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PERMANENT MISSION
OF THE REPUBLIC OF ARMENIA

2203/1969/2021

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit hereby the reply by the Republic of Armenia to the communication by the Special Rapporteur in the field of cultural rights, dated 29 November 2021 (Ref.: AL ARM 2/2021).

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew the Office of the United Nations High Commissioner for Human Right the assurances of its highest consideration.

Encl.: 32 pages



Geneva, 28 December 2021

A.H.

Office of the United Nations
High Commissioner for Human Right
Geneva

Information provided by the Government of the Republic of Armenia

in response to the questions contained in letter AL ARM 2/2021, dated October 29, 2021, of the UN Special Rapporteur in the field of cultural rights

The Republic of Armenia stresses the importance of fair, independent, non-politicized and transparent international investigation on and the due reaction to the ongoing destruction of cultural heritage in Nagorno-Karabakh (Artsakh).

Indeed, we acknowledge the value of cultural heritage and consider that the loss of any item constitutes not merely a loss for a given nation who identifies itself with that particular cultural tradition but a harmful impoverishment of the heritage of all the nations of the world. Thus, the intentional destruction of cultural heritage sites by Azerbaijan is a challenge not only to Armenia and Armenians but to the whole humanity, and it must be decisively prevented and condemned, and those responsible should be brought to justice.

On December 7, International Court of Justice issued its orders on the requests for provisional measures made by Armenia in the proceedings instituted by Armenia against Azerbaijan under the “Application of International Convention on the Elimination of All Forms of Racial Discrimination” (CERD). With regard to Armenia’s request to indicate provisional measure on protection of cultural and religious heritage the Court ordered that Azerbaijan must “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”.

Azerbaijan continues to demonstrate full disregard to calls and inquires by international structures. The relevant Joint Communications by the UN Special procedure mandate holders of 2 February 2021, which, inter alia, raised the issue of the preservation of Armenian cultural heritage, has never been responded by Azerbaijan.

In the said Joint Communication the Special procedure mandate holders urged Azerbaijan while awaiting a reply to take all necessary interim measures “to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.”

However, Azerbaijan has not just unapologetically continued the destruction and misappropriation of the Armenian cultural heritage, but it also has not hold anyone accountable for those violations, even though the faces of many of those who had been committing crimes of vandalism were open and easily identifiable in the videos disseminated in the social media.

Moreover, on 5 November 2021 Milli Mejlis (Parliament) of Azerbaijan approved a bill on declaring an amnesty for “participants of the Second Karabakh War and other military operations” conveniently putting to rest even theoretical possibilities of accountability, including for those who participated in destruction and desecration of Armenian monuments.

The Armenian cultural heritage is currently facing an imminent threat of destruction and misappropriation under the Azerbaijani control. In these circumstances it is vital for the international community to step up and consolidate its efforts to prevent the complete destruction of the Armenian

heritage, ensure its preservation and guarantee the right of access to and enjoyment of cultural heritage.

Armenia reiterates its full adherence to the relevant international norms and principles on the respect, preservation, right of access to and enjoyment of all forms of cultural heritage. We are convinced that honest dialogue and dispositions aiming to protect and preserve Armenian cultural heritage can foster the basis for a peaceful and comprehensive settlement of the Nagorno-Karabakh conflict.

Finally, Armenia strongly urges while referring to the geographical locations in Nagorno- Karabakh to use their authentic, indigenous Armenian names. This includes references to the town of *Shushi*, which has for centuries been the Armenian cultural and religious center of Nagorno-Karabakh. By attempting to change the original names of the geographic locations, Azerbaijan commits another heinous attempt for misappropriation of the Armenian culture.

Please, find herewith the observations regarding the request with a photo section attesting to the claims raised in the present document.

Question 1. Please provide any additional information and/or comment(s) you may have on the allegations stated in the request.

