

Association of Armenian Lawyers (Russia) (NGO)

**ALTERNATIVE REPORT TO THE COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION (CERD)**

**TO ACCOMPANY THE COUNTRY REVIEW OF
AZERBAIJAN**

107TH Session, 08 – 30 August 2022

Regarding the Destruction of Cultural Heritage and Religious Sites in Violation of
the Convention on the Elimination of All Forms of Racial Discrimination

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Association of Armenian Lawyers (Russia) (NGO) was formed in 2019 in order to protect the rights and legitimate interests of citizens and organizations in the Russian Federation and abroad, as well as to bring together highly qualified specialists in the different fields of law.

The Association of Armenian Lawyers is a forum in which attorneys with different backgrounds and at different stages of their careers share their expertise and insight.

The cooperation also takes the form of pro bono assistance and legal education seminars geared toward raising community awareness of rights and responsibilities.

"The Association of Armenian Lawyers" has a professional organization membership which holds ideological beliefs aimed at protecting the rights and legitimate interests of Armenians.

Armenian Lane, 3-5
101000, Moscow, Russia
www.Armlawyer.ru
info@Armlawyer.ru

I. INTRODUCTION

1. The “Association of Armenian Lawyers NGO (Russia) submits this report (the “Report”) in advance of the Committee on the Elimination of Racial Discrimination’s (hereinafter “CERD” or the “Committee”) review of the periodic report of Azerbaijan at the 107th session. This Report focuses on Azerbaijan’s policies of racial discrimination against ethnic Armenians, by physically targeting Armenian cultural monuments during and after the 2020 war – an unprovoked 44-day long military offensive against Armenians in predominantly Armenian-populated Republic of Artsakh (hereinafter also called “Nagorno-Karabakh” or “Artsakh”).

2. Due to its strategic location at the crossroads of the European and Asian continents, Artsakh has served as a critical state, buffer area, and semi-autonomous region throughout most of its history. Artsakh contains a deeply rich cultural history and cultural landscape, including thousands of cultural and religious sites and monuments. These sites and monuments include archaeological sites dating back millennia, masterpieces of medieval architecture, ancient and more recent cemeteries, and modern architecture. Despite the numerous peoples that passed through the region, it has maintained a majority Armenian population and unique Armenian cultural heritage for over two millennia, since it (Artsakh) became part of the Kingdom of Armenia in 189 BC.

3. In November 2020, a Ceasefire Statement mandated that Armenians (governed by the Republic of Artsakh) cede to the control of Azerbaijan portions of the former Nagorno-Karabakh Autonomous Oblast (“NKAO”) and adjacent territories (including all of the Karvajar/Kalbajar, Kashatagh/Lachin, and Aghdam districts, most of the Hadrut district (the rest of which Azerbaijani forces later fully occupied after the Ceasefire Statement), some of the Martakert/Aghdara and Martuni/Khojavend districts, and the strategically and historically important town of Shushi. Following the Ceasefire Statement, many Armenian monuments and religious places of worship became threatened because they are now under the control of Azerbaijan—a country that has a documented history of denying the existence of, and intentionally destroying, Armenian cultural and religious heritage. (See **Section III** below.)

4. While Russian Peacekeeping Forces have been deployed and monitor some Armenian places of worship and monastic complexes, they do not, and cannot, provide protection for all the Armenian religious sites. For example, while Russian Peacekeeping Forces provide security for the small group of clergy remaining at Dadivank, a 7th-9th century monastic complex with a cathedral rebuilt in the 13th century located in Karvajar/Kalbajar, other areas such as Hadrut/Khojavend reportedly have no Russian Peacekeeping presence whatsoever.

5. The Armenian churches, monasteries, archaeological sites, and fortresses of Artsakh, still standing after hundreds of years, are inseparable from Artsakh’s geographic and cultural landscape. Their surviving presence poses a formidable challenge to modern misplaced territorial claims by Azerbaijan. To lay exclusive claim to this territory, Azerbaijan engages in a policy of trying to explain its ties to these cultural and religious monuments (by creating false narratives that exclude Armenians) or destroying/defacing those monuments or structures to remove the evidence of the historical and contemporary presence of other ethnic groups such as the Armenians.

6. Unfortunately, during and after the 44-day offensive, Azerbaijan redoubled its efforts of misappropriation (re-characterizing Armenian sites as exclusively Caucasian Albanian, without basis), and of intentional destruction, erasure, and desecration of sacred cultural and historical Armenian sites. (See **Section IV**) Azerbaijani forces used precision-guided weapons (such as drones), as well as internationally prohibited weapons (such as cluster munitions) to target and destroy civilian infrastructure, including Armenian cultural and religious sites. And acts of destruction and violations have continued following the Ceasefire Statement.

7. After the ceasefire, amid growing concern about the fate of Armenian cultural heritage in the territories (including Hadrut) over which Azerbaijan established effective control, UNESCO proposed to carry out an independent mission to “draw a preliminary inventory of significant cultural properties [on the territories], as a first step towards the effective safeguarding of the region’s heritage.”¹ Azerbaijan did not consent.² Then, in March 2021, a BBC correspondent who travelled to the region found that an Armenian church that was intact as of the signing of the ceasefire, was nowhere to be found. And videos have also emerged of Azerbaijani soldiers desecrating Armenian gravestones and monuments in Nagorno-Karabakh.

