

**REPORT  
AND  
URGENT CALL TO ACTION**

**Erasure of Armenian Heritage by Azerbaijan and Denial of  
Armenians' Right to Exercise their Christian Religion**

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## Executive Summary

This report addresses the urgent need (1) to safeguard Armenian cultural and religious heritage in Artsakh (also referred to as Nagorno-Karabakh Republic) and (2) to provide access to worshippers seeking to visit Armenian religious sites now under Azerbaijan’s occupation. This report focuses on sites inextricably linked with Armenian history, language, religion and culture, and with sites under the religious jurisdiction of the Armenian Apostolic Church. There is a clear and present danger to those sites in the wake of Azerbaijan’s recent and continuing military aggressions and its sustained policy of intentional destruction and erasure of Armenian heritage.

The Armenian Bar Association<sup>1</sup> and the Mother See of Holy Etchmiadzin<sup>2</sup> respectfully urge academic, religious, cultural, human rights and public policy organizations, and stakeholders around the world to take steps to intervene and advocate within their respective mandates to protect cultural and religious heritage and the freedom to exercise religious rights in the Armenian-populated Republic of Artsakh. In the aftermath of a devastating military campaign which was initiated by Azerbaijan on 27 September 2020, multi-disciplinary efforts are needed to address the crisis and to help establish the foundation for sustainable peace in the region.

On 9 November 2020, Azerbaijan, Armenia, and Russia announced a ceasefire statement to end a 44-day long military offensive initiated by Azerbaijan (along with its ally Turkey) in the region of Artsakh (the “Ceasefire Statement”).

Due to its strategic location at the crossroads of the European and Asian continents, Artsakh (also referred to as Nagorno-Karabakh) 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

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<sup>1</sup> The Armenian Bar Association is an international non-profit organization of judges, attorneys, law professors, law students, and legal professionals that addresses and provides education on areas of legal concern to the Armenian and international communities. Since the founding of the independent Republic of Armenia, the ABA has also undertaken steps to help strengthen democratic institutions in Armenia.

<sup>2</sup> The Mother See of Holy Etchmiadzin is the spiritual and administrative headquarters of the worldwide Armenian Church. The Armenian Church is one of the original ancient Churches and during the entire history of Christianity has remained a part of the “One, Holy, Universal and Apostolic Church” of Christ. Armenians officially adopted Christianity in 301 A.D. and the Armenian Church has existed for over 1,700 years.

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.

The most recent conflict in the region has its roots in the Soviet era, during which Joseph Stalin created the Nagorno-Karabakh Autonomous Oblast (“NKAO”) and placed it within the borders of the newly created Azerbaijani Soviet Socialist Republic (“SSR”). Pursuant to Article 3 of the USSR’s Law on the Procedure for Resolving Questions connected with the Secession of a Union Republic from the USSR, the NKAO lawfully declared its independence from the Azerbaijan SSR and asserted its purported statehood as the Nagorno-Karabakh Republic (“NKR” or “Republic of Artsakh”) on 2 September 1991. That declaration was confirmed by referendum held on 10 December 1991. The declarations and referenda occurred in the context of the armed hostilities that had begun in 1988 (the first Karabakh War). Those hostilities ended when a ceasefire agreement was concluded on 5 May 1994, signed by representatives of the Republic of Artsakh, the Republic of Azerbaijan, and the Republic of Armenia.<sup>3</sup> From 1994 until the beginning of September 2020, most of the former NKAO, and adjacent territories outside the former NKAO were under the effective control of the Republic of Artsakh. Azerbaijan’s military aggression in 2020 was an attempt to occupy the former NKAO and reclaim control of adjacent territories.

The Ceasefire Statement of November 2020 mandated that Armenians (governed by the Republic of Artsakh) cede to the control of Azerbaijan portions of the former 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 are threatened because they are now controlled by Azerbaijan—a country that has a documented history of denying the existence of, and intentionally destroying, Armenian cultural and religious heritage.

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.

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<sup>3</sup> 5 May 1994: Bishkek Protocol on a ceasefire by the sides of the Karabakh Conflict, *This Day in History*, <https://denvistorii.ru/5-maya/bishkekskii-protokol-o-prekrashchenii-ognia.html>.

