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Slow-Burn Destruction: Reading “*Conditions of Life*” into Twenty-First Century Genocide

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SLOW-BURN DESTRUCTION: READING “*CONDITIONS OF LIFE*” INTO TWENTY-FIRST CENTURY GENOCIDE

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ABSTRACT

This article addresses a persistent gap in genocide law: the under-utilization of Article II(c) of the Genocide Convention (“conditions of life”) to prosecute and prevent deliberate deprivation strategies that destroy protected groups over time. When states or armed actors intentionally sever civilian access to life-sustaining resources, through blockades, sieges, or other forms of isolation, the resulting attrition operates as a form of slow-burn genocide. Yet such “slow-motion” atrocities frequently evade timely legal and political recognition because their harm unfolds gradually, lacks the immediacy of mass executions, and presents greater evidentiary challenges for proving *dolus specialis*. Consequently, Article II(c) remains under-enforced: starvation, medical blockades, and other deprivation-based measures are too often framed solely as humanitarian crises or war crimes, rather than as genocidal acts triggering the Convention’s obligations of prevention and accountability. The article advances three contributions. First, it clarifies the doctrinal scope of Article II(c), synthesizing relevant jurisprudence on *actus reus* and genocidal intent in deprivation-based strategies, and identifying evidentiary approaches that do not require a “body-count” threshold. Second, it operationalizes the provision into a measurable early-warning and charging framework by proposing objective triggers, such as sustained supply shortfalls, health-system collapse, and repeated obstruction of humanitarian access, to inform provisional measures, prosecutorial strategies, and domestic legal incorporation. Third, it illustrates the framework’s feasibility through a proof-of-concept analysis of the Lachin Corridor blockade, contextualized through historical and contemporary comparators.

The proposed approach shifts the focus from retrospective recognition to prospective prevention, offering a doctrinally grounded tool that enables scholars, courts, and practitioners to identify, prosecute, and interrupt genocide-by-attrition before attrition becomes annihilation.

Key words: genocide, starvation, blockade, Nagorno-Karabakh, Artsakh, Lachin Corridor, Article II(c) Genocide Convention.

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Introduction

Genocide is not always inflicted through bullets and swords. Yet a persistent blind spot in genocide law has left the Genocide Convention's "conditions of life" provision under-enforced, allowing slow-burn methods of destruction to evade timely recognition and accountability. Article II(c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) explicitly covers the deliberate imposition of "conditions of life" intended to destroy, in whole or in part, a protected group, acknowledging that systemic deprivation of food, water, healthcare, shelter, or mobility can gradually erode a population's existence as surely as direct killing.

Indeed, contemporary blockades offer a stark illustration: when states or armed actors intentionally isolate civilian populations from life-sustaining resources, the resulting attrition functions as a "slow-burn" genocide. Unlike the immediacy of mass violence, such incremental assaults unfold gradually and in plain sight, yet their impact can be equally catastrophic. Because the harm diffuses over time and lacks the immediate body count of mass killings, these deprivation-based tactics often elude timely genocide recognition, with their very gradualness obscuring the perpetrators' genocidal intent and making the requisite *dolus specialis* harder to prove.

Recent cases underscore the urgency of this under-enforcement gap. Since 2007, the Gaza Strip has endured an intensifying blockade that, by 2023–2024, plunged its two million residents into a state of humanitarian collapse, characterized by failing food systems, devastated healthcare, and widespread displacement.¹ A parallel pattern emerged in Nagorno-Karabakh, where Azerbaijan's blockade of the Lachin Corridor from December 2022 to September 2023 effectively severed 120,000 ethnic Armenians from essential supplies, creating life-threatening conditions in violation of international humanitarian norms.² Although such blockades are rarely designated as genocide while ongoing, more often cast as

¹ Ernesto Verdeja, "The Gaza Genocide in Five Crises," *Journal of Genocide Research* (2025): 1–23. <https://doi.org/10.1080/14623528.2025.2452707>; Mohammed Nijim, "Genocide in Palestine: Gaza as a case study," *The International Journal of Human Rights* 27 no. 1 (2022): 165–200. <https://doi.org/10.1080/13642987.2022.2065261>

² Edita Gzoyan, Svetah Chakhmakhchyan, and Edgar Meyroyan. "Ethnic Cleansing in Artsakh (Nagorno-Karabakh): Issues of Definition and Criminal Responsibility," *International Journal of Armenian Genocide Studies* 8, no. 2 (2023): 56–85, <https://doi.org/10.51442/ijags.0045>. On the comparative perspective of Artsakh and Gaza see Elyse Semerdjian, "Gazafication and Genocide by Attrition in Artsakh/Nagorno Karabakh and the Occupied Palestinian Territories," *Journal of Genocide Research*, 1–22. <https://doi.org/10.1080/14623528.2024.2377871>; Klara Francesca Junkar, "Artsakh and Gaza: A Parallel Struggle," *Diskrepancija: studentski časopis za društveno-humanističke teme* 19. no. 27 (2024): 86–108.

humanitarian crises or war crimes, their structural logic, namely, the systematic dismantling of the conditions necessary for group survival, falls squarely within the scope of Article II(c).

To address this blind spot, the article advances a forward-looking legal framework for confronting genocide-by-attrition. It makes three distinct contributions. First, it clarifies and revitalizes the often-overlooked Article II(c) doctrine, synthesizing jurisprudence on the *actus reus* and special intent behind deprivation-based strategies and outlining evidentiary pathways that do not require a large death toll to prove genocidal intent. Second, it operationalizes this doctrine into a measurable early-warning and charging framework, identifying objective indicators such as sustained supply shortfalls, health-system collapse, and obstruction of humanitarian relief, to better trigger genocide prevention obligations and inform prosecutorial action. Third, it demonstrates the applicability of these tools through a detailed case study of the Lachin Corridor blockade, read against historical and contemporary comparators, to show how an ostensibly slow-onset atrocity can be rigorously qualified and charged as a genocidal act. In doing so, the article seeks to shift the field from retrospective labels to proactive prevention and accountability, equipping courts, advocates, and policymakers with a doctrinally grounded tool to name, charge, and interrupt genocide-by-attrition *before* attrition becomes annihilation.

Part II lays the groundwork by tracing the evolution of blockades from classical sieges to today's multidimensional forms and mapping their treatment under international humanitarian law, human rights law, and the Genocide Convention, while defining key terms such as "starvation," "conditions of life," and "intent to destroy."

Part III examines historical and contemporary cases of mass deprivation, from ancient wartime sieges to the twentieth-century Holodomor and beyond, to identify recurring markers of genocidal intent, including systematic resource obstruction, eliminationist rhetoric, and the destruction of infrastructure essential for group survival.

Part IV analyzes how international criminal tribunals from Nuremberg to the ICTY, ICTR, and ICC have addressed starvation and other life-threatening deprivations as crimes. It clarifies the legal elements and evidentiary standards for establishing genocide in such contexts, delineating when sustained deprivation escalates from a war crime or crime against humanity into a genocidal act under Article II(c).

Part V applies this framework to the Lachin Corridor blockade case study, evaluating whether Azerbaijan's deliberate severance of 120,000 Armenians from vital supplies was calculated to bring about the group's destruction, thus constituting an attempted genocide under Article II(c).

Finally, the Conclusion reflects on the broader implications, proposing reforms to close accountability gaps for “slow-burn” genocides, refining early-warning indicators to detect “conditions of life” attacks, and outlining measures for states and international institutions to prevent attritional atrocities from culminating in annihilation.