8. In September 2021, Armenia lodged with the Registry of the International Court of Justice (“ICJ”) a request for indication of eight provisional measures regarding the violations by Azerbaijan of the International Convention of December 21, 1965 on the Elimination of All Forms of Racial Discrimination (“ICERD”). Among other measures, Armenia argued that Article 5 of the ICERD prohibits racial discrimination in relation to the right to freedom of religion in subparagraph (d)(vii) and guarantees the right to equal participation in cultural activities in subparagraph (e)(vii), which, according to Armenia, entails a right to the protection and preservation of Armenia's historical, cultural and religious heritage. In December, 2021, in its decision on provisional measures, the Court ordered that Azerbaijan “shall protect the right to access and enjoy Armenian historic, cultural and religious heritage, including but not limited to, churches, cathedrals, places of worship, monuments, landmarks, cemeteries and other buildings and artefacts, by inter alia terminating, preventing, prohibiting and punishing their vandalism, destruction or alteration, and allowing Armenians to visit places of worship.”

9. During the ICJ proceedings, Azerbaijan unfathomably denied the existence of Armenian cultural heritage. Since those proceedings, directly flouting the provisional order, Azerbaijan has announced the creation of a state body that will act to purge monuments and sites of their Armenian traces. [Embodied by Ukraine Crisis, Azerbaijan Escalates its War on Armenian Heritage Sites \(hyperallergic.com\)](https://hyperallergic.com). There are therefore no assurances that Armenian cultural heritage sites will be protected in territories that are now controlled by Azerbaijan. Moreover, there are no clear mechanisms in place to monitor those sites on an ongoing basis or to allow for Christian pilgrims to use the Armenian religious sites for their intended purposes.

1. *UNESCO is awaiting Azerbaijan’s Response regarding Nagorno-Karabakh mission*, UNESCO (21 December 2020), <https://en.unesco.org/news/unesco-awaiting-azerbaijans-response-regarding-nagorno-karabakh-mission>.

2. *Id.*

10. There are numerous ways in which Azerbaijan has also curtailed, and continues to impair, the rights of Armenian-Christians to exercise freely their religion in their ancestral lands, including by: (See **Section V**)

10.1. Eliminating physical security for Armenians in Azerbaijani-occupied territories.

10.2. Blocking access to religious sites by Armenian-Christian pilgrims.

10.3. Intimidating clergy by isolating, harassing, and subjecting them to inhumane conditions.

10.4. Changing the character of Armenian religious sites, without seeking participation or input of the Armenian Apostolic Church.

10.5. Continuing destruction of religious sites, including churches and cemeteries, that connect Armenians to the land.

10.6. Immediately undertaking large-scale construction projects so near to Armenian cultural heritage and religious sites, without any protection of those sites.

11. The destruction of cultural and religious heritage sits squarely within a broader systematic effort and pattern by Azerbaijan to: (1) deprive Armenian Christians of the right to exercise their fundamental right to freely exercise their religion by preventing Armenian worshippers and pilgrims from accessing churches and sacred sites for religious rituals and liturgical obligations, (2) ethnically cleanse Artsakh of Armenian people and worshippers, and (3) erase the record of Armenian history and any evidence of Armenian presence from the region, in effect committing cultural genocide. This amounts to more than the anecdotal destruction of cultural and religious property by individual bad actors – it is part of a broader pattern and strategy orchestrated by Azerbaijan.

II. LEGAL FRAMEWORK

12. Article 1 of the CERD defines racial discrimination as follows:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field.

13. “In seeking to determine whether an action has an effect contrary to the Convention, [the Committee] will look to see whether that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin.”³

3. See CERD Committee, General Recommendation No. 14, A/48/18 (1993), ¶ 2.

14. The Convention “assumes the existence and recognition of” economic, social and cultural rights, as derived from the U.N. Charter and the Universal Declaration of Human Rights, and as elaborated in other covenants, such as the International Covenant on Economic, Social and Cultural Rights (“ICESCR”).⁴

15. Article 5(e)(iii) provides, “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . [e]conomic, social and cultural rights, in particular . . . [t]he right to housing.” The Committee may look to Article 11 of ICESCR in interpreting the right to housing as protected in the Convention.⁵

16. Article 5(e)(vi) provides, “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . [e]conomic, social and cultural rights, in particular . . . [t]he right to equal participation in cultural activities.” The Committee may look to ICESCR in interpreting the right to equal participation in cultural activities as protected in the Convention.⁶

17. State parties’ obligation to protect the right to take part in cultural activities requires both abstention, i.e. “non-interference with the exercise of cultural practices and with access to cultural goods and services,” as well as positive action.⁷ Regressive measures are not permitted, and state parties must respect cultural heritage in all its forms in times of war and peace.⁸ Thus, action in areas that a State exercises effective control that constitutes an interference with the right to participate in cultural activities without racial discrimination is a violation of Article 5(e)(vi) of the Convention.

18. Individuals have a right to lead a life associated with the use of cultural goods and resources, including land.⁹ State parties must protect historical sites and monuments.¹⁰

19. The rights of ethnic Armenians as protected under Article 5(e)(iii) of the Convention have been violated. In particular, their rights to equal participation in cultural activities, including the right to partake in customs and traditions, the right to exercise religion, to exercise food traditions, and to use their land as a cultural good have been violated.

20. As a result of Azerbaijan’s military campaign and forced displacement of the ethnic Armenian residents, they no longer have access to the cemeteries where their ancestors are buried, limiting the customs and traditions in which they can partake, such as visiting their

4. CERD Committee, General Recommendation No. 20, A/51/18 (1996), ¶ 1.

5. *Id.*; see also *L.R., et al. v. Slovak Republic*, ¶ 10.2 (recognizing that the rights protected in Article 5 of the Convention are also in part protected by Article 11 of ICESCR).

6. CERD Committee, General Recommendation No. 20, A/51/18 (1996), ¶ 1.

7. ESCR Committee, General Comment No. 21, E/C.12/GC/21 (2009), ¶ 6.

8. *Id.* ¶¶ 46, 50(a).

9. *Id.* ¶ 15(b); see also *id.* ¶ 13 (providing examples of cultural activities).

10. *Id.* ¶ 50(a).

ancestors' graves. They no longer have access to churches where they would partake in religious services, baptisms, marriages and other religious and spiritual activities.

21. Since the end of the conflict, videos have emerged of Azeri forces destroying Armenian cemeteries in the Hadrut region and rest of Artsakh. Moreover, the destruction of Armenian gravesites, and misappropriation of Armenian culture, is a long-standing Azerbaijani policy. Armenians' right to participate in cultural activities is being violated on the basis of their ethnicity in violation of Article 5(e)(vi) of the Convention.

III. HISTORY OF AZERBAIJAN INTENTIONALLY DESTROYING ARMENIAN CULTURAL HERITAGE

22. Azerbaijan has a historical record of intentionally destroying Armenian cultural heritage sites within its borders.¹¹ From 1997 to 2006, Azerbaijan erased nearly all traces of prevalent Armenian culture in the Azerbaijani exclave of Nakhichevan, with more than 89 Armenian medieval churches, 5,840 carved cross-stones (khachkars), and 22,000 historical tombstones vandalized and, ultimately, vanishing.¹²

23. Cross-stones, which represent Jesus Christ's crucifixion and salvation through that crucifixion, "carry inscriptions, including a date, names of sponsors and family members, and pleas for salvation," making them "not only aesthetically appealing markers of a general Armenian presence [and also] specific documentary sources that, along with manuscripts, constitute a remarkable resource for reconstructing the history of the region."¹³ They are also used for devotional and worship purposes by Armenian Christians and pilgrims. For all of these reasons, they are on UNESCO's Representative List of the Intangible Heritage of Humanity.¹⁴

24. Video footage from 2005 depicts Azerbaijan "destroying what was left of Djulfa, a medieval necropolis that once housed tens of thousands of "khachkars" (cross-stones) dating back to the sixth century A.D."¹⁵ Azerbaijan's campaign of cultural heritage destruction, unprecedented in the modern world, has been referred to as the "worst cultural genocide of the

¹¹ "A Brief Review of Cultural Heritage Violations in Nagorno-Karabakh (Artsakh) in September-November of 2020," International Council of Museums Armenia (26 Nov. 2020), <http://icom-armenia.mini.icom.museum/a-brief-review-of-cultural-heritage-violations-in-nagorno-kharabagh-artsakh-in-september-november-of-2020/>; [Special investigation: Declassified satellite images show erasure of Armenian churches \(theartnewspaper.com\)](http://www.theartnewspaper.com)

¹² Christina Maranci, "The Medieval Armenian Monuments in Nagorno-Karabakh Must be Protected," Apollo Magazine (9 Dec. 2020), <https://www.apollo-magazine.com/medieval-armenian-monuments-nagorno-karabakh/>.

¹³ *Ibid.*

¹⁴ "Armenian cross-stones art. Symbolism and craftsmanship of Khachkars," UNESCO, <https://ich.unesco.org/en/RL/armenian-cross-stones-art-symbolism-and-craftsmanship-of-khachkars-00434>.

¹⁵ Nora McGreevy, "Why Scholars, Cultural Institutions Are Calling to Protect Armenian Heritage," Smithsonian Magazine (24 Nov. 2020), <https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/>. See also: Alexandre de Rhodes, *Divers voyages et missions du père Alexandre de Rhodes de la Compagnie de Jésus en la Chine et autres royaumes de l'Orient, avec son retour en Europe par la Perse et l'Arménie* (Various voyages and missions of Father Alexander of Rhodes of the Society of Jesus in China and other kingdoms of the East, with his return to Europe through Persia and Armenia) (in French), Paris: Sébastien Cramoisy, 1653, Part 3, 63.

