



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

Ref: 0630/12/23/34

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the information provided by the Government of the Republic of Azerbaijan in response to the allegations raised in the communication AL AZE 2/2023, dated 22 September 2023, of the UN Special Rapporteur in the field of cultural rights.

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

*Enclosure: 48 pages*



Geneva, 20 December 2023

**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**

**Information provided by the Government of the Republic of Azerbaijan in response to the allegations raised in the communication AL AZE 2/2023, dated 22 September 2023, of the UN Special Rapporteur in the field of cultural rights**

The Republic of Azerbaijan acknowledges receipt of the communication dated 22 September 2023 from the Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki, to the Minister of Foreign Affairs of Azerbaijan, Mr. Jeyhun Bayramov (Ref. AL AZE 2/2023) ("**22 September Communication**"),

While information concerning the allegations raised through the letter, including on the real situation of the sites referred therein will be provided further in the present communication, it should be highlighted that regrettably the Special Rapporteur's communication touches upon several topics having no connection with her mandate adopted by the Human Rights Council.

In particular, the references like "discriminatory discourse against Armenians" or so-called "targeting civilian communities by Azerbaijani military" and misquotation of peaceful messages by the President of Azerbaijan, not only go well beyond the mandate entrusted to her, but also represent Armenian narratives with its clearly visible one-sided, biased and discriminatory nature.

In this connection, Azerbaijan again takes note of the duty of mandate holders to act impartially and to "seek to establish the facts, based on *objective, reliable* information emanating from relevant credible sources, *that they have duly cross-checked* to the best extent possible."<sup>1</sup> Azerbaijan regrets that, in spite of this mandate, the 22 September Communication repeats false allegations based on entirely unsubstantiated reports that, as the information provided in this letter will make clear, are inaccurate. Azerbaijan also notes that its 21 February 2023 letter similarly called attention to the unreliable nature of the sources underlying the Special Rapporteur's 29 October 2021 letter, and expresses its concern over what appears to be an ongoing pattern of relying on sources that are neither neutral nor credible.

Unfortunately, the 22 September Communication in its many parts presents views and allegations clearly based on Armenian narratives. For example, among others the text of the Communication is presenting the restoration of lawful geographical names of cities and towns in Garabagh as so-called "[A]cts of appropriation and erasure of Armenian presence", as well as the point of view expressed to this end absurdly calling to "consider multiplicity of place names in the region as a result of its cosmopolitan past". These views and claims could indeed be expressed by either state of Armenia still pursuing its territorial claims, or by a person having no knowledge of the region, its history and most importantly today's realities therein.

Azerbaijan again affirms its commitment to upholding its obligations under international law, including under international human rights law. As set out in its letter dated 21 February

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<sup>1</sup> Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023 (citing Human Rights Council, 5/2. *Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council*, UN doc. A/HRC/RES/5/2 (18 June 2007), provision (a), Article 6(a)) (emphasis added).

2023, Azerbaijan's domestic law protects cultural sites and the exercise of cultural rights, on a non-discriminatory basis<sup>2</sup>. Since the 7 December 2021 ruling of the International Court of Justice, Azerbaijan has taken additional affirmative measures to protect cultural heritage sites, including cultural sites in Garabagh, and to prevent the incitement or promotion of racial hatred and discrimination. Azerbaijan refers to its 21 February 2023 letter, which describes several such measures in detail<sup>3</sup>. Azerbaijan also sets out below relevant information based on developments since 21 February.

### ***Recent Measures to Protect and Ensure the Cultural Rights of Ethnic Armenians in Azerbaijan***

The 22 September Communication repeats unsupported allegations that "military attacks" on Garabagh took place on 19 and 20 September 2023 and that "[o]nce the region is cleansed of ethnic Armenians, it is alleged that Azerbaijan has planned to further remove all physical indications of the presence of Armenians"<sup>4</sup>. This is completely false. In fact, a counter-terrorism operation that lasted less than 24 hours was aimed exclusively at Armenian military targets in Azerbaijan's sovereign territory. Following this operation, after nearly three decades of Armenia's unlawful occupation, Azerbaijan restored full sovereignty over its internationally recognized territories which among others will pave the way for application of and compliance with international human rights obligations of Azerbaijan in the entirety of its territory.