The cultural and religious monuments of Artsakh (Nagorno-Karabakh) – which are extraordinary examples of Armenian and world cultural heritage – provide material evidence for the long history of Armenians in the region. There are around 4000 Armenian cultural sites in the region, including 370 churches, 119 fortresses, and other historical and cultural monuments in Artsakh among them the churches, that date from the 4th to the 21st century, and valuable archeological sites, the most notable one among them being the ancient city of Tigranakert, that dates back to the 1st c. BC – 13th c. AD period.

As a result of the aggression launched against Nagorno-Karabakh in the fall of 2020 and following the Trilateral Statement made on the cessation of hostilities on the 9th of November 2020, up to **2000 objects of Armenian historical and cultural property** have come under Azerbaijani control. This includes 161 Armenian churches, more than 10 Chapels, 52 castles and fortresses, 591 khachkars (engraved 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, eight state museums and galleries, as well as the Shushi Carpet Museum and Armenian Dram Museum that used to operate on a private basis, **with up to 21 000 artifacts and finally 127 school libraries with 617 000 books** were located on the territories that came under Azerbaijani control in fall of 2020. Most of these museums were founded after the ceasefire in 1994 and showcase the history, religion, and creative arts, traditions, and culture of the indigenous Armenian population of Artsakh. It is regrettable that these precious cultural pieces and artifacts were seized by Azerbaijan during the war and even one year after the ceasefire, Armenians have neither access to these sites nor information about the fate of the rich heritage that fell under Azerbaijani control.

There are serious concerns over the preservation of these historic sites, cultural pieces, artifacts and books, given the fact that Azerbaijan has an ongoing, well-documented policy of systematic

destruction of Armenian cultural monuments and intentional falsification of the identity of those monuments and cultural heritage, both during peacetime and the war.

Within Azerbaijan, one of the most notorious acts of cultural vandalism committed by authorities was the deliberate and brutal peacetime destruction of the rich Armenian cultural heritage in Nakhijevan. Several thousands of engraved cross-stones and tombstones of the medieval Armenian cemetery of Old Jugha (Nakhijevan) were bulldozed by the Azerbaijani army. According to the international reports in total, 89 medieval churches, 5 840 decorated cross-stones (khachkars), and 22 000 historical tombstones were demolished only in Nakhijevan between 1997 and 2006¹.

There is an ample evidence, including photos and videos, demonstrating deliberate policy of annihilation of Armenian cultural heritage. Those acts have been acknowledged and denounced by the International Council on Monuments and Sites, the European Parliament, and international press reports, which have condemned Azerbaijan's acts as "the worst cultural genocide of the 21st century"². Another notable example of Azerbaijan's well-documented policy of the erasure of Armenian cultural heritage located in its territory is the destruction of Surb Astvatsatsin Church (Holy Mother of God Church, 1797) in Baku in 1992³.

The Azerbaijani government employs two main methods of erasing Armenian cultural heritage and historical presence in Nagorno-Karabakh. First – the physical destruction or alteration of the sites. Second – wherever the first method is not feasible due to received media attention and the location being easily accessible, the Azerbaijani authorities try to change the identity of the Armenian cultural heritage and deny their historical roots labeling them as mythical "Caucasian Albanian." These attempts are in fact, steps taken towards misappropriating the Armenian culture. Azerbaijan purports to be a descendant and successor of the early medieval Caucasian Albanian state (that ceased its existence around one thousand years ago), which is an anti-scientific and purely politicized narrative not supported by academics save the Azerbaijani ones or the Azerbaijani-funded ones.

The attempts of historical revisionism by Azerbaijan is explicit in the region, carried out through systematic acts of misappropriation of Armenian cultural heritage since the 1950s. In efforts to strengthen its ties to these lands, Azerbaijan revises and rewrites history by claiming that the Armenian churches and cross-stones belong to Caucasian Albanians with a putative assumption that Caucasian Albanians are the ancestors of the Azerbaijani people.