21st century”¹⁶ and has later been closely compared to the culturally-calamitous desecration carried out by the Islamic State in the Syrian city of Palmyra.¹⁷ The destruction has also been documented in numerous publications.¹⁸

25. Azerbaijan claims, despite a bedrock of factual and historic evidence to the contrary, that Nakhichevan never contained any Armenian cultural heritage or presence.¹⁹ In fact, Azerbaijan claims, without any basis, that the cross-stones (khachkars) found in Artsakh were artificially planted, oxidized, and greased with vinegar to look old and to serve, speciously so, as proof of Armenian presence in the land. No sources, credible or otherwise, are cited for this outlandish proposition.

26. Most experts predict that Azerbaijan’s cultural genocide of Armenian heritage will occur slowly over many years, if not decades, starting with the more recent Armenian churches, dating to the 18th to 21st centuries (as already seen with Ghazanchetsots and Kanach Zham in Shushi) before moving on to the older, lesser known sites (such as Okhte Drni in Hadrut and Yeghishe Arakyal near Madaghis), and finally to the crown jewels of Armenian cultural heritage (such as Dadivank). An in-depth analysis of the threat to Armenian heritage can be found in the Sunday Edition of Hyperallergic magazine published on February 28, 2021, “Artsakh: Cultural Heritage under Threat” available at: <https://newsletters.hyperallergic.com/profile/sunday/issues/sunday-edition-artsakh-cultural-heritage-under-threat-419872>

IV. AZERBAIJAN’S INTENTIONAL DESTRUCTION OF CULTURAL AND RELIGIOUS SITES DURING AND AFTER THE 44-DAY WAR AND PERSISTENT DENIAL OF THE EXISTENCE OF ARMENIAN CULTURAL HERITAGE

¹⁶ Dale Berning Sawa, “Monumental loss: Azerbaijan and ‘The Worst Cultural Genocide of the 21st Century,’” *The Guardian* (1 Mar. 2019), <https://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars>.

¹⁷ “Azeri Soldiers Vandalized a Cemetery in Nagorno-Karabakh, Rekindling Fears of Destruction of Armenian Heritage,” *Archyde* (27 Nov. 2020), <https://www.archyde.com/azeri-soldiers-vandalized-a-cemetery-in-nagorno-karabakh-rekindling-fears-of-destruction-of-armenian-heritage/>.

¹⁸ “Destruction of the Armenian Cemetery of Djulfa” Article in ICOMOS Heritage at Risk, available at: https://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_09_National_Report_Azerbaijan.pdf; “Azerbaijan: Famous Medieval Cemetery Vanishes: IWPR reporter confirms that there is nothing left of the celebrated stone crosses of Jugha” available at Institute for War & Peace Reporting: <https://iwpr.net/global-voices/azerbaijan-famous-medieval-cemetery-vanishes>; “When the World Looked Away: The Destruction of Julfa Cemetery” *Radio Free Europe* (December 10, 2020), available at: https://www.rferl.org/a/armenia-azerbaijan-julfa-cemetery-destruction-unesco-cultural-heritage/30986581.html?fbclid=IwAR38guzAYkn3_fnSCPI3XoD8iBeNxJOdcjcw4fb4V8HW9ZvNLzNKnuwMOM; Simon Maghakyan and Sarah Pickman, “A Regime Conceals Its Erasure of Indigenous Armenian Culture,” *Hyperallergic* (18 Feb 2019), available at: <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>; Kate Fitz Gibbon, “World Heritage Committee Meeting in Baku Will be Hosted by Cultural Destroyers,” *Cultural Property News* (19 Mar. 2019), available at: <https://culturalpropertynews.org/unesco-exposed/>.

¹⁹ For example, an Azerbaijani Parliamentarian, Rafael Huseynov is quoted as saying “There are no Armenian graves in the territory of Nakhchivan. This is just an Armenian fabrication.” See “World Heritage Committee Meeting in Baku Will be Hosted by Cultural Destroyers,” *supra* note 18.

27. Significant examples of the destruction, desecration and erasure of Armenian immovable cultural heritage and objects of worship during Azerbaijan’s 2020 military campaign and even after the ceasefire include the following:

27.1. On 8 October 2020, Azerbaijan struck the Ghazanchetsots Armenian apostolic cathedral in Artsakh with precision guided munitions, in two strikes hours apart. A Human Rights Watch investigation stated that this “appear[ed] to be a deliberate targeting in violation of the laws of war,” and 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.”²⁰ Civilians were sheltering in the cathedral at the time of the attacks, and three journalists who had come to the scene to document the first strike were injured in the second attack.²¹ A gaping hole could be seen in the masonry vaults, and the floor and pews were covered in debris. The same cathedral was destroyed in the 1920 massacre of Armenians in Shushi, and damaged again in the first Artsakh War of the early 1990s. The damage to the interior and exterior of the cathedral was extensively documented.²²



27.2. Further acts of vandalism of the Holy Savior Ghazanchetsots Cathedral were documented after the Ceasefire Statement and included graffiti and the destruction of key features on the peripheries of the cathedral portraying angels and other Christian religious imagery.²³

²⁰ *Azerbaijan: attack on church possible war crime*, Human Rights Watch (16 December 2020), www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime. *See also*: Artsakh Ombudsman, “Artsakh Ombudsman Second Interim Public Report on the Azerbaijani Atrocities Against the Artsakh Population in September to October 2020” (18 Oct. 2020), <https://artsakhombuds.am/en/document/735>.

