EVALUATION OF THE DAMAGE TO HUMAN LIFE AND HEALTH IN AZERBAIJAN IN THE SECOND KARABAKH WAR

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Summary:

The main purpose of the article is to summarize the methodological basis of compensation to be paid to those killed, injured and disabled as a result of human rights violations and to evaluate the damage done to human life and health in Azerbaijan during the Second Karabakh War.

To achieve this goal, the theoretical and methodological foundations were generalized, the experiences of similar countries were taken into account, and evaluations were made on the basis of relevant statistics.

Losses were assessed as the sum of the potential income that these countries will receive from the amount of compensation and lump-sum payments to those who died, injured or disabled in countries where compensation will be paid due to the increase in budget expenditures directly based on state aid.

It should be noted that current income is estimated on the basis of the country's average monthly salary and part of the range before retirement age and the duration of the benefit payable based on the legal age limit or the expected life expectancy of the beneficiaries.

Evaluated analysis, analysis, synthesis and evaluation methods were used in the conduct of the research.

As a result, the amount of damage done to the economy and citizens of Azerbaijan was calculated for the damage done to human life and health with appropriate justifications.

İntroduction:

Human rights, like rights earned simply because they are human, are superior and independent of state law.

Human rights are a necessary condition for the comprehensive development of the individual only in a democratic order. Human rights are based on equality, are universal and therefore have a high moral character. All rules protecting human dignity are within the scope of human rights. It is the most important tool to measure human dignity, compliance with legal rules and the accuracy of the decisions taken. Human rights rules, as a set of superior rules aimed at protecting human values and the material and spiritual development of people, define the state-individual relations in all countries and form the basis of world peace and justice at the international level. No one, no organization or state has the freedom to "destroy freedoms". No rule or action aimed at the destruction of human rights can enter into force. It is the state's control and responsibility that a person should not be harmed while exercising his rights. The protection of human rights means, above all, the protection of the individual, and the primary responsibility for this protection rests with the state.

Methodology:

It should not be forgotten that one of the most important factors in the protection of human rights is the assessment of damage to human health as a result of crimes against human life or wars, on the basis of loss of human health. Among other crimes, one of the factors affecting human health is wars and the results of these wars. The damage caused by war to human life can be distinguished and grouped as follows:
• not to die;
• missing;
• injury;
• lifelong disability.

It is clear from research that various methods are used to assess the damage to human life in these groups.

• Some authors estimate human life in terms of the average cost of living in insurance programs.

• Another group measures the subjective value of human life.

Whatever method is chosen, human sacrifice and suffering severely reduces the future earning potential of society because people often produce and create by investing in their talents. The assessment methods mentioned here apply to those killed and missing in battle. Currently, the main quantitative approaches to the assessment of human life are:

A. The Copenhagen Consensus estimates human lives at $100,000.

B. Average life insurance compensation estimates the lives of accident victims to be between $20,000 in a car accident and $1,000,000 in a railroad accident.

A. In the United States, the lives of National Guard soldiers are insured for $250,000, which is considered by some researchers to be the most accurate and reliable in assessing the consequences of military conflicts.

Only the last one concerns the lives of soldiers (in this case the US National Guard), and in Croatia and many other conflict-affected countries, for example, this option was chosen in one or more similar studies.

There are also methods for estimating the amount of benefits given to the dead, injured or disabled in the countries where compensation is to be paid, and the total amount of potential income that can be derived from the lump sum. Earnings here are based on the country's average monthly salary and part of the range before retirement age, and the length of benefits payable depends on the legal age limit or the beneficiaries' age relative to their life expectancy.

İndication:

It should be noted that since 27 September 2020, 44-day counter-offensive operations have been carried out with such methods and practical applications to liberate Azerbaijani lands that have not been occupied by Armenia since the 1990s. As a result, it is possible to evaluate the damage to the health of Azerbaijani citizens.

According to the relevant information of the Ministry of Defense of the Republic of Azerbaijan, 2802 soldiers died and 1245 were injured in the Patriotic War, we are receiving treatment in medical institutions. At the same time, as of December 21, 2020, efforts are underway to locate approximately 40 missing soldiers and identify more than 60 unidentified people as a result of this war. In addition, 100 civilians were killed and 416 injured.

In Azerbaijan, 11,000 manats will be paid for each martyr, and 300 manat monthly pension will be given. A burial fee (3,000 manats) is also paid.

War-disabled people are also provided with insurance payments (8,800 AZN for grade I, 6,600 AZN for grade II, 4,400 AZN for grade III).

An average of 700 manats of social payments per month are provided to both the families of martyrs and the war disabled, in the form of the President's monthly pension, pension or allowance.

That is, they receive the President's monthly pension (210-230-250 manats per month for 1st, 2nd and 3rd degree disabilities, 300 manats for the families of martyrs) and a pension or allowance (depending on the length of service). the average amount is 400 manats). It should be noted that in addition to the insurance part of pensions (55-110 manats) is also calculated.

It should be noted that the average monthly salary in November 2000 was 704.5 manats.

At the same time, the children of the families of the martyrs, the war disabled and themselves were exempted from paying tuition fees. Free referral for sanatorium-resting place treatment is provided once a year, and prosthetics and rehabilitation equipment are provided free of charge to war-disabled people. It is preferred in active employment programs (self-employment, paid social work, etc.). Mandatory quotas are set for all employers (public and private) to secure their employment. Tax, labor legislation, etc. for the martyr's family and members of the war-disabled. "A number of concessions have also been made for".