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 historic sources and accounts and the thousands of the inscriptions in the Armenian language on those 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 factor of the Christian Udi minority. There are currently about 4,000 Udis living in Azerbaijan, who are traditional followers of the Armenian Apostolic Church. They mainly live in two villages - Vardashen and Nij. Although the Udis were closely associated with Armenian culture and

¹ <https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/>

² Dale Berning Sawa. (March, 2019). *Monumental loss: Azerbaijan and 'the worst cultural genocide of the 21st century'*. The Guardian. Available at: <https://bit.ly/3dG4d7q>

³ Photo illustration published on the Twitter account of user ChrisKhach (26 March 2021). Available at: <https://twitter.com/ChrisKhach/status/1375228904848289795>

the church, their area of residence is located north to the Kur river, hundreds of kilometers far from Artsakh, and thus they have no relation to the erection of Christian monuments in Artsakh.

The Udis have been continuously oppressed in Azerbaijan. 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, Vardashen (Armenian toponym meaning the village of roses) village was renamed Oghuz (the name of Turkic tribes that arrive in the Caucasus in 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. As a result of “reconstruction” 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.⁴

The distortion of the identity of the Armenian heritage is an attempt of cultural looting, which is also a gross violation of the relevant international legal instruments. Azerbaijan has relentlessly continued the misrepresentation of Armenian cultural heritage because the historic and cultural monuments point to 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.

In fact, this narrative contributes to the instigation of hate and xenophobia against the Armenian people within the Azerbaijani society and reflects the hate policy pursued by Azerbaijan, which has intensified over decades⁵. This matter has been confirmed by several independent international organizations, including the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. The ECRI has affirmed that hate speech against Armenians is a prevalent problem in Azerbaijan and has found that political leaders, educational institutions, and the media have ensured that a generation of Azerbaijanis has been imbued with this hateful anti-Armenian rhetoric⁶. Azerbaijani authorities have used the dehumanization and demonization of Armenians as an instrument of propaganda to shape public opinion and create deeply rooted damaging stereotypes about Armenians. In turn, this hate speech has boosted more hostility, murders, and war crimes against Armenians based on their ethnicity.

The December 7 ruling of the International Court of Justice on the necessity of protection of the 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 the Armenian cultural heritage by Azerbaijan (The said ICJ order is elaborated below under question 6, in a more detailed manner).

Question 2. Please explain the circumstances surrounding the destruction of and damage to all sites of religious, historical and cultural significance in the Nagorno-Karabakh region and surrounding regions, and whether and how the uses of force resulting in such outcomes were

⁴ <http://news.bbc.co.uk/2/hi/europe/4336733.stm>

⁵ Adibekyan A. & Elibekova E. (2015), *Armenophobia in Azerbaijan*, Information and Public Relations Center of the Administration of the President of the Republic of Armenia

⁶ 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>

compatible with the human rights and international humanitarian law standards mentioned in the Annex.

As mentioned, Azerbaijan pursues a policy of erasure of the historical evidence of the Armenian presence in Artsakh and adjacent territories by deliberately destroying Armenian monuments and cultural sites, which became more intensive and severe during the war in 2020 and its aftermath.

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. The attacks were conducted by precise striking drones, emphasizing their intentional nature, which is a blatant violation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; under Article 7 it requires, among others, to "do everything feasible to verify that the objectives to be attacked are not cultural property." The report by Human Rights Watch, published on December 16, 2020, called this attack as a possible war crime, since the Cathedral was intentionally targeted twice with precise weaponry. It reads as follows:

"Two separate attacks, hours apart, on the Ghazanchetsots Cathedral on October 8 in the town of Shushi, suggest that the church, a civilian object with cultural significance, was an intentional target despite the absence of evidence that it was used for military purposes. The remnants were found to indicate that the weapons used were capable of being directed at a specific target. The two strikes struck the same part of the church roof, with no more than two meters difference between the point of impact"⁷.