To that end, since 20 September, Azerbaijan has taken affirmative measures to protect and ensure the rights of ethnic Armenians in Garabagh, as relevant to **Request Nos. 1, 4, and 6 in the 22 September Communication**.

*First*, at the highest levels of Government, Azerbaijan has publicly and repeatedly guaranteed the rights of ethnic Armenians in Azerbaijan. For example, the President of Azerbaijan has on multiple occasions affirmed that ethnic Armenians "will have all rights, and their security will be ensured" on the basis of rights equal to those of any other Azerbaijani citizens<sup>5</sup>. The Minister of Foreign Affairs has likewise confirmed that "Azerbaijan is resolute to re-integrate its citizens of Armenian origin residing in conflict-affected territories into its

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<sup>2</sup> Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023 (describing Azerbaijan's Law on the Protection of Historical and Cultural Monuments and its Criminal Code).

<sup>3</sup> *Id.* As you will recall, Azerbaijan submitted two replies dated 21 February 2023 (Ref. 0084/12/23/27 and Ref. 0085/12/23/27) in response to your Joint Communications dated 29 October 2021 and 28 November 2022. Azerbaijan wishes to clarify that the replies dated 21 February 2023 were also a reply to the Joint Communication of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 2 February 2021 (Ref. AL AZE 1/2021). Accordingly, Azerbaijan would be grateful if the Office of the High Commissioner for Human Rights could update the Special Procedures database to list Ref. 0084/12/23/27 and Ref. 0085/12/23/27 as replies to the 2 February 2021 Joint Communication.

<sup>4</sup> *Id.*

<sup>5</sup> *See, e.g.*, Ilham Aliyev was interviewed by local TV channels (10 Jan. 2023), <https://president.az/en/articles/view/58555>; Ilham Aliyev attended the international conference themed "South Caucasus: Development and Cooperation" at ADA University (29 April 2022), <https://president.az/en/articles/view/55909>.

political, social, economic space, guaranteeing the same rights and freedoms with all the citizens of Azerbaijan regardless of their ethnic, religious, or any other affiliation.<sup>6</sup> In ongoing proceedings before the ICJ, Azerbaijan reiterated that ethnic Armenians have the right to return to Garabagh, that it hopes ethnic Armenians *will* return and that ethnic Armenians and ethnic Azerbaijanis can live side by side in peace, and that it is working to create conditions in which ethnic Armenians feel safe to return and to live alongside ethnic Azerbaijanis<sup>7</sup>.

On 2 October 2023, the President of Azerbaijan announced a comprehensive Reintegration Plan designed to reintegrate ethnic Armenian residents of Garabagh into Azerbaijan's political, social, and economic spheres<sup>8</sup>. Among other things, the Reintegration Plan provides the following specific guarantees related to the exercise of cultural, educational, and religious rights of ethnic Armenians in Azerbaijan:

- The right of residents to preserve and develop their culture and ethno-cultural peculiarities is guaranteed.
- The freedom of religion and protection of cultural and religious monuments are guaranteed.
- Opportunities are created for the use of the Armenian language.
- Contacts with representatives of Armenian residents regarding reintegration will be continued.

*Second*, Azerbaijan has already taken concrete steps to realize these commitments. For example, following the 20 September operation, Azerbaijan stationed police near historical, religious, and cultural monuments in Garabagh—including Christian sites—in order to guard such sites and ensure they are preserved<sup>9</sup>.

As detailed in Azerbaijan's 21 February letter, to ensure compliance with the ICJ's 7 December 2021 Order, the Office of the President of the Republic of Azerbaijan previously issued formal instructions to direct construction crews operating in Garabagh to follow specific procedures to minimize the risk of damage to cultural heritage sites during

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<sup>6</sup> Statement by H.E. Mr. Jeyhun Aziz oglu Bayramov, Minister for Foreign Affairs, at the General Debate of the 77th session of the UN General Assembly (24 September 2022), available at [https://gadebate.un.org/sites/default/files/gastatements/77/az\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/77/az_en.pdf).

<sup>7</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, CR 2023/22, p. 11, para. 5 (Mammadov).

