The COVID-19 pandemic posed – and still poses – an extraordinary threat to societies worldwide. Although it began as a public health emergency, the crisis has had far-reaching socioeconomic consequences. Pandemics of this magnitude do not respect borders; therefore, they require global action to counter and overcome the crisis. Armenia is convinced that the global approach to pandemics and other health emergencies should be coordinated and be in line with the International Health Regulations, International Covenant on Economic, Social and Cultural Rights, and the 2030 Agenda.

Nevertheless, the COVID-19 was not the only challenge for the Armenian healthcare system during 2020. On 27 September 2020, in flagrant violation of the Secretary-General’s appeal for a global ceasefire during the pandemic and the relevant UN Security Council Resolution to this end, Azerbaijan launched a large-scale, premeditated military aggression against Nagorno-Karabakh (The Republic of Artsakh). While in many parts of the world the Secretary-General’s call for a global ceasefire has been instrumental for reducing of tensions, the pre-planned large-scale war launched by Azerbaijan with the direct support of Turkey and involvement of foreign terrorist fighters has been the biggest military escalation in times of pandemic.

While the international community was struggling to mitigate the consequences of COVID-19, the Armenian healthcare workers had to perform their duties on two fronts by responding to the humanitarian crisis further exacerbated by the aggression and simultaneous spread of the disease. In blatant disregard to international law, Azerbaijan deliberately targeted humanitarian objects – hospitals, emergency services, including a maternity ward inflicting heavy damage and severely limiting the capacities of the authorities of Artsakh to contain the pandemic. Even the ambulances and medical personnel were not spared by the heavy and indiscriminate shelling.

From the first day of the hostilities, the Azerbaijani armed forces launched indiscriminate attacks on the civilian infrastructure and residential buildings in 170 communities of Artsakh, including the capital city Stepanakert, as well as in Martakert, Shushi, Martuni and Hadrut towns, causing injuries, loss of lives and displacement of thousands of people and inflicting a major humanitarian crisis. Targeted attacks were carried out also on educational institutions, which led to the destruction of 18 schools and 6 kindergartens in Artsakh, depriving 28 thousand children of their right to education. The violations of humanitarian law by Azerbaijan have been widely documented by various international humanitarian and human rights organizations.
Azerbaijan has been widely using all types of heavy weaponry, including multiple launch rocket systems, artillery, missiles, various types of UAVs and military aircraft and prohibited weapons, such as cluster munitions and incendiary weapons to conduct targeted attacks on the civilian population in gross violation of the international humanitarian law. Hundreds of cluster bomblets, sub-munitions, and other explosive remnants in residential areas of Nagorno-Karabakh have caused serious security risks to civilians. Human Rights Watch has documented use of cluster munitions in various populated areas of the capital city Stepanakert and other settlements of Nagorno-Karabakh.

In blatant disregard of the calls of the international community, including the internationally mandated mediators of the OSCE Minsk Group Co-Chairs (Russian Federation, France, United States) and the UN Secretary-General to immediately cease hostilities and in violation of three consecutive agreements on humanitarian ceasefire, Azerbaijan continued massive attacks with the aim of making life in Nagorno-Karabakh impossible for its indigenous Armenian population. This intent was also manifested in the deliberate destruction of the Armenian churches, shrines, and cultural monuments by the armed forces of Azerbaijan.

Notable examples of such policy were the targeted destruction of several Armenian cathedrals and churches, including the Holy Savior Ghazanchetsots Cathedral in Shushi, one of the largest Armenian Churches in the world. Human Rights Watch noted that the nature of the attack and choice of guided weapon "suggest that the church, a civilian object with cultural significance, was an intentional target despite the absence of evidence that it was used for military purposes". It further concluded that the cathedral was attacked with a “munition capable of being accurately directed at a specific target”, which is a proof of its deliberate nature. The President of Azerbaijan has promised to investigate the attack, however, there has been no information whatsoever about the status or outcome of such an investigation. Furthermore, Azerbaijan has not still responded to the communication dated 2 February 2021 by a number of the UN human rights experts, who, inter alia, requested information on any such investigation, as well as any measures taken to assess and afford emergency stabilization of the site, as well as to fully consult with relevant parties, including the Armenian Apostolic Church. There is a reliable information on the destruction of at least two other Armenian churches – one reported by the BBC on the complete erasure of an Armenian church near Mekhakavan, and another church is demolished again in Shushi, which is documented by the satellite images. There are numerous videos in Azerbaijani social media of the destruction of Armenian cross stones and cemeteries. It does not come as a surprise that after committing all these atrocities Azerbaijan hinders the access of UNESCO to Nagorno-Karabakh, which was confirmed by the public statement of the deputy Director General of the UNESCO itself.

Azerbaijani armed forces have been responsible for the extrajudicial executions of captured Armenian combatants and civilians, as well as further responsible for the enforced disappearance of Armenian civilians. Several Armenian civilians died in Azerbaijani custody as a result of dire conditions of their detention. In-depth investigations by media organizations into videos that appeared to show Azerbaijani troops summarily executing two captured Armenians uncovered compelling and deeply disturbing information. As the UN High Commissioner for Human Rights diligently assessed on this instance, under international humanitarian law, the willful killing of protected persons constituted a grave breach of the Geneva Conventions and therefore constituted a war crime.