From Siege to Slow Death: Understanding Blockades

Blockades have been employed as instruments of warfare to erode enemy resistance since antiquity. During the Peloponnesian War (431–404 BCE), Spartan control of key sea lanes ultimately severed Athens from its critical grain supply routes in the Black Sea, hastening the city-state’s capitulation.³ Centuries later, the British memorandum to the 1908–1909 London Naval Conference articulated what remains the canonical definition of a blockade: “an act of war carried out by the warships of a belligerent, designed to prevent access to or departure from a specified section of the enemy’s coastline.”⁴ While originally formulated in the context of naval operations, this definition has since been extended by analogy to encompass land and air-based sieges. Although contemporary legal doctrine lacks a unified treaty-based definition of blockade, United Nations bodies have consistently condemned the use of blockades that endanger civilian life, in contexts ranging from Afghanistan to the occupied Palestinian territories.⁵

In the absence of a dedicated international convention governing blockades, the applicable legal norms are derived from a patchwork of legal frameworks. Customary international humanitarian law imposes clear obligations on besieging or blockading powers, notably the duty to allow humanitarian relief when civilian starvation is threatened, a principle codified in Rule 55 of the ICRC’s *Customary International Humanitarian Law* study.⁶ Complementing this, international human rights law reinforces the protection of civilians under siege. Article 25 of the *Universal Declaration of Human Rights* affirms the right to an adequate standard of living, including access to sufficient food, medical care,

³ John Nash, “Sea Power in the Peloponnesian War,” *Naval War College Review* 71, no. 1 (2018): 132–133.

⁴ J. Ramsay MacDonald, “The London Naval Conference, 1930,” *Journal of the Royal Institute of International Affairs* 9, no. 4 (1930): 429–451.

⁵ United Nations Commission on Human Rights, Resolutions 1994/74 and 1995/76; Organization of Islamic Cooperation (OIC), Conference of Ministers of Foreign Affairs, Resolution 1/7-P (IS).

⁶ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law: Volume I: Rules*, ed. Jean-Marie Henckaerts and Louise Doswald-Beck (Cambridge: Cambridge University Press, 2005), Rule 55.

housing, heating, and sanitation, all of which may be jeopardized, or deliberately denied, in the course of a blockade.⁷

The critical legal nexus between blockade and genocide is established in Article II(c) of the 1948 Genocide Convention: “*Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.*”⁸ [emphasis added]. This clause addresses so-called “‘slow death’ methods,”⁹ – measures that do not result in the immediate killing of group members but are calculated to bring about their physical destruction over time.¹⁰ Such measures include the deliberate withholding of food and water, forced displacement, the systematic denial of medical care, and the imposition of excessive labor or physical exhaustion.¹¹ The inclusion of the term “deliberately” underscores the necessity of intent: the perpetrator must purposefully employ such measures as a means of physically destroying the group.¹²

During the drafting of the Genocide Convention, the Preparatory Commission rejected a U.S. proposal that would have required proof that the imposed conditions directly caused the group’s destruction.¹³ The drafters of the Genocide Convention explicitly sought to encompass the full range of atrocities committed by the Nazi regime,¹⁴ including expulsion from homes,¹⁵ the intentional deprivation of life-sustaining resources, inadequate hygiene, forced labor,¹⁶ and other degrading conditions designed to destroy targeted groups gradually. Importantly, the provision does not require that the entirety of the group be targeted; it is sufficient that the conditions imposed are calculated to destroy a part of the group, as defined

⁷ UN General Assembly, Resolution 217A (III), Universal Declaration of Human Rights, A/RES/217(III) (December 10, 1948), art. 25.

⁸ Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948, 78 U.N.T.S. 277, art. 2(c).

⁹ International Criminal Tribunal for Rwanda (ICTR), *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber Judgment, May 21, 1999, para 115.

¹⁰ Florian Jeßberger, “The Definition of the Elements of the Crime of Genocide,” in *The UN Genocide Convention: A Commentary*, ed. Paola Gaeta (Oxford: Oxford University Press, 2009), 100; ICTR, *Prosecutor v. Akayesu*, Trial Chamber Judgment, September 2, 1998, para 505; ICTR, *Prosecutor v. Rutaganda*, Trial Chamber Judgment, December 6, 1999, para 52.

¹¹ *Prosecutor v. Kayishema and Ruzindana*, paras. 115–116.

¹² Gerhard Werle, *Principles of International Criminal Law* (The Hague: TMC Asser Press, 2005), marg. no. 562.

¹³ Wiebke Rückert and Georg Witschel, “Genocide and Crimes against Humanity in the Elements of Crimes,” in *International Prosecution of Crimes Under International Law: Current Developments*, eds. Horst Fischer, Claus Kress, and Sascha Rolf Lüder (Berlin: Berlin Verlag, 2001), 68.

¹⁴ Werle, *Principles of International Criminal Law*.

¹⁵ International Criminal Court (ICC), *Elements of Crimes*, art. 6(c), no. 3, fn. 4.

¹⁶ International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-T, Judgment, Trial Chamber, September 1, 2004, para 691, citing ICTR, *Judgment, Prosecutor v. Kayishema and Ruzindana*, para 115.

by national, ethnic, racial, or religious identity.¹⁷ In other words, it is sufficient that the conditions of life are structured in a way that leads to the elimination of a portion of the group. Crucially, Article II(c) does not hinge on the actual death toll resulting from such conditions. What matters is the intentional structuring of life-threatening circumstances with the aim of eliminating a group, in whole or in part. As such, the clause serves as a vital legal tool for capturing genocidal strategies that operate through sustained deprivation rather than immediate physical violence.¹⁸

Food deprivation is only one vector through which genocidal conditions of life may be imposed. International jurisprudence has increasingly recognized that the systematic denial of medical care or access to safe shelter can, in themselves, satisfy the threshold established under Article II(c) of the Genocide Convention. In *Prosecutor v. Radoslav Brđanin*, the International Criminal Tribunal for the Former Yugoslavia (ICTY) observed that although some rudimentary medical treatment was available, the detention facilities lacked the resources necessary to address anything beyond basic healthcare needs.¹⁹ The judgment further documented that numerous detainees suffered from serious medical conditions, including pneumonia, diabetes, and dysentery, but were systematically denied adequate medical attention.²⁰ This failure, in the context of other inhumane conditions, contributed to the Tribunal's assessment of the broader pattern of persecution and destruction.

In *Prosecutor v. Clément Kayishema and Obed Ruzindana*, the International Criminal Tribunal for Rwanda (ICTR) recognized that acts or omissions contributing to genocide may be executed with varying mental states, including not only direct intent but also recklessness or gross negligence. The creation of conditions leading to mass death involves the establishment of circumstances that foreseeably and systematically result in large-scale loss of life. Examples cited in the case include the mass detention of individuals combined with the deliberate withholding of essential resources, such as food, water, and medical care, resulting in widespread fatalities.²¹

A similarly destructive medical strategy was employed during the Cambodian genocide under the Khmer Rouge regime. The systematic denial of adequate medical care,

¹⁷*Prosecutor v. Akayesu*, para 505; M. Lippman, "The Convention on the Prevention and Punishment of the Crime of Genocide: Fifty Years Later," *Arizona Journal of International and Comparative Law* 15 (1998): 467, 456.

¹⁸ Nehemiah Robinson, *The Genocide Convention: A Commentary* (New York: Institute of Jewish Affairs, World Jewish Congress, 1960), 58.

¹⁹ *Prosecutor v. Radoslav Brđanin*, para. 945.

²⁰ *Ibid.*, paras 958, 962.

²¹ *Prosecutor v. Kayishema and Ruzindana*, paras. 115, 146.

coupled with the regime's reliance on ineffective and often harmful treatments, including rudimentary home-made remedies and the use of untrained child medics, led to widespread suffering and death across the country. Testimonies and historical accounts reveal that untreated illness became a pervasive condition of life, with many Cambodians sharing experiences of chronic fear surrounding medical procedures, which were often arbitrary, dangerous, or fatal.²² This deliberate dismantling of the healthcare system functioned as a tool of repression and contributed significantly to the regime's genocidal policies, particularly through the imposition of conditions that were incompatible with group survival.

The healthcare system has emerged as a principal target in the ongoing Israeli military operations in Gaza, with numerous international organizations and legal scholars characterizing these actions as bearing genocidal implications.²³ At present, no fully functional hospitals remain in the Gaza Strip, a direct result of sustained aerial and ground assaults by Israeli forces.²⁴ The destruction of healthcare infrastructure has coincided with a public health emergency. A serious outbreak of infectious meningitis, particularly affecting children in overcrowded and unsanitary shelters, is underway. The crisis is exacerbated by sewage contamination, accumulated waste, and inadequate access to clean water, conditions that facilitate the rapid spread of disease. According to reports by the Ministry of Health, hundreds of meningitis cases have been recorded amid an acute shortage of antibiotics. Additional concerns have been raised about the potential spread of cholera, gastrointestinal infections, and respiratory illnesses.²⁵

The systematic targeting of medical facilities and obstruction of humanitarian assistance has been widely condemned as a violation of international humanitarian law.²⁶ Too

²² Henry Kamm, "The Agony of Cambodia," *New York Times Magazine*, 19 November 1978, 40; Lewis M. Simons, "Disease, Hunger Ravage Cambodia as Birthrate Falls," *The Washington Post*, 22 July 1977, A16.

²³ Al-Haq, *The Systematic Destruction of Gaza's Healthcare System*, submission to the United Nations Special Rapporteur on the Right to Health, 2025, <https://www.ohchr.org/sites/default/files/documents/issues/health/sr/cfis/health-and-care-workers/subm-health-care-workers-cso-30-al-haq.pdf>. For the scholarly work, see e.g. Donald Bloxham, "The 7 October Atrocities and the Annihilation of Gaza: Causes and Responsibilities," *Journal of Genocide Research* (2025): 1–26. <https://doi.org/10.1080/14623528.2025.2483546>; Abdelwahab El-Affendi, "The Futility of Genocide Studies After Gaza," *Journal of Genocide Research* (2024): 1–7, <https://doi.org/10.1080/14623528.2024.2305525>; Verdeja, "The Gaza Genocide in Five Crises."

²⁴ Mohamed al-Astal, "Inside the Siege on Gaza's Largest Remaining Hospital," *The New Humanitarian*, 12 February 2024, <https://www.thenewhumanitarian.org/2024/02/12/inside-siege-gaza-largest-remaining-hospital-nasser-khan-younis>.

²⁵ Fatemeh Beiraghdar, Javad Momeni, Elham Hosseini, Yunes Panahi, and Sajad Sahab Negah, "Health Crisis in Gaza: The Urgent Need for International Action," *Iranian Journal of Public Health* 52, no. 12 (2023): 2478–2483. doi:10.18502/ijph.v52i12.14309.

²⁶ Christa Rottensteiner, "The Denial of Humanitarian Assistance as a Crime under International Law," *International Review of the Red Cross* 81, no. 835 (1999): 555–576, <https://international-review.icrc.org/sites/default/files/S1560775500059794a.pdf>.

often, such protracted deprivations are legally addressed only as humanitarian crises or war crimes rather than as a genocidal act, reflecting a profound gap in the enforcement Article II(c). While, by crippling the healthcare system and thereby exposing the civilian population to untreated disease, injury, and death, these actions contribute to the creation of conditions calculated to bring about the physical destruction of the people, in whole or in part.

Because hunger is often the earliest and most readily measured symptom of such deprivation, starvation provides a clear empirical lens through which to trace a genocidal plan as it unfolds. The next section therefore follows starvation across time and cases to show how, from Sparta to the present, predictable patterns of hunger expose blockade not as an accidental side-effect of conflict but as a calculated instrument of group destruction.

Starvation Over Time: Structuring Slow-Burn Genocide

The role of starvation as an indirect yet deliberate means of inflicting death has been significantly undervalued in genocide scholarship and legal analysis. As Sheri Rosenberg has observed, this neglect reflects a broader failure to recognize the causal relationship between life-threatening conditions imposed on a group and the policy decisions that create and sustain those conditions.²⁷ This oversight is mirrored in legal practice. Despite Article II(c)'s design to capture such slow-burn tactics, it remains largely under-enforced. Starvation policies are still more often prosecuted as war crimes or crimes against humanity than as genocide.

Among the earliest recorded instances was the use of starvation during the genocide of the Herero and Nama peoples under German colonial rule in present-day Namibia in 1904. It was later deployed during the Armenian Genocide (1915–1916), the Ukrainian Holodomor (1932–1933), and the Holocaust. Particularly illustrative example is the Nazi “Hungerplan” (1941–1945), which aimed to engineer mass starvation as a means of racial extermination and resource acquisition.²⁸

Formulated by Nazi planners in anticipation of the German invasion of the Soviet Union, the Hungerplan sought to divert agricultural production from Ukraine and Belarus to feed the German military, consciously disregarding the subsistence needs of the local civilian population. The resulting policy was not incidental but deliberate: it envisioned mass famine

²⁷ Sheri Rosenberg “Genocide Is a Process, Not an Event,” *Genocide Studies and Prevention: An International Journal* 7, no. 1 (2012): 16-23.

²⁸ Bridget Conley and Alex de Waal, “The Purposes of Starvation: Historical and Contemporary Uses,” *Journal of International Criminal Justice* 17, no. 4 (2019): 699–722.

across northern Russia and Soviet industrial regions, with internal planning documents anticipating the death of up to 30 million people through starvation alone.²⁹ Soviet prisoners of war and so-called “useless eaters” in occupied territories were targeted for elimination through calculated deprivation, exemplifying the use of starvation not only as a weapon of war but as a central pillar of genocidal strategy.

Nearly two decades after the Holodomor, Raphael Lemkin, the jurist who coined the term *genocide*, authored an article titled “Soviet Genocide in Ukraine,” in which he explicitly classified the 1932–1933 famine as an instance of genocide.³⁰ His interpretation gained legal affirmation decades later. On 13 January 2010, the Appellate Court of Kiev, supported by segments of the international community, formally recognized the Holodomor as genocide. The court concluded that Joseph Stalin and other Soviet officials committed genocide within the meaning of the 1948 Genocide Convention by deliberately creating living conditions calculated to bring about the partial physical destruction of the Ukrainian national group.³¹ The Holodomor, which claimed an estimated 3,941,000 lives, was thus found to satisfy the definitional elements of genocide under Article II(c) of the Convention.

Starvation was a method of extermination during the Armenian Genocide during the prolonged deportation marches when victims were denied food and water.³² A parallel can be seen in Khmer Rouge Cambodia, where famine served both genocidal and political purposes. As Murray Hiebert notes, rice played multiple roles: as a weapon against “base people,” a symbol of revolutionary success, a marker of internal threats, and a pretext for purges within the regime.³³ In this context, famine was not merely a consequence of failed policy but an intentional mechanism of control and extermination, intricately tied to the regime’s genocidal objectives.

The international community had already begun recognizing the criminal nature of starvation as early as 1919. In 1919, following the end of World War I, world leaders gathered in Paris to negotiate the terms of a lasting peace. As part of these efforts, the first international war crimes body, the *Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties*, was established. The Commission was tasked with

²⁹ Lizzie Collingham, *The Taste of War: World War Two and the Battle for Food* (New York: Penguin Books, 2013), 37.

³⁰ Raphael Lemkin, “Soviet Genocide in the Ukraine,” in *Holodomor: Reflections on the Great Famine of 1932–1933 in Soviet Ukraine*, ed. L.Y. Luciuk (Kingston: Limestone Press, 2008).

³¹ “Resolution of the Court,” Holodomor Museum, <https://holodomormuseum.org.ua/en/resolution-of-the-court/>, accessed 13 June 2024.

³² George Shirinian, “Starvation and Its Political Use in the Armenian Genocide,” *Genocide Studies International* 11, no. 1 (2017): 8–37.

