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Генеральная Ассамблея
Семьдесят шестая сессия
Пункты 16, 72, 73, 74 и 134 повестки дня

Культура мира

Ликвидация расизма, расовой дискриминации, ксенофобии и связанной с ними нетерпимости

Право народов на самоопределение

Поощрение и защита прав человека

Ответственность по защите и предупреждение геноцида, военных преступлений, этнических чисток и преступлений против человечности

Совет Безопасности
Семьдесят седьмой год

Письмо Постоянного представителя Армении при Организации Объединенных Наций от 27 апреля 2022 года на имя Генерального секретаря

В дополнение к моему предыдущему письму от 3 мая 2021 года (A/75/870-S/2021/427) имею честь препроводить настоящим специальный доклад Национальной комиссии Армении по делам Организации Объединенных Наций по вопросам образования, науки и культуры (ЮНЕСКО) об актах вандализма и уничтожения Азербайджаном армянского культурного наследия Арцаха (Нагорного Карабаха) (см. приложение)*.

В докладе содержатся хорошо задокументированные факты о многочисленных случаях преднамеренного разрушения, осквернения и фальсификации облика армянских церквей, хачкаров (резных крестов-камней), святынь и других исторических и культурных памятников со стороны Азербайджана после его преднамеренной военной агрессии против Арцаха в период с сентября по ноябрь 2020 года. Вандализм и присвоение тысячелетнего армянского религиозного и культурного наследия Арцаха входят в проводимую государством политику разжигания ненависти и распространения насилия в отношении коренного армянского населения и отрицания его права на жизнь на родине предков.

* Приложение распространяется только на том языке, на котором оно было представлено.

Отказ Азербайджана предоставить доступ миссии ЮНЕСКО по установлению фактов в зону нагорно-карабахского конфликта явственно говорит о нависшей угрозе уничтожения всех свидетельств цивилизационного присутствия Армении в регионе, как это было в случае с полным уничтожением армянского культурного наследия в Нахиджеване, в первую очередь древнего кладбища Старой Джуги, где в период с 1997 по 2006 годы были стерты с лица земли тысячи хачкаров[1]. Одним из последних проявлений такого намерения является заявление министра культуры Азербайджана, в котором объявляется о создании так называемой рабочей группы по изменению облика и незаконному присвоению армянского религиозного и культурного наследия[2].

Действия Азербайджана представляют собой явное нарушение имеющего обязательную юридическую силу постановления о временных мерах, которое было издано Международным судом в срочном порядке 7 декабря 2021 года и которое обязывает Азербайджан «принять все необходимые меры для предотвращения и введения наказания за совершение актов вандализма и осквернения, затрагивающих армянское культурное наследие, включая церкви и другие места поклонения, памятники, достопримечательности, кладбища и артефакты, но не ограничиваясь ими»[3].

Для обеспечения сохранности армянских религиозных и культурных памятников и предотвращения дальнейших актов вандализма все более неотложной становится необходимость проявления международным сообществом решительной реакции в ответ на проводимую этим государством войну против истории и культуры. В частности, Армения вновь подчеркивает необходимость обеспечения беспрепятственного доступа Организации Объединенных Наций и ее учреждений, в частности ЮНЕСКО, в зону нагорно-карабахского конфликта.

В этой связи я хотел бы сослаться на последнюю резолюцию, принятую Европейским парламентом 10 марта 2021 года, в которой осуждается уничтожение культурного наследия в Нагорном Карабахе и содержится призыв к немедленному обеспечению его защиты (притом в ней отмечается, что исторический ревизионизм и нанесение ущерба культурному или религиозному наследию, а также его уничтожение идут вразрез с решением Международного суда от 7 декабря 2021 года), а также призываю к незамедлительному направлению миссии независимых экспертов ЮНЕСКО, подчеркивая при этом, что Азербайджан должен предоставить беспрепятственный доступ ко всем культурным объектам[4].

Буду признателен за распространение настоящего письма и приложения к нему в качестве документа Генеральной Ассамблеи по пунктам 16, 72, 73, 74 и 134 повестки дня и документа Совета Безопасности.

(*Подпись*) Мгер **Маргарян**
Посол
Постоянный представитель

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[1] Dale Berning Sawa, “Monumental loss: Azerbaijan and ‘the worst cultural genocide of the 21st century’”, The Guardian, 1 March 2019. URL: www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars.

[2] Isayev, Heydar, “Azerbaijan announces plans to erase Armenian traces from churches,” 4 February 2022. URL: https://eurasianet.org/azerbaijan-announces-plans-to-erase-armenian-traces-from-churches.

[3] Международный Суд, *Применение Международной конвенции о ликвидации всех форм расовой дискриминации (Армения против Азербайджана)*, постановление от 7 декабря 2021 года, пункт 98 1 c). URL: www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf.

[4] Европейский парламент, резолюция от 10 марта 2022 года об уничтожении культурного наследия в Нагорном Карабахе, см. URL: www.europarl.europa.eu/doceo/document/TA-9-2022-0080_EN.pdf.

Приложение к письму Постоянного представителя Армении при Организации Объединенных Наций от 27 апреля 2022 года на имя Генерального секретаря

СПЕЦИАЛЬНЫЙ ДОКЛАД НАЦИОНАЛЬНОЙ КОМИССИИ АРМЕНИИ ПО ДЕЛАМ ЮНЕСКО

О разрушениях и актах вандализма, совершенных Азербайджаном в отношении армянского культурного наследия в период 2020–2022 годов

Ереван, 15 апреля 2022 года

CONTENT

INTRODUCTION

Artsakh (Nagorno-Karabakh) has a rich and complex cultural history. It is home to around 4 000 Armenian cultural sites, including 370 churches, 119 fortresses, and other historical and cultural monuments and antiquities dating back for centuries. The cultural and religious monuments of Artsakh provide material evidence for the millennia-long undeniable Armenian presence in the region. For instance, the partially excavated Tigranakert archaeological site, which is currently under the control of Azerbaijan, is known as the "best-preserved city of the Hellenistic and Armenian civilizations" in the Caucasus. It was founded in the second to first century BC and later was a significant hub for early Christianity, with over ten inscriptions discovered to date in the Armenian and Greek languages dating to the fifth and seventh centuries CE *(see Annex 1)*.

Azerbaijani military aggression against Nagorno-Karabakh and its people, unleashed on September 27, 2020, and supported by Turkey and Turkish-backed foreign terrorist fighters and mercenaries from the Middle East, lasted 44 days and resulted in thousands of casualties and displacement of ethnic Armenians, who were forced to leave their ancestral homes, becoming refugees and internally displaced persons. Azerbaijan's aggression also led to the occupation of a significant part of the territory of the Republic of Artsakh and consequently up to **2 000 objects of Armenian historical and cultural property** have come under the Azerbaijani control. This includes 161 Armenian churches, more than 10 chapels, 52 castles and fortresses, 591 khachkars (unique hand-carved cross-stones), the archaeological site of Tigranakert, the Azokh Paleolithic cave, the Nor Karmiravan tombs, and architectural monuments such as palaces, bridges, and historic quarters.

Moreover, 10 state museums and galleries *(see Annex 2)*, as well as the privately-owned Shushi Carpet Museum and the Armenian Dram Museum, **with up to 21 000 artifacts and 127 school libraries with 617 000 books**, were also located in the territories that came under Azerbaijani control in the fall of 2020.

Today, after more than a year since the cessation of hostilities, the fate of these monuments, religious sites, and museum exhibits remains unclear as they are facing a constant threat of deliberate destruction, acts of vandalism, and desecration.

There are serious concerns over the preservation of these monuments, religious sites, and museum exhibits, given Azerbaijan's practice of systematic destruction and falsification of the identity of Armenian cultural heritage over the last several decades, both during peacetime and the war[1].

Indeed, there are several flagrant cases of the Azerbaijani campaign of intentional destruction within its borders. The most notorious one is **the complete annihilation of the ancient Armenian cemetery of Old Jugha in Nakhijevan between 1997 and 2006**, **in which a total of 28 000 monuments** (including 89 medieval churches, 5 840 khachkars, and 22 000 ancient tombstones) were bulldozed by the Azerbaijani army[2]. There is ample evidence, including photos and videos, demonstrating the deliberate policy of destruction of Armenian cultural heritage *(see*

[1] Nora McGreevy, *"Why Scholars, Cultural Institutions Are Calling to Protect Armenian Heritage,"* Smithsonian Magazine (24 Nov. 2020), Available at: https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/
See also: Simon Maghakian, "*Special investigation: Declassified satellite images show erasure of Armenian churches".* Available at: https://www.theartnewspaper.com/2021/06/01/special-investigation-declassified-satellite-images-show-erasure-of-armenian-churches

[2] Dale Berning Sawa, (March 2019), "*Monumental loss: Azerbaijan and 'the worst cultural genocide of the 21st century".* The Guardian. Available at: https://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars

Annex 3)[3]. The International Council on Monuments and Sites[4] and the European Parliament[5] have jointly denounced and strongly condemned this act that the international media designated as "the worst cultural genocide of the 21st century"[6].