The Armenian 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. 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. 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.

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 21 December 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 vandalisation, destruction or alteration, and allowing Armenians to visit places of worship.*"

**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 effectively actively purge monuments and sites of their Armenian traces. See [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.

The actions and statements of Azerbaijani officials during this recent armed conflict and its immediate aftermath, as well as in times of peace, have shown Azerbaijan's intent to: (1) erase any evidence of Armenian presence in Artsakh, in effect committing cultural genocide, (2) deny the historical existence of Armenians in the region generally, (3) make it impossible for Armenian Christians to return to the territories under Azerbaijani control, and (4) prevent Armenian worshippers and pilgrims from accessing churches and sacred sites for religious rituals and liturgical obligations. These actions and statements increase the urgency of intervention.

This report also documents the numerous ways in which Azerbaijan has curtailed, and continues to impair, the rights of Armenian-Christians to exercise freely their religion in their ancestral lands, including by:

1. Eliminating physical security for Armenians in Azerbaijani-occupied territories.
2. Blocking access to religious sites by Armenian-Christian pilgrims.
3. Intimidating clergy by isolating, harassing, and subjecting them to inhumane conditions.
4. Restricting access for foreign nationals of Armenian descent seeking to conduct religious pilgrimages.
5. Changing the character of Armenian religious sites, without seeking participation or input of the Armenian Apostolic Church.
6. Continuing destruction of religious sites that connect Armenians to the lands including churches and cemeteries.
7. Immediately undertaking large-scale construction projects so near to Armenian cultural heritage and religious sites, without any protection of those sites. (*i.e.*, "malign neglect.")

The destruction of cultural and religious heritage sits squarely within a broader systematic effort and pattern by Azerbaijan to: deprive Armenians of the right to exercise their fundamental right to freely exercise their religion, cleanse Artsakh of Armenian people and worshippers, and erase the record of Armenian history and any evidence of Armenian presence from the region. 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. Each of the human rights violations encompassed by this strategy deserves separate attention and condemnation.

This report hopes to call broader attention to these issues to try to promote peace-building measures that protect and provide access to religious sites for the performance of religious rites; and protect and respect the coexistence of multiple religious faiths and cultures.

## Brief History of Cultural and Religious Sites in the Region

Artsakh's rich, multi-faceted cultural history is undeniable. It is home to many complexes, fortresses, religious sites, and antiquities dating back centuries. Artsakh's cultural landscape also has an indelible Armenian presence, as Armenians have inhabited Artsakh continuously for over two millennia.

For example, the Aghdam region contains the partially excavated Tigranakert archaeological site. This site is known as the "best preserved city of the Hellenistic and Armenian civilizations" of the Caucasus, was founded in the second to first century BC, and later was a major hub for early Christianity, with over 10 inscriptions discovered to date in the Armenian and Greek languages dating to the fifth and seventh centuries CE.<sup>i</sup>

Artsakh is also home to many important sites for Armenian religious and cultural heritage. For example, the Amaras Monastery, located in Martakert founded in the fourth century CE, upon the burial place of St. Gregory the Illuminator's (who converted the Armenian nation to Christianity in 301 CE) grandson, St. Grigoris, who was the Catholicos of Artsakh. Notably, Amaras is also where St. Mesrop Mashtots—inventor of the Armenian alphabet—opened the first-ever Armenian language school in the fifth century.<sup>ii</sup> The cultural significance of Amaras Monastery cannot be overstated. It is connected to the earliest and holiest figures of the Armenian Apostolic Church. Given the close relationship between the Armenian language and alphabet and the Armenian Church, it was also one of the earliest medieval scholastic institutions.

Indeed, Artsakh is culturally and religiously important for Armenians. "The historical monuments of Karabakh, a mountainous territory in the South Caucasus, collectively testify to the millennia-long Armenian character of the region. While the Hellenistic and Armenian archaeological site of Tigranakert, the fifth-century tomb at Amaras and basilica of Tzitzernavank, the medieval monastery of Dadivank, and the 19th-century Cathedral of Shushi are most cited in scholarship, they represent only a small fraction of the extant Armenian structures, many of which date to the medieval period. For example, the north-west province of Karvajar alone contains 22 major sites, each of which comprises several monuments and tombstones."<sup>iii</sup>

Cultural and religious sites suffered during the Soviet period because of the USSR's policies, in particular its hostility to organized religion. Consequently, many cultural and religious sites throughout the South Caucasus, whether Christian, Islamic, or other, were forced to cease their functions, suffered from a lack of maintenance, or were outright transformed into industrial spaces, agricultural storage facilities, or collective farms. There was tremendous resistance to those impositions, notably by the Armenian community—the first people to adopt Christianity as their official religion in 301 A.D. For example, Amaras Monastery, one of the world's oldest Christian monuments, as discussed above, became part of the collective farm of the nearby Armenian village of Sos during the Soviet period. "The authorities of Soviet Azerbaijan, to which [NKAO] was forcibly



attached in 1921, did everything they could to condemn Amaras to oblivion, decay and the tyranny of the so-called ‘black archeologists’—criminally-minded treasure-hunters. Persistent appeals of the people of Karabakh to open Amaras for worship were rejected by Azerbaijan’s authorities. The fact remains that Soviet Azerbaijan’s Nagorno-Karabakh Autonomous Oblast was the USSR’s only territory with [a] Christian majority that did not have a single functioning church.”<sup>iv</sup>

After the fall of the Soviet Union and the first Nagorno-Karabakh War of the 1990s, through which the Armenians of the region gained their independence and established the Republic of Artsakh, their newly formed state undertook the restoration and preservation of numerous religious and cultural heritage sites. The Armenians in Artsakh have made efforts to restore Azerbaijani (or Caucasian Tatar/Turk as they were called pre-1918) and Muslim sites, including the Gohar Agha Mosque in Shushi.<sup>v</sup> They have also embraced the diversity of cultures in the region, for instance through the opening of an Armenian-Iranian Scientific Cultural Center.<sup>vi</sup>

## History of Azerbaijani Efforts to Erase Evidence of the Existence of Armenians in the Caucasus

Azerbaijan has a historical record of intentionally destroying Armenian cultural heritage sites within its borders.<sup>vii viii</sup>

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.<sup>ix</sup>





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."<sup>x</sup> 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.<sup>xi</sup>



Video footage from 2005 depicts Azerbaijan "destroying what was left of Djulfa, a medieval necropolis that once housed tens of thousands of khachkars dating back to the sixth century A.D."<sup>xii</sup> Azerbaijan's campaign of cultural heritage destruction, unprecedented in the modern world, has been referred to as the "worst cultural genocide of the 21st century"<sup>xiii</sup> and would later be closely compared to the culturally-calamitous desecration carried out by the Islamic State in the Syrian city of Palmyra.<sup>xiv</sup>



The destruction has also been documented in numerous other publications.<sup>xv</sup>

Azerbaijan claims, despite a bedrock of factual and historic evidence to the contrary, that Nakhichevan never contained any Armenian cultural heritage or presence.<sup>xvi</sup> 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.

Against the backdrop of such systemic eradication of Armenian cultural heritage sites for decades, the fate of cultural sites in the territories taken as a result of Azerbaijan's recent military aggression is even more concerning. While Azerbaijan has enacted national laws that purport to protect cultural heritage of all people in Azerbaijan, if Azerbaijan denies the existence of Armenian cultural heritage in the region and fails to prosecute the destruction or desecration of that heritage, those national laws will not serve their intended purpose.

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). For an in-depth analysis of the threat, we refer to 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>

# Azerbaijan's Intentional Destruction of Cultural and Religious Sites During and After the 44-Day War and Persisting Denial of the Existence of Armenian Cultural Heritage

During the 2020 hostilities, in direct violation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to which both Armenia and Azerbaijan are signatories,<sup>xvii</sup> as well as customary international humanitarian law, Azerbaijan intentionally demolished and desecrated Armenian historical and cultural heritage sites. Such destruction continued following the 44-Day war. Under Azerbaijani national laws (1998 Law on the Protection of Historical Monuments and 1998 Law on Culture), cultural heritage and monuments must be protected even in times of peace, or ceasefire.

## Destruction of Immovable Cultural Heritage and Objects of Worship

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:

- Multiple intentional assaults with high precision weaponry on the Holy Savior Ghazanchetsots Cathedral, a landmark of Armenian cultural and religious identity in Shushi—a city whose Armenian population was massacred in 1920 by the Turks and Caucasian Tatars (later Azerbaijanis) but which again became inhabited by Armenians during the Soviet period and after the first Nagorno-Karabakh War. On 8 October 2020, Azerbaijan using precision weaponry (drones) shelled the cathedral twice, with the two attacks taking place within hours of each other.<sup>xviii</sup> 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.<sup>xix</sup> 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 Nagorno-Karabakh War of the early 1990s. Human Rights Watch referred to the attacks as a possible war crime.<sup>xx</sup> The damage to the interior and exterior of the cathedral was extensively documented.<sup>xxi</sup>



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.<sup>xxiii</sup>



- Shelling of the Tigranakert archaeological site, “the best-preserved city of the Hellenistic and Armenian civilizations” of the Caucasus, founded in the 2nd to 1st centuries B.C., and later a “major hub for Early Christianity” with over 10 inscriptions discovered to date in Armenian and Greek dating to the 5th and 7th centuries CE. Damage to the archaeological camp is shown below.



- 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 following photos show the Church before and after the act of vandalism.<sup>xxiii</sup>



- 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.<sup>xxiv</sup> The personnel in the video appear to be military personnel.





- 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.<sup>xxv</sup>









- Shelling and destruction of the Cultural and Youth Center in Shushi on 7 October 2020.<sup>xxvi</sup>



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.

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 by Turkey’s recruitment of Syrian mercenaries to fight for pay for Azerbaijan.<sup>xxvii</sup> On 14 November 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.<sup>xxviii</sup>



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.<sup>xxix</sup> 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.



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

Another video shows Azerbaijani military vandalizing the church of St. Yeghishe in Mataghis, Artsakh (built in the 19th century).<sup>xxx</sup> The office of the Human Rights Ombudsman of the Republic of Artsakh has been documenting these violations.<sup>xxxi</sup>

Videos of destroyed churches and vandalism frequently circulate on social media. 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. [Azerbaijani soldiers vandalize Armenian church in Artsakh village - Panorama | Armenian news](#)

## Azerbaijan Seeks to Deny the Presence or Evidence of Armenians by Claiming Sites Were Founded By “Caucasian Albanians”

Azerbaijan’s intentional destruction has been combined with an official policy and concerted efforts to rewrite history and engage in cultural erasure, which efforts began in the 1950s when a fringe faction of Azerbaijani scholars first claimed that Nagorno-Karabakh’s earliest inhabitants were not Armenian but rather Caucasian Albanian (a confederacy of semi-nomadic tribes that lived near the banks of the Caspian Sea).<sup>xxxii</sup> Numerous Azerbaijani government officials, public figures, and society leaders now repeat the unfounded claim that Armenian religious and cultural heritage sites are the creation of Caucasian Albanians, and not Armenians, and, therefore, Armenians should be excluded from these sites and all Armenian signs, inscriptions or architectural features are to be removed.

The Azerbaijani Ministry of Defense released a video of Dadivank, a monastery complex dating from the 7-9th and 13th centuries, located in the Karvajar /Kalbajar District now under the occupation of Azerbaijan, after Russia announced its peacekeepers were present at Dadivank. Notably missing from the many scenes in the video was one of the most recognizable features of Dadivank’s cathedral: its donor portraits of Armenian nobles and founding inscriptions engraved in the Armenian language—presumably because such portraits and inscriptions undermine Azerbaijan’s claims of the monastery’s Caucasian Albanian origin. Despite Azerbaijan’s unsubstantiated claims that Dadivank and similar cultural heritage are not Armenian but exclusively “Caucasian Albanian” (proto-Azerbaijani), such claims have not stopped Azerbaijan from destroying cultural heritage that it labels as “Caucasian Albanian,” such as in Nakhichevan. Tellingly, in the case of Nakhichevan, Azerbaijan not only denies its conduct—which was captured on video—but denies that the churches, cross-stones, and Christian cemeteries it destroyed ever existed at all.

### Movable Cultural Heritage at Risk

Before Azerbaijan’s recent aggression, movable heritage had been preserved in twenty-one museums in different regions of Artsakh.<sup>xxxiii</sup> Twelve of those museums are located in Shushi, Hadrut, and other regions of Artsakh currently under the control of Azerbaijan.<sup>xxxiv</sup> These museums “preserved a vast collection of the history, arts, religion, everyday life, nature and culture of the region.”<sup>xxxv</sup>

Given the unexpected nature of the attacks by Azerbaijan beginning on 27 September 2020, museum staff had no opportunity to safeguard or secure their collections. Moreover, because all major towns were under constant shelling with the use of internationally-sanctioned weapons, it was nearly impossible for museum staff to leave the bomb shelters where they sought refuge to preserve the collections during Azerbaijan’s military hostilities.<sup>xxxvi</sup> Since the execution of the Ceasefire Statement, the Armenians have had no access to, and no information on, the fate of the museum collections.<sup>xxxvii</sup>

The museums in the cities of Martuni and Hadrut are reported to have suffered the most.<sup>xxxviii</sup> The old district in the city of Hadrut, where a museum was located, is said to have been burned to the ground by Azerbaijani armed forces.<sup>xxxix</sup> In the aftermath of the war, “[t]he collections of some museums could be exposed to illicit trafficking.”<sup>xl</sup>

Depending on the final demarcation of the line of contact and whether peacekeeping forces will be available to offer protection, many ancient Armenian cultural and religious treasures face risk of destruction, vandalism, and defacement. Artsakh’s estimated 4,000 Armenian cultural heritage sites and monuments (including 370 churches, 119 fortresses and other historical and cultural monuments) will be at constant risk of the same vandalism, demolition, and cultural erasure seen in Nakhichevan—which destruction Azerbaijan denies.

## **Armenian Christians No Longer Have Access to Their Religious Sites**

After the Ceasefire Statement, Azerbaijan arrested ethnic Armenian civilians, including humanitarian aid workers and individuals who returned to the territories under Azerbaijani control to attempt to retrieve their belongings and personal effects left behind when they fled the hostilities. With videos and images of Armenian civilians being beheaded by Azerbaijani forces, even apparently *after* the Ceasefire Statement, it is difficult to imagine how Armenians will be able to practice their religion and visit religious sites now under Azerbaijani control.<sup>xli</sup>

In addition to creating risks in terms of the preservation of religious sites, the current situation therefore also 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).

During an interview, Bishop Pargev Martirosyan, 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.” Bishop Pargev also noted that shelling during the 44-day offensive started on Sunday morning during church services.

## Armenian Christians Cannot Safely Access Religious Sites in Azerbaijani-Controlled Territories

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.<sup>xliii</sup> Many of the murdered civilians were elderly and disabled men and women, from various regions including Hadrut, Shushi and Martuni. *Yuri Adamyan* (25 year old cattle breeder) and *Benik Hakobyan* (73 year old pensioner), two civilians, were tied up in Hadrut town square and shot on October 15.<sup>xliii</sup> *Elena Hakobyan*, Benik Hakobyan's wife, was found with her legs bound with rope and her skull separated from her body.<sup>xliv</sup> Some of the civilians mentioned in the report suffered traumatic head injuries,<sup>xlv</sup> (*Mushegh Melkumyan* (Case 44), *Eduard Zhamharyan* (Case 45)), others had signs of mutilation (*Ashot Munchyan* (Case 46); *Alvard Tovmasyan* (Case 68)) and in some cases were subject to beheadings (*Yuri Asriyan*, 82 years old (Case 50); *Genadi Petrosyan*, a 69 year-old pensioner (Case 52); *Nina Davityan* (Case 56). The bodies of some civilians were found in their homes (*Ernest Harutyunyan*, an 84-year-old pensioner (Case 53); *Serzhik and Ella Vardanyan*, a 71-year-old pensioner and his 67-year-old wife (Cases 64 and 65); *Marine Hayrapetyan* (Case 70); *Hmayak Avetisyan* (Case 71); *Hmayak Mirzoyan* (Case 72).

Among those killed and found in his home was Vahram Lalayan, a 46-year-old scholar and chair of the history department of the Grigor Narekatsi University in the capital city of Stepanakert. Professor Lalayan earned a PhD in Theology from Yerevan State University and was a specialist in medieval theology. His remains were found in his home office in the village of Mets Tagher in December 2021, during search operations by Russian peacekeepers and the International Red Cross.<sup>xlvi</sup>



Professor Lalayan.

Photo source: <https://iravaban.net/en/308949.html>  
<https://twitter.com/jchribuisson/status/1339471802234499073>



It is estimated that some 30,000 Armenians fled Hadrut, Shushi, and other areas or Artsakh taken by force by Azerbaijan. Ethnic Armenians have been understandably reticent to return to territories controlled by Azerbaijan as their security is not assured. This lack of basic security has made it impossible for civilians of Armenian origin to physically remain present in certain areas, which means they cannot practice their religion and visit religious sites and cemeteries now under Azerbaijani control.<sup>xlvi</sup> It has also made it impossible for clergy from the Armenian Church to remain safely in those same areas.

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.

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

Except for six monks remaining at Dadivank Monastery (discussed below) none of those 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.

### [Armenian Churches Now Under Azerbaijani Control Were Active Churches Frequented on a Regular Basis by Worshippers and Pilgrims](#)

Until late 2020, the community life of Shushi and Hadrut, with religious ceremonies and celebrations at its core, was vibrant. During an interview with Father Matevos of the Church in Hadrut, we obtained his individual account of life pre-war and during and in the aftermath of the war.

Father Matevos (known as « Der Matevos Kahana ») was the priest of the church in Hadrut and the spiritual leader of the Hadrut region. He is married with 3 daughters and

one grandchild. His son-in-law was killed during the war. He used to live in Hadrut and now lives in Stepanakert.

On the morning of 27 September 2020, Father Matevos had organized a pilgrimage to the Katarovank Monastery, a quarterly ritual with parishioners from not only the Hadrut region, but other parts of Artsakh. Located high in the mountains of southern Artsakh, near the villages of Khatsaberd, Hin Tagher and Tumi, this amazing structure was built in the early 300s AD and sits at the peak of the Dizapayt Mountain. Much of the journey must be completed on foot. Two busloads of churchgoers turned back on that Sunday September morning, when Azerbaijan's drone attacks started. Determined not to cancel it, Der Matevos, along with two female parishioners, completed the pilgrimage alone.



Right after the war broke out (from September 27-October 8), women and children were evacuated from Hadrut. Father Matevos' wife and daughters were taken to Armenia, and he stayed in Hadrut. Father Matevos would travel between Stepanakert, Hadrut and Jebrayil. He would interact with soldiers and witnessed the horror and weariness of the war. Drones were flying all over them and during the night, they would drive under the moonlight without headlights – for fear of drawing the attention of drones. Father Matevos also went to Hadrut hospitals to help transport food and medication – he was given special privilege of access as clergy. At the Hadrut hospitals, he would bear witness to lifeless bodies of soldiers being brought back every couple of minutes. He performed many burials in Stepanakert and lost count of how many he performed. Many family members could not attend funeral services to pay last respects, because Azerbaijan would target even solemn gatherings of people without distinguishing between civilians and military.

Father Matevos had planned to return to the Hadrut church on October 10 to recover the church relics and registers. He communicated his intentions to his superior Archbishop Pargev Martirosyan on October 9 who told him not to do so at that point in time because Azerbaijani forces had taken over the Hadrut region. Looking back, Father Matevos said

that the Archbishop saved his life because anyone who had not managed to evacuate was tortured and killed following capture.

Prior to the war, the church in Hadrut was a vibrant church. The church had a Sunday service and a children's choir that would come to light candles and sing every Sunday. The parents would accompany their kids. Father Matevos said that the presence of children in the church was inspiring for him as a priest. He would perform a vigil "jralakalouyts" on April 24 to commemorate the Armenian Genocide. Father Matevos has retained pictures of the church and the choir.

Father Matevos would perform an average of 20-25 baptisms a year and 2-3 weddings a year – many of his parishioners would travel to Shushi or Stepanakert for the larger celebrations or weddings. The celebration of the Christian holidays had standing room only in the church. He had a register where he wrote a record of all his baptisms and marriages which he kept in the church. The register was not computerized. There were also crosses, religious relics and books. He estimates that there were 200-300 books and several crosses, his writings of the past 30 years among them. The most ancient book was a book from the 1800s called "Jashouts Kirk" – it was the main book of the church and contained the church history. It was periodically also shown at the Museum of Stepanakert. All those books and relics remained in the church as Azerbaijani forces took over. There was a yard behind the church where church benefactors ("parevorner") had been buried over the centuries, marked by commemorative plaques ("dabanakar") dating back to the 1800s.

Although the Hadrut church was not shelled during the war, after Hadrut was taken by Azerbaijani soldiers, he would hear the bell ringing (recognizing the sound) and saw on social media and heard reports of the church being desecrated.

Father Matevos is now in Stepanakert and was asked by the Archbishop to service other border towns around Stepanakert (Dashushen, Kharoushen) until he can return to Hadrut.

While we are gathering calls to record the experiences of other members of the clergy who practiced in the territories now occupied by Azerbaijan, it appears that many relics and records were left behind. In the limited instance where clergy were able to remain in territories controlled by Azerbaijan, it has been under very harsh and worsening conditions.

## [Worshippers Are Being Denied Access to Dadivank Monastery and the Clergy at Dadivank Are Subject to Harassment by Azerbaijani Forces](#)

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.

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. However, one

pilgrim who was able to visit Dadivank in December to be present at a wedding and religious mass provided the following account. The testimonial (re-transcribed below) showed how pilgrimages were not free from psychological intimidation:

*“During our time there, multiple Azerbaijani soldiers walked by just mere walking distance from where we were standing and multiple times at that. This particular moment is critical to understand the psychological intimidation and infliction that can be caused and was caused by this. I understand that Azeris are close by and there can be several opportunities to see them. However, what is the purpose of walking by several times and even driving a vehicle, clearly labeled as an Azerbaijani car, by these people? It was evident that there was a special service and visit going on that day and that there would be Armenians present paying their respects and visiting this holy site. It’s also clear that these soldiers knew the effect their simple stroll near these people would leave and what type of impact it would presumably have... On one hand, I have extreme difficulty comprehending this and accepting the reality that this is the process of how we must visit various regions of our homeland. It hurts because it’s wrong and unimaginable on so many levels. All I have left to say is that, we can’t stop these visits. We can’t stop praying. And we can’t stop honoring. If we stop, Dadivank will just be another site that Azerbaijanis culturally erase, destroy, desecrate, and raise an Azeri and Turkish flag [upon].”*

The situation at Dadivank deteriorated thereafter. From April 2021 to the present, Azerbaijan has refused to allow pilgrimages to Dadivank Monastery.

There are now only six members of the Armenian Apostolic Church remaining in Dadivank. In a report by *Azadutyun* Newschannel (RFE/RL), translated in **Appendix A**, entitled *“We are left alone with you, Lord.” Clergymen of Dadivank await Armenian pilgrims*, the situation in Dadivank is documented from the monks’ perspective.<sup>xlviii</sup>



According to that report, Father Atanas Sarksyian, 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 Atanas testifies that the monks view it as their sacred duty to protect religious sites and artifacts and continue religious rites until the church can be restored to its true purpose of serving the Armenian Christian community and worshippers can return. But the absence of worshippers is straining and difficult for the clergy remaining at Dadivank.

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 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.<sup>xlix</sup>

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. Another news report documenting the condition at Dadivank is also translated in **Appendix B**.

In a recent report from the New York Times,<sup>1</sup> 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 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.’”*

The psychological intimidation of the clergy and the banning of access to pilgrimages interfere with the 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).

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.

## Reconstruction of Saint Ghazanchetsots Without Participation of The Communities Most Tied to the Church

Azerbaijan authorities have also begun “reconstruction” and “restoration” activities which are done without consultation of the Armenian Apostolic Church and serve as a pretext and occasion for Azerbaijan to remove Armenian traces from the region.

Several United Nations Special Rapporteurs sent a letter on February 2, 2021, to request accountability from Azerbaijan concerning the Holