based Torture and Inhuman Treatment by Azerbaijani Armed Forces 20 (2020), <https://artsakhombuds.am/hy/document/780>. See also Human Rights Ombudsman of Artsakh, Armenophobia in Azerbaijan: Organized Hate Speech and Animosity towards Armenians (2016), <https://artsakhombuds.am/hy/document/570>.

<sup>24</sup> *Id.* at 23-24.

<sup>25</sup> Organized Hate Speech, *supra* note 23 at 8; See also Siranush Ghazanchyan, Qarabag FK official banned for life, club to be fined €100,000 – UEFA, Public Radio of Armenia (Nov. 26, 2020), <https://en.armradio.am/2020/11/26/qarabag-fk-officer-banned-for-life-club-to-be-fined-e100000-uefa/>.

<sup>26</sup> Center for Truth and Justice, *Azerbaijan's blockade of 120,000 Armenians of Nagorno-Karabakh and its humanitarian crisis*, Center for Truth and Justice (Dec. 22, 2022), <https://www.cftjustice.org/azerbajians-blockade-of-120000-armenians-of-nagorno-karabakh-and-its-humanitarian-crisis/>.

<sup>27</sup> See Joint Ad Hoc Report, *supra* note 2.

<sup>28</sup> Oundjian, *supra* note 5; Joint Ad Hoc Report, *supra* note 2 at 5, 22.

<sup>29</sup> Joint Ad Hoc Report, *supra* note 2 at 29.

<sup>30</sup> Interim Report, *supra* note 4.

education.<sup>31</sup> By the end of December, 30,000 kindergarten to 12th-grade students had been affected by the deprivation of education; between January 18-30, 20,000 children were affected; and, between February 7-20, 18,000 children were affected.<sup>32</sup> Altogether, 118 schools, 41 kindergartens, 56 pre-schools and 20 all-day education institutions have at various points been forced to close down due to the combination of the heating problem and food shortages.<sup>33</sup>

Azerbaijan's disruption of telecommunications services has also had an impact on education and access to information. On January 12, 2023, Karabakh Telecom reported that fixed internet services in Artsakh were severed, and mobile internet services were operating sporadically.<sup>34</sup> Damaged internet cables connecting the region to Armenia, and located near the site of the Azerbaijani blockade along the Lachin Corridor, were to blame.<sup>35</sup>

According to Nina Shahverdyan, an English teacher with Teach for Armenia from the village of Herher, these internet outages have had a negative effect on educating students in Artsakh.<sup>36</sup> Nina says, "Now you can't plan your day as you wish, but rather when there's power. It's inconvenient. I normally prefer to work in the evenings, but now I just wasted two hours without the internet and wasn't able to complete my lesson plan."<sup>37</sup>

Apart from these disruptions, the blockade of the Lachin corridor has also prevented students from being able to access their educational institutions. Because the 120,000 residents of Artsakh have been completely restricted from traveling to and from Armenia,<sup>38</sup> 1,500 Artsakh residents who were in Armenia at the start of the blockade have become separated from their families and unable to return to Artsakh.<sup>39</sup> Of those residents, there are 270 children unable to return to their parents or their schools,<sup>40</sup> including 120 Artsakh elementary students who were in Armenia for an educational program at the start of the blockade.<sup>41</sup>

---

<sup>31</sup> Kitachayev, *supra* note 14; *Kindergartens in blockaded Nagorno Karabakh shut down indefinitely over food shortage*, ARMENPRESS.AM (Jan. 8, 2023), <https://armenpress.am/eng/news/1101230/>; Center for Truth and Justice, *supra* note 26.

<sup>32</sup> Center for Truth and Justice, *supra* note 26; Human Rights Defender of the Republic of Artsakh, Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh (Nagorno Karabakh) (100 Days) at 21 (March 2023), <https://artsakhombuds.am/en/document/1004>

<sup>33</sup> Joint Ad Hoc Report, *supra* note 2 at 11.

<sup>34</sup> Internet service severed in Artsakh; Stepanakert accuses Baku, Hetq.am (Jan. 12, 2023), <https://hetq.am/en/article/152039>; *see also Breaking: Internet blackout in Nagorno Karabakh*, armenpress.am (2023), <https://armenpress.am/eng/news/1101546.html>.

<sup>35</sup> *Id.*

<sup>36</sup> Gayane Ghazaryan, *Education Under Blockade*, EVN REPORT (Jan. 20, 2023), <https://evnreport.com/spotlight-karabakh/education-under-blockade/>.

<sup>37</sup> *Id.*

<sup>38</sup> Center for Truth and Justice, *supra* note 26.

<sup>39</sup> *Id.*

<sup>40</sup> Tigran Hovsepian, *Armenian Children Cut Off From Parents By Azerbaijani Blockade*, RADIO FREE EUROPE RADIO LIBERTY (Jan. 16, 2023), <https://www.rferl.org/a/armenia-azerbaijan-nagorno-karabakh-children/32225591.html>.

<sup>41</sup> *Id.*

ii. *Negative Impacts on Food Accessibility*

Due to the physical blockade of the Lachin corridor, Artsakh has not received the 400 tons of daily deliveries of food supplies and medicines it usually receives; this represents an enormous interruption of usual food supplies considering prior to the blockade, 90% of the food sold in Artsakh was imported from Armenia and other countries.<sup>42</sup> This has resulted in severe food shortages being felt all throughout Artsakh.<sup>43</sup> A rationing system was implemented in mid-January consisting of buckwheat, rice, sugar, pasta, and cooking oil.<sup>44</sup>

Armenian residents of Artsakh are currently experiencing malnutrition.<sup>45</sup> Nonna Poghosyan, the American University of Armenia’s program coordinator in Artsakh says, “Every morning I go out with my 8-year-olds to hunt for food in the supermarkets. And they ask where all the fruits and vegetables have gone.”<sup>46</sup>

Not only is food unable to reach Artsakh, but the ability to produce and store food has been eliminated by the blockade. 80 percent of the 120,000 residents of Artsakh live in households supplied by gas, therefore, 80 percent of Artsakh residents cannot prepare food in their homes.<sup>47</sup> The cut off of gas supplies and electricity by Azerbaijan effectively eliminated bread production altogether.<sup>48</sup> Further greenhouses, where the production and storage of food take place, are one of the most affected as they are gas-operated. With the rolling blackout system in place the necessary conditions for production and storage of food cannot be consistently maintained.<sup>49</sup>

“Our bakery used to work all night to bake bread enough for the whole neighborhood [of Stepanakert] and beyond. Our stoves operate using gas, and only during the gas supply disruption we would switch to electric stoves that are much costlier. However, now that we do not have any gas supply and stable electricity due to the scheduled outages, including at nights, the bakery is operating in a part-time regime. We no longer manage to cover the demand that we used to before the blockade. Half of our staff are now left without jobs. You know, bread is the most basic foodstuff that people usually need to sustain, especially in these difficult times. Depriving people of bread means deliberately exposing the whole nation to hunger. This is the real intention of Azerbaijan today – our collective destruction.” says a bakery employee in Stepanakert.<sup>50</sup>

---

<sup>42</sup> Center for Truth and Justice, *supra* note 26; 100 Days Report, *supra* note 32 at 12

<sup>43</sup> *Id.*

<sup>44</sup> Tamara Qiblawi, ‘Potatoes are a luxury’: Vital supplies dwindle as ‘eco-activists’ blockade a breakaway region guarded by Russia, CNN (Jan. 12, 2023), <https://www.cnn.com/2023/01/12/europe/armenia-azerbaijan-nagorno-karabakh-lachin-intl/index.html>.

<sup>45</sup> Mané Babajanyan, *The crisis of the Lachin Corridor: On the verge of another humanitarian catastrophe*, ARMENIAN WEEKLY (Feb. 16, 2023), <https://armenianweekly.com/2023/02/15/the-crisis-of-the-lachin-corridor-on-the-verge-of-another-humanitarian-catastrophe/>.

<sup>46</sup> Qiblawi, *supra* note 44.

<sup>47</sup> Interim Report, *supra* note 4.

<sup>48</sup> Interim Report, *supra* note 4.

<sup>49</sup> Interim Report, *supra* note 4.

<sup>50</sup> Interim Report, *supra* note 4.

iii. *Negative Impacts on Health*

Hospitals in Artsakh have been undersupplied with medicine since the start of the blockade.<sup>51</sup> Between the start of the blockade and mid-January, the Red Cross shuttled in 10 tons of medicine, baby formula, and food for health facilities in response to the shortage.<sup>52</sup> Prior to the blockade, 400 tons of food and medicine used to arrive in Artsakh from Armenia *every day*.<sup>53</sup>

Current supplies are insufficient to meet medical needs.<sup>54</sup> The medicine shortage has become especially difficult for seniors and those with disabilities.<sup>55</sup> In some cases, treatment for certain patients has ceased altogether.<sup>56</sup> Between December 19, 2022 and February 1, 2023, the ICRC had to transport 60 patients to Armenia due to the lack of medical supplies in Artsakh.<sup>57</sup> In total, during the first 100 days of the blockade, 194 patients were transferred, and at least one individual died as a result of not being timely transferred to Armenia.<sup>58</sup>

A cardiologist at a hospital in Stepanakert noted that they are only able to complete about 10% of the normal number of procedures, due to the lack of stents resulting from the blockade.<sup>59</sup> He reported that there are a large number of individuals having heart attacks at home, and that many patients die daily due to the lack of care.<sup>60</sup>

A neurologist in Artsakh reported that a child with epilepsy, who needed urgent medication, was left entirely defenseless due to the blockade because the medicine could not get through the Lachin Corridor.<sup>61</sup> A week of negotiations with the ICRC was required before the medicine was able to be brought to Artsakh from Armenia.<sup>62</sup> In general, the blockade has had a negative impact on the mental health of Artsakh residence, including increases in stress and anxiety, as well as approximately a 46% increase in visits to neurologists and psychologists as compared to the same period last year.<sup>63</sup>

---

<sup>51</sup> Qiblawi, *supra* note 44.

<sup>52</sup> Qiblawi, *supra* note 44.

<sup>53</sup> Gabriel Gavin, *Europe watches on as humanitarian crisis unfolds in Nagorno-Karabakh*, POLITICO (Jan. 6, 2023), <https://www.politico.eu/article/europe-stalemate-humanitarian-crisis-nagorno-karabakh/>.

<sup>54</sup> *Azerbaijan: Blockade of lachin corridor putting thousands of lives in peril must be immediately lifted*, AMNESTY INTERNATIONAL (Feb. 13, 2023), <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>.

<sup>55</sup> Amnesty International, *supra* note 54.

<sup>56</sup> Amnesty International, *supra* note 54.

<sup>57</sup> ICRC, *supra* note 35; see also *ICRC facilitates transfer of six patients from blockaded Artsakh to Armenia*, ARMENPRESS (Feb. 7, 2023), <https://armenpress.am/eng/news/1103509.html>.

<sup>58</sup> 100 Days Report, *supra* note 32 at 7-8.

<sup>59</sup> Amnesty International, *supra* note 54.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> 100 Days Report, *supra* note 32 at 9-11.



Maternal health and newborn health are also at serious and constant risk given the lack of medical supplies. A woman from Martakert, Artsakh, who was eight-months pregnant, reported that due to the rolling blackouts during the blockade, the hospital could only operate one incubator at a time, and three premature babies had to take turns using it.<sup>64</sup>

Quantitatively, as of January 20, 2023, 113 people, including 35 children, were being treated at impacted medical institutions in Artsakh.<sup>65</sup> Seven newborns and 23 pregnant women were being treated at the maternity hospital.<sup>66</sup>

## **II. Legal Framework and Analysis**

This section will present the relevant international human rights standards, and analyze the situation in Nagorno-Karabakh within this framework. In general, unilateral coercive measures, such as the one Azerbaijan is executing against Artsakh, result in extensive human rights violations. The Human Rights Council noted that such measures can “impinge on the provision of an adequate standard of living, including medical care, food, clothing and housing” and thus affect the implementation of economic, social, and cultural rights.<sup>67</sup>

### **A. Violations of International Standards on Racial Discrimination**

#### *i. International Standards Relating to Racial Discrimination*

A distinction based on race or ethnicity is contrary to the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”) if it has “either the purpose or the effect of impairing particular rights and freedoms.”<sup>68</sup> CERD “will look to see whether that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin.”<sup>69</sup>

Article 2 of ICERD requires states “to engage in no act or practice of racial discrimination against persons, groups of persons or institutions” and “not to sponsor, defend or support racial

---

<sup>64</sup> *Id.*

<sup>65</sup> Interim Report, *supra* note 3 at 13.

<sup>66</sup> *Id.*

<sup>67</sup> Human Rights Council, Thematic study of the Office of the United Nations High Commissioner for Human Rights on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, U.N. Doc. A/HRC/19/33, para. 35 (Jan. 11, 2012).

<sup>68</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 14, Definition of Racial Discrimination (Forty-second session, 1993), U.N. Doc. A/48/18 at 114, para. 1 (1994).

<sup>69</sup> *Id.* at para. 2.

discrimination by any persons or organizations.”<sup>70</sup> States must also “prohibit and bring to an end... racial discrimination by any persons, group or organization.”<sup>71</sup>

Additionally, Article 5 of ICERD requires State Parties to “prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of... [e]conomic, social and cultural rights.”<sup>72</sup> This includes “[t]he rights to work...to protection against unemployment...[t]he right to public health, medical care...[and t]he right to education.”<sup>73</sup>

CERD has clarified that the rights protected in Article 5 of ICERD “have been elaborated in the Covenants... Article 5 assumes the existence and recognition of these rights.”<sup>74</sup> Thus, the rights contained within the International Covenant on Economic, Social and Cultural Rights,<sup>75</sup> particularly the right to the highest attainable standard of health (Article 12),<sup>76</sup> the right to adequate food (Article 11),<sup>77</sup> and the right to education (Article 13),<sup>78</sup> are relevant to interpreting Article 5 of ICERD. States are obligated not only to refrain from impinging on these rights, but also “to take measures that prevent third parties from interfering with”<sup>79</sup> these rights. Further, the rights contained in Articles 2 and 5 of ICERD contain no restriction as to their territorial application.<sup>80</sup>

---

<sup>70</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, S. Exec. Doc. C, 95-2 (1978), S. Treaty Doc. 95-18, 660 U.N.T.S. 195, 212.

<sup>71</sup> *Id.* Article 2(1)(d).

<sup>72</sup> *Id.* Article 5(e).

<sup>73</sup> *Id.* Articles 5(e)(i), (iv), & (v).

<sup>74</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 20, The guarantee of human rights free from racial discrimination (Forty-eighth session, 1996), U.N. Doc. A/51/18, annex VIII at 124 (1996), para. 1.

<sup>75</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966 993 U.N.T.S. 3; S. Exec. Doc. D, 95-2 (1978); S. Treaty Doc. No. 95-19; 6 I.L.M. 360 (1967).

<sup>76</sup> See Committee on Economic, Social and Cultural Rights, General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), U.N. Doc. E/C.12/2000/4 (Aug. 11, 2000).

<sup>77</sup> See Committee on Economic, Social and Cultural Rights, General comment No. 12: The Right to Adequate Food (Art. 11), U.N. Doc. E/C.12/1999/5 (May 12, 1999).

<sup>78</sup> See Committee on Economic, Social and Cultural Rights, General comment No. 13: The Right to Education (Art. 13), U.N. Doc. E/C.12/1999/10 (Dec. 8, 1999); see also Committee on the Elimination of Racial Discrimination, *Murat Er v. Denmark*, Communication No. 40/2007, U.N. Doc. CERD/C/71/D/40/2007, para. 7.3 (Aug. 8, 2007) (finding a violation of Article 5(e)(v) of ICERD where the petitioner’s educational opportunities were “more limited than other students because of his ethnicity”).

<sup>79</sup> CESCR General Comment No. 14, *supra* 74, para. 33; CESCR General comment No. 13, *supra* X13X, para. 47. See also CESCR General comment No. 12, *supra* note 77, para. 40. See also CERD General Recommendation 20, *supra* note 74, para. 5 (“To the extent that private institutions influence the exercise of rights or the availability of opportunities, the State party must ensure that the result has neither the purpose nor the effect of creating or perpetuating racial discrimination.”).

<sup>80</sup> Application of the International Convention on the Elimination of all Forms of Racial Discrimination (*Georgia v. Russian Federation*), Provisional Measures, Order of 15 October 2008, I.C.J. Reports 2008, p. 353, ¶ 109.

ii. *Azerbaijan Has Violated of International Obligations Relating to Racial Discrimination*

CERD must first determine whether there has been an act of racial discrimination as defined by Article 1 of ICERD.<sup>81</sup> *Either* the purpose *or* the effect of impairing rights on the basis of race are sufficient to show racial discrimination under Article 1(a) of ICERD. Both are present in this case. Once there has been a finding of racial discrimination, CERD may then examine whether the substantive rights protected by ICERD have been violated.<sup>82</sup> CERD will not be the first international body to analyze Azerbaijan’s blockade under the obligations contained in ICERD: The International Court of Justice has found that at least some rights protected by ICERD Articles 2 and 5 have plausibly been violated by the blockade.<sup>83</sup>

Azerbaijan’s actions have the *purpose* of impairing the rights of ethnic Armenians. Aliyev’s invitation to the ethnic Armenian inhabitants of Nagorno-Karabakh to leave the territory, and Azerbaijan’s use of the blockade of Nagorno Karabakh to effectuate this desire, represent a violation of Azerbaijan’s obligation under ICERD Article 2(1)(d) “to engage in no act or practice of racial discrimination against persons, groups of persons or institutions.” This statement is part of the pattern identified by CERD of Azerbaijani “officials and public institutions” promoting anti-Armenian racial hatred.<sup>84</sup>

That individuals blocking the access of essential medicines, foods, etc. have been linked to an ultra-nationalist group characterized by racist violence against minorities including Armenians represents, at minimum, Azerbaijan’s violation of its obligation under Article 2(1)(d) to end racial discrimination “by any persons, group or organization,” as well as, given Azerbaijan’s direct role in orchestrating the blockade, its obligation under Article 2(1)(b) “not to sponsor, defend or support racial discrimination by any persons or organizations.”

Azerbaijan’s actions also have the *effect* of impairing the rights of ethnic Armenians. Because of the blockade, the rights of thousands of ethnic Armenians to adequate food, the highest attainable standard of health, and to education have been severely impeded.<sup>85</sup> The blockade only affects the portion of Nagorno-Karabakh remaining under the control of ethnic Armenians following the 2020 Nagorno-Karabakh War.<sup>86</sup> Thus, these effects are felt *only* by ethnic Armenians: the blockade has not impacted these rights vis-à-vis other ethnic groups.

---

<sup>81</sup> L. R. et al. v. Slovakia, Committee on the Elimination of Racial Discrimination, Communication No. 31/2003, 10 March 2005, U.N. Doc CERD/C/66/D/31/2003, ¶ 10.2.

<sup>82</sup> *Id.*

<sup>83</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Arm. v. Az.), Order on the Request for the indication of provisional measures, 2023 I.C.J. General List No. 180, ¶ 39 (Feb. 22).

<sup>84</sup> CERD Concluding observations on Azerbaijan, *supra* note 21 at para. 5.

<sup>85</sup> *Supra* Part I.B.

<sup>86</sup> See Kitachayev, *supra* note 14; Interim Report, *supra* note 4 at 14.

## B. Violations of International Standards on the Rights to Food

### i. *International Standards Relating to Rights to Adequate Food*

The International Covenant of Economic, Social and Cultural Rights (“ICESCR”)<sup>87</sup> enshrines the human right to adequate food. The legal obligations of states are set out in Articles 2 and 11 of the ICESCR where states are obliged to ensure access to the minimum essential food which is sufficient, adequate, and safe.<sup>88</sup> The right to adequate food imposes obligations to respect, protect, and fulfill access to adequate food, on states.<sup>89</sup> Namely, the obligation to respect existing access to adequate food requires states not to take any measures that result in preventing such access.<sup>90</sup> Violations of the Covenant occur when states “fail to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger.”<sup>91</sup>

The Committee on Economic Social and Cultural Rights (“CESCR”) describes the right to adequate food as including the following by implication: (i) that the availability of food is of a quantity and quality sufficient to satisfy the dietary needs of individuals and is acceptable within a given culture, and (ii) that the access to such food is sustainable and does not interfere with enjoyment of other human rights.<sup>92</sup>