³³ *Ibid.*

identifying individuals responsible for initiating the war and recommending appropriate penalties for those guilty of war crimes. Its mandate extended beyond traditional battlefield conduct, as the Commission considered expanding the definition of punishable acts to include serious violations of humanitarian norms. Discussions also touched on the possibility of creating an international tribunal to prosecute such offenses.³⁴

On 29 March 1919, the Commission submitted its final report, which catalogued a range of offenses committed by the Central Powers and their allies in violation of the laws and customs of war and, notably, against humanity.³⁵ The report enumerated 32 specific crimes among which was *the deliberate starvation of civilian populations*, an early and explicit recognition of starvation as a prosecutable international crime.³⁶ [emphasis added]

While international jurisprudence on starvation as a distinct tool of genocide remains limited, certain landmark cases affirm that international judicial bodies have recognized hunger as an instrument of mass atrocity, including genocide. The judgment of the Nuremberg Tribunal explicitly addressed the systematic starvation of Soviet prisoners of war, noting that many perished as a result of organized schemes designed to bring about their death through deliberate food deprivation and neglect.³⁷ The Tribunal also examined the broader mistreatment of civilian populations, particularly those confined to concentration camps, highlighting the insufficiency of food provision as a constitutive element of crimes against humanity. In occupied territories, the judgment identified policies, notably under Hermann Göring's directives, that involved the seizure of natural resources, raw materials, and food supplies to benefit the German war effort.³⁸

This suggests that during the Nuremberg Trials, starvation was recognized both as a war crime, particularly in relation to prisoners of war and civilian populations, and as a crime against humanity when employed as a method of extermination. While the Charter of the International Military Tribunal at Nuremberg did not include the crime of genocide as a distinct legal category, the Tribunal's classification of starvation within the framework of

³⁴ Harry M. Rhea, "The Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties and Its Contribution to International Criminal Justice after World War II," *Criminal Law Forum* 25, no. 2 (2014): 147.

³⁵ Edita Gzoyan, "From War Crimes to Crimes against Humanity and Genocide: Turkish Responsibility after World War I," *Genocide Studies International* 15, no. 2 (2023): 79-98.

³⁶ Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, *The American Journal of International Law* 14, no. 1/2 (1920): 114.

³⁷ Tomasz Srogosz, "Starvation as an International Crime," in *State's Responsibility for International Crimes Reflections upon the Rosenberg Exhibition*, ed. by Magdalena Balczyk and Agnieszka Kubiak-Cyrul (Stuttgart: Franz Steiner Verlag, 2021), 178.

³⁸ International Military Tribunal (Nuremberg), Judgment of 1 October 1946, in *The Trial of German Major War Criminals: Proceedings of the International Military Tribunal Sitting at Nuremberg, Germany, Part 22 (22 August 1946 to 1 October 1946)*, 457-58, 498.

international crimes marked a critical foundational step. It reflected an evolving understanding that the deliberate infliction of life-threatening conditions, including hunger, could constitute a prosecutable act under international law. However, although these trials recognized starvation as a grave offense, subsequent jurisprudence has rarely characterized such attritional tactics explicitly as genocidal acts, underscoring the need to reinvigorate Article II(c) as a legal tool for addressing genocide-by-attrition.

Furthermore, at the Tokyo Trials, evidence revealed that camp commanders routinely disregarded official directives by failing to provide even the minimal rations required for prisoners deemed fit for labor.³⁹ In 1943, additional regulations were introduced stipulating that prisoners who refused to swear allegiance to the Japanese government were to be placed under strict surveillance. In practice, this often resulted in their immobilization for prolonged periods, sometimes days, without access to food, water, or adequate sanitation, and frequently while exposed to extreme heat and direct sunlight.⁴⁰

In this light, it is no less essential to recognize that starvation is fundamentally intertwined with the human right to adequate food, a right enshrined in international human rights law. During periods of armed conflict or blockade, states are not absolved of this obligation; rather, they are required to uphold all dimensions of the right to food, including availability, accessibility, adequacy, and sustainability. States must go beyond token or partial measures and take concrete, effective steps to ensure that this right is fully respected, even in the midst of crisis. Authoritative statements by intergovernmental bodies and legal scholars affirm that the right to food enjoys universal recognition.⁴¹ For instance, the UN Committee on Economic, Social and Cultural Rights, in *General Comment No. 12*, emphasizes that “the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights.”⁴² Additionally, the Committee’s General Comment No. 14 states that:

³⁹ International Military Tribunal for the Far East, Judgment of 4 November 1948, in J. Pritchard, S. M. Zaide, and D. C. Watt, eds., *The Tokyo War Crimes Trial*, vol. 22 (New York: 1981), 688–698, <https://www.legal-tools.org/doc/8bef6f/pdf>, accessed 27 June 2024.

⁴⁰ Ibid.

⁴¹ Philip Alston, “International Law and the Human Right to Food,” in *The Right to Food*, ed. Philip Alston and Katarina Tomasevski (1984), 9; Human Rights Committee, *General Comment No. 12: The Right to Adequate Food*, UN Doc. E/C.12/1999/5.

⁴² Ibid, para. 4.

To comply with their international obligations in relation to article 12, States parties have to respect the enjoyment of the right to health in other countries, and to prevent third parties from violating the right in other countries, if they are able to influence these third parties by way of legal or political means, in accordance with the Charter of the United Nations and applicable international law.⁴³

A cumulative reading of relevant General Comments, particularly those issued by the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights, strongly supports the view that a state's obligation to protect extends beyond individuals within its immediate territorial control or jurisdiction. These authoritative interpretations affirm that states have a preventive duty to safeguard individuals from rights violations by third parties, including non-state actors or occupying powers, that may interfere with the enjoyment of fundamental rights, such as the right to adequate food. This extraterritorial dimension of state responsibility reinforces the legal foundation for addressing starvation as a rights-based violation in contexts such as blockades or armed occupation.

Defining starvation

There is no universally accepted definition of *starvation* under international law, and none of the current treaties offers a specific definition that applies broadly.⁴⁴ However, it is worth noting that Article 8(2)(b)(xxv) of the ICC Statute does address starvation as a criminal offense, but this provision applies exclusively to situations within international armed conflicts.⁴⁵ According to this article, “Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions.”⁴⁶

Thus, starvation is framed as a war crime when used deliberately to deprive civilians of essential resources during international conflicts.

Precedential rulings on the elements of starvation

After the establishment of international criminal tribunals and the separate recognition of genocide as an international crime, certain elements of starvation can be discerned in the

⁴³ Ibid, para. 39.

⁴⁴ Rückert and Witschel, “Genocide and Crimes against Humanity,” 68.

⁴⁵ ICC, *Rome Statute*, Art. 8(2)(b)(xxv).

⁴⁶ Ibid.

decisions of these tribunals. We can categorize those decisions into several subcategories: deprivation of food, inadequate quantities of food and food that was deemed unsafe for consumption.

a. Deprivation of food

In *Prosecutor v. Radoslav Brdanin* the ICTY emphasized that

deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” under sub-paragraph (c) does not require proof of the physical destruction in whole or in part of the targeted group. The acts envisaged by this sub-paragraph include, but are not limited to, methods of destruction apart from direct killings such as subjecting the group to a subsistence diet, systematic expulsion from homes and denial of the right to medical services.⁴⁷

In the *Georges Rutaganda* trial, it was further elaborated that:

the words “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”, as indicated in Article 2(2)(c) of the Statute [genocide], are to be construed “as methods of destruction by which the perpetrator does not necessarily intend to immediately kill the members of the group”, but which are, ultimately, aimed at their physical destruction. The Chamber holds that the means of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part, include subjecting a group of people to a subsistence diet, systematic expulsion from their homes and deprivation of essential medical supplies below a minimum vital standard.⁴⁸

The deprivation of food is indicated as a primary element of genocide in other decisions as well.⁴⁹

Read together, these precedents confirm that starvation functions in international criminal law as a distinct method of group destruction encompassed by the proscription on “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.” Liability does not depend on proof that the group was in fact destroyed; it turns

⁴⁷ *Prosecutor v. Radoslav Brdanin*, para. 691.