Other notable examples of Azerbaijan's well-documented policy of the destruction of Armenian cultural heritage is the destruction of Surb Astvatsatsin Church (Holy Mother of God Church, 1797) in Baku in 1992[7] (*See Annex 4*) and the destruction of Armenian monuments of the **Tsar village in the Karvachar (Kelbajar) region**[8]. The village of Tsar was once home to a fortress, a vaulted cathedral, churches, cemeteries, and a medieval bridge. Now its largest landmark is a dilapidated school built in the 1950s, when the area was controlled by Soviet Azerbaijan. A published plan of the building identifies at least 132 fragments of medieval khachkars, stonemasonry and inscriptions inserted into the walls[9](*see Annex 5*).

The Azerbaijani government employs two main methods of erasing Armenian cultural heritage and historical presence in Nagorno-Karabakh aimed at depriving the people of Artsakh of their homeland and establishing ownership over it. The first is the physical destruction or alteration of the sites. Then, wherever the first method is not feasible due to received media attention and easily accessible location, the Azerbaijani authorities try to change the identity of the Armenian cultural heritage, denying their historical roots and labeling them as "Caucasian Albanian." These attempts are in fact the steps taken towards misappropriating Armenian culture. Azerbaijan purports to be a descendant and successor of the early medieval Caucasian Albanian state (a state that ceased its existence more than one thousand years ago), which is an anti-scientific and false narrative only supported by Azerbaijani academics or the ones funded by Azerbaijan.

The distortion of the identity of the Armenian heritage is an attempt of cultural looting, which is a vivid example of a gross violation of relevant international legal instruments. Azerbaijan has relentlessly continued the misrepresentation of the Armenian cultural heritage because the very existence of Armenians in Nagorno-Karabakh has been a severe challenge to the Azeri claims of indigeneity in the region.

This report aims to highlight the urgency required in taking steps to protect Armenian cultural heritage in the Republic of Artsakh and prevent its further destruction under Azerbaijani control.

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[3] American Association for the Advancement of Science, "*High-Resolution Satellite Imagery and the Destruction of Cultural Artifacts in Nakhijevan"*. Available at: https://www.aaas.org/sites/default/files/s3fs-public/reports/Azerbaijan_Report.pdf

[4] The 16th General Assembly resolution of the International Council on Monuments and Sites (ICOMOS). Available at: https://www.icomos.org/quebec2008/resolutions/pdf/GA16_Resolutions_final_EN.pdf

[5] European Parliament Resolution on "Cultural Heritage in Azerbaijan" (P6_TA (2006) 0069). Available at: https://www.europarl.europa.eu/doceo/document/TA-6-2006-0069_EN.html#def_1_7

[6] Dale Berning Sawa, (March 2019), "*Monumental loss: Azerbaijan and 'the worst cultural genocide of the 21st century".* The Guardian. Available at: https://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars

[7] Photo illustration published on the Twitter account of user ChrisKhach (26 March 2021). Available at: https://twitter.com/ChrisKhach/status/1375228904848289795

[8] Council of Europe, *Parliamentary Assembly Documents, 2002 Ordinary Session (First Part)*, Volume I, "Maintenance of historical and cultural heritage in the Nagorno-Karabakh Republic", p.35, https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=9533&lang=EN&fbclid=IwAR1XFauk5zMBAp9kDRi2a48ksOhX0Rd-R8FQLyfzaVP7DqDmUnTeBWCgOe4

[9] Christina Maranci*, "The Medieval Armenian Monuments in Nagorno-Karabakh Must be Protected,"* Apollo Magazine (9 December 2020), https://www.apollo-magazine.com/medieval-armenian-monuments-nagorno-karabakh/.

I. Azerbaijan's intentional destruction of immovable and movable cultural and religious heritage during and after the war

During the hostilities and after the Trilateral Statement of November 9, 2020, in direct violation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to which both Armenia and Azerbaijan are signatories[10], as well as customary international humanitarian law, Azerbaijan intentionally demolished and desecrated Armenian historical and cultural heritage sites.

Significant examples of the destruction, desecration and erasure of Armenian immovable and movable cultural heritage and objects of worship during Azerbaijan's 2020 military campaign and after the ceasefire include in particular the following sites:

- On October 8, 2020, the Holy Savior Ghazanchetsots Cathedral – a historical and religious symbol – in the cultural center of Artsakh, Shushi, was struck twice within a few hours, resulting in the partial destruction of the two domes of the Cathedral[11]. The damage to the interior and exterior of the Cathedral was extensively documented (*See Annex 6*). Civilians were sheltering in the Cathedral at the time of the attacks, and three journalists who had come to the scene to document the first strike were injured in the second attack.

  The report by the Human Rights Watch, published on December 16, 2020, referred to the attacks as a possible war crime since the attacks were conducted by precise striking drones, emphasizing their intentional nature. This is a blatant violation of the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Article 7 of the Protocol requires, among other things, to "do everything feasible to verify that the objectives to be attacked are not cultural property."[12]

  The Ghazanchetsots Cathedral of Shushi was also vandalized in a merely few days after the end of the hostilities[13], during peacetime. Furthermore, evidence that the second dome of the Cathedral has been damaged, has surfaced long after the ceasefire statement was signed.

  Moreover, after the ceasefire, under the guise of "reconstruction works," Azerbaijan started to carry out actions to distort the historical appearance of the city of Shushi, misrepresenting and misinterpreting its Armenian origin. The starting point of these actions was the removal of the conical metal dome of the Ghazanchetsots Cathedral (May 2021) to change the architectural integrity of the monument before any assessment mission is dispatched. It is noteworthy that Azerbaijan carries out these actions at the Shushi Cathedral without consulting with the Armenian Apostolic Church, which clearly violates the right of the Armenian believers to freedom of religion. The Ghazanchetsots Cathedral contains multiple interior and exterior elements, libraries, icons, etc., that prove its Armenian-Christian background, thus putting them currently at risk of extermination or alteration during the so-called "restoration" (*See Annex 7*). In the Communication of February 2, 2021, the UN Special procedure mandate holders called for full involvement

[10] The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its two additional Protocols. Available at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1954_Convention_EN_2020.pdf

[11] Artsakh Ombudsman, "*Artsakh Ombudsman Second Interim Public Report on the Azerbaijani Atrocities Against the Artsakh Population in September to October 2020*", (18 October 2020). Available at: https://artsakhombuds.am/en/document/735

[12] Second Protocol (1999) to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), Available at: https://unesdoc.unesco.org/ark:/48223/pf0000130696

[13] Rob Lee, Twitter (14 November 2020). Available at: https://twitter.com/RALee85/status/1327791527507144705?s=20

of the Armenian Apostolic Church in the reconstruction and made an inquiry about the condition of artworks, furnishing, books, manuscripts, and relics. Azerbaijan never replied to the Communication[14].

It is important to note that this is not the first time that Shushi and its symbolic Cathedral are the subjects of intentional attacks perpetrated by Azerbaijan. Indeed, during the 1988-1994 conflict, after deporting the local Armenian community in 1988, the Azerbaijani authorities demolished the Cathedral's relief carvings, turned the Church into arsenal storage, and during the 1990s Karabakh war used it as the warehouse of the Azerbaijani authorities' GRAD missile launcher system, effectively converting one of the most sacred sites for the Armenian people into a physical source of death for nearby civilians.

- The attacks on Shushi during the fall of 2020 also targeted the city's Cultural Center. In total, four cultural houses have been destroyed by Azerbaijan thus far (*See Annex 8*)[15].

- Additionally, during the aggression, the significant Hellenistic and Armenian archaeological site of Tigranakert, an ancient city founded by king Tigranes the Great in the first century BCE, became an area of intensive war activity and was shelled for several times (October 2020), proving yet again the complete disdain of Azerbaijani authorities towards even the most remarkable cultural heritage sites, which belong not only to the Armenian people but the whole mankind.

- In mid-November 2020, images and videos circulated in social media shortly after the occupation of Shushi by Azerbaijan, showing that the 19th-century Church of Saint John the Baptist (Kanach Zham) had been severely damaged; the dome and the bell tower of the Church had been almost fully destroyed. Later, in February 2021, satellite images of Google Earth confirmed that the Church had been completely leveled, with the bell tower and the dome removed (*See Annex 9*)[16] . Later, on 17 January 2022 a video circulated online showing that Azerbaijanis converted the parish office of the church into a restaurant[17].