Azerbaijan's use of incendiary munitions, such as white phosphorus, which inflicted massive forest fires in Nagorno-Karabakh, causing severe physical and psychological injuries
and major environmental damage, necessitates appropriate response to ensure redress and accountability measures.

The international humanitarian law and the international human rights law shape a crucial framework for the effective protection of civilian population and infrastructures. Armenia attaches utmost importance to full compliance by all parties to conflicts with their obligations under Geneva Conventions and their Additional Protocols without any political preconditions. Any attempts to politicize humanitarian assistance to the population in need should be identified and addressed by the international community.

In this context, Armenia appreciates the activities of the International Committee of the Red Cross and the Humanitarian Response Centre of the peacekeeping forces of the Russian Federation, which have been critical for addressing the immediate lifesaving needs of the conflict-affected population. It remains a crucial priority to ensure adequate rehabilitation of the damaged infrastructure, such as the medical facilities, water systems, power networks and communication lines and to address the issue of extensive contamination by explosive remnants of war to deliver comprehensive and long-term humanitarian response.

For almost three decades the people of Nagorno-Karabakh and border communities of Armenia have been severely affected by massive mine contamination as a result of military activities of Azerbaijan. By the UNDP estimates mine accidents have led to killing, maiming and injury of hundreds of civilians, including children, and have significantly impeded the socio-economic development. The HALO Trust, British-American nonprofit organization that has been engaged in demining in Nagorno Karabakh estimated that “there have been more landmine accidents per capita in Karabakh than anywhere in the world.” Those antipersonnel landmines were planted by Azerbaijan against the people of Nagorno Karabakh.

Azerbaijan has consistently obstructed demining activities, as part of its wider policy of obstructing humanitarian access of the international community to Nagorno-Karabakh. The Organization for Security and Cooperation in Europe was conducting a very symbolic training program in Armenia on mine action. Azerbaijan vehemently criticized that innocuous program and eventually abused the consensus rule of the OSCE to close the field presence of that organization in Armenia in 2016. This fact alone speaks volumes about Azerbaijan’s perception of the humanitarian demining and its sanctimonious attempts to stand as a wolf in sheep’s clothing.

In a stark contrast the Armenian side has provided Azerbaijan with the information on mines in Nagorno-Karabakh as a gesture of good will. It is noteworthy that neither Armenia nor Azerbaijan are parties to the mine ban treaties and Armenia provided the information on voluntary bases. However, Azerbaijan continues to exploit the issue of minefields specifically now in an attempt to mislead the international community and whitewash its gross violations of International Humanitarian Law and Human Rights Law, in particular the unlawful detention of Armenian combatants and civilians.

In the aftermath of the aggression, hundreds of cluster bomblets and sub-munitions and other explosive remnants of war spread across civilian settlements and agricultural lands continue to cause serious security risk to the lives of civilians, peacekeepers, and humanitarian personnel with a long-lasting adverse effect on the humanitarian and socio-economic situation in Nagorno-Karabakh. Mine action, as part of humanitarian emergency response, plays an important role for protection of lives, human rights and dignity of civilians trapped in conflict, including by offering threat mitigation, mine-clearance of communities and agricultural areas, risk education and awareness raising, as well as victim assistance and rehabilitation.
It is regrettable, that Azerbaijan still hinders the access of international humanitarian organizations to Nagorno-Karabakh, which can perform lifesaving exercises, including on countering the pandemic and clearing the landmines and other unexploded ordnance and remnants of war.

Policyization and obstruction by Azerbaijan of safe and unimpeded humanitarian access of the UN agencies to the conflict zone undermines comprehensive assessment of the humanitarian, protection and early recovery needs and human rights situation of the population of Nagorno-Karabakh. As the UN SG Spokesperson stated on 12 May, the UN wanted to have the unhindered humanitarian access to Nagorno-Karabakh, as it asked for in other parts of the world. He further noted that it had not been possible because UN had not received the necessary authorization from the Azeri authorities.

Armenia, in its turn, stands ready to continue cooperation with the United Nations to deliver a humanitarian relief response in Nagorno-Karabakh, including for the mitigation of the consequences caused by landmines, explosive remnants of war and improvised explosive devices on the conflict-affected population, in line with the humanitarian principles. Human rights-based, people-centered, and inclusive approach is key for effective international cooperation in the field of mine action in conflict settings and humanitarian emergencies.

Azerbaijan attempts to weaponize the issue of safe and unhindered humanitarian access of the UN agencies to the Nagorno-Karabakh conflict zone are not compatible with the fundamental humanitarian principles and are explicitly aimed at undermining the international efforts to conduct comprehensive assessment of the humanitarian, protection and early recovery needs and human rights situation of the affected population.

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In this context, Armenia appreciates the activities of the International Committee of the Red Cross and the Humanitarian Response Centre of the peacekeeping forces of the Russian Federation, which have been critical for addressing the immediate lifesaving needs of the conflict-affected population. It remains a crucial priority to ensure adequate rehabilitation of the damaged infrastructure, such as the medical facilities, water systems, power networks and communication lines and to address the issue of extensive contamination by explosive remnants of war to deliver comprehensive and long-term humanitarian response.

Armenia is also deeply concerned with the fate of the Prisoners of War (PoWs) and civilian detainees whom Azerbaijan continuous to keep in custody in violation of the IHL and the November 9 ceasefire statement that stipulates the release of all captives.

The International Humanitarian Law stipulates that the POWs cannot be prosecuted for taking part in hostilities. Their detention is not a form of punishment, but only aims to prevent further participation in the conflict. They must be released and repatriated without delay after the end of hostilities.

However, Azerbaijan refuses to repatriate Armenian detainees subjecting them to cruel, inhuman and degrading treatment. Furthermore, several Armenian PoWs and civilian captives were killed, or died in Azerbaijani custody due to torture, lack of medical aid and unbearable conditions of detention.
Azerbaijan continues to conceal the true number of the prisoners, denying the detention of dozens of Armenian servicemen and civilians, including those whose captivity have been documented by video footages or testimonies of the repatriated PoWs, which raises suspicions of a number of serious crimes. The Human Rights Watch circulated two detailed reports addressing the issue of the detained combatants and civilians of Armenian origin in Azerbaijan.

On 9 March 2021, the European Court of Human Rights notified the Committee of Ministers of the Council of Europe of interim measures in relation to 188 Armenian prisoners of war and civilian captives. It is indicative that Azerbaijan acknowledged the presence of only 72 Armenians in its custody and failed to adequately cooperate with the European Court.

In May 2021 the Freedom House expressed deep concern on dehumanizing treatment and abuse, including torture, of around 200 Armenian PoWs and detainees, urging Azerbaijan to fully cooperate with the European Court of Human Rights and ensure all protections required under International Humanitarian Law.

On 20 May, the European Parliament adopted a resolution, which “demanded the immediate and unconditional release of all Armenian prisoners, both military and civilian, detained during and after the conflict, and that Azerbaijan refrain from making arbitrary detentions in the future”.

Despite continued calls by international community for the release of detainees Azerbaijan announced about criminal prosecution of the 56 Armenian captives. Meanwhile, Azerbaijan failed to provide prior notification about judicial proceedings, information about charges, as well as any evidence on the legal assistance provided to the detained Armenians. The Armenian Government and the relatives of the captured individuals became aware of the criminal charges pushed and proceedings from the mass media publications.

In this regard it is worth mentioning that the Third and Fourth Geneva Conventions established series of fair trial guarantees for PoWs and civilian captives pending criminal charges. In particular, both conventions prescribe the general principles for criminal proceedings against the captured individuals, such as principle of legality, presumption of innocence, right to be informed about the offence, right to defense, right to be tried by an independent and impartial court etc. Fair trial guarantees under international human rights law and as lex specialis international humanitarian law are not subject to any possibility of derogation during periods of armed conflict. According to the ICRC Commentary on the Geneva Conventions the obligations set forth in Common Article 3 constitute “a compulsory minimum”.

The trials of the Armenian captives are held behind closed doors, indicating a tight control over the court and denial of the right to a fair trial. None of the Armenian POWs and civilians are represented by a lawyer of their choice in a country where independent courts are basically non-existent. It is beyond reasonable doubt that the Azerbaijani Government’s mentioned behavior is a flagrant denial of justice manifestly contrary to the provisions of the international humanitarian law and international human rights law.

Azerbaijani law enforcement system is infamous for the widespread use of torture and all forms of inhumane and degrading treatment as a method of interrogation as was also indicated in the report of the UN Working Group on Arbitrary Detention and the UN Committee Against Torture. Moreover, large body of such evidence was posted by Azerbaijani users in various social media showcasing a well-established pattern of violence towards Armenian captives.
Given the atmosphere of the overwhelming Government-induced anti-Armenian hatred, the detained combatants and civilians of Armenian origin face imminent and grave threat to their lives and health in Azerbaijani custody. It is noteworthy that Azerbaijan stages trials against detainees in an atmosphere of complete impunity for gross violations of international law perpetrated against Armenians during and after the recent war in Nagorno Karabakh, including the beheadings, mutilations, lootings, destructions of cultural and religious heritage, to name but a few.

Armenia urges international community to adopt a stronger position concerning the Armenian PoWs and other captives and demand that Azerbaijan immediately releases them. We believe that international community can make clear to Azerbaijan that the detention and ill-treatment of the Armenian captives is a war crime, as all the Armenian captives are legally considered as Prisoners of War in accordance with the Geneva conventions.

Finally, we call upon international community to unequivocally and unreservedly condemn the anti-Armenian hate speech and other manifestations of xenophobia that get promoted in Azerbaijan at the highest levels. The Azerbaijani Government should be forewarned by the United Nations of the impact of its anti-Armenian hate speech on its own society that we believe may cause and drive towards perpetration of new crimes against Armenians.