⁴⁸ *Prosecutor v. Akayesu*, para. 508.

⁴⁹ Rückert and Witschel, “Genocide and Crimes against Humanity,” 68.

on the deliberate engineering of life-threatening conditions designed to push the group below a minimum vital standard. Tribunals have repeatedly treated manipulation of food as central to this inquiry, whether by outright withholding, by supplying quantities insufficient to sustain life, or by providing food that is unfit for consumption. In practice, these techniques rarely appear in isolation. They typically operate alongside expulsions, the severing of livelihoods, and the denial of medical care, each reinforcing the others to render survival untenable.

b. Inadequate quantities of food

In the case of Adolf Eichmann, the Jerusalem Court specifically noted:

Witnesses described cruel corporal punishments - the “Stehbunker” (standing cell), a narrow cell, where a man could not turn around nor move his hands. People were kept standing there for ten to twelve hours and more, and when they emerged, tortured and dazed, they had to go back to work immediately. They related how a man was hanged in the presence of his comrades during roll-call, because of some potatoes he had taken to still his hunger. [...].⁵⁰

In light of the broader jurisprudence, the Eichmann judgment illustrates how starvation can be executed not only by withholding food altogether but by calibrating rations to levels that cannot sustain life or labor. Hunger appears as an instrument of domination and punishment: the regime both created scarcity and criminalized any attempt to remedy it, using exemplary violence to enforce compliance. The episode of a prisoner hanged for taking potatoes underscores two legal inferences. First, authorities knew the rations were inadequate, otherwise there would be no need to terrorize those who sought extra food.⁵¹ Second, the system leveraged that inadequacy to break bodies and will, pairing exhausting work with meager provisions and thereby driving conditions below a minimum vital standard.⁵²

c. Provided food was not suitable for consumption

⁵⁰ *Attorney-General of Israel v. Adolf Eichmann*, Judgment, District Court of Jerusalem, 1968, 36 ILR 5, para. 129.

⁵¹ Tom Dannenbaum, “Siege Starvation: A War Crime of Societal Torture,” *Chicago Journal of International Law* 22, no. 2 (2022): 368–442.

⁵² Randle C. DeFalco, “Conceptualizing Famine as a Subject of International Criminal Justice: Towards a Modality-Based Approach,” *University of Pennsylvania Journal of International Law* 38, no. 4 (2017): 1113

Evidence of starvation crimes can be found in the *Brđanin* case within the following context: “At Betonirka, the amount of food given to detainees was insufficient and its quality deficient: it sometimes consisted of leftovers from the MUP kitchen, which caused the detainees stomach problems.”⁵³

A pending case where hunger is being discussed is the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.⁵⁴ International humanitarian aid workers, journalists, government officials, scholars studying famine and legal professionals appearing before the ICJ, all universally recognize that food and essential supplies have been utilized as a tactic of warfare in the Gaza conflict.⁵⁵ The counsel team representing South Africa contends that both first-degree (intentional starvation of a group) and second-degree (reckless starvation of a group) actions leading to famine, or induced famine, can be categorized as the actus reus of Article II(c) of the Genocide Convention.⁵⁶

The delivery of humanitarian aid, including water and food, through the Rafah border crossing is closely regulated and contingent upon Israel’s requirements to sustain the ongoing conflict.⁵⁷ Livestock are suffering from starvation as a result of insufficient food and water, while satellite imagery has uncovered extensive destruction of agricultural areas in the northern Gaza Strip, encompassing orchards, greenhouses, and farmland. The same pattern of devastation is evident in large parts of the southern region, as detailed in a comprehensive report by Human Rights Watch.⁵⁸

Starvation is deliberately employed as a weapon that is intrinsically linked to the deprivation of other essential resources, including medicine and adequate housing. Prolonged nutritional deprivation inflicted upon targeted populations severely compromises immune function, increasing susceptibility to disease and thereby escalating the need for medical

⁵³ *Prosecutor v. Kayishema and Ruzindana*, para. 952.

⁵⁴ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, No. 2023/77, 28 December 2023.

⁵⁵ Alex de Waal, “Starvation as a Method of Warfare,” *London Review of Books Blog*, 11 January 2024, <https://www.lrb.co.uk/blog/2024/january/starvation-as-a-method-of-warfare>, accessed 10 May 2024.

⁵⁶ *South Africa v. Israel*, No. 2023/77, December 28, 2023; see also Lasse Heerten and Dirk Moses, introduction to *Postcolonial Conflict and the Question of Genocide: The Nigeria-Biafra War, 1967–1970*, ed. Lasse Heerten and A. Dirk Moses (London: Routledge, 2017), 27.

⁵⁷ Abbas Al Lawati, Mohammed Abdelbary, and Rob Picheta. “What Is the Rafah Crossing, Gazans’ Last Hope to Escape the War, and How Does It Work?” *CNN*, 1 November 2023, accessed 19 June 2024.

⁵⁸ Human Rights Watch, “Israel: Starvation Used as Weapon of War in Gaza,” 18 December 2023. <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>, accessed 10 August 2024.

care.⁵⁹ Nonetheless, the physiological deterioration resulting from starvation often diminishes the effectiveness of available medical treatments and restricts access to healthcare services, which are frequently deliberately withheld. Simultaneously, starvation contributes to the systematic dismantling of socioeconomic stability, eroding the ability of individuals to maintain secure housing and leading to widespread displacement and homelessness. This interconnected deprivation underscores how the denial of food, medicine and shelter operates collectively as a strategy of genocide to inflict maximum suffering and accelerate population destruction.

Since in our case starvation is connected with health and housing, it is important to note that each of these elements can independently serve as instruments of genocide. We will now examine these factors individually through a distinct analytical lens.

Note on Dolus Directus

In addition to the objective elements of starvation, the mental or subjective element, *mens rea*, is critical for its legal qualification as an international crime. The inclusion of the term “intentionally” in international legal instruments, including the Rome Statute, indicates that starvation cannot result from mere negligence or accident. The perpetrator must be consciously aware that their actions will cause starvation and must proceed with the intent to bring about that outcome. This aligns with the standard of *dolus directus* in the first degree. Article 30(2)(a)–(b) of the Rome Statute elaborates on this mental element in two parts. First, it requires that the perpetrator intends to engage in the conduct in question, reflecting a volitional act.⁶⁰ Second, it signifies an intention concerning the outcomes of the accused’s actions (in this instance, starvation), where the accused either intends to bring about that result or is conscious that it will happen in the normal course of events.⁶¹ ICC case law has construed this criterion to encompass direct intent, known as *dolus directus* in the first degree, or alternatively, *dolus directus* in the second degree. In the latter scenario, while the accused may not have specifically intended the consequence (such as starvation), they were

⁵⁹ Fatima Morales, Sergio Montserrat-de la Paz, Maria J Leon, Fernando Rivero-Pino, “Effects of Malnutrition on the Immune System and Infection and the Role of Nutritional Strategies Regarding Improvements in Children’s Health Status: A Literature Review,” *Nutrients* 19;16(1): (2023):1. doi:10.3390/nu16010001.

⁶⁰ International Criminal Court, *Rome Statute of the International Criminal Court*. Adopted July 17, 1998, entered into force July 1, 2002. United Nations Treaty Series, vol. 2187, 90. Article 30(2)(a).