<sup>8</sup> Reintegration Plan, "Statement by the Presidential Administration of the Republic of Azerbaijan", *Azerbaijan State News Agency* (2 October 2023), <https://azertag.az/en/xeber/statement-by-the-presidential-administration-of-the-republic-of-azerbaijan-2771617>.

<sup>9</sup> See, e.g., X post, [redacted] (5 October 2023), [https://twitter.com/\[redacted\]/status/1709998169444978914](https://twitter.com/[redacted]/status/1709998169444978914) (showing police officers walking around a cathedral and church in Khankendi, Ganjasar Monastery in Kalbajar and Amaras Monastery in Khojavend); President of the Republic of Azerbaijan, "Ilham Aliyev received WHO Regional Director for Europe" (6 October 2023), <https://president.az/en/articles/view/61493> ("police guard critical infrastructure facilities and historical, religious and cultural monuments").

reconstruction activities<sup>10</sup>. In addition, Azerbaijan also continues to work to restore safe access to cultural sites on an equal basis by removing hundreds of thousands of landmines that Armenia laid during its occupation<sup>11</sup>. The security risk remains substantial: so far, more than 340 Azerbaijani individuals, many of them civilians, have been injured or killed by landmines in Garabagh<sup>12</sup>, and clearing an area once considered “one of the most contaminated by mines and unexploded ordnance in the world”<sup>13</sup> is currently expected to last decades<sup>14</sup>.

*Third*, since the 19 September operation, Azerbaijan has invited international journalists and neutral international fact-finders to Garabagh to document the situation on the ground and to confirm that historical, religious, and cultural sites remain protected<sup>15</sup>. For example, on 1 October 2023, a UN mission visited Garabagh—the first such visit in decades, since during its occupation, Armenia consistently blocked official fact-finding by international bodies that sought to document the destruction of Azerbaijani towns and cultural heritage<sup>16</sup>. The 1 October mission consisted of representatives from the UN Refugee Agency, the UN Children’s Fund, the World Health Organization, and the Food and Agriculture Organization, as well as a technical team from the UN Office for the Coordination of Humanitarian Affairs, the UN Resident Coordinator’s Office, and the UN Department of Safety and Security<sup>17</sup>. Notably, the UN mission “saw no damage to civilian public infrastructure, including hospitals, schools and housing, or to cultural and religious structures.”<sup>18</sup>

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<sup>10</sup> Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023.

<sup>11</sup> *Id.*

<sup>12</sup> Azertac, “ANAMA: 329 Azerbaijanis have become victims of landmines since November 2020” (6 October 2023), [https://azertag.az/en/xerber/anama\\_329\\_azerbaijanis\\_have\\_become\\_victims\\_of\\_landmines\\_since\\_november\\_2020-2777647](https://azertag.az/en/xerber/anama_329_azerbaijanis_have_become_victims_of_landmines_since_november_2020-2777647).

<sup>13</sup> Parliamentary Assembly of the Council of Europe, Resolution 2391 (27 September 2021), para. 10.

<sup>14</sup> See New York Times, “What’s Left When a Long War Suddenly Ends” (17 November 2023), <https://www.nytimes.com/2023/11/17/world/europe/nagorno-karabakh-armenia-azerbaijan-wounds.html> (“it would take up to 40 years and billions of dollars for the Azerbaijani authorities to complete the [demining] process”). See also: Trend News Agency, “Azerbaijan needs nearly 30 years and \$25 billion to solve issues related to demining – President Ilham Aliyev” (13 October 2022), <https://en.trend.az/azerbaijan/politics/3656378.html>; Caspian News, “Armenian Landmines Claim 55 Azerbaijani Lives, Injure 251 in Karabakh Region Since 2020” (14 September 2023), <https://caspiannews.com/news-detail/armenian-landmines-claim-55-azerbaijani-lives-injure-251-in-karabakh-region-since-2020-2023-9-14-0/>.

<sup>15</sup> See, e.g., Al Jazeera, “‘Ghost town with no soul’: Inside Karabakh after ethnic Armenians flee” (1 October 2023), <https://www.youtube.com/watch?v=axdKnZ4sYhA> (including interview with [REDACTED] ICRC Rapid Deployment Team, discussing the ICRC’s ongoing work in Garabagh); Al Jazeera, “Nearly all ethnic Armenians have left the Karabakh region and crossed into Armenia” (3 October 2023), <https://www.youtube.com/watch?v=yVfgFmsLeSk>.

<sup>16</sup> See, e.g., UNESCO, Report on the Implementation of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two 1954 and 1999 Protocols, Report on the Activities from 1995 to 2004 (2005), p. 9 (“The Government of Azerbaijan has informed the Secretariat of its concern over the protection of cultural property in Nagorno-Karabakh . . . However, the Secretariat has been prevented from sending a mission to verify the state of cultural property in the area, as other specialized agencies of the United Nations have not been able to enter these territories since their occupation by Armenian military forces.”).

<sup>17</sup> United Nations: Azerbaijan, “UN Team completes mission to Karabakh” (2 October 2023), <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>.

<sup>18</sup> *Id.*

The UN also confirmed that it expects regular subsequent visits to Garabagh<sup>19</sup>, and indeed a second mission took place from 9 to 10 October 2023<sup>20</sup>. The second UN mission visited rural areas, including cultural sites, and spoke with Garabagh residents and ICRC representatives<sup>21</sup>.

### ***Ongoing Assessment and Monitoring of Cultural Sites in Garabagh***

Azerbaijan continues its recovery and reconstruction efforts in Garabagh, including by continuing to assess damage caused during Armenia's occupation, and to record the status of culturally significant sites across Garabagh. Azerbaijan strongly rejects the allegation that it has engaged in erasure or falsification of the historical narrative or intentional destruction of culturally important sites.

Azerbaijan is a proudly multi-cultural State, where more than 50 ethnicities and religions are represented<sup>22</sup>. Azerbaijan celebrates the rich and diverse history that is reflected in the cultural monuments, artefacts, and sites in its territory. Under Azerbaijan's domestic law, as noted above, all such sites are subject to the same protective framework on a non-discriminatory basis<sup>23</sup>. As recently as 9 November 2023, Azerbaijan has publicly reaffirmed its commitment to protecting such sites on an equal basis, "regardless of their secular or religious origins"<sup>24</sup>.

In response to **Request No. 2 of the 22 September Communication**, Azerbaijan notes that it continues to assess and collect information on the status of culturally important sites in Garabagh, including Armenian sites. The condition of specific sites referenced in the 22 September Communication is as detailed below.

- *Maiden's Monastery*. The Monastery referred to as "Kanach Zam Church" is registered as an architectural monument of local importance and is therefore subject to special protections. As shown in the photographs in **Annex 1**, during Armenia's occupation of Garabagh, the dome of the Monastery was altered, and three new one-story buildings were constructed nearby the Monastery on its grounds. Contrary to the allegation set out in the 22 September Communication, the Monastery has not been converted into a restaurant. In fact, Armenia previously publicly alleged that the "parish office" on the Monastery grounds—that is, one of the buildings constructed

<sup>19</sup> *Id.*

<sup>20</sup> APA, "UN Mission makes next visit to Azerbaijan's Garabagh- PHOTO – VIDEO" (9 October 2023), <https://en.apa.az/foreign-policy/un-mission-makes-next-visit-to-azerbajjans-garabagh-photo-video-413747>.

<sup>21</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, CR 2023/22, p. 18, para. 18 (Mammadov).

<sup>22</sup> See State Statistical Committee of the Republic of Azerbaijan, *Population of Azerbaijan (2022)*, <https://www.stat.gov.az/source/demography/?lang=en>; CERD Committee, *Summary record of the 2903<sup>rd</sup> meeting*, document CERD/C/SR.2903 (26 August 2022), para. 4.

<sup>23</sup> Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023 (describing Azerbaijan's Law on the Protection of Historical and Cultural Monuments and its Criminal Code).

<sup>24</sup> Ministry of Foreign Affairs, Commentary of the MFA Spokesperson [REDACTED] regarding the groundless allegations by the Armenian Foreign Minister Ararat Mirzoyan during his speech at the 42<sup>nd</sup> session of the UNESCO General Conference (November 2023), <https://mfa.gov.az/en/news/no63923>.

during the occupation, and not the Monastery itself—was “converted . . . into a restaurant.”<sup>25</sup> It is currently covered with protective scaffolding and is being conserved. CCTV cameras were installed to monitor the site and ensure it does not sustain any further damage.