- According to video material prepared by the BBC, an Armenian Church, built in 2017 in Mekhakavan (Jabrail), now under Azerbaijani control, was vandalized by the armed forces of Azerbaijan (November 14, 2020) just after the war and has been completely erased without a trace (March 2021) (*See Annex 10*).

- In the same month, videos of the Saint Yeghishe Church of Mataghis (Martakert region) being vandalized and desecrated by Azerbaijani soldiers were broadcast[18].

- Damages to symbolic monuments of Armenian collective memory and cultural identity were also reported. In Shushi, a memorial dedicated to the victims of the Armenian

[14] Communication of the UN Special procedure mandate holders (February 2, 2021). Available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25857

[15] Artsakh Info center (October 2020). Available at: https://bit.ly/35aLhtQ

[16] Fact Investigation Platform (October 2021). Available at: https://fip.am/en/17184?fbclid=IwAR1lASo-SXJwNawD6g52ZR1rIsRS6RT1GbeKusr2RQP3Hpgr-YJYPqjAXaw

[17] Video published on the Twitter account of the user Mer-Sed (17 January 2022), *"#AzeriVandals have turned the administrative part of #KanachJam church in #Artsakh into coffee shop". Available at:* https://twitter.com/sed_mer/status/1483071181876088841

[18] Nazaretyan H. (May 2021). Artsakh's cultural heritage under threat, EVN Report. Available at: https://www.evnreport.com/spotlight-karabakh/artsakh-s-cultural-heritage-under-threat

Genocide, fallen soldiers in World War II and the First Karabakh war was entirely destroyed (December 2020). Several memorials were also damaged or vandalized in Talish *(see Annex 11)*. Khachkars were destroyed in Hadrut (Arakel village), Kubatli, Mekhakavan (Jabrayil) and cemeteries were desecrated[19]. One of the latter's vivid illustrations is the destruction of the cemetery of the Avetaranots' village (Askeran region). In late May, it was also revealed that in the same region, Azerbaijani armed forces had also leveled the 18th-century cemetery of the Sghnakh village to the ground *(see Annex 12)*. In the Hadrut region, the cemetery of Mets Tagher (19th century) was not spared from the destruction either (June 2021) *(see Annex 13)*[20].

- Other Armenian cultural heritage symbols face an imminent threat of destruction as well. The Vankasar Church, built around the 6th-7th centuries and located near the ancient site of Tigranakert, is reported to have been loaded with heavy military equipment by the Azerbaijani army. The Holy Astvatsatsin Church (19th century), located in the area of the village of Taghavard, the Western part of which came under Azerbaijani control, is threatened by the ongoing destruction of the West part of the village that extends to the edge of the Church[21]. Katarovank, located on top of Mount Dizapayt occupied by Azerbaijani armed forces as a result of the violation of the ceasefire of December 12, 2020, is also the subject of serious concern as various videos show that the monastery is now being used for military purposes and that Azerbaijani soldiers live inside the complex (March 29, 2021)[22]. Another monastery, Kusanats Anapat, in Avetaranots village of the Askeran region, has suffered the same fate by being desecrated and ruined by Azerbaijani military forces (October 7, 2021)[23]. On January 27, 2022, it was also reported that Azeris have removed the cross on the Spitak Khach (White Cross) Church in the occupied Hadrut region. For the record, under the guise of restoration the roof of the church has also been demolished and the church has later been presented as a monument of Albanian-Udi culture, as evidenced by several footages broadcasted by Azerbaijani media in November 2021[24].

- Several cultural heritage monitoring institutions also express serious concerns over the ongoing significant-scale road constructions in the occupied territories of Artsakh that threaten Armenian cultural monuments. These activities accelerate the destruction process. Therefore, the Thukhnakal mansion located near Moshkhmkhat village (Askeran region), the Surb Astvatsatsin church in Madatashen village (Askeran region), the cemetery and the Bridge of Avetaranots and the Bridge of Taghis near Mets Tagher village are all in danger. The memorial complex in Azokh village - dedicated to the victims of World

[19] Ibid

[20] Fact Investigation Platform (October, 2021). Available at: https://fip.am/en/17184?fbclid=IwAR1lASo-SXJwNawD6g52ZR1rIsRS6RT1GbeKusr2RQP3Hpgr-YJYPqjAXaw

[21] Information published on the Caucasus Heritage Watch Facebook account (16 July 2021). Available at: https://ne-np.facebook.com/CaucasusHW/posts/threat-alert-the-historic-holy-mother-of-god-church-s-astvatsatsin-in-the-villag/133238675611321/

[22] Information published on the Monument Watch website (13 April 2021). Available at: https://monumentwatch.org/alerts/the-usage-of-the-church-of-kataro-monastery-for-military-purposes/

[23]Information published on the Monument Watch website (22 October 2021). Available at: https://monumentwatch.org/alerts/the-enemy-desecrated-kusanats-anapat-monastery-in-avetaranots-village-of-askeran-region/

[24]"*Azerbaijanis remove cross from Spitak Khach Church in Occupied Hadrut*", Asbarez (27 January, 2022). Available at: https://asbarez.com/azerbaijanis-remove-cross-from-spitak-khach-church-in-occupied-hadrut/

War II, the First Artsakh War and the Armenian Genocide - has already been destroyed[25]. Moreover, the Syghnakh cemetery (Askeran region), some territories of Mets Tagher village and the Makun Bridge *(see Annex 14)* were destroyed and leveled (October 2021) under the guise of road construction[26].

- The Caucasus Heritage Watch published a number of Monitoring Reports on the state of cultural heritage in Nagorno-Karabakh[27]. It concluded that there are "two primary areas where significant damage to heritage is most clearly visible" – in the town of Shushi and along two corridors in the southern region (one corridor from Fizuli to Shushi and another one along the Hakari/Aghavno River valley)[28] *(see Annex 15, 16, 17)*. Caucasus Heritage Watch also reported that the 51 sculptures in the park next to the Shushi Museum of Fine Arts park appear to have been removed or destroyed[29] *(see Annex 18).* This park had works of sculptors from a number of countries donated to the city of Shushi.

- Furthermore, the constant fire by the Azerbaijani armed forces during the conflict on civilian settlements made it impossible for museum and heritage professionals to care for the safety of the collections and ensure their protection. These include eight state museums and galleries and two private museums, namely the Shushi Carpet Museum and the Shushi Armenian Dram Museum, which are located in the areas currently under the military control of Azerbaijan. Other relevant museums comprise the State Geological Museum of Shushi with its entire collection of 48 ore and organic fossil remains from 47 different countries and 1.2 billion-year-old exhibits and the history Museum in Shushi with its 300 exhibits.

- On March 24, 2022 the Azerbaijani Armed Forces, in another violation of the ceasefire, occupied the village of Parukh in the Askeran region of Nagorno-Karabakh, as well as the former settlement of Karaglukh and the adjacent height. These areas are known for their unique Armenian historical, cultural, and natural environment *(see Annex 19)*, which the Azerbaijani side is trying to quickly misappropriate. They have already vandalized the "Kalen Khut" cemetery dated back to 9-12th century, by exhuming the remains from graves.

Along with protecting material legacy in Artsakh, it is vital to preserve the region's intangible cultural heritage. More than 90 000 civilians were displaced from their ancestral homes due to the war of 2020. 40 000 of them are deprived of the possibility to return to their places of residence since they are occupied by the armed forces of Azerbaijan. This means that these people are stripped of their ability to express their cultural identity in their natural habitats to

[25] Information published on the Monument Watch website (28 August 2021). Available at: https://monumentwatch.org/alerts/destruction-of-the-memorial-complex-in-azokh-village-of-hadrut/

[26] Information published on the Monument Watch website (13 October 2021). Available at: https://monumentwatch.org/alerts/the-roads-of-azerbaijan-and-threats-to-the-armenian-cultural-heritage/

[27] Caucasus Heritage Watch website. Available at: https://caucasusheritage.cornell.edu/index.php/report

[28] Khachadourian & *al* (2021), Caucasus Heritage Watch Monitoring Report #1, Cornell University. Available at: https://adobeindd.com/view/publications/29f1209a-86e5-45a6-a53e-974eda2177b6/41tt/publication-web-resources/pdf/Report_2021-01.pdf

[29] Information published on the Caucasus Heritage Watch Twitter account (13 August 2021). Available at: https://twitter.com/CaucasusHW/status/1426236001794543623

ensure the viability of various manifestations of intangible heritage, which itself violates the rights of the bearers of that heritage.

II. Azerbaijan denies the evidence of Armenian historic presence in Nagorno-Karabakh by promoting the policy of falsification of the identity of Armenian cultural heritage

Azerbaijan's intentional destruction has been combined with official efforts to rewrite history and engage in cultural erasure. Azerbaijan's practice of historical revisionism has been carried out through systematic acts of misappropriation of Armenian cultural heritage since the 1950s.