²¹ “Azerbaijan: Attack on Church Possible War Crime,” Human Rights Watch (16 Dec. 2020), <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>.

²² Artsakh Infocenter (13 Oct. 2020). Available at: <https://bit.ly/2SVJ13Y>.

²³ Rob Lee, Twitter (14 Nov. 2020), <https://twitter.com/RALee85/status/1327791527507144705?s=20>.



27.3. Azerbaijan began reconstruction of Holy Savior Ghazanchetsots Cathedral. Part of that reconstruction has included removal of the domes, which portions of the Cathedral are distinctively Armenian Apostolic.²⁴ *No members of the Armenian Apostolic Church have been consulted in connection with this project.*



27.4. The removal of the Armenian cross and rounded, pointed dome (a key feature of Armenian church architecture) from the “Kanach Zham” (Green Chapel) Armenian Church of St. John the Baptist. Azerbaijan falsely claims that the Kanach Zham Church is not Armenian but Russian Orthodox. Regardless of its origin, destruction of a church is unacceptable and in violation of national and international laws and conventions. The above photos show the Church before and after the act of vandalism.²⁵

²⁴ Azerbaijan “distorting” Ghazanchetsots Cathedral under the guise of “restoration” – Artsakh Ombudsman, available at: <https://en.armradio.am/2021/05/03/azerbaijan-distorting-ghazanchetsots-cathedral-under-the-guise-of-restoration-artsakh-ombudsman/>; See also Twitter postings from Azerbaijani Diplomat Nasimi Aghaev: <https://twitter.com/simonforco/status/1413860566960017410>

²⁵ Sascha Duerkop, Twitter (20 Nov. 2020), <https://twitter.com/saschadueerkop/status/1329754063064489986?lang=en>.



27.5. The intentional destruction of a cross-stone with a military truck, in the village of Arakel in the Hadrut region under Azerbaijan control, captured on video.²⁶ The personnel in the video appear to be military personnel.



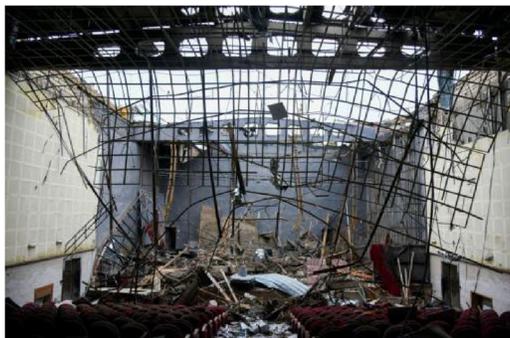
27.6. The vandalism of Armenian cemeteries, tombstones or other monuments captured in numerous photos or on video. In one instance, Azerbaijani armed forces pummel a grave, laugh, and vandalize the tombstone until it falls.²⁷

27.7. Shelling and destruction of the Cultural and Youth Center in Shushi on October 7, 2020.²⁸

²⁶ Siranush Ghazanchyan, “Azerbaijanis destroy Armenian cross-stone in occupied Artsakh village,” Public Radio of Armenia (12 Jan. 2021), <https://en.armradio.am/2021/01/12/azerbaijanis-destroy-armenian-cross-stone-in-occupied-artsakh-village/>.

²⁷ “Azeri Soldiers Vandalized a Cemetery in Nagorno-Karabakh, Rekindling Fears of Destruction of Armenian Heritage,” Archyde (27 Nov. 2020), <https://www.archyde.com/azeri-soldiers-vandalized-a-cemetery-in-nagorno-karabakh-rekindling-fears-of-destruction-of-armenian-heritage/>.

²⁸ See Ghahramanyan, D. (7 Oct. 2020). 24 News. Available at: <https://bit.ly/34ZsktJ>; See also Shushi After the Shelling: The Cultural Center, EVN Video Report: Available at: <https://www.youtube.com/watch?v=6yjgDSdeHBE>; Shushi Cultural Center before the war: Armenia Fund Video: <https://www.youtube.com/watch?v=Ut-uvp9sYqg>



28. Notably, the photographs and video stills from the above images (and other images on Azerbaijani social media) are from *Azerbaijani* military personnel. In many images, one can see *multiple* Azerbaijani officers recording the intentional destruction of Armenian cultural heritage on their mobile phones—presumably because they believe such acts can be carried out with impunity and will be outright praised.