The right to adequate food is “indispensable for the fulfillment of other human rights enshrined in the International Bill of Human Rights.”<sup>93</sup> The right to adequate food is sufficiently realized when every member of a community has “physical and economic access at all times to adequate food or means for its procurement.”<sup>94</sup> The definition of *adequate* is broad and meant to be interpreted within a given local context, “...to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions...”<sup>95</sup>

Significantly, ICESCR also contemplates states’ obligations outside of territory under a state’s control. Article 2, for example, requires states to work towards progressively achieving the full realization of the rights contained in ICESCR, “through international assistance and co-operation.” In relation to the right to food, Article 11(2) requires states to, inter alia, improve methods of food distribution, “through international co-operation.” CESCR has emphasized that “cooperation for

---

<sup>87</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3; S. Exec. Doc. D, 95-2 (1978); S. Treaty Doc. No. 95-19; 6 I.L.M. 360 (1967).

<sup>88</sup> General Comment 12, *supra* note 77 at para. 14.

<sup>89</sup> *Id.* at para 15.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at para 17.

<sup>92</sup> *Id.* at para 8.

<sup>93</sup> *Id.* at para 14.

<sup>94</sup> *Id.* at para. 6.

<sup>95</sup> *Id.* at para. 7.

development and thus for the realization of economic, social and cultural rights is an obligation of all States.”<sup>96</sup>

ii. *Azerbaijan Has Violated International Obligations Relating to the Right to Adequate Food*

Azerbaijan has violated the right to food of the ethnic Armenians of Nagorno-Karabakh, as protected in the ICESCR. Specifically, Azerbaijan’s state-sponsored blockade of the only road connecting Nagorno-Karabakh to Armenia has led to severe food shortages for the 120,000 ethnic Armenians living in Nagorno-Karabakh.<sup>97</sup>

Residents of Nagorno-Karabakh, normally accustomed to receiving up to 400 tons of daily food and medicines deliveries by the Goris-Stepanakert highway, have been faced with food shortages and resorted to severe rationing in order to forestall wide-spread famine.<sup>98</sup> Azerbaijan’s actions are depriving residents of Nagorno-Karabakh of adequate food, and the continued blockade ensures that these residents are not able to access the minimum essential level of adequate food necessary to be free from hunger for the foreseeable future. These actions are a clear violation of Articles 2 and 11 of the ICESCR, which describes the obligation of states to respect existing access to adequate food and to refrain from taking any measures that result in preventing such access.

### **C. Violations of International Standards on the Right to Education**

i. *International Standards Relating to Rights to Education*

The ICESCR devotes two articles to the right to education, articles 13 and 14. Article 13 deals with setting the objectives of educational systems and describes the right for citizens of a state to receive an education.<sup>99</sup> The rights to various levels of education enjoyed by citizens point to obligations on states to ensure the elements of availability, accessibility, acceptability, and adaptability of national educational environments.<sup>100</sup>

Violations of article 13 of the ICESCR may occur through the direct action of States. The ICESCR also specifies that the right to education imposes three levels of obligations on states: the obligations to (i) respect, (ii) protect, and (iii) fulfill the rights of its population to receive

---

<sup>96</sup> Committee of Economic, Social and Cultural Rights, General Comment No. 3: The Nature of States Parties’ Obligations (Art. 2, Para. 1, of the Covenant), (Fifth session, 1990), U.N. Doc. E/1991/23, para. 14 (Dec. 14, 1990).

<sup>97</sup> See Joint Ad Hoc Report, *supra* note 2; Rayhan Dymetrie, *Nagorno-Karabakh: Empty shops and blockade pile pressure on Armenians*, BBC (Jan. 6, 2023), <https://www.bbc.com/news/world-europe-64174164>.

<sup>98</sup> Center for Truth and Justice, *supra* note 26.

<sup>99</sup> General Comment 13, *supra* note 78.

<sup>100</sup> *Id.*

education.<sup>101</sup> Specifically, the obligation to respect requires states to avoid measures that hinder or prevent the enjoyment of a population's right to education.<sup>102</sup>

*ii. Azerbaijan Has Violated International Obligations Relating to Education*

As previously discussed in Part I.B.i above, Azerbaijan's concerted efforts to disrupt the gas, electricity, Internet, and mobile communication infrastructure of Nagorno-Karabakh are a clear violation of Azerbaijan's international obligations under Article 13 of the ICESCR to respect Nagorno-Karabakh residents' right to education. Further, Azerbaijan's practices run directly counter to their state obligation not to hinder or prevent the population's right to education.