Indeed, **in efforts to strengthen its ties to these lands, Azerbaijan claims that the Armenian churches and khachkars belong to so called "Caucasian Albanians,"** with a putative assumption that Caucasian Albanians are the ancestors of the Azerbaijani people. The latter was a historical polity situated in the north of the river Kura (in the Shaki, Qakh, Oghuz, Gabala, and Ismayilli districts of present-day Azerbaijan and southern Dagestan in the Russian Federation) and ceased to exist in the 8th century AD. The population of historical Caucasian Albania consisted of more than two dozen ethnic groups, none of which were title-bearing people nor had the identity of "Caucasian Albanian."

Azerbaijan has never hidden its intention to use cultural destruction and misappropriation as means of demographic engineering of Nagorno-Karabakh and completely distorting its cultural identity. Particularly the publicly pronounced plans for the construction of new mosques in Hadrut and Karin Tak villages and rebuilding of the historic center of Hadrut speak for themselves[30]. Both villages never had any Azerbaijani population before they were occupied by the armed forces of Azerbaijan in 2020.

On March 15, 2021, the Azerbaijani President visited the 17th-century Armenian Church in the village of Tsakuri in the Hadrut region of Artsakh, currently under the occupation of the Azerbaijani Armed Forces, and openly declared it "Caucasian Albanian" stating: "Just as the Armenians desecrated our mosques, they have also desecrated this old Albanian temple. We will restore it. All these inscriptions are fake; they were added later."[31] Thus, labeling the Armenian inscriptions on the Church's walls as "fake," the highest leadership of Azerbaijan has an intention to prepare the ground for future acts of vandalism in explicit violation of the 1954 Convention and the UN Security Council Resolution 2347 (2017).

The attempts to alienate these monuments from the Armenian people have no historical, religious, or moral grounds. Attempts to present the Christian heritage of Armenians of the region as so-called "Caucasian Albanian" have not been corroborated by any academics other than the ones in Azerbaijan or the ones directly funded by Azerbaijan.

The indigenous Armenian origin of the religious sites is supported not only by vast historiographic evidence but is also verifiable by their strict adherence to the distinctive architectural features, canons and worship practices of the Armenian Apostolic Church, as well as by the thousands of inscriptions in the Armenian language on the churches and other places of worship, which present the history of the construction of those monuments.

Comprehending the baselessness of its claims to the monuments of Artsakh, Azerbaijan has been exploiting the Christian Udi minority. There are currently about 4 000 Udis living in Azerbaijan

[30] Information published on the Monument Watch website (15 November 2021). Available at: https://monumentwatch.org/alerts/foundation-of-new-mosques-in-the-armenian-settlements-of-artsakh/

[31] Information published on the official website of the President of Azerbaijan. Available at: https://president.az/en/articles/view/50893

mainly in two villages - Vardashen and Nij. Although the Udis were closely associated with Armenian culture and the Church, their area of residence is located North of the Kur river, hundreds of kilometers away from Artsakh, and thus they have no relation to the erection of Christian monuments in Artsakh.

The Udis have been continuously oppressed. Between 1918-1922, some Udis emigrated to Georgia as a result of persecution. Between 1989-1991, due to the large-scale persecution of Armenian-speaking Udis, most of them left Azerbaijan, and the rest were forced to renounce the Armenian Apostolic Church. In 1991, the Vardashen (Armenian toponym meaning the village of roses) village was renamed to Oghuz (the name of Turkic tribes that arrived in the Caucasus in the 11th century). The Caucasian Albanian card is nothing but a means to claim the historical and cultural heritage of neighboring nations.

The restoration of the Church in Nij is illustrative in this regard. Under the umbrella of "reconstruction", the historic Armenian script on the Church was completely erased, which is another example of cultural cleansing by Azerbaijani authorities. The Norwegian charity organization, which was supporting the restoration along with the Ambassador of Norway to Azerbaijan, criticized the erasure of the Armenian script[32].

The distortion of the identity of the Armenian heritage is an attempt of cultural looting, which is also a gross violation of the UNESCO 1954 Hague Convention and UN Security Council Resolution 2347 (2017)[33]. The latter particularly emphasizes that "the unlawful destruction of cultural heritage, the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States."

Azerbaijan has relentlessly continued the misrepresentation of Armenian cultural heritage because the historic and cultural monuments point to the undeniable and continuous presence of Armenians in Nagorno-Karabakh, which has been a severe challenge to the claims of Azerbaijan over the control of the territory.

Furthermore, presenting the Armenian churches as "Caucasian Albanian" is, in fact, an intermediate step towards "Azerbaijanizing" them, taking into account Azerbaijan's claims of being a descendant of Caucasian Albanians. Ethnographic, archaeological, and anthropological research has proven this to be false. No feature of identity, including religion, language, or ethnonym, can attest to the mere similarity of these ancient Caucasian populations to that of Turkic Azerbaijanis. The aim of this faulty thesis is to eradicate the Armenian peoples' historical roots in the region and thereby diminish their entitlement to live in and organize their lives in these areas, while also fabricating an Azerbaijani historical presence. This systemic "Albanization/ Azerbaijanization" of Armenian cultural property quite evidently constitutes historical revisionism by Azerbaijan.

This spurious policy and the continuous hostility toward Armenian cultural heritage and the will to annihilate it from the region reached its culmination with the announcement made on 3 February 2022 by Azerbaijani Minister of culture Anar Karimov regarding the establishment of a working group "Albanian history and architecture" to remove the Armenian inscriptions on

[32] Information published by BBC news Agency, *Azeri church sparks political row*. Available at: http://news.bbc.co.uk/2/hi/europe/4336733.stm

[33] Resolution 2347 (2017) adopted by the UN Security Council at its 7907th meeting, on 24 March 2017. Available at: https://undocs.org/en/S/RES/2347(2017)

religious temples in Artsakh[34]. "**The establishment of such a working group at the state level aimed at the deliberate and illegal appropriation of the historical and cultural heritage of the neighboring people and depriving them of their historical memory is unprecedented even in the history of conflicts. It, once again, demonstrates the fact that the cases of vandalism and destruction of the Armenian historical, cultural and religious heritage in Nagorno-Karabakh during the 44-day war and the following period, are deliberate and pre-planned, and are part of the policy of annihilating Nagorno-Karabakh's indigenous Armenian population"**[35].

Azerbaijan's malevolent intentions have already received strong international reaction and condemnation. **The United States Commission on International Religious Freedom (USCIRF) expressed deep concern over "Azerbaijan's plans to remove Armenian Apostolic inscriptions from churches" and urged the government of Azerbaijan to preserve and protect places of worship and other religious and cultural sites**[36].

Moreover, the United States Commission on International Religious Freedom (USCIRF) in its 2021 Annual Report, recommended that the U.S. Department of State places Azerbaijan on its Special Watch List for engaging in or tolerating severe religious freedom violations[37].

The misappropriation of Armenian cultural heritage is not limited to places of worship; **Azerbaijan has also been attempting to usurp the Armenian tradition of carpet weaving.** Armenian carpets have been revered in the Christian West for over five hundred years now, and Artsakh was one of the key centers of Armenian carpet weaving culture. Artsakh carpets reflect the rich traditions of Armenian carpet weaving as well as the artistic and semantic features typical of different eras, thus serving as the best evidence of the centuries-old history of the indigenous Armenian people.

Nevertheless, Azerbaijani authorities do not recognize the historical role played by Armenians in the rich history of carpet weaving, continuing to allege that the Armenian carpet weaving traditions are just a reflection of the Azerbaijani art form, thus appropriating Armenian carpet weaving culture and ascribing it to Azerbaijan.

According to the **Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (1999), Article 9, point C,** "any alteration to, or change of use of, a cultural property which is intended to conceal or destroy cultural, historical or scientific evidence" is prohibited. And the general provisions of UNESCO and ICOMOS prohibit any external or internal changes of forms, components, functions of the Cultural object that can contradict the world's primary principles of identity, integrity, cultural value and uniqueness of a Heritage site.

It is also by flouting these international principles that Azerbaijan took the steps to include the occupied historical Armenian city of Shushi in the UNESCO Creative City Network (10 November 2021) as well as in the UNESCO World Heritage List as an Azerbaijani cultural center. Baku's attempt to present Shushi as a creative city (UCCN) and a cultural city of Azerbaijan goes against the values and principles of UNESCO. **By attempting to use UCCN and UNESCO in**

[34] Isayev H. (2022), *"Azerbaijan announces plans to erase Armenian traces from churches",* Eurasianet, Available at: https://eurasianet.org/azerbaijan-announces-plans-to-erase-armenian-traces-from-churches

[35] "Comment of the MFA Spokesperson on the Statement by the Minister of Culture of Azerbaijan" (8 February 2022). Available at: https://www.mfa.am/en/interviews-articles-and-comments/2022/02/10/spox_comment_unesco/11292

[36] United States Commission on International Religious Freedom (USCIRF) on Twitter. Available at: https://twitter.com/USCIRF/status/1490783591168716802

[37] United States Commission on International Religious Freedom (USCIRF), *Annual Report 2021*. Available at: https://www.uscirf.gov/sites/default/files/2021-04/2021%20Annual%20Report_0.pdf

general under the guise of collaboration Azerbaijan wishes to legitimize and consolidate its false narrative on Shushi and Artsakh internationally.

