

Mandates of the Special Rapporteur on the right to food; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Independent Expert on the enjoyment of all human rights by older persons

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(Please use this reference in your reply)

2 February 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right to food; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right to education; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Independent Expert on the enjoyment of all human rights by older persons, pursuant to Human Rights Council resolutions 49/13, 44/10, 44/3, 51/21, and 51/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the ongoing blockade of the Lachin corridor and its deleterious impact on the exercise by the population living in Nagorno-Karabakh of the rights to adequate food, health and education.**

According to the information received:

On 3 December 2022, a group of individuals from Azerbaijan blocked the Lachin corridor, connecting Nagorno-Karabakh with Armenia. The road was reopened after several hours, following an agreement that was reportedly reached between the Commander of Russian peacekeeping forces in the region and Azerbaijan's Government to allow Azerbaijani officials to carry out inspections and ecological monitoring at the Gizilbulag gold and Demirli copper-molybdenum deposits.

On 10 December when officials from Azerbaijan attempted to visit the deposits, their access was allegedly denied, and the Russian peacekeepers allegedly did not take sufficient measures to facilitate access.

On 12 December, protesters from Azerbaijan blocked the Lachin corridor again, demonstrating against the alleged illegal exploitation of gold and copper molybdenum deposits and the use of the Lachin corridor to transport those minerals to Armenia.

Further reports indicate that around 1,100 persons, including older persons, persons with disabilities, women, and children have been trapped on the road in the Stepanakert/Xankandi -Shusha and Lisagor/Turshsu – Shusha sectors of the Goris – Stepanakert/Xankandi highway. Additionally, several communities of the Shusha region have been completely isolated and cut off from the rest of Nagorno-Karabakh and Armenia.

The Lachin corridor is the only transport link connecting Nagorno-Karabakh with Armenia and the outside world. It is used for passage of people and goods intended for Nagorno-Karabakh and is of great humanitarian importance. Thus, the blockade has prevented the movement of food, medical supplies, fuel, and other vital goods for the population of reportedly 120,000 people living in parts of Nagorno-Karabakh. It is reported that around 400 tons of essential goods, including agriculture and food products are imported to Nagorno-Karabakh from Armenia daily. Furthermore, the transfer of patients in critical condition for urgent treatment and hospitalization in the specialized medical centers in Armenia has become reportedly impossible.

The humanitarian situation is aggravated by the repeated gas disruption since 13 December. It is alleged that Azerbaijan has repeatedly halted gas supply through the only gas pipeline to Nagorno-Karabakh that runs under a district controlled by Azerbaijan. The gas disruptions have impacted the availability of heating, hot water, and other necessities to the residents and undermined the functioning of medical institutions. Educational institutions have also been unable to operate and had to stop their activities, since most of kindergartens, schools, secondary vocational, and higher education institutions are heated by gas.

While we do not wish to prejudge the accuracy of the information made available to us, we would like to express our serious concern that a prolonged blockade of the only road connecting Nagorno-Karabakh to the outside world can lead to dire humanitarian consequences on the population and violate their right to food, health and education, especially against children, persons with disabilities and older persons.

Regardless of who bears responsibility for the blockage of the Lachin corridor, we wish to refer to the ceasefire agreement/statement signed on 9 November 2020 by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation, which holds that Azerbaijan's authorities and the Russian peacekeeping forces deployed at the Lachin corridor should ensure that access remains open, enable freedom of movement and ensure people have access to essential goods and services. Accordingly, point 3 of the agreement/statement states that the Russian peacekeeping forces shall be deployed along the contact line in Nagorno-Karabakh and along the Lachin corridor; whereas point 6 holds that the Lachin Corridor (5 km wide) shall remain under the control of the Russian Federation peacekeeping forces and that the Republic of Azerbaijan shall guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.¹

We would like to emphasize that the rights to adequate food and to health, as fundamental human rights contained in articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, as well as the right to education protected by article 13, also apply in armed conflicts and emergency situations. The

¹ Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation; <http://en.kremlin.ru/events/president/news/64384>

UN Committee on Economic, Social and Cultural Rights (CESCR) stressed that a State party to the Covenant cannot, under any circumstances whatsoever, justify its non-compliance with the core obligations that are non-derogable (General Comment No.14). CESCR also stated that violations of the right to food can occur through the direct action of States or other entities insufficiently regulated by States, including when access to humanitarian food aid is prevented in internal conflicts or other emergency situations (General Comment No.12). We would like to further emphasize that the rights to health and to food contained in articles 25 and 28 of the Convention on the Rights of Persons with Disabilities (CRPD) also apply in armed conflict and emergency situations through article 11 of the CRPD without derogation. We also wish to reiterate that international humanitarian law contains numerous provisions aimed at facilitating humanitarian assistance to persons in need, especially children, women, older persons, and persons with disabilities, which impose obligations both upon the parties to the hostilities and upon States not taking part in the conflict.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

We appeal to your Excellency's Government to consider taking urgent action to ensure freedom and security of movement along the Lachin corridor, in line with previous agreements. Such action is crucial to ensure that international human rights and humanitarian obligations are urgently met. We urge all parties to the conflict to undertake meaningful negotiations to find a sustainable and peaceful settlement, which can secure lasting peace and stability and ensure unhindered exercise of human rights in the region. We are concerned that the longer the disruption to essential goods and services, the greater will be the risk to civilians in Nagorno-Karabakh, especially children, women, persons with disabilities and older persons.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide any additional information you may have on specific measures taken by the Government of Azerbaijan to guarantee the security of persons, vehicles and cargo moving along the Lachin corridor in both directions, in accordance with the ceasefire agreement signed on 9 November 2020 by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation.
3. Please provide additional information on the causes for the disruptions of gas supply to Nagorno-Karabakh, as well as any measures taken to reinstate gas supply in view of the cold winter weather posing risks of severe humanitarian consequences.

4. Please provide any additional information on the measures taken to guarantee the exercise of the right to food, health and education.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

This communication will be shared for information with the Government of Armenia and a similar communication will be sent to the Government of the Russian Federation, as parties to the above-mentioned ceasefire agreement.

Please accept, Excellency, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Gerard Quinn
Special Rapporteur on the rights of persons with disabilities

Farida Shaheed
Special Rapporteur on the right to education

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

Claudia Mahler
Independent Expert on the enjoyment of all human rights by older persons