- *The so-called “Shusha Stone Museum”*. The building referred to as “Stone Museum” was originally constructed as a neighborhood mosque in the 1880s. During Armenia’s occupation of Garabagh, the *Guldasta* of the mosque intended for the call to prayer and the mihrab pointing to the Holy Mecca were removed, and the building was converted into a stone museum. Following the liberation of Azerbaijan’s territories, the mosque was restored to its original condition. Photographs of the building during its use as a mosque in the 1980s, during the occupation, and today are attached as **Annex 2**.
- *Shusha Culture Center and Carpet Museum*. The building referred to as “Cultural Center and Carpet Museum” was originally a residential building, constructed by an Azerbaijani at the end of the 19th century. The building was largely destroyed during Armenia’s occupation of Garabagh, before being converted into a museum after 2010. Following the liberation of Azerbaijan’s territories, the building has been restored, and now serves as the Shusha branch of the Azerbaijan National Carpet Museum. Photographs of the building in the 1980s, during the occupation, and today are attached as **Annex 3**.
- *Temple in Susanlik village*. The Temple referred to as “*St. Sargis Church*” is registered as an architectural monument of national importance, and is therefore subject to special protections and regularly monitored by Azerbaijan’s Ministry of Culture. The allegation that the Temple was completely destroyed is false. **Annex 4** includes a photograph of the Temple during Armenia’s occupation<sup>26</sup> as well as a photograph taken on 6 November 2023 showing its current condition.
- *Temple in Khojavend district*. The Temple referred to as “*Spitak Khach Church*” is registered as an architectural monument of national importance, and is therefore subject to special protections and regularly monitored by Azerbaijan’s Ministry of Culture. The Temple has not sustained any physical damage or been altered in any way since being subject to monitoring. No cross has been detected on its dome during the preliminary monitoring by the Azerbaijani side. **Annex 5** includes a publicly available photograph showing the Temple in 2015, as well as a photograph taken on 6 November 2023 showing its current condition.
- *Temple in Hadrut city*. The Temple referred to as “*Surb Harutunyun*” is registered as an architectural monument of national importance, and is therefore subject to special protections. The Temple has not been altered in any way since the Ministry of Culture’s initial inspection of the site. No cross has been detected on its dome during the preliminary monitoring by the Azerbaijani side. **Annex 6** includes photographs of

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<sup>25</sup> Letter dated 27 April 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General (28 April 2022), A/76/822-S/2022/358, p. 8.

<sup>26</sup> Monument Watch, “*Surb Sargis church of Mokhrenes*”, <https://monumentwatch.org/en/monument/surb-sargis-church-of-mokhrenes/>.

the Temple taken on 6 November 2023, including a photograph of the Armenian inscription that remains on the Temple. The Ministry of Culture does not have archival photographs of the Temple.

- *Church in Tugh.* The 22 September Communication includes the allegation that a cross was removed from the dome of “a church in Tugh”. Without additional information, Azerbaijan is unable to identify the church referenced in the 22 September Communication. However, Azerbaijan notes that Christian churches in Tugh have not been targeted or damaged. By way of example, St. John's Church, located in the center of Tugh village, is registered as an architectural monument of local importance and is therefore subject to special protections. The cross on the dome of this Church is clearly visible in a photograph of the Church taken on 6 November 2023, which is attached as **Annex 7**.
- *Teacher's Park and statue.* The allegation that sites in Böyük Tağlar have been targeted for destruction is false. For example, a pillar with Armenian-language inscriptions currently stands near a school building in Böyük Tağlar, as shown in the photograph taken on 6 November 2023, which is attached as **Annex 8**.
- *Halevor Bridge.* Contrary to the allegation set out in the 22 September Communication, the Halevor Bridge has not sustained any physical damage as a result of nearby road construction. **Annex 9** includes a publicly available photograph showing the Bridge during the occupation, as well as a photograph taken on 6 November 2023 showing its current condition.
- *Surb Hambardzum.* The 22 September Communication repeats allegations circulated by Armenian news sources, without basis, that Azerbaijan plans to convert “*Surb Hambardzum Church*” in Lachin into a mosque. Azerbaijan notes that, Armenia's forces forcibly expelled or killed the more than 77,000 Azerbaijanis living in Lachin during the First Garabagh War<sup>27</sup>, and subsequently re-allocated their property to ethnic Armenians illegally settled in the area by Armenia during the occupation<sup>28</sup>. The “*Surb Hambardzum Church*” was constructed in this district during the occupation. In any event, no plans to convert the Church into a mosque have ever been articulated by Azerbaijani authorities.