The Ghazanchetsots Cathedral was also vandalized a mere few days after the end of hostilities, in peacetime, and evidence has emerged that the second dome of the Cathedral has been further damaged, 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 its actions was the removal of the conical metal dome of the Ghazanchetsots Cathedral (May 2021) to change the monument's architectural integrity 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. Also, the Ghazanchetsots Cathedral contains multiple interior and exterior elements, libraries, icons, etc., which prove its Armenian-Christian background. All of those are also at risk during this "restoration." In the Communication of 2 February 2021, UN Special procedure mandate holders called for full involvement 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 Communication.

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

⁷ Human Rights Watch. (December 16, 2020). *Azerbaijan: Attack on church possible war crime*. Available at: <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>

Cathedral's relief carvings, turned the church into an 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 because it was a shelter for civilians. In total, four cultural houses have been destroyed by Azerbaijan thus far⁸. Several museums and exhibits have also been damaged due to the Azerbaijani attacks on civilian settlements.

Additionally, during the aggression, the significant Hellenistic and Armenian archeological site of Tigranakert, an ancient city founded by king Tigranes the Great in the first century BC, became an area of intensive war activity and was shelled 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 Armenia but the whole world.

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 in Shushi (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 on Google Earth confirmed that the church had been completely leveled, with the bell tower and the dome removed⁹.

According to a video material prepared by the BBC, an Armenian Church, built in 2017 and located in Mekhakavan (Jabrail), under the 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).

In the same month, videos of the St. Yeghishe Church of Mataghis (Martakert region) being vandalized and desecrated by Azerbaijani soldiers were broadcast¹⁰.

Damages to iconic monuments for Armenian collective memory and cultural identity were also reported. In Shushi, a memorial dedicated to the victims of the Armenian Genocide, fallen soldiers in World War II and the First Karabakh war was destroyed entirely (December 2020). Several memorials were also damaged or vandalized in Talish, khachkars were destroyed in Hadrut (Arakel village), Kubatli, Mekhakavan (Jabrayil) and cemeteries were desecrated¹¹. 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 to the ground the 18th-century cemetery of the Sghnakh village. In the Hadrut region, the cemetery of Mets Tagher (19th century) was also destroyed (June 2021)¹².

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,

⁸ Artsakh Info center. (October, 2020). Available at: <https://bit.ly/35aLhtQ>

⁹ Fact Investigation Platform (October, 2021). Available at: <https://fip.am/en/17184?fbclid=IwAR1IASo-SXJwNawD6g52ZR1rIsRS6RT1GbeKusr2ROP3Hpgr-YJYPqjAXaw>

¹⁰ 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>

¹¹ Ibid

¹² Fact Investigation Platform (October, 2021). Available at: <https://fip.am/en/17184?fbclid=IwAR1IASo-SXJwNawD6g52ZR1rIsRS6RT1GbeKusr2ROP3Hpgr-YJYPqjAXaw>

is reported to have been loaded with heavy military equipment by the Azerbaijani army. The Holy Astvatsatin 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 church¹³. Katarovank, located on top of Mount Dizapayt occupied by Azerbaijani armed forces as a result of the violation of the ceasefire on 12 December, 2020, is also the subject of serious concerns 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)¹⁴. 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)¹⁵.

Several cultural heritage monitoring institutions also express serious concerns about 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), Surb Astvatsatsin church in Madatashen village (Askeran region), the cemetery and the Bridge of Avetaranots, the Bridge of Taghis near Mets Tagher village are in danger. The memorial complex in Azokh village, dedicated to the victims of World War II, the First Artsakh War and the Armenian Genocide, has already been destroyed¹⁶. Moreover, some territories of Mets Tagher village and the Makun Bridge were destroyed and leveled (October 2021) under the guise of road construction¹⁷.

These actions and the complete ethnic cleansing of the Armenian population in the areas fallen under Azerbaijani control once again cement the fact that Azerbaijan poses a continued threat to the right to life, physical security and merely the existence of the Armenians of Nagorno-Karabakh.