Using this entire database, we can calculate the amount of damage done to our martyred citizens. Based on the experiences of the countries concerned and the research conducted by experts in this field, we can say that the harm caused by the victims occurs in three directions. The first aspect includes lump sum and funeral costs.

Table 1: One-time payment to the martyr's family and funeral expenses

	Number of martyrs	payment amount, manat	total payment amount, million manats
Bulk payment for successor for each martyr	3102	11000	34,122
funeral expenses	3102	3000	9,306
One million manats in total			43,428

As can be seen from the table, the total amount of damage in this direction was 43.43 million manats.

The second aspect is compensation for payments to the heirs of the deceased, the amount of payment under this item is reflected in the table below.

Table 2: Payments to the deceased's heirs

Expected life expectancy, years	75
life expectancy of heirs,	36
The difference between the expected life expectancy and the life expectancy of the deceased's heirs, years	39
Number of heirs, people	3012
Average annual payment, manat	8400
Total payout, million manats	986,7312

Tablodan da görülebileceği gibi, ikinci yöndeki mağdurların mirasçılarına yapılan ödemelerin toplam tutarı 986,7 milyon manattır.

Üçüncü yönde mağdurların potansiyel gelirleri belirlenir. Bu yöndeki tazminat miktarını aşağıdaki formüle göre hesaplayabiliriz:

As can be seen from the table, the total amount of payments made to the heirs of the victims in the second direction is 986.7 million manats.

In the third direction, the potential income of the victims is determined. We can calculate the amount of compensation in this direction according to the following formula:

$$I = (Page - Age)\cdot w\cdot 12 \qquad\qquad (2)$$

Here

I-the amount that a person can gain (lose) from the moment of martyrdom to retirement age,
Page- retirement age for men in the country,
Age - the age of death of a person,
w- average monthly salary in the country.

Table 3: Potential income that victims can earn

Retirement age limit, years	65
life expectancy of victims,	24,9
The difference between the expected life expectancy and the life expectancy of the deceased, in years	40,1
death toll, human	3012
Average annual payment, manat	8400
Total payout, million manats	**1014,6**

Then the results obtained in these three areas are summarized.
43.428 + 986.7312 + 1014.562 = 2044.721

Lifetime disability assessment. The common approach is based on the cost of those injured and injured in war by the affected state, and for example, the cost of lifetime disability is calculated by the formula:

$$P = (Lav - Age)\cdot p\cdot 12 \qquad\qquad (2)$$

Here:
  P - the estimated total value of the pension paid by the state to a particular person,

Lava - life expectancy in the country,
Age - the age at which a particular person is blocked,
p-is a monthly pension paid by the state to a specific person.

Table 4.: State payments to war cripples

Expected life expectancy, years	75
Life expectancy of people with disabilities,	25
Difference between life expectancy and life expectancy of people with disabilities, years	50
Number of disabled people, person	2081
Average annual payment, manat	8400
Total payout, million manats	**874,02**

However, the compensation demanded from the occupying country is not limited to this amount. To this amount is added the lost income of the person, calculated by the following formula:

$$I = (Page – Age)·w·12 \qquad (3)$$

I- The amount that a particular person can gain (lose) from the period of disability to retirement age,
Page- retirement age for men in the country,
Age - the age of death of a person,
w- average monthly salary in the country.

Table 5: Disabled people lose their potential

Retirement age limit, years	65
Life expectancy of people with disabilities,	25
Difference between life expectancy and life expectancy of people with disabilities, years	40
Number of disabled people, person	2081
Average annual payment, manat	8406
Total payout, million manats	**699,715**

Böylece, saldırgan ülkeden talep edilen tazminat K, bu iki miktarın toplamı olarak hesaplanır:
Thus, the compensation K claimed from the aggressor country is calculated as the sum of these two amounts:

K = P + I (4)
K = 874.02 + 699.715 = 1573.74

Note that at first glance this may seem like an exaggerated formula, and in formula (1) it is sufficient to substitute p` = max(p; w) for p. However, this is a fallacy:

☐ This amount, which is paid primarily to a disabled person, can only compensate for financial losses in the best case, and moral and social losses such as unnecessaryness and inability to lead a normal life cannot be covered in the amount usually calculated with (3).

☐ The second issue is that the amount calculated with (1) is the additional public expenditure from the profession, and most importantly, it is an additional "burden" for the state, rather than the healthy men who contribute to both the country's GDP and the state budget. And of course, this load must be claimed from the aggressor country.

As for the assessment of damage to wounded soldiers (including civilians), the assessment under this article is also evaluated in several stages. First of all, according to the Ministry of Labor and Social Protection, insurance premiums are planned to be paid in the above-mentioned amounts according to the degree of disability of the injured. Since we cannot obtain information on the number of persons with disabilities, we can calculate the number of injured by taking the average amount paid by the groups.

$2081 * 0.006 = 12.5$ million manats

In the next step, we calculate the cost for each casualty according to the following formula:

$$E = e \cdot d \quad (5)$$

Here

E - total cost for a particular injury,

E-day expenses for the injured in the hospital (these costs include hospital accommodation, food and equipment expenses, daily salaries of hospital staff and other expenses),

d- is the number of days the injured person stayed in the hospital. It should be noted that the care costs of the injured who are not hospitalized are calculated in the amount of one-day hospital expenses. It provides the total cost for all casualties.

Considering the difficulties in collecting data on all casualties, the assessment cost of the injured, based on values determined based on a random sample review, was calculated as follows:

$E = 2081 * 40 * 250 = 20.81$ million manats

Result:

Thus, the total amount of damage to human health in the 44-day war will be as follows.

$12,5 + 20,81 + 1573,74 + 2044,721 = 3652$ million manats

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