Indeed, Shushi has long been the symbol and the cultural center of Artsakh. It comprises some of the essential elements of Armenian cultural heritage that attest to Armenian ancestral presence in the city and its contribution to the city's cultural vibrancy.

The archaeological evidence and other sources suggest that the settlements on the Shushi plateau are much older and Shushi itself was a fortified military stronghold in the Armenian principality of Varanda during the Middle Ages and throughout the 18th century. Moreover, among several khachkars discovered in the vicinity of Shushi, the oldest one dates back to 971 AD.

Beyond physical remains, the city has a significant intellectual heritage and convictions that invited creation and intellectual enrichment in favor of the region's common cultural heritage and its access to everyone. The history of Shushi's rich publishing heritage dates back to 1828 when "A History of the Holy Scriptures", the first book in Armenian was printed[38].

Azerbaijan is attempting to deny the historicism of the city, the basic principles of its authenticity and integrity, contained in Nara Document on Authenticity[39], adopted in 1994 in Japan, as well as in Madrid New Delhi Document [40], adopted in 2017 in New Delhi. These actions are also violating The Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention) that emphasizes the protection, the proper respect and historic integrity of heritage as an important part of the consolidation of peaceful, democratic and diverse societies[41]. Moreover, the International Charter for the Conservation and Restoration of Monuments and Sites (Charter of Venice) states that: "{...authenticity} appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories" [42].

As mentioned Armenians cannot access the city and freely exercise their right to participate in the cultural life of the city, to enjoy the arts and determine the fate of their creation which is undeniably under threat of symbolic and physical eradication. Thus it seems obvious that Azerbaijan is determined to pursue its hostile policy towards Armenians and everything Armenian by any means and this is a complete contradiction to and a violation of international instruments and principles to which it is itself a party of.

Azerbaijan's initiatives must be rejected outright – and condemned for they go against human rights, democracy, scientific ethics, international principles and could impact negatively on the efforts of the consolidation of peace in the region.

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[38] *"A History of the Holy Scriptures", (1828, Shushi).* Interactive version of the book is available at: https://is.gd/ZODKuk

[39] Nara Document on Authenticity (1994). International Council on Monuments and Sites. Available at: https://www.icomos.org/charters/nara-e.pdf

[40] Madrid New Delhi Document (2017). International Council on Monuments and Sites. Available at: http://www.icomos-isc20c.org/madrid-document/

[41] Council of Europe Framework Convention on the Value of Cultural Heritage for Society, Council of Europe, Council of Europe Treaty Series – No. 199. Available at: https://rm.coe.int/1680083746

[42] International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter) (1964). International Council on Monuments and Sites. Available at: https://www.icomos.org/charters/venice_e.pdf

III. Azerbaijan's attempt to impose its own geographical names on the historical Armenian territories in Nagorno-Karabakh

As part of its broader campaign aiming at falsifying Armenian history and appropriating Armenian cultural heritage by labeling it as "Caucasian Albanian", Azerbaijan is also attempting to change the geographical names of historic cities and regions of Artsakh and impose its own geographical names. The recent vivid example of this phenomenon is Azerbaijani's request to Google's parent company, Alphabet Inc., to change the "fake" Armenian names in Google Maps to Azerbaijani names[43] (23 December 2021). This sheds light on another insidious tactic of Azerbaijan aiming to impose their historical claims over the region with their own version of the history of the region.

Since the obvious presence of Armenian cultural sites and monuments in the region threatens this Azerbaijani narrative, the destruction of heritage and subsequent attribution of Turkic names to geographical areas allows Azerbaijan to strengthen its supposed ancestral roots in the region. As several scholars have shown, the name has multiple functions beyond recognition. The eminent French anthropologist and ethnologist Claude Lévi-Strauss defined three functions for the proper name: "the distinctive function, the function of belonging to a certain social group and the function of meaning"[44]. Thus it is apprehended as an element to create state symbols, reinforce collective identity, national ideologies and regimes[45].

On top of that, Azerbaijan continues to deliberately violate relevant international laws and customs related to geographical names. Indeed, for many years, the United Nations Conference on Geographical Names has adopted resolutions regarding geographical names, their treatment criteria and has continuously emphasized that they are part of the world's intangible cultural heritage[46]. This approach is based on the idea that place names are memories of places, as well as living memories of the people who gave these names to such places and form an important part of the history of the region. The Convention for the Safeguarding of the Intangible Cultural Heritage (2003) of UNESCO also mentions geographical names as an integral part of the world's cultural heritage[47]. It obliges states to safeguard and respect intangible cultural heritage, including oral traditions and particular geographical place names.

Moreover, the United Nations Group of Experts on Geographical Names has referred to the Convention in various contexts, and it specifically passed the above-referenced resolution "Geographical names as intangible cultural heritage" to address the importance of preserving geographical names as part of a nation's intangible cultural heritage.[48] The Group also adopted a resolution (X/3) "Criteria for establishing and evaluating the nature of geographical names as cultural heritage", defining the conditions for the proper naming of geographical places[49].

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[43] Ministry of Foreign Affairs of Azerbaijan. Available at: https://www.mfa.gov.az/en/news/no52221

[44] *Lévi-Strauss Claude (1962),* "La pensée sauvage" in E. Delattre (Eds.) Le Changement de nom des communes françaises aspects économiques, marketing et stratégiques. Armand Colin "Revue d'Économie Régionale & Urbaine", (pp. 270-288)

[45] S.Cohen & N.Kliot (1992), "*Place-Names in Israel's Ideological Struggle over the Administered Territories"*, Annals of the Association of American Geographers; Vol.82, No.4, pp 653-680; Katz Y. (1995). *"Identity, Nationalism and Place-Names: Zionist Efforts to Preserve the Original Local Hebrew Names in Official Publications of the Mandate Government of Palestine",* Names A journal of Onomastics, Vol. 43 No.2, pp.103-115; Lewis P.G. (1982). *"The politics of Iranian Place-Names"*, Geographical Review, Vol.72 No.1, pp. 99-102

[46] UN Conferences on the Standardization of Geographical Names, Resolutions Adopted at the Eleven United Nations Conferences on the Standardization of Geographical Names. Available at: https://unstats.un.org/unsd/geoinfo/ungegn/docs/pdf/RES_UN_E_updated_1-11_CONF.pdf

[47] Convention for the Safeguarding of the Intangible Cultural Heritage. Available at: https://ich.unesco.org/en/convention

[48] UN Conferences on the Standardization of Geographical Names, Resolution VIII/9 Geographical names as cultural heritage. Available at: https://unstats.un.org/unsd/geoinfo/ungegn/docs/pdf/RES_UN_E_updated_1-11_CONF.pdf

[49] Ibid p.45

In view of the observations above it seems undeniable that by changing the historical names of geographical regions and simultaneously destroying Armenian cultural heritage, Azerbaijan is eliminating everything Armenian in Nagorno-Karabakh and is writing a new history of the region based on spoliation, appropriation and revisionism. This process must be the subject of special attention on the part of the international community and strongly condemned for it threatens regional stability and the establishment of a sustainable peace solution.

IV. Violation of freedom of religion or belief of the Armenian Christians of Nagorno-Karabakh

It is also noteworthy that besides the physical destruction and identity denial of the Armenian legacy in the region, the institutionalized anti-Armenian campaign of Azerbaijan deliberately targets the religious rights of the Armenian population by blocking access to religious sites of Armenian-Christian pilgrims and thus denying the right of displaced Armenians to exercise their religion in their churches freely. Moreover, the Azerbaijani government pursues a policy of intimidating Armenian clergy by isolating and subjecting them to inhumane conditions.