⁶¹ *Ibid*, Art. 30(2)(b).

aware that it would almost certainly occur as a result of their actions, which is also termed “oblique intent.”⁶²

The defining characteristic of genocide lies in its unique and elevated intent requirement, *dolus specialis*. This special intent mandates that the perpetrator act with the specific purpose “to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such,” as codified in Article II of the Genocide Convention.⁶³ Crucially, this intent must be directed toward the physical or biological destruction of the protected group, rather than its cultural or symbolic erasure. While cultural destruction alone does not constitute genocide under current legal definitions, it may support the inference of *dolus specialis* when viewed in conjunction with acts of physical violence or deprivation.⁶⁴

The Blockade of the Lachin Corridor and the Question of Genocidal Intent: The Case of Artsakh

From December 2022 through September 2023, the sole road connecting Nagorno-Karabakh (Artsakh) to Armenia, the Lachin Corridor, was completely blocked, halting all civilian and commercial traffic. The blockade was initially carried out by Azerbaijani citizens posing as “environmental activists,” yet substantial evidence revealed their direct ties to the Azerbaijani government.⁶⁵ These individuals claimed to be protesting environmental issues, raising the specter of so-called “eco-terrorism” in the region.⁶⁶ However, given the assessment by Human Rights Watch that independent activism, critical journalism, and political opposition

⁶² Manual J. Ventura, “Prosecuting Starvation under International Criminal Law: Exploring the Legal Possibilities,” *Journal of International Criminal Justice* 17, no. 1 (2019): 8; *Judgment, Katanga* (ICC-01/04-01/07-3436-tENG), Trial Chamber II, March 7, 2014, paras. 774, 776; *Judgment, Bemba et al.* (ICC-01/05-01/13-1989-Red), Trial Chamber VII, October 19, para. 29; *Judgment, Lubanga* (ICC-01/04-01/06-3121-Red), Appeals Chamber, December 1, 2014 (“Lubanga Appeal Judgment”), para. 447; *Judgment, Ntaganda* (ICC-01/04-02/06-2359), Trial Chamber VI, July 8, 2019, fn. 2348.

⁶³ Art. 4(2), Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY); Art. 2(2), Statute of the International Criminal Tribunal for Rwanda (ICTR); Art. 6, Rome Statute of the International Criminal Court (ICC); Art. 5, Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC); Art. 5, East African Community Treaty (EAC); Art. 28B, Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Malabo Protocol, 2014).

⁶⁴ *Prosecutor v. Radislav Krstic* (Appeal Judgement), IT-98-33-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 19 April 2004, para 25; *Zdravko Tolimir, Case No. IT-05-88/2-A*, Judgement, 8 April 2015, para 230.

⁶⁵ International Court of Justice, *Order of the Court: Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, 22 February 2023; Bashir Kitachayev, “What’s Next for the Azerbaijani Blockade of Nagorno-Karabakh?,” *OpenDemocracy*, 25 January 2023, <https://www.opendemocracy.net/en/odr/nagorno-karabakh-blockade-azerbaijan-armenia-citizenship/>, accessed 10 June 2024.

⁶⁶ “Who Really Are Azerbaijan’s ‘Environmental Activists’ Blockading Karabakh?,” *CIVILNET*, 14 December 2022, <https://www.civilnet.am/en/news/686152/who-really-are-azerbaijans-environmental-activists-blockading-karabakh/>, accessed 10 June 2024.

are systematically suppressed in Azerbaijan,⁶⁷ it is highly implausible that the protest was spontaneous or grassroots in nature.⁶⁸ Rather, the blockade appears to have been a state-sanctioned operation, one that effectively isolated approximately 120,000 ethnic Armenians in Nagorno-Karabakh, depriving them of essential goods and services such as food, medicine, and healthcare, and thereby placing their lives in immediate danger.⁶⁹ In effect, Azerbaijan deliberately imposed conditions of life calculated to bring about the group's destruction, precisely the scenario that Article II(c) of the Genocide Convention condemns. Yet tellingly, throughout the blockade the crisis was framed almost exclusively as a humanitarian emergency rather than as an unfolding genocidal act, reflecting the very enforcement gap this article seeks to close.

According to the joint ad hoc public report issued by the Human Rights Ombudsman of the Republic of Artsakh on 12 December 2022, the blockade of the Lachin Corridor, resulted in the failure to deliver more than 4,000 tons of essential goods over a ten-day period.⁷⁰ This disruption in supply severely affected the availability of essential items in local markets.⁷¹ The disruption severely impacted the availability of basic necessities in Nagorno-Karabakh, particularly in Stepanakert, where shortages of fruits, vegetables, sugar, buckwheat, lentils, flour, grains, olive oil, rice, and eggs became increasingly evident.⁷² The flour shortage, in particular, posed significant challenges for local bakeries, which were unable to produce sufficient quantities of bread to meet demand.⁷³

On 3 January 2023, the Government of Artsakh adopted a decision to replenish selected goods in local stores by drawing on supplies from the State Reserve and Wartime Stocks.⁷⁴ The decision particularly sought to safeguard vulnerable social groups, such as

⁶⁷ Human Rights Watch, *Azerbaijan: Events of 2021*, <https://www.hrw.org/world-report/2022/country-chapters/azerbaijan> (accessed June 10, 2024).

⁶⁸ Armenian Assembly of America, *Artsakh Blockade*, <https://www.armenian-assembly.org/artsakhblockade>, accessed 10 June 2024.

⁶⁹ "Azerbaijan: Blockade of Lachin Corridor Putting Thousands of Lives in Peril Must Be Immediately Lifted," *Amnesty International*, 9 February 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/>, accessed 10 June 2024.

⁷⁰ Human Rights Defender of Artsakh and Human Rights Defender of Armenia, *Updated Joint Ad Hoc Public Report: The Humanitarian Consequences of Blocking the Only Road Connecting Artsakh with Armenia and the World*, December 12–25, 2022, para. 46.

⁷¹ *Ibid.*, para 47.

⁷² *Ibid.*

⁷³ *Ibid.*, para 48.

⁷⁴ "Products Will Be Distributed to Stores from State Reserves to Meet the Basic Needs of the Population in Artsakh under Blockade," *Public Radio of Armenia*, 3 January 2023, <https://en.armradio.am/2023/01/03/products-will-be-distributed-to-stores-from-state-reserves-to-meet-the-basic-needs-of-the-population-in-artsakh-under-blockade/>, accessed 17 June 2024.

children in orphanages and residents of nursing homes, for whom the state holds direct responsibility.⁷⁵

Among the most severely affected social groups during the food shortage were children, whose rights to adequate nutrition and health were significantly violated. Institutions such as the Stepanakert boarding facility, the Mother and Child Health Care Center “Arevik” Children’s Hospital, as well as kindergartens and schools that provide specialized diets, were unable to supply proper meals due to shortages of essential food items, including fruits, vegetables, dairy products, and sugar. The disruption in supply chains compromised the nutritional standards required for child development and well-being. Medical professionals reported concerning cases where the lack of vitamin-rich foods resulted in a reduction, or, in some instances, a complete cessation, of breast milk production among nursing mothers, further exacerbating the humanitarian crisis for infants and young children.⁷⁶

Furthermore, following Azerbaijan’s establishment of an unlawful checkpoint on 23 April 2023, residents of the villages of Yeghtsahogh, Mets Shen, Hin Shen, and Lisagor in the Shushi district of the Republic of Artsakh were subjected to a dual blockade. This action effectively severed their access to both the capital, Stepanakert, and the Republic of Armenia. As a result, these communities endured a prolonged period without the delivery of essential supplies, including food, medicine, and other critical goods.⁷⁷ The compounded isolation exacerbated the humanitarian crisis in these areas, further illustrating the systematic and targeted nature of the blockade's impact.

The Office of the Human Rights Defender of Artsakh also issued a report specifically addressing the critical shortage of bread during the blockade. The findings revealed an unprecedented deficit, with shortages at times reaching up to 25% of total demand. This recurring shortfall, observed during various phases of the blockade, resulted in long queues at bakeries and further strained access to one of the most basic staples in the local diet.⁷⁸

As a direct consequence of the aforementioned conditions, a resident of Stepanakert, K. Hovhannisyan (born in 1983), died from chronic malnutrition and severe protein-energy

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ “Blockade Created Problems Related to All Four Components of the Right to Food as Defined by the UN,” *Artsakh Press*, 12 May 2023, accessed 17 June 2024.