The Caucasus Heritage Watch published a number of Monitoring Reports on the state of the cultural heritage in Nagorno-Karabakh¹⁸. 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 part (one corridor from Fizuli to Shushi and another corridor along the Hakari/Aghavno River valley)¹⁹. 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 destroyed²⁰. 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. This includes eight state museums and galleries and two private museums, namely "Shushi Carpet Museum" and "Shushi Armenian Dram Museum," which

¹³ 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-village/133238675611321/>

¹⁴ 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/>

¹⁵ 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/>

¹⁶ 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/>

¹⁷ 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/>

¹⁸ <https://caucasusheritage.cornell.edu/index.php/report>

¹⁹ Khachadourian & al (2021), Caucasus Heritage Watch Monitoring Report #1, Cornell University

²⁰ Information published on the Caucasus Heritage Watch Twitter account (13 August 2021). Available at: <https://twitter.com/CaucasusHW/status/1426236001794543623>

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 billion 200-million-year-old exhibits and the history Museum in Shushi with its 300 exhibits.

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 deprived of the opportunity to express their cultural identity in their natural habitats, to ensure the viability of various manifestations of intangible heritage, which itself violates the rights of the bearers of that heritage.

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." He labeled the Armenian inscriptions on the church's walls as "fake," thus preparing the ground for future acts of vandalism in explicit violation of the 1954 Convention and the UN Security Council Resolution 2347 (2017). It is noteworthy that the church mentioned above had already been vandalized in the published video, as the religious symbols had been removed.

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 Artsakh as so-called "Caucasian Albanian" has not been corroborated by any academicians other than in Azerbaijan or the ones directly funded by Azerbaijan.

Azerbaijan has never made a secret out of its intention to use the cultural destruction and misappropriation as a mean of demographic engineering of Nagorno-Karabakh and completely distorting its cultural identity. Particularly the publicly pronounced plans for construction of new mosques in Hadrut and Karin Tak villages and rebuilding of the historic center of Hadrut speak for themselves²¹. Both villages never had any Azerbaijani population before they were occupied by armed forces of Azerbaijan in 2020.

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 for 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 in the Karvajar District of Nagorno-Karabakh, one of the best-known monastic complexes in medieval Armenia, was an active religious site, where worshippers and pilgrims would regularly attend masses even up to the very last hours before Azerbaijan occupied the territory. 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,

²¹ <https://en.president.az/articles/53402>

there are now only six members of the Armenian Apostolic Church remaining in Dadivank. In addition to not receiving pilgrims or worshippers, the priests cannot leave the monastic complex for fear of altercations with Azeri soldiers.

This stance violates international law and human rights. It is essential to guarantee safe access for Armenian pilgrims and religious leaders to churches and monasteries 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 Azerbaijani will to eradicate Armenian presence in the region.

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

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 2, 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 the Heritage site.

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 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."

Question 3. Please explain how your Excellency's Government is taking measures to protect cultural heritage in the areas under your Government's control. What actions are being taken to protect the integrity of, and access to, cultural and religious sites for all?

The Government of Armenia reiterates its full adherence to the relevant international norms and principles on the respect, preservation, protection, right of access to and enjoyment of all forms of cultural heritage. The 18th century Shia Mosque and 15th century Turkmen (Kara Koynlu) mausoleum that have been renovated by the Government of Armenia and have been opened for public, stand as only recent examples of Armenia's attitude towards the protection of cultural heritage. The preservation and renovation efforts of cultural heritage are done in accordance to the international standards and in consultation with those with close connections to that heritage.

According to the information by the Government of the Republic of Artsakh, it too has taken historical and cultural monuments of Nagorno-Karabakh under its protection regardless of their origin and religious affiliation.