The 22 September Communication also repeats the false allegation that Azerbaijan has “unearth[ed] Armenian graves in the Armenian cemetery of Parukh/Farukh . . . and falsely claim[ed] the area to be a mass grave of Azerbaijanis from the 1992 hostilities”<sup>29</sup>. Azerbaijan rejects this allegation in the strongest terms. Armenia cannot escape its culpability for the horrific violence suffered by Azerbaijanis during Armenia's invasion of Azerbaijan's sovereign territory in the early 1990s by alleging that the mass graves of Azerbaijanis killed

<sup>27</sup> See Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, document A/75/709-S/2021/39 (13 January 2021), p. 3.

<sup>28</sup> See OSCE, *Report of the OSCE Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh* (2005), p. 29 (noting that by 2005, “some 3,000 settlers live in Lachin town” and up to “8,000 people live in the district overall”).

<sup>29</sup> Letter from Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, to Mr. Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan, dated 22 September 2023.

during this time are actually Armenian. In 2022 alone, mass graves of Azerbaijanis, including Azerbaijani servicemen identifiable by their clothes and belongings, were discovered not only in Farrukh but also in Edilli village in Khojavand and in Khojaly, Aghdam, Shusha, Goygol, Tartar, Fuzuli, Kalbajar, and Zanglian districts<sup>30</sup>.

In response to other allegations that Armenian cemeteries in Garabagh have been damaged by Azerbaijani military or during construction and road works, Azerbaijan notes the following:

- *Cemetery in Sighnag.* Azerbaijani authorities continue monitoring with a view to identifying any possible damage to the cemetery and measures to be taken in this respect.
- *Cemetery near Hajisamly.* Azerbaijan has made its best effort to locate a cemetery near Hajisamly in the Lachin district based on publicly available information, including satellite imagery published by Caucasus Heritage Watch in connection with its initial allegation that the cemetery could sustain damage<sup>31</sup>. However, Azerbaijan has been unable to locate the cemetery, or any evidence of such cemetery, in the area identified.
- *Cemetery near Gizil Kangarli.* Azerbaijan has identified a cemetery near the village of Gizil Kangarli. This cemetery is registered as an architectural monument of local importance, and is therefore specially protected under Azerbaijan's domestic law, which prohibits deliberate damage to registered sites. No excavation or construction works have been carried out in the vicinity of the cemetery. **Annex 10** is a photograph of the cemetery, taken on 15 June 2023.

In any event, Azerbaijan continues to take necessary measures with a view to protecting cemeteries from damage, including during reconstruction works. Contractors have received instructions from the Azerbaijani authorities on how to protect cultural heritage in the event that a cemetery is uncovered. More generally, Azerbaijan's domestic law also prohibits the desecration of gravestones<sup>32</sup> and recognizes the right of all citizens of Azerbaijan to exercise religious practices and rituals at burial sites and cemeteries<sup>33</sup>.

Further, Azerbaijan's domestic law prohibits the deliberate destruction or damage of sites that are designated as monuments on the State Registry, which includes Christian heritage sites<sup>34</sup>. Azerbaijan has taken steps to ensure that, if intentional destruction of a cultural site

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<sup>30</sup> Azerbaijan Ministry of Defense, *Military attaches accredited to Azerbaijan visited the mass grave in Edilli village* (6 October 2022), <https://mod.gov.az/en/news/military-attaches-accredited-to-azerbaijan-visited-the-mass-grave-in-the-edilli-village-42966.html>; United States Department of State, *Department Press Briefing* (6 October 2022), <https://www.state.gov/briefings/departments-press-briefing-october-6-2022/>; T. Kuzio, "The European mass graves you never knew about", *Rolling Stone* (11 August 2022), reprinted at <https://caliber.az/en/post/100156/>.