For instance, the Dadivank monastery complex, one of the best-known Armenian monastic complexes, was an active religious site, where worshippers and pilgrims would regularly attend masses even up to the very last hours before it fell under Azerbaijani control. After the ceasefire statement, under the protection of Russian Peacekeepers, Armenian monks remained in the monastery and pilgrims were allowed to continue visiting the site. Unfortunately, since late April, Azerbaijan has denied access to pilgrims to the Dadivank Monastery using various excuses such as the pandemic, road construction, etc. Moreover, there are now only five members of the Armenian Apostolic Church remaining in Dadivank. In addition to not receiving pilgrims or worshippers, the priests cannot leave the monastic complex due to fear of getting denied future access to the monastery. For months, the monks have carried out their activities and purposes in the presence of the peacekeepers, including prayer, conducting services and celebrating liturgies. The Primate of the Artsakh Diocese, Bishop Vrtanes Abrahamyan, commented that it was unclear why Azerbaijan continues to forbid visitors as the area is not in a forbidden zone. He said, "[The Azerbaijanis] do not permit it and that is it, without a reason. They do not say anything. The peacekeepers are in the territory of the monastery. They live together. Of course, the rooms are different. They are separated by militaries, while the clergymen perform spiritual service. What the Azerbaijani side thinks is a secondary question. We are doing what we have to do."[50]

It is essential to guarantee safe access for Armenian pilgrims and religious leaders to churches, monasteries and other places of worship to exercise their right to religion and belief freely.

Lastly, Azerbaijani attempts to prevent the extension of Humanitarian Aid to the population of Nagorno-Karabakh is another illustration of Azerbaijan's will to eradicate Armenian presence in the region.

All the above-mentioned facts showcase severe violation of human rights and international humanitarian law standards, to name but few - Article 27 of the Universal Declaration of Human Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights, which require a guarantee of the right of everyone to take part in cultural life, without discrimination.

The targeted destruction of many cultural and religious sites by Azerbaijan neglects General Comment Number 21, recalled by the Committee on Economic, Social, and Cultural Rights, as

[50]International Christian Concern *"Azerbaijan Prevents Armenians from Visiting Dadivank Monastery".* Available at: https://bit.ly/3twTX9Y

well as the 2003 UNESCO Declaration on the States' obligations, respectively, to "respect and protect cultural heritage in all its forms, in times of war and peace" and "not to intentionally destroy heritage, whether or not it is inscribed on the list maintained by UNESCO or another international organization."

On the contrary to Azerbaijan's policy, advocacy of cultural diversity and respect towards others' cultures and their legacies are the main policy guidelines for Armenia and Artsakh.

According to the information provided by the Government of Artsakh, the historical and cultural monuments of Nagorno-Karabakh are under the protection of the Government, regardless of their origin and religious affiliation. By 2020, authorities of Artsakh have issued certificates to more than 4 000 historical and cultural monuments and to more than 1 000 protection zones. The legislative framework has been improved, the State Service for the Protection of the Historic Environment was set up to pay more attention to the issues of maintenance and accessibility to monuments.

Currently, there are about 2 500 monuments in the areas under the control of the authorities of Artsakh. They are registered on the State List of Monuments of the Republic of Artsakh. Correspondingly, the preservation and respective policy actions were being implemented by Artsakh leadership and Russian peacekeeping troops.

The Governments of Armenia and Artsakh are fully committed to the relevant international norms and principles on the respect, including preservation, protection, right of access to and enjoyment of cultural heritage. For instance, in collaboration with the Revival of Oriental Historical Heritage Foundation, the Government of Artsakh has completed the Gohar Agha Upper Mosque Restoration in Shushi in 2019. The project involved both local and international organizations ensuring the implementation of the best international practices and standards. Preservation and renovation efforts of cultural heritage are carried out in accordance with international standards and in consultation with those with close connections to that heritage.

V. Azerbaijani anti-Armenian xenophobia and policy

The Azerbaijani hostility and disdain towards Armenian cultural heritage stem from the historically rooted anti-Armenian hate and xenophobia within the Azerbaijani society that also reflects the hate policy pursued by Azerbaijan, and which has intensified over the last decades[51]. Indeed, this matter has been confirmed by several independent international organizations. For example, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe has affirmed that hate speech against Armenians is a prevalent problem in Azerbaijan and found that political leaders, educational institutions, and the media have ensured that a generation of Azerbaijanis has been imbued with this hateful anti-Armenian rhetoric[52]. Thus it is not surprising that during the war and afterwards various Azerbaijani top executives, including President Aliyev, referred to Armenians as "dogs that should be chased out of Nagorno-Karabakh".[53]

For decades, Azerbaijani authorities have used the dehumanization and demonization of Armenians as an instrument of propaganda to shape public opinion and create deeply rooted

[51] Adibekyan A. & Elibekova E. (2015), *Armenophobia in Azerbaijan*, Information and Public Relations Center of the Administration of the President of the Republic of Armenia

[52] European Commission against Racism and Intolerance (ECRI). (June, 2016). Report on Azerbaijan (fifth monitoring cycle). Available at: https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581

[53] Ilham Aliyev addressed the nation (10 November 2020). Available at: https://president.az/en/articles/view/45924

damaging stereotypes about Armenians. That hate speech has boosted more hostility, murders and war crimes against Armenians, based on their ethnicity.

Another striking example of the racist and hate-generating initiatives of Azerbaijan is the installation of the Military Trophies Park in Baku, dedicated to the war in Artsakh, inaugurated on April 12, 2021, with the attendance of the President of Azerbaijan. The exhibits of this Park displayed the helmets of fallen Armenian soldiers and wax mannequins depicted Armenian soldiers with degraded faces, some of which were shown as suffering, captured, and dying. The Park has opened its doors to Azerbaijani children, who in photos released by Azerbaijani media, were seen happily playing with the degrading displays of Armenian soldiers. Park is still operational; however, in response to international outrage and pressure, as well as proceedings in the International Court of Justice the helmets and the wax mannequins were removed in October 2021.

On this matter, on September 13, 2021, the Parliamentary Assembly of the Council of Europe published its report entitled *Humanitarian consequences of the conflict between Armenia and Azerbaijan*. The report stated the persistent refusal of Azerbaijani authorities to release the remaining Armenian prisoners of war and civilian detainees, which constitutes a clear violation of the November 2020 Trilateral Statement and international agreements. It also recalled the prevailing accusations of tortures and other wrongful acts perpetrated against Armenian POWs. It should be noted that Azerbaijani authorities denied the PACE Rapporteur's request to meet the captives, thus testifying on Azerbaijani attempts to avoid international investigations and blur the evidence of war crime perpetrations that it has been accused of by various organizations.

On September 16, 2021, the Republic of Armenia instituted proceedings against the Republic of Azerbaijan before the International Court of Justice concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*. Armenia also requested the Court to indicate certain provisional measures "as a matter of extreme urgency".

On December 7, 2021, ICJ issued its orders acknowledging Armenia's valid concerns raised in the request and the risk of irreparable harm to the rights of the Armenians under the "International Convention on the Elimination of All Forms of Racial Discrimination."

Out of the three orders imposed to Azerbaijan, two contain explicit content of the prevention of racial hatred and destruction of Armenian cultural heritage by Azerbaijan. Thus ICJ urges Azerbaijan to:

- *"Take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin",*
- ***"Take all necessary measures to prevent and punish acts of vandalism and desecration towards Armenian cultural heritage, including churches and other places of worship, monuments, landmarks, cemeteries and artifacts"[54].***

Therefore, in ICJ, Armenia sought emergency measures to deal with the cycle of violence and hate perpetrated against ethnic Armenians. This also involved serious consideration of the protection of Armenian cultural heritage in the region and Azerbaijan's accountability for the

[54] International Court of Justice. (December 2021). *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan). The Court indicates provisional measures to protect certain rights claimed by Armenia and orders both Parties to refrain from any action which might aggravate or extend the dispute,* No. 2021/34. Available at: https://www.icj-cij.org/public/files/case-related/180/180-20211207-PRE-01-00-EN.pdf

violation of various international conventions and resolutions (A/HRC/RES/33/20, A/HRC/RES/37/17, UDHR Art. 27: 1954 Convention Art. 4,18, 28; 1970 Convention Art. 2,7,8,11,15,16,17; 1999 Protocol Art. 5,6,9,15,16; 2003 UNESCO Declaration Art. IV, VIII, the European Convention on Offences relating to Cultural Property, Art. 13; CERD Art. 1,2,5,7; CESCR Art. 1,3,5)[55].

Indeed, according to many scholars: "The protection of cultural heritage is not simply about preserving old monuments, it is one front in the wider global effort to combat hatred and discrimination."[56]. Thus, the ruling of the International Court of Justice on the necessity to protect Armenian cultural heritage, which is currently under Azerbaijani control, made a direct link between the promotion of racial hatred against Armenians and the destruction of Armenian cultural heritage by Azerbaijan.

In addition to this, on March 10, 2022, with the overwhelming cross-party majority (635 in favor, 2 against and 42 abstentions), the European Parliament adopted the resolution on cultural heritage destruction in and around Nagorno-Karabakh, strongly condemning Azerbaijan's continued policy of cultural heritage annihilation, persistent Armenophobia and the active promotion of a false narrative (Caucasian Albanian) regarding Armenian cultural heritage. Moreover, the resolution calls on Azerbaijan to refrain from any intervention on Armenian heritage sites and to imperatively allow access to relevant international bodies (UNESCO, ALIPH or ICONEM) to Armenian cultural heritage sites under its control in order to initiate inventory and protection mission.