Because 65% of Nagorno-Karabakh's educational institutions are heated solely by gas,<sup>103</sup> the intermittent shut-offs of gas supplies to Nagorno-Karabakh, as discussed in detail in Part I.B.i above, have led to the inability of residents to operate schools during winter. Azerbaijan's continued obstruction of repairs to high-voltage electric wires in the territory of Nagorno-Karabakh<sup>104</sup> have compounded the difficulties that school administrators have been faced with, attempting to run classrooms without heat or power. The Azerbaijani state has violated the right to education of the residents of Nagorno-Karabakh, as protected in Article 13 of the ICESCR.

## **D. Violations of International Standards on the Right to Health**

*i. International Standards Relating to Rights to Health*

Article 12 of the ICESCR protects the right to "the highest attainable standard of physical and mental health." This right is not restricted to the right to health care, but expanded to include various socio-economic factors that promote and act as determinants of individual health.<sup>105</sup> These factors include food, nutrition, housing, access to safe water, adequate sanitation, and safe working conditions.<sup>106</sup> Individuals have the right to functioning public health and health-care facilities, goods and services, as well as programs.<sup>107</sup> These health facilities, goods and services must also be safe and physically accessible to everyone they are intended to benefit.<sup>108</sup>

ICESCR has specifically noted that "States parties should refrain at all times from imposing... measures restricting the supply of another State with adequate medicines and medical equipment."<sup>109</sup>

---

<sup>101</sup> *Id.* at para 46.

<sup>102</sup> *Id.* at para 47.

<sup>103</sup> Interim Report, *supra* note 4.

<sup>104</sup> Internet service severed in Artsakh; Stepanakert accuses Baku, Hetq.am (2023), <https://hetq.am/en/article/152039> (last visited Jan 26, 2023).

<sup>105</sup> General Comment 14, *supra* note 76, at para. 4.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at para 12(A).

<sup>108</sup> *Id.* at para 12(b).

<sup>109</sup> *Id.* at para. 41.

The right to health imposes three levels of obligations on states, the obligations to respect, protect, and fulfill the right to health as defined above.<sup>110</sup> Further, the obligation to respect requires states refrain from interfering directly or indirectly with the enjoyment of the right to health.<sup>111</sup>

*ii. Azerbaijan's Violations of International Standards Relating to Health*

As previously described in Part I.B.iii above, the blockade of the Lachin Corridor by state sponsored Azerbaijani “activists” has led to severe shortages of food, as well as medical and childcare necessities.<sup>112</sup> Despite the recent efforts of The Red Cross, since the blockade began, hospitals and healthcare facilities in Nagorno Karabakh have remained chronically undersupplied and unable to render treatment or care.<sup>113</sup>

The Azerbaijani blockade of the Lachin Corridor is precipitating a health and humanitarian crisis in Nagorno-Karabakh. Through its direct interference, Azerbaijan has denied the residents of Nagorno-Karabakh their right to the highest attainable standard of health as protected in Article 12 of the ICESCR.

### **III. Conclusion**

The three-month blockade undertaken and overseen by Azerbaijan against the residents of Nagorno Karabakh has precipitated a dire humanitarian crisis and represents a clear violation of the human rights outlined in this letter, as well as others. We respectfully request that, in your capacities as Special Rapporteurs whose mandates contemplate some of these rights, you urge Azerbaijan to take all necessary measures to halt the violations of human rights occasioned by the blockade. Without your intervention, and the intervention of other stakeholders, there is a heightened risk of ethnic cleansing of the region.

We thank you for your consideration of this matter.

Armenian Bar Association  
P.O. Box 29111 Los Angeles, CA 90027  
www.ArmenianBar.org info@ArmenianBar.org

---

<sup>110</sup> *Id.* at para 33.

<sup>111</sup> *Id.*

<sup>112</sup> Qiblawi, *supra* note 44.

<sup>113</sup> Amnesty International, *supra* note 54.