29. Moreover, the destruction and erasure of the centuries-long Armenian Christian presence in the region is further complicated by the rise in Jihadist extremism that was introduced into the region as a result of Turkey’s recruitment and payment of Syrian mercenaries to fight for Azerbaijan.²⁹ On November 14, 2020, Armenia’s Ambassador to the Netherlands, Tigran Balayan, shared on Twitter a video of a Jihadist mercenary pronouncing the Islamic call to prayer while standing on the bell tower of Zoravor Holy Mother of God, located near the village of Mekhakavan (Jebrayil) in Artsakh.³⁰



²⁹ In preparation for and in the implementation of its offensive, Azerbaijan received direct support from Turkey in the form of military material and personnel, logistical assistance, and through Turkey’s recruitment and organized deployment of Syrian mercenary groups aligned with extremist organizations. These events and apparent violations of international humanitarian law were reported in the international media and documented in the official statements of several states, including France, Russia, Iran, Syria, as well as in the statements of Congressional members and MPs from the United States, European Parliament, and the United Kingdom, and several United Nations groups, such as the UN OHCHR Working Group on Mercenaries. See “Complaint to the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination” (9 Oct. 2020), <https://prwb.am/wp-content/uploads/2020/10/Complaint-to-the-Working-Group-on-the-use-of-mercenaries-as-a-means-of-violating-2.pdf>; United Nations Human Rights Office of the High Commissioner, “Mercenaries in and around the Nagorno-Karabakh Conflict Zone Must Be Withdrawn – UN Experts” (11 Nov. 2020), available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494.

³⁰ Tigran Balayan, Twitter (14 Nov. 2020), <https://twitter.com/tbalayan/status/1327676346315706369?s=20>.

30. In late March, early April 2021, BBC correspondent Jonah Fisher showed in a report that the same Zoravor Holy Mother of God Church has been entirely destroyed.³¹ These screenshots are taken from the video published by the BBC, courtesy of video journalist Abdujalil Abdurasulov. The first picture shows the church before the confiscation of the territory by Azerbaijan. The second picture is the picture taken by Mr. Fisher.



31. The Zoravor Holy Mother of God Church was consecrated in 2017 and was located near a military station. Despite its recent construction, its intentional destruction is characteristic of the cultural genocide about which numerous scholars have raised the alarm.

32. Another video shows Azerbaijani military vandalizing the church of St. Yeghishe in Mataghis, Artsakh (built in the 19th century).³² The office of the Human Rights Ombudsman of the Republic of Artsakh and other media outlets have been documenting these violations.³³

33. Videos of destroyed churches and vandalism frequently circulate on social media as well. A recent video shows the St. Astvatsatsin Church in the Village of Karin Tak with the Holy Altar and the church tabernacle broken and the church in disarray.³⁴ Most recently, Azerbaijan authorities appear to have removed the cross on another church – Spitak Khach

³¹ NAGORNO-KARABAKH: THE MYSTERY OF THE MISSING CHURCH AVAILABLE AT:
[HTTPS://WWW.BBC.COM/NEWS/AV/WORLD-EUROPE-56517835](https://www.bbc.com/news/av/world-europe-56517835).

³² Office of the Human Rights Defender in the Republic of Armenia, Press Release, available at:
https://www.ombuds.am/en_us/site/VideoGalleryView/520

³³ Office of the Human Rights Ombudsman of the Republic of Artsakh: January 26, 2021 – “Ad Hoc Public Report on the Armenian Cultural Heritage in Artsakh (Nagorno-Karabakh): Cases of Vandalism and At Risk of Destruction by Azerbaijan” available at: <https://artsakhombuds.am/en/document/792>; Office of the Human Rights Ombudsman of the Republic of Artsakh: March 25, 2021 – Press Release “Damage to Cultural Property Means Damage to the Cultural Heritage of All Mankind” available at: <https://artsakhombuds.am/en/news/500>; Artsakh Ombudsman, “The Updated Edition of the Second Interim Report on the Azerbaijani Atrocities Against the Artsakh Population in September to October 2020” (18 Oct. 2020), <https://www.artsakhombuds.am/en/document/735>. See, e.g. *Azerbaijanis desecrate and destroy Armenian graves in Artsakh*, Panorama (26 November 2020), <https://www.panorama.am/en/news/2020/11/26/Azerbaijanis-desecrate-graves/2409114>; Siranush Ghazanchyan, *Azerbaijanis destroy Armenian cross-stone in occupied Artsakh village*, Public Radio of Armenia (12 January 2021), <https://en.armradio.am/2021/01/12/azerbaijanis-destroy-armenian-cross-stone-in-occupied-artsakh-village/>; Karabakh Records (@KarabakhRecords), *Footage with pictures showing a memorial in Artsakh destroyed by Azerbaijani soldiers*, Twitter (26 November 2020), <https://twitter.com/KarabakhRecords/status/1331961689730854912>; Atlantic Council’s Digital Forensic Laboratory, *Church and memorial desecration in post-ceasefire Nagorno Karabakh*, Medium (25 November 2020), <https://medium.com/dfrlab/church-and-memorial-desecration-in-post-ceasefire-nagorno-karabakh-87ece968af3f>.

³⁴ Azerbaijani soldiers vandalize Armenian church in Artsakh village - Panorama | Armenian news:
<https://www.panorama.am/en/news/2022/02/08/church-vandalism/2637757>

Church in Hadrut³⁵ under the guise of restoration. To eliminate traces of Armenian cultural and religious heritage, they are falsely representing the church as “Albanian-Udi.”