By 2020, authorities of Artsakh have made certificates of more than 4000 historical and cultural monuments and more than 1000 protection zones. The legislative framework has been improved, the State Service for the Protection of the Historic Environment has been set up to pay more attention to the issues of maintenance and accessibility of monuments.

Currently, there are about 2500 monuments in the areas under the control of the Artsakh authorities. Those are registered on the State List of Monuments of the Republic of Artsakh. Correspondingly, the preservation and respective policy actions are being implemented by Artsakh leadership and Russian peacekeeping troops.

As stated, advocacy of cultural diversity and respect towards others' cultures and their legacies are the main policy guidelines, and preservation measures are being applied for all cultural and religious sites, regardless of their origin.

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 to ensure the implementation of the best international practices and standards. Thus, the claims of Azerbaijan that the Armenian side has allegedly altered the origin of the mosque are totally groundless.**

Question 4. Please explain what measures are being taken to inventory and safeguard cultural heritage which has been removed from the Nagorno-Karabakh region so that a just resolution to this question can be found in the future.

During the war unleashed against Artsakh, Azerbaijan which is now expressing "false concern" about the protection of cultural heritage, was regularly bombing civilian settlements, endangering museum collections, exhibits and objects of the Armenian cultural heritage, thus making their protection almost impossible. After the intentional bombing of the Shushi Cultural Center on October 7, 2020, and the Holy Savior Ghazanchetsots Cathedral in Shushi on October 8, 2020, the evacuation of the museum collections of Artsakh became the only way to save and protect them. Unfortunately, this was impossible due to the continuous bombardment.

According to the information received from Artsakh authorities, after the cessation of hostilities, for the sake of protecting from destruction and illegal appropriation, it was only possible to evacuate some frescoes and khachkars of the Dadivank Monastery and few exhibits from the collection of the private Shushi Carpet Museum. They were evacuated according to international standards and are safeguarded on the same principles, particularly in line with the guidelines of the Emergency evacuation of heritage collections elaborated by UNESCO and ICCROM.

To avoid the repetition of the tragic fate of 28 000 annihilated cultural and religious properties of the Armenian cultural heritage of Nakhijevan, the evacuation of priceless objects of the NK Armenian cultural heritage was carried out by the Artsakh authorities, with the help of private persons and organizations.

Unfortunately, up to date the international community, UNESCO and relevant UN entities have been helpless to prevent the destruction, appropriation and looting of the Armenian historical and cultural monuments in the Nagorno-Karabakh conflict zone.

Question 5. Please indicate steps that will be taken to investigate, if possible jointly, all allegations of destruction, damage, or removal of the cultural heritage of importance to all in the region, to create a complete record of these destructions and removals, and to hold perpetrators on all sides accountable in accordance with the international law.

In the current situation created in the aftermath of Azerbaijan's illegitimate use of force, the protection of the Armenian cultural heritage requires international efforts and a proper conduct from the Azerbaijani side.

Prevention of further destruction and vandalism, proper maintenance of the cultural property in all its forms and monitoring these objects are the most preliminary but necessary steps to be taken in the nearest future.

Further steps include but are not limited to monitoring, documenting the monuments and restoring damaged cultural heritage in the region, regardless of their origin, cultural or ethnic belonging. On numerous occasions Armenia has reiterated its support to relevant independent international structures, experts or organizations that can investigate, provide a complete evaluation on the matter, duly address the situation, make appropriate recommendations, monitor, identify the preparators and hold them accountable under international law.

UNSECO has a key role to play in mapping cultural heritage: its current state and damage inflicted upon it. The Armenian side has agreed to dispatch the UNESCO expert mission in and around Nagorno-Karabakh without any limitation to the list of the cultural sites.

Question 6. Please explain what measures are being taken to ensure that an inclusive approach is being employed to preserve the cultural heritage of all, and to restore the damaged cultural heritage according to the international standards and in consultation with those with close connections to that heritage, including the diverse displaced people and relevant cultural and religious institutions.