<sup>31</sup> See Caucasus Heritage Watch, "Damage Alert: Cemetery near Vazgenashen/Hajisamly" (21 May 2023), <https://caucasusheritage.cornell.edu/?p=1405>.

<sup>32</sup> See Criminal Code of Azerbaijan, Article 245; Law on the Protection of Historical and Cultural Monuments (1998), Articles 1-2.

<sup>33</sup> Law on Freedom of Religion (1992), Article 21.

<sup>34</sup> See Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023 (citing Law of the Republic of Azerbaijan on the Protection of Historical and Cultural Monuments, Arts. 6, 13, 14, 28, 29; Criminal Code of the Republic of Azerbaijan, Arts. 116, 246).

or object is discovered, the individuals responsible will be held accountable. For example, as described in its 21 February letter, and as relevant to **Request No. 3 of the 22 September Communication**, Azerbaijan has already charged and convicted two Azerbaijani servicemen for destroying Armenian gravestones in a cemetery<sup>35</sup>. It has also publicly denounced such conduct as “unacceptable”<sup>36</sup>.

### *International Engagement*

As noted above, over the past few months alone, two UN missions have already visited Garabagh, and the UN has confirmed that it “plans to continue to regularly visit the region”<sup>37</sup>. At Azerbaijan’s invitation, the Commissioner for Human Rights of the Council of Europe also visited Garabagh from 16 to 23 October 2023<sup>38</sup>. Azerbaijan welcomes the engagement of further neutral observers to allow the international community to bear witness both to the enduring evidence of Armenia’s illegal occupation, and to the situation on the ground today.

In response to **Request No. 5 of the 22 September Communication**, Azerbaijan notes that, as explained in its 21 February letter, the agreed UNESCO monitoring mission to Garabagh was regrettably obstructed by Armenia<sup>39</sup>. Although it was agreed that separate UNESCO missions will be sent to both Armenia and Azerbaijan, and unlike Armenia, Azerbaijan has repeatedly called on UNESCO to pay a visit to the liberated territories of Azerbaijan. It should be noted that in May 2022, ICESCO accepted the invitation of Azerbaijan and sent a technical mission to assess the state of monuments in liberated territories.

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In addition to what has been presented above, Azerbaijan expresses its grave concern over the fact that Armenia’s destruction of Azerbaijani heritage in Armenia remains unaddressed by the mandate of the Special Rapporteur, despite being raised on numerous occasions by Azerbaijan with credible evidence from independent sources.

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<sup>35</sup> See Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023; Office of the Prosecutor General of Azerbaijan, “Detained four servicemen accused of insulting bodies of Armenian servicemen and tombstones belonging to Armenians” (14 December 2020), <https://genprosecutor.gov.az/az/post/3272>.

<sup>36</sup> Office of the Prosecutor General of Azerbaijan, “Detained four servicemen accused of insulting bodies of Armenian servicemen and tombstones belonging to Armenians” (14 December 2020), <https://genprosecutor.gov.az/az/post/3272>.

<sup>37</sup> United Nations: Azerbaijan, “UN Team completes mission to Karabakh” (2 October 2023), <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>.

<sup>38</sup> Council of Europe, “Council of Europe Commissioner for Human Rights concludes her visit to Armenia and Azerbaijan with a focus on the human rights situation of people affected by the conflict in and around the Karabakh region” (26 October 2023), <https://www.coe.int/en/web/commissioner/-/council-of-europe-commissioner-for-human-rights-concludes-her-visit-to-armenia-and-azerbaijan-with-a-focus-on-the-human-rights-situation-of-people-affected-by-the-conflict-in-and-around-the-karabakh-region>.

<sup>39</sup> Letter from the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva to Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, dated 21 February 2023.