V. ARMENIAN CHRISTIANS NO LONGER HAVE ACCESS TO THEIR RELIGIOUS SITES TO PERFORM RELIGIOUS RITES AND EXERCISE THEIR RELIGION

34. In addition to creating risks in terms of the preservation of religious sites, the current situation interferes with the freedom of religion and enjoyment of these Armenian sacred sites, which were previously freely accessible to worshippers and actively used for religious purposes (pilgrimage, services, monastic life, custodianship).

35. During an interview, the Primate of the Artsakh Diocese until February 2021, observed that the intentional targeting of religious sites was a mechanism used by Azerbaijan against Armenians in previous conflicts and he believed the strategy was specifically aimed at intentionally destroying a spiritual haven and demoralizing the public into losing their faith in God because “God was not able to protect our Holy Sites.” The Bishop also noted that shelling during the 44-day offensive started on Sunday morning during church services.

36. Armenian Christians cannot safely return to Artsakh sites under Azerbaijani occupation. A report from the Human Rights Ombudsman of the Republic of Artsakh documented the circumstances of the deaths of civilians at the hands of Azerbaijani forces.³⁶ Many of the murdered civilians were elderly and disabled men and women, from various regions including Hadrut, Shushi and Martuni. Some were tied up in Hadrut town square and shot, others had signs of mutilation, torture traumatic head injuries or beheadings.³⁷ The bodies of some civilians were found in their homes.

37. There were altogether 161 Armenian churches in the territories now under Azerbaijan’s control. Those churches were attended to by several priests, clergymen or monks, members of the Armenian Apostolic Church. In 2019 and 2020 (for the first nine months before the Azerbaijanis initiated aggression), the following are some statistics obtained from church officials pertaining to the levels of activity within the main churches and monasteries. These vibrant communities are gone after the war.

³⁵ [Azerbaijanis Remove Cross from Spitak Khach Church in Occupied Hadrut – Asbarez.com](#)

³⁶ Human Rights Ombudsman of Artsakh, Interim Report on the Cases of the Killing of Civilians in Artsakh by The Armed Forces of Azerbaijan, January 29, 2021, available at: <https://artsakhombuds.am/en/document/785> (“Ombudsman Interim Report”). See also General Report on Damage to Life Dignity, Health, Vital Needs and Property of the People of Artsakh, available at <https://bit.ly/3Ao5xWC> (Please be aware of graphic images).

³⁷ Ombudsman Interim Report, Section 3. Some cases are also reported in the United States Department of State, Bureau of Democracy, Human Rights and Labor, Azerbaijan’s Country Report on Human Rights Practices for 2020, available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/azerbaijan/>

Church or Monastery Name	Number of Baptisms				Number of Marriages			
	2019	2020	2021	2022	2019	2020	2021	2022
St Savior (Ghazanchetsots) Church in Shushi	382	235	0	0	86	22	0	0
Hovhanness Mkrtych (John the Baptist, also known as the Green Church) Kananch Zham	69	78	0	0	38	4	0	0
Dadivank Monastery	156	682	0	0	9	5	0	0
St Resurrection Church of Berdzor	7	8	0	0	5	4	0	0
St Mary Church of Hadrut	25	18	0	0	7	5	0	0

38. Except for six monks remaining at Dadivank Monastery, no other clergymen and monks have been able to remain in their churches and monasteries now under Azerbaijan's control and no religious rites have been conducted there.

39. Dadivank is a monastery complex located in the Karvajar/Kalbajar district. It has been a center for literary production and is one of largest known monastic complexes in medieval Armenia. Dadivank is a working monastery and was an active religious site, where worshippers and pilgrims would regularly attend mass even up to the very last hours before Azerbaijan occupied the territory.

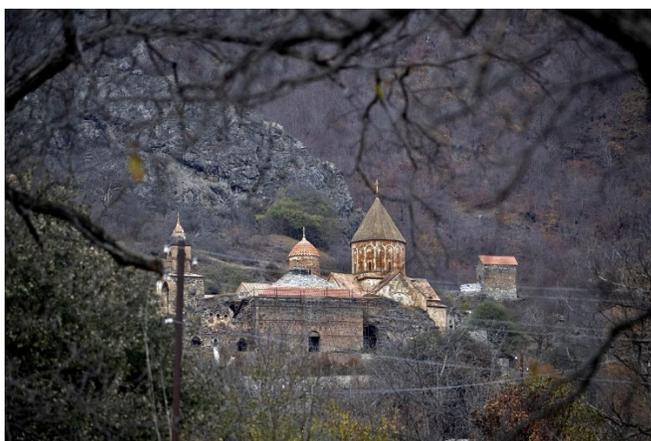


Photo source: <https://www.atlasobscura.com/articles/dadivank-monastery-nagorno-karabakh>

40. Under the protection of Russian Peacekeepers, after the Ceasefire Statement, monks remained in the monastery and pilgrims were still allowed to visit for a time. The situation at Dadivank deteriorated thereafter. From April 2021 to the present, Azerbaijan has refused to allow pilgrimages to Dadivank Monastery.

41. There are now only six members of the Armenian Apostolic Church remaining in Dadivank. In a report by *Azadutyun* Newschannel (RFE/RL) (translation available) entitled "*We*

are left alone with you, Lord." Clergymen of Dadivank await Armenian pilgrims, the situation in Dadivank is documented from the monks' perspective.³⁸ According to that report, Father A. S., a 27-year-old monk at Dadivank, says that the phrase "*We have remained alone with you, Lord*" is often repeated as the monks carry on their religious rites even as they are not able to receive any worshippers or pilgrims. Father A. S. testifies that the monks view it as their sacred duty to protect religious sites and artifacts and to continue religious rites until the church can be restored to its true purpose of serving the Christian community and worshippers can return. But the absence of worshippers is straining and difficult for the clergy remaining at Dadivank.

42. According to the *Azadutyun* report, the monastic complex is protected by tens of Russian Peacekeepers and surrounded by hundreds of Azerbaijani troops. Until the end of April 2021, limited numbers of worshippers were allowed to visit the monastery on Sundays to pray and participate in the Sunday service. According to the report, since then Azerbaijani officials have used various excuses to block access to pilgrims – those excuses have ranged from citing the pandemic, citing road construction, and requesting reciprocal access to other areas using pilgrims' access to Dadivank as negotiating leverage to extract other concessions.³⁹

43. In addition to not being able to receive pilgrims or worshippers, the priests have unsteady phone access, and they cannot leave the walls of the monastic complex, to walk or enjoy the forest or the nearby Tartar River for fear of altercations with Azerbaijani soldiers. During the evening, they are taunted and tormented with animal sounds made by Azerbaijani soldiers to intimidate them. Azerbaijani soldiers also urinate on the grounds of the monastery.

44. In a report from the New York Times,⁴⁰ a glimpse of the situation at Dadivank is also described as follows:

"The medieval monastery walls are masked with camouflage netting. Machine-gun nests line the courtyard under a fluttering Russian flag. Cannons mounted on armored vehicles guard the mountainside where tour buses used to park.

The two black-cloaked clerics who emerge are among this region's last Armenians.

'We don't leave the gate without the peacekeepers,' said one of them, Archimandrite Mkhitar Grigoryan, referring to the stone-faced Russian peacekeeping soldiers the holy men now live with.

Thousands of Armenians fled and thousands more died last fall in Azerbaijan's fierce war against Armenia for the disputed mountain territory of Nagorno-Karabakh and its

³⁸ "Մենք մենակ ենք մնացել քեզ հետ, Տեր" Դադիվանքի հոգևորականները հայ ուխտավորների են սպասում" (Menk Menag Enk Mnatsel Kez Hed, Der: Dadivanki Hokevoragannere Hay Oukhdavorneri en sbassoum) (Translated: "*We are left alone with you, Lord.*" *Clergymen of Dadivank await Armenian pilgrims*), Azadutyun News Channel, July 7, 2021, available at: <https://www.azadutyun.am/a/31346025.html#comments>

³⁹ The Report refers to a region called *Aghbaban*, which Azerbaijan apparently claims is a holy site and which it requests to access. However, as noted in the report, the Head of the Artsakh Diocese of the Armenian Church, after consulting peacekeepers, historians, elderly residents, cannot locate this site on the map. As such, Azerbaijan's request seems pretextual to block access to pilgrimages.

⁴⁰ *In Nagorno-Karabakh, Land Mines, Bulldozers and Lingering Tensions*, by Anton Troianovski, July 25, 2021, available at: <https://www.nytimes.com/2021/07/25/world/europe/azerbaijan-armenia-nagorno-karabakh.html>.

surroundings. The Dadivank Monastery, a tourist magnet a year ago, now sits on a slope of burned houses, and is the only place retaken by Azerbaijan where Armenians are known to have remained.

Straining to contain his anger over his locked-in circumstances, Archimandrite Grigoryan went on: ‘You can’t live like this — like wild people — in the 21st century.’”

45. The psychological intimidation of the clergy and the banning of access to pilgrims interferes with freedom of religion and use of this Armenian sacred site, which was previously freely accessible to worshippers and actively used for religious purposes (pilgrimages, services, monastic life, custodianship).

46. According to the information provided by the Artsakh Diocese of the Armenian Church, at least 12,000 pilgrims would visit the holy sites that are under occupation now. That number does not include tourists who would visit from outside Armenia and Artsakh. No one can return to these sites for worship.

VI. CONCLUSION AND REQUEST FOR RELIEF

47. The Association of Armenian Lawyers respectfully requests that the Committee: *declare* that the Republic of Azerbaijan has breached Article 5 of the Convention in the ways described above; and that it *recommend* that the Republic of Azerbaijan take all necessary action to preserve all Armenian cultural and religious heritage and prevent further losses, including ensuring that churches, gravestones, and other cultural objects in Artsakh are protected and that Armenian Christians (clergy and people) be given safe and complete access to religious sites and churches.