The atmosphere of the decades long State injected anti-Armenian hatred, meticulous and deliberate destruction, looting, distortion and misappropriation of the Armenian cultural and religious heritage does not leave any doubt that the Armenian sacred sites and monuments face an imminent danger of annihilation, while the Armenian population of Nagorno-Karabakh is deprived of an opportunity to freely exercise its human rights and fundamental freedoms. In particular, this is a gross violation of their cultural rights and the freedom of religion or belief. This, furthermore, deepens mistrust and undermines still very uncertain perspectives for any peace and reconciliation. Taking into account Azerbaijan's continued and directed alienation and destructive policy against Armenian cultural heritage in Artsakh and the long history of rooted hatred towards Armenian people, the recent main actions of Armenia towards preservation of heritage in the region and the protection of human rights are directed to further strengthening international cooperation and engagement of the international community and field organizations.

During the war and after the ceasefire, the Government of Armenia has called on diverse international organizations and institutions, urging them to bring joint efforts to address the identified issues comprehensively.

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 four orders imposed to Azerbaijan two of them contain explicit reference to prevention of racial hatred and destruction of the Armenian cultural heritage by Azerbaijan. Thus, having considered the terms of the provisional measures requested by Armenia and the circumstances of the case, the Court ruled that Azerbaijan must:

- *"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"*²².

The Government of Armenia also held discussions with the UNESCO leadership for devising an expert mission to monitor the cultural heritage in the region. With this regard, engagement of international experts and groups, as well as relevant cultural and religious institutions, and civil society representatives, is of vital importance. That would help to ensure an unbiased and inclusive approach towards the cause of preservation of cultural heritage and would guarantee the *"participation in the identification, interpretation and development of cultural heritage, as well as in the design and implementation of preservation and safeguard policies and programs."*

Question 7. Please indicate whether you would agree to missions by international experts, such as my successor, and UNESCO and other relevant international experts on cultural heritage and related human rights to the region to investigate allegations and make recommendations on accountability, restoration and reparation. Please indicate what access they might be given to do their work. Moreover, please indicate your willingness to consider a possible joint expert initiative or mechanism in this regard.

²² 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>

As a 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-Karabakh²³.

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 the Director-General has initially proposed it²⁴. 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's worth to mention as well that the members of the Intergovernmental 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 heritage²⁵. It is crucial to maintain unlimited access of the UNESCO to all endangered sites throughout the mission. The Armenian side can agree to any list of the sites presented by Azerbaijan provided that Azerbaijan would not attempt to limit the list of the Armenian monuments to be assessed by the mission.

Regrettably, Azerbaijan, which has been politicizing the issue since the beginning, currently continues to create obstacles for the effective engagement of UNESCO, trying to distort the scope and purpose of the proposed mission. The Assistant UNESCO Director-General publicly stated that: “only the response of Azerbaijan is still awaited for UNESCO to proceed with the sending of a mission to the field. The authorities of Azerbaijan have been approached several times without success so far.”²⁶

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 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.

²³ 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>

²⁴ Remarks of the Foreign Minister of Armenia Ararat Mirzoyan at the 41st Session of the UNESCO General Conference, Available at: https://www.mfa.am/en/press-releases/2021/11/11/am_unesco/11168

²⁵ 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

²⁶ UNESCO's press release, *UNESCO is awaiting Azerbaijan's Response regarding Nagorno-Karabakh mission* (December 21, 2020). Available at: <https://en.unesco.org/news/unesco-awaiting-azerbajians-response-regarding-nagorno-karabakh-mission>

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 mission in the region to investigate allegations and make recommendations on accountability, restoration and reparation of the cultural heritage.