Indeed, Azerbaijanis long had a presence in Armenia, which was reflected in officially-registered monuments of Azerbaijani architecture, hundreds of mosques, and numerous baths, caravanserais (travelers' inns), tombs, and cemeteries. These markers of Azerbaijani culture and identity were targeted during and after the forced expulsions of Azerbaijanis from Armenia in the late 1980s. For example, the Damirbulag mosque in Yerevan was bulldozed by Armenians in 1990<sup>40</sup>, and the sixteenth-century Sardar mosque was destroyed, with the location used to build residences for Armenians<sup>41</sup>. The Gala mosque, Shah Abbas mosque, Zal Khan mosque, Sartib Khan mosque, Haji Novruzali Bey mosque, Haji Jafar Bey mosque, Rajab Pasha mosque, Mohammad Sartib Khan mosque, Haji Imam mosque and more than 300 other Azerbaijani religious and cultural heritage objects in Armenia faced the same fate. As Azerbaijani scientists warned in an appeal to UNESCO in June 2022, the historically Azerbaijani "Tapabashi quarter" in Yerevan—home to the Tapabashi Mosque—is also at risk<sup>42</sup>. In addition, more than 500 cemeteries belonging to Azerbaijanis located in Armenia, such as Aghadada, Ashaghi Shorja, Gullubulagh and Saral, as well as tomb of Azerbaijani poet Ashig Alasgar in Goycha have been desecrated and destroyed. **Annex 11** includes photographs showing a number of these sites.<sup>43</sup>

The 22 September Communication includes the allegation that the Blue Mosque in Yerevan "was constructed as a Shia mosque during the period when Yerevan was under Persian rule" and "was at no point an Azerbaijani building."<sup>44</sup> In fact, as independent third parties have recognized, for centuries the Mosque was attended by Azerbaijani worshippers<sup>45</sup>; indeed, Azerbaijanis once constituted the largest minority group in Armenia.<sup>46</sup>

Azerbaijan has been consistently providing information to UNESCO, international human rights mechanisms, and the international community as a whole concerning the deliberate destruction, desecration and vandalization of Azerbaijani cultural heritage in the territory of Armenia. Most recently, during the 47<sup>th</sup> Meeting of the Committee on Economic, Social, and Cultural Rights, the Committee referred to reports alleging the neglect and destruction of

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<sup>40</sup> Black Garden, pp. 80-81 (recounting interview with an Armenian who explained that "Armenians came and destroyed [the mosque] in three days" using a bulldozer).

<sup>41</sup> See "Caliber.az mission landed in Armenia: investigation into the footsteps of vandals", *CALIBER.AZ* (6 May 2022), <https://caliber.az/en/post/77457/>.

<sup>42</sup> See Republic of Azerbaijan National Commission to UNESCO, "Azerbaijani scientists and public figures make appeal to UNESCO on cultural genocide committed against heritage of Azerbaijani people in Tapabashi quarter of Yerevan" (7 June 2022), <https://www.unesco.az/index.php/en/articles/news/azerbaycanin-elm-ve-ictimaiyyet-xadimleri-irevandaki-tepebasi-mehellesinde-xalqimizin-tarixi-medeni-irsine-qarsi-soyqirimi-ile-bagli-unesco-yamuraciet-unvanlayiblar>.

<sup>43</sup> Letter from the Permanent Delegate of the Republic of Azerbaijan to UNESCO addressed to the Director-General of UNESCO dated 19 May 2022.

<sup>44</sup> Letter from Ms. Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, to Mr. Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan, dated 22 September 2023, p. 4.

<sup>45</sup> Black Garden, p 81 ("when the Armenians refer to the 'Persian mosque' in Yerevan, that name obscures the fact that most of the worshippers there, when it was built in the 1760s, would have been, in effect, Azerbaijanis").

<sup>46</sup> See UNHCR, *International Protection Considerations Regarding Armenian Asylum-Seekers and Refugees* (2003), para. 116.

Azerbaijani cultural heritage in Armenia, and requested Armenia to provide additional information in response to these allegations.<sup>47</sup>

Azerbaijan also calls upon the Special Rapporteur in the field of cultural rights to address the ongoing destruction of Azerbaijani cultural heritage in Armenia, and trusts that the Special Rapporteur will fully investigate Armenia's violations of cultural rights of more than 200 thousand Azerbaijanis brutally expelled from their native homeland by Armenia.

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<sup>47</sup> UN Committee on Economic, Social and Cultural Rights, 74th session, consideration of the Republic of Armenia, available at <https://media.un.org/en/asset/k1a/k1aj3gmukk> (from 01:37:47 onwards) and <https://media.un.org/en/asset/k1a/k1aj3gmukk> (from 02:18:28 onwards)