VI. International efforts

The Government of the Republic of Armenia held discussions with the UNESCO leadership for devising an expert mission to monitor the cultural heritage in the region. With this regard, the

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[55] United Nations Human Rights Council. *Human Rights and the protection of cultural heritage*. 6 October, 2015 Available at: https://www.ohchr.org/EN/Issues/ESCR/Pages/CulturalRightsProtectionCulturalHeritage.aspx

Resolution 33/20 Cultural Rights and the protection of cultural heritage, HRC, 30 September 2016. Available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/099/82/PDF/G1809982.pdf?OpenElement

Un General Assembly "Universal Declaration of Human Rights" United Nations 217(III) A, 1948, Paris. Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights

U.N. Charter. 24 October 1945. Available at: https://www.un.org/en/about-us/un-charter/full-text

Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, The *Hague*, 14 May 1954. *Available at:* https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, Paris 14 Nov. 1970. Available at: http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999, UNESCO Doc. HC/1999/7. Available at : /http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html

UN Educational, Scientific and Cultural Organization (UNESCO), *UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage*, Paris, 17 October 2003. Available at: https://international-review.icrc.org/sites/default/files/irrc_854_unesco_eng.pdf

European Convention on Offences relating to Cultural Property, Delphi, 1985 European Treaty Series No. 119. Available at: https://rm.coe.int/168007a085

International Convention on the Elimination of All Form of Racial Discrimination, New York, 21 December 1965. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

International Covenant on Economic, Social and Cultural Rights, New York, 3 January 1976. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

[56] Cornell University, (October 2021) Attacks upon cultural heritage are "attacks upon a people". Available at: https://as.cornell.edu/news/attacks-upon-cultural-heritage-are-attacks-upon-people

engagement of international experts and groups, as well as relevant cultural and religious institutions, with the possible involvement of local government and civil society representatives, is of vital importance.

As the first step towards the effective safeguarding of the region's heritage, **on November 20, 2020, UNESCO Director-General proposed in her statement to both Armenia and Azerbaijan to send an independent mission of experts to draw a preliminary inventory of significant historical and cultural heritage sites in and around Nagorno-Karabakh[57].**

Since then, Armenia has been constructively engaged with the UNESCO Secretariat to identify the modalities of the mission. We have expressed, and for many times, our willingness to contribute to its implementation as soon as possible, in conformity with the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as initially proposed by the Director-General[58]. Furthermore, the UNESCO proposal has been fully supported by the Minsk Group Co-Chairs of the OSCE (the internationally agreed mediation format of the Nagorno-Karabakh conflict resolution) and the Republics of Armenia and Artsakh.

It is also worth mentioning that the members of the I**ntergovernmental Committee of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol (1999), adopted a declaration on December 11, 2020, welcoming UNESCO's initiative and confirming the need for a mission to take stock of the situation regarding cultural properties in and around Nagorno-Karabakh**. As mentioned in the Declaration of the Committee, an independent technical mission of UNESCO should be sent to Nagorno-Karabakh as soon as possible with the aim of assessing the status of the cultural property in all its forms as a prerequisite for the effective protection of heritage[59]. It is crucial to maintain unlimited access of UNESCO to all endangered sites throughout the mission without any discrimination. The Armenian side can agree to any list of the sites presented by Azerbaijan, provided that Azerbaijan would not try to limit the list of the Armenian monuments to be assessed by the mission.

Immediate need for implementing the UNESCO fact-finding mission arose for the protection of Armenian cultural and religious heritage from the imminent threat of destruction in the territories fallen under the control of Azerbaijan as a result of the war. The already documented cases of vandalism towards the Armenian monuments, as well as the announcement by the Ministry of Culture of Azerbaijan on the establishment of a working group aimed at the distortion of the identity of the Armenian historical-cultural heritage, demonstrate that such danger is more than real.

Regrettably, Azerbaijan, which has been politicizing the issue since the beginning, currently continues to create new obstacles for the effective engagement of UNESCO, trying to distort the scope and purpose of the proposed mission.

Once again, **Armenia stresses the urgent need to organize UNESCO mission to Nagorno-Karabakh and adjacent territories in the framework of the UNESCO 1954 Convention, as**

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[57] Statement of the UNESCO Director-General, *"Nagorno-Karabakh: Reaffirming the obligation to protect cultural goods, UNESCO proposes sending a mission to the field to all parties"* (December 20, 2020). Available at: https://en.unesco.org/news/nagorno-karabakh-reaffirming-obligation-protect-cultural-goods-unesco-proposes-sending-mission

[58] *Remarks of the Foreign Minister of Armenia Ararat Mirzoyan at the 41st Session of the UNESCO General Conference, 11.11.2021. Available at: https://www.mfa.am/en/press-releases/2021/11/11/am_unesco/11168*

[59] Declaration of the Committee for the Protection of Cultural Property in the Event of Armed Conflict of the Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict – ensuring cultural property protection in and around Nagorno-Karabakh and setting-up an independent technical mission (December 11, 2020). Available at: https://en.unesco.org/sites/default/files/en_15_com_declaration_haut-karabakh_final_1.pdf

endorsed by the Director-General's statements of November 20 and December 11, 2020, and in line with the Declaration adopted by the Committee on the Second Protocol (1999) of the 1954 Convention[60]. Having in mind the numerous facts of the systematic destruction of the cultural and religious heritage of the region in the past, the preservation of historical-cultural and religious monuments must be an essential part of the peace process. In this context, the Azerbaijani leadership and state propaganda machine must immediately put an end to the deplorable approach of misappropriation, distortion of the identity of Armenian churches, and at least demonstrate due respect towards cultural and religious monuments. The proper protection of religious sites, both from the physical and spiritual perspectives, can create conditions for peace and reconciliation in the region. In the context of the above mentioned, the Government of Armenia welcomes and highly values international engagement and respective monitoring missions in the region to investigate allegations and make recommendations on accountability, restoration and reparation of cultural heritage.

[60] "Comment of the MFA Spokesperson on the statement by the Ministry of Culture of Azerbaijan" (10 February 2022). Available at: https://www.mfa.am/en/interviews-articles-and-comments/2022/02/10/spox_comment_unesco/11292

ANNEX

Annex 1: Tigranakert Excavation sites

The site was shelled several times by the Azerbaijani armed forces
Source: https://hyperallergic.com/592287/tigranakert-artsakh-nagorno-karabakh-war/

Annex 2: The list and some photos of state museums currently under the military control of Azerbaijan

- State Museum of Fine Arts, city of Shushi
- State Museum of Geology after Professor G. Gabrielyants, city of Shushi
- Shushi Museum of History
- Shushi Art Gallery
- State Archaeological Museum of Kashatagh
- Hadrut Local Lore Museum After Arthur Mkrtchyan
- Mets Tagher Museum after A. Khanperyants
- Tumi Museum after Tevan Stepanyan
- Carpet Museum of Shushi, city of Shushi
- Armenian Money Museum of Shushi, city of Shushi
- Tigranakert Archaeological Museum
- Azokh Cave State Reserve

State Museum of Fine Arts

State Museum of Geology after Professor G. Gabrielyants in Shushi

Annex 3: The destruction of the Ancient Armenian cemetery of Old Jugha, Nakhijevan

Military “firing range” in place of the destroyed cemetery of Old Jugha (photos showing the situation before and after). Source: https://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_09_National_Report_Azerbaijan.pdf