APPENDIX

Appendix 1: Damages to the Holy Savior Ghazanchetsots Cathedral of Shushi









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



Appendix 2: 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: Gegham Stepanyan,

<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>

Appendix 3: St John the Baptist Church / Kanach Zham



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>

Appendix 4: 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 demolished

Source: <https://asbarez.com/azerbaijan-destroys-another-armenian-church-after-war>

Appendix 5: Tigranakert Excavation sites



The site was shelled several times by Azerbaijani armed force

Sources: <https://hyperallergic.com/592287/tigranakert-artsakh-nagorno-karabakh-war/>

Appendix 6: 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>

Appendix 7: 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>

Appendix 8: 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>

Appendix 9: 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>

Appendix 11: Fine Arts Museum Sculpture Garden, Shushi



The park located next to Shushi Museum of Fine Arts was cleared of its 51 sculptures

Source: <https://twitter.com/CaucasusHW/status/1426236001794543623>

Appendix 12 : Cultural Center of Shushi



The cultural center after the shellings in October 2020

Source: <https://www.24news.am/news/127146>

Appendix 13: 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>

Appendix 14: The Statue of Vazgen Sargsyan



The Statue of the former Prime Minister of Armenia and national hero was destroyed in Shushi

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

Appendix 15: 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 16: The destruction of the Armenian cultural heritage in Nakhijevan



The Armenian cemetery of Old Jugha, Photo – Aram Vruyr, 1915

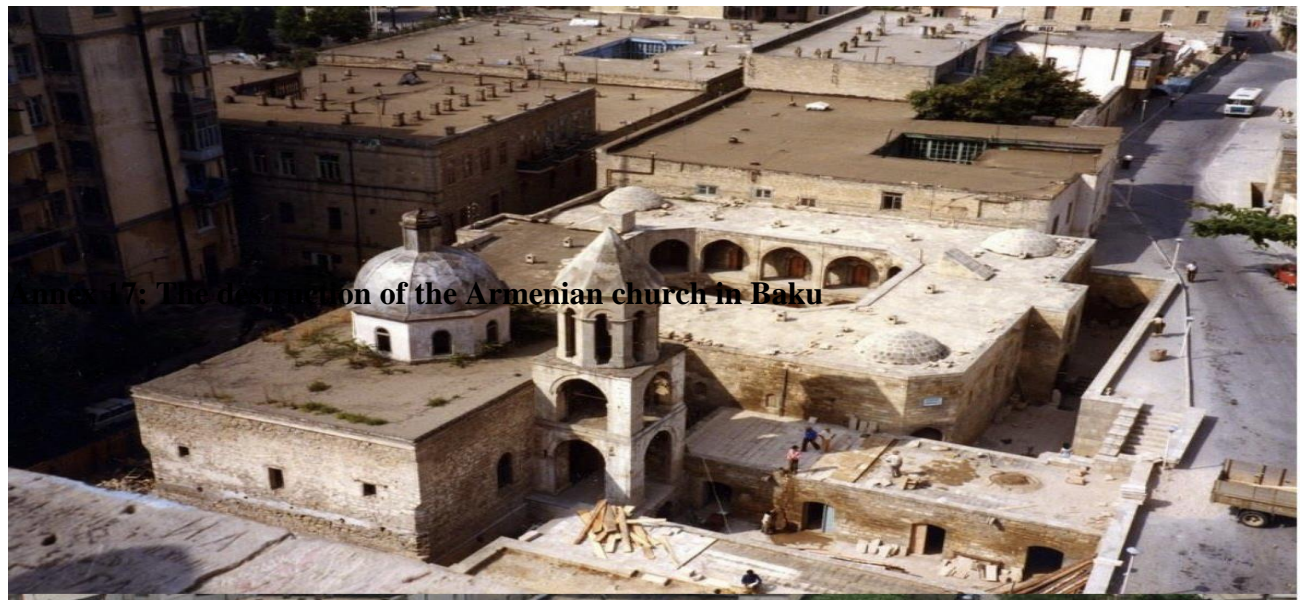


Image 17: The destruction of the Armenian church in Baku



Military "firing range" in place of the destroyed cemetery in 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



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

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