⁷⁸ Rayhan Demytrie, “Nagorno-Karabakh: ‘People Are Fainting Queuing Up for Bread,’” *BBC News*, 30 August 2023, <https://www.bbc.com/news/world-europe-66646677>, accessed 17 June 2024.

deficiency.⁷⁹ Additional causes included bilateral polysegmental pneumonia (predominantly croupous on the right side), pulmonary edema, mixed metabolic imbalance, hypoxic encephalopathy, internal organ dystrophy (including the kidneys), anemia, sepsis, right-sided hydrothorax, and chronic malnutrition.⁸⁰

Following the blockade, the Armenian Human Rights Defender reported a case in which a minor fainted upon arrival at a registration center, a direct result of prolonged food deprivation.⁸¹ This incident is one among many that illustrate the widespread absence of adequate nutrition during the nine-month blockade. Such cases support the conclusion that the blockade and resulting starvation created life-threatening conditions, particularly for vulnerable groups such as children.

Beyond the reports issued by Armenian and Artsakh authorities, international actors have also raised concerns. Notably, a bipartisan resolution was introduced in the United States Senate condemning Azerbaijan's blockade of the Lachin Corridor and calling for an urgent response to the unfolding humanitarian crisis.⁸² Senator Alex Padilla emphasized the gravity of the situation, stating: "The blockade imposed by Azerbaijan has resulted in a humanitarian crisis, leaving 120,000 Armenians in Nagorno-Karabakh deprived of essential supplies such as food and medicine. Our resolution emphasizes the urgent need for the United States to take decisive action to ensure Azerbaijan is held accountable for its actions."⁸³

Amnesty International has reported that the blockade of Nagorno-Karabakh has led to severe shortages of food and medical supplies, noting that humanitarian assistance delivered by the International Committee of the Red Cross (ICRC) and Russian peacekeepers has been insufficient to meet the population's needs.⁸⁴ The organization further emphasized that it is Azerbaijan's legal obligation to ensure that the population of Nagorno-Karabakh is not deprived of access to essential goods, including food and medication.⁸⁵

⁷⁹ "Man Dies of Hunger in Karabakh," *CIVILNET*, 15 August 2023, <https://www.civilnet.am/en/news/747294/man-dies-of-hunger-in-karabakh/#:~:text=K.,by%20the%20human%20rights%20office>, accessed 24 June 2024.

⁸⁰ Ibid.

⁸¹ "The Protection of the Rights of Artsakh Citizens and the Impact of the HRD Extraordinary Report," *Mediamax*, 19 February 2024, <https://mediamax.am/am/news/society/53981/>, accessed 24 June 2024.

⁸² U.S. Congress, House of Representatives, *Resolution Condemning Azerbaijan's Blockade of the Armenians of Nagorno-Karabakh and Ongoing Human Rights Violations*, 118th Cong., 1st sess.

⁸³ "Resolution Condemning Blockade of Artsakh Introduced in U.S. Senate," *Public Radio of Armenia*, 9 June 2023, <https://en.armradio.am/2023/06/09/resolution-condemning-blockade-of-artsakh-introduced-in-u-s-senate/>, accessed 24 June 2024.

⁸⁴ Amnesty International, "Azerbaijan: Blockade of Lachin Corridor Putting Thousands of Lives in Peril Must Be Immediately Lifted," 9 February 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/>, accessed 24 June 2024.

⁸⁵ Ibid.

Similarly, the United Nations Special Rapporteur on the Right to Food underscored that the blockade has severely hindered the delivery of critical supplies, such as food, medicine, fuel, and other basic necessities, to the approximately 120,000 residents of Nagorno-Karabakh.⁸⁶ The Special Rapporteur called on the Government of Azerbaijan to fulfill its international human rights obligations, including the rights to food, health, education, and life.⁸⁷

The European Parliament also addressed the crisis in its resolution of 19 January 2023 on the humanitarian consequences of the blockade in Nagorno-Karabakh. The resolution highlighted the acute shortage of food and condemned Azerbaijan's continued violations of international law, urging an immediate cessation of the blockade.⁸⁸

The World Council of Churches expressed similar concerns, noting that fundamental human rights were being violated on a daily basis.⁸⁹ This position was echoed by Human Rights Watch, which has consistently raised alarm about the deteriorating humanitarian conditions resulting from the blockade.⁹⁰

As demonstrated earlier, positive international law affirms that a state's obligation to protect human rights extends beyond the mere safeguarding of individuals within its immediate territorial control or jurisdiction. As argued in this article, states also bear a preventive duty to take reasonable measures to protect individuals from rights violations committed by third parties, particularly when those actors operate within the state's territory or under its influence. In this context, given that the so-called "environmental activists" who initiated the blockade of the Lachin Corridor were Azerbaijani civilians, the Azerbaijani authorities had a clear duty to prevent them from obstructing the corridor and, thereby, to protect the Armenian population of Nagorno-Karabakh from ongoing human rights violations resulting from the blockade.⁹¹

⁸⁶ UN experts, "UN Experts Urge Azerbaijan to Lift Lachin Corridor Blockade and End Humanitarian Crisis in Nagorno-Karabakh," <https://armenia.un.org/en/241142-un-experts-urge-azerbaijan-lift-lachin-corridor-blockade-and-end-humanitarian-crisis-nagorno>, 7 August 2023, accessed 25 June 2024.

⁸⁷ Ibid.

⁸⁸ European Parliament, Resolution of 19 January 2023 on the Humanitarian Consequences of the Blockade in Nagorno-Karabakh, 2023/2504(RSP), Strasbourg, 19 January 2023.

⁸⁹ World Council of Churches, "In Joint Letter to European Union, WCC and Conference of European Churches Urge Lifting Blockade of Nagorno-Karabakh," <https://www.oikoumene.org/news/in-joint-letter-to-european-union-wcc-and-conference-of-european-churches-urge-lifting-blockade-of-nagorno-karabakh>, accessed 24 June 2024.

⁹⁰ Human Rights Watch, "Azerbaijan: Nagorno-Karabakh Lifeline Road Blocked," <https://www.hrw.org/news/2022/12/21/azerbaijan-nagorno-karabakh-lifeline-road-blocked>, accessed 25 June 2024.

⁹¹ Jolanda Andela and Tatevik Manucharyan, "130 Days and Counting: A Responsibility to End the Blockade of the Lachin Corridor," *EJIL:Talk! Blog of the European Journal of International Law*, 2 May 2023,

Moreover, the 2020 Trilateral Statement, signed by Armenia, Russia, and Azerbaijan, explicitly provides that “The Republic of Azerbaijan shall guarantee the safety of citizens, vehicles and goods traveling along the Lachin Corridor in both directions,”⁹² while also stipulating that “the Lachin Corridor shall remain under the control of the Russian Federation’s peacekeeping contingent.”⁹³ Although these clauses assign distinct obligations to the signatories, they nonetheless reflect Azerbaijan’s formal acceptance of the obligation to ensure the secure and unhindered passage of persons and goods.⁹⁴ This, in turn, implies that Azerbaijan possesses, and has acknowledged, some degree of control or influence over the Lachin Corridor, further reinforcing its responsibility for preventing and remedying rights violations occurring in connection with the blockade.⁹⁵

Azerbaijan’s obligation and capacity to end the blockade is further reinforced by the reasoning of the ICJ. In its Order on Provisional Measures dated 22 February 2023, the Court indicated that Azerbaijan must “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.”⁹⁶ This is yet another supporting argument that Azerbaijan was able to influence the protesters to end the blockade.⁹⁷

Since the initiation of Azerbaijan's blockade of the Lachin Corridor, the region has faced acute shortages of medications and medical supplies, resulting in a severe public health crisis. Over the seven-month period from January to July 2023, mortality rates rose sharply, particularly due to cardiovascular diseases. Deaths from heart failure, myocardial infarction, and stroke increased by two to three times, while mortality from malignant neoplasms rose by 15.9%, largely attributable to the lack of essential medications, restricted access to medical care, and malnutrition. Anemia among pregnant women surged to 90%, driven by inadequate food and medication, and newly diagnosed cases of cancer and cardiovascular conditions increased by 24.3% and 26%, respectively. Alarming, medically indicated abortions rose fourfold, and incidents of fainting increased by 91% in July alone, reflecting the devastating

<https://www.ejiltalk.org/130-days-and-counting-a-responsibility-to-end-the-blockade-of-the-lachin-corridor/> (accessed 25 June 2024).