Annex 4: The destruction of the Armenian Church in Baku

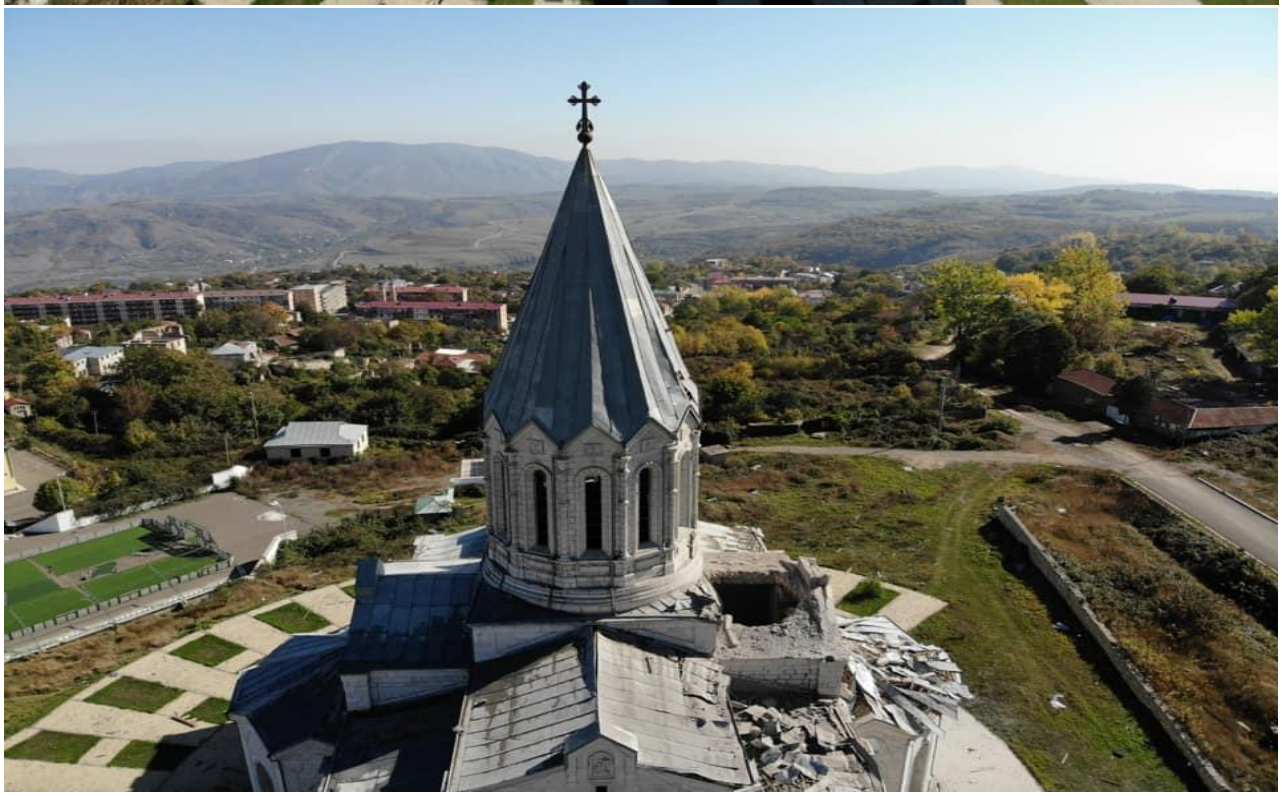
Surb Astvatsatsin Church (Holy Mother of God Church) in Baku (1797-1992)

Source: https://twitter.com/ChrisKhach/status/1375228904848289795/photo/2

Annex 5: Armenian monuments of the Tsar village

A School was erected in the 1950s through the destruction of a large medieval cemetery of cross-stones and two churches of the same period (St. Sargis and Mother Church) situated in the village center (photos by Samvel Karapetian, 1993). Research on Armenian Architecture (RAA) Foundation
Source: https://www.mfa.am/filemanager/nkr/monuments.pdf

Annex 6: Damages to the Holy Savior Ghazanchetsots Cathedral of Shushi



Source: Artsakh Info center https://bit.ly/2SVJ13Y

Annex 7: Reconstruction of Holy Savior Ghazanchetsots Cathedral of Shushi

Source: Fact Investigation Platform, https://fip.am/en/17184

Ghazanchetsots in 1904 and 1975 (Source: Shahen Mkrtchyan, Historical-Architectural Monuments of Nagorno-Karabakh, 1980); the Church after it was hit twice by the Azerbaijani military on October 8, 2020 (credit: hetq.am); the Cathedral without the metal roof on its iconic dome on May 4, 2021
Source: https://www.evnreport.com/spotlight-karabakh/artsakh-s-cultural-heritage-under-threat

Graffiti comprising hateful speech on Ghazanchetsots Cathedral, November, 2020
Source: https://medium.com/@mujj/azerbaijan-residents-waste-no-time-in-mocking-and-vandalizing-12th-century-historic-armenian-bdac30da5

Annex 8: Cultural Center of Shushi

The cultural center after the shellings in October 2020
Source: https://www.24news.am/news/127146

Annex 9: St John the Baptist Church (Kanach Zham) of Shushi

Satellite images of Kanach Zham Church on April 3, 2020, and February 15, 2021 (credit: Maxar Technologies/Google Earth); an undated photo of an Azerbaijani soldier in front of the Church; and Kanach Zham church in mid-November 2020
Source: https://www.evnreport.com/spotlight-karabakh/artsakh-s-cultural-heritage-under-threat

Recent satellite images show the progressive destruction of Kanach Zham Church
Source: Fact Investigation Platform, https://fip.am/en/17184

Annex 10: Holy Mother of God Church / Zoravor Surb Astvatsatsin Church

Zoravor Surb Astvatsatsin Church in 2017. After the 44-day war, the Church was vandalized and insulted by Azerbaijani soldier before being completely demolished
Source: https://asbarez.com/azerbaijan-destroys-another-armenian-church-after-war

Annex 11: The memorial complex in Talish

The memorial in 2017 before being demolished and vandalized by Azerbaijanis in 2020
Source: https://www.aragatsfound.org/post/talish-khachkars-memorials-and-holy-books-vandalized

Annex 12: Sghnakh cemetery

Satellite images show the 18th-century cemetery was completely leveled between April and June 2021
Source: Caucasus Heritage Watch, https://twitter.com/CaucasusHW/status/1411023428480610304

Annex 13: Mets Tagher cemetery

The 19th-century cemetery in June 2020 and in April 2021 after having been destroyed
Source: https://twitter.com/CaucasusHW/status/1389639754602491904

Annex 14: Makun Bridge in Mets Tagher

Satellite images show that between April and July 2021, the 19th century Bridge was destroyed
Source: https://twitter.com/CaucasusHW/status/1432769995755433993

Annex 15: Northern Cemetery of Shushi

The cemetery has been partially destroyed according to satellite images captured in April 2021
Source: https://twitter.com/CaucasusHW/status/1394329613757734919/photo/1

Annex 16: The Statue of Vazgen Sargsyan

The Statue of the former Prime Minister of Armenia and the national hero was destroyed in Shushi, Source: Fact Investigation Platform https://fip.am/en/17184

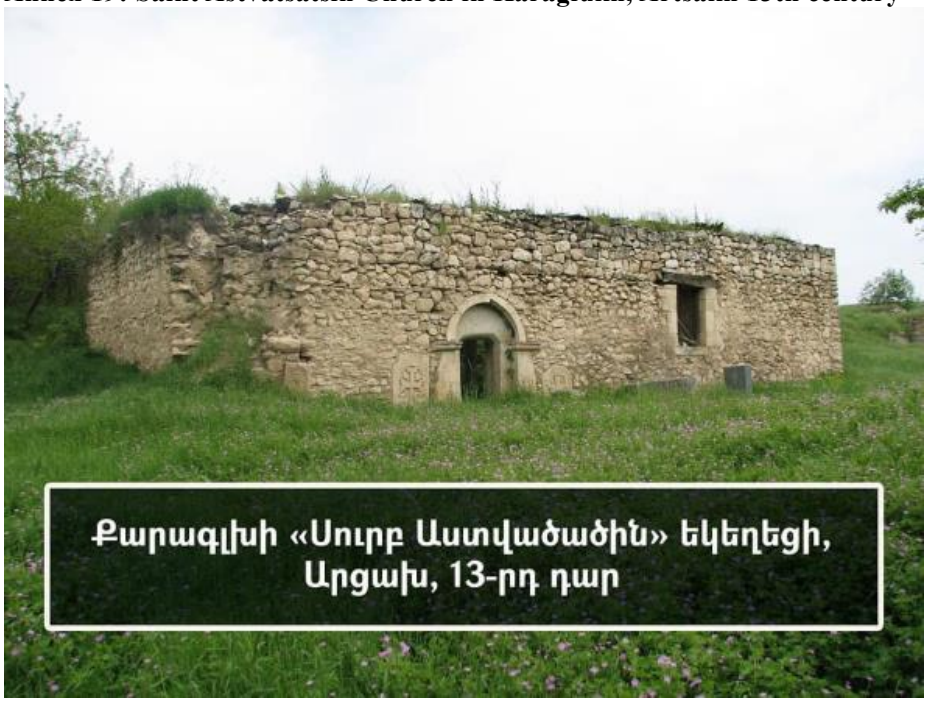
Annex 17: Aknakhbyur memorial in Hadrut region

The memorial dedicated to the victims of the First Artsakh war was vandalized
Source: https://monumentwatch.org/alerts/destruction-alteration-modification-of-cultural-heritage-of-aknaghb

Annex 18: Fine Arts Museum Sculpture Garden, Shushi

The park located next to Shushi Museum of Fine Arts was cleared of its 51 sculptures
Source: Caucasus Heritage Watch, https://twitter.com/CaucasusHW/status/1426236001794543623

Annex 19: Saint Astvatsatsin Church in Karaglukh, Artsakh 13th century



Source:https://www.1lurer.am/en/2022/04/02/Azerbaijan-destroys-Armenian-cultural-heritage-of-Parukh-and-Karaglukh-photos/694945