⁹² Statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia, and President of the Russian Federation, point 6, 10 November 2020, <https://president.az/en/articles/view/45923>, accessed 25 June 2024.

⁹³ Ibid.

⁹⁴ Andela and Manucharyan, “130 Days and Counting.”

⁹⁵ Ibid.

⁹⁶ ICJ, *Armenia v. Azerbaijan*, Order, February 22, 2023, para. 62.

⁹⁷ Andela and Manucharyan, “130 Days and Counting.”

impact of prolonged stress, insufficient nutrition, and the overall collapse of the health system. Emergency medical calls related to hypertension rose by a factor of 5.6.⁹⁸

The Ministry of Health of the Republic of Artsakh issued warnings that, should the full siege continue, these health indicators would worsen dramatically, resulting in a substantial rise in preventable deaths and a further deterioration in the population's overall health.⁹⁹ These warnings were echoed by international bodies.

The European Parliament, in its resolution, noted that the lack of medication in the region had caused serious health consequences for vulnerable groups, including pregnant women, cancer and diabetes patients, and children.¹⁰⁰ Additionally, Azerbaijan obstructed the International Committee of the Red Cross from transporting patients requiring urgent medical treatment to Armenia, further compounding the humanitarian crisis.¹⁰¹

Taken together, these elements demonstrate that genocidal intent was present, or at the very least can be reasonably inferred. Azerbaijan's sustained obstruction of the Lachin Corridor, despite the predictable and documented mass suffering it caused, constitutes more than mere negligence or indifference; it reflects a deliberate pattern of conduct aimed at inflicting conditions of life calculated to bring about the destruction of the Armenians of Artsakh as a protected group. The operative method, systematically depriving a civilian population of life-sustaining goods and medical care, and continuing this deprivation even as children starved, patients died, and health systems collapsed, fits squarely within the scope of Article II(c) of the Genocide Convention.

Genocidal intent rarely manifests in explicit declarations; it is most often discerned from consistent and targeted actions that produce foreseeable outcomes. Here, the pattern was unambiguous: under its effective control, Azerbaijan created and prolonged a humanitarian catastrophe with consequences that were both foreseeable and avoidable. This calculated use of starvation and deprivation exemplifies genocide by attrition. While a formal judicial determination would require adjudication before an international criminal tribunal or the International Court of Justice, the evidence presented in this case study strongly supports the

⁹⁸ "Nagorno-Karabakh Healthcare Authorities Report Blockade-Induced Rise in Morbidity and Mortality Rates," *Armenpress*, <https://armenpress.am/en/article/1116962>, accessed 26 June 2024.

⁹⁹ "Nagorno-Karabakh Health Ministry Reports Sharp Rise in Diseases and Death Rates Due to Azerbaijan Blockade," *Arka News*

Agencyhttps://arka.am/en/news/politics/nagorno_karabakh_health_ministry_reports_sharp_rise_in_diseases_and_death_rates_due_to_azerbaijan_bl/?sphrase_id=2220048, accessed 26 June 2024.

¹⁰⁰ Attila Ara-Kovács (S&D), Question for Written Answer E-002520/2023/rev.1 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Rule 138, European Parliament, https://www.europarl.europa.eu/doceo/document/E-9-2023-002520_EN.html.

¹⁰¹ *Ibid.*

conclusion that the Lachin Corridor blockade constituted an attempt to commit genocide under Article II(c). Recognizing such blockades as potential indicators, and not merely as humanitarian crises or geopolitical disputes, is essential if the international community is to fulfil its preventive mandate under the Genocide Convention.

Conclusion

This article has demonstrated that modern blockades, when used deliberately to deprive a population of food, medicine, and other essentials, can meet the legal definition of genocide even before the first death tolls appear. In highlighting this reality, it directly addresses a critical gap in genocide law, the tendency to overlook or under-prosecute such slow-acting atrocities under Article II(c). The blockades of the Lachin Corridor and the Gaza serve as a stark illustration of this evolving reality. No longer can starvation, the denial of healthcare, or engineered deprivation be dismissed as mere side effects of war; rather, they have become intentional instruments of destruction, capable of satisfying Article II(c) of the Genocide Convention. When a state, or actors acting with its tacit approval, deliberately severs a population's access to life-sustaining resources, it crosses a legal and moral line, one that was first drawn at Nuremberg and reaffirmed by international courts in the decades since.

The ICJ's February 2023 order to Azerbaijan, demanding that it take "all measures at its disposal" to ensure unimpeded movement along the Lachin Corridor, signals an important shift in the legal and normative landscape. The message is clear: denying subsistence to a vulnerable population is not simply a humanitarian issue, it is a potential genocidal act that triggers international responsibility.

Building on both legal analysis and empirical evidence from the Lachin blockade, this article suggests a three-part path forward to address the current gaps in prevention and accountability.

First, we must enforce the legal obligations that already exist. International law is not silent on the duties of states during siege or blockade. Under customary humanitarian law, states are required to admit humanitarian relief when starvation threatens, and they are prohibited from inflicting conditions of life intended to destroy a group. Yet, the translation of these norms into domestic practice remains weak. Too often, national laws fail to recognize blockade-induced deprivation as a criminal act, let alone as a form of attempted genocide. Where international courts, from *Brđanin* to *Kayishema*, have acknowledged

starvation and medical denial as genocidal tools, these precedents must now be echoed in domestic criminal codes, military manuals, and judicial reasoning. Only then can prosecutors and judges respond effectively when starvation is wielded as a weapon.

Second, we must become better at seeing the warning signs. The data from the Lachin blockade shows a tragic but predictable pattern, sudden drops in imports, long bread lines, skyrocketing maternal anemia and child malnutrition, preventable deaths from untreated diseases, and blockages to medical evacuations. These are not isolated tragedies; they are measurable indicators of an unfolding catastrophe. Yet, international institutions often act too late, when the crisis has already turned into mass suffering. The current crisis in Gaza serves as a stark example. What is needed is a system of early warning that responds not just to mass killings, but to the precursor events that make such outcomes likely. Embedding objective triggers, such as sustained import shortfalls, the collapse of reproductive healthcare, or repeated denial of humanitarian access, into monitoring systems could ensure that threats of genocide are addressed proactively, not retrospectively.

Finally, this article calls for timely and decisive action. When deprivation is not incidental but *calculated*, protest is not enough. Legal and political pressure must follow. The blockading state must be compelled to lift restrictions. Third-party states must move from words to deeds, leveraging diplomacy, conditional aid, or establishing land or air corridors to ensure relief reaches those in need. And regional organizations and UN bodies must invoke their mandates to demand immediate access and protection, especially when early warning thresholds are breached.

What is ultimately at stake is the credibility of the international legal order. If starvation and engineered deprivation can unfold in plain sight, with little more than diplomatic rebuke, then the promises of “never again” ring hollow. But if states and institutions treat the denial of subsistence as a signal for urgent, collective response, if they recognize it as a deliberate act of violence rather than an unfortunate side effect, then prevention becomes possible.

By grounding accountability in Article II(c) of the Genocide Convention, and by translating humanitarian data into actionable early warning, the international community can begin to close the painful gap between law and lived reality. Only then can we interrupt blockades before they become extermination, and stop counting victims only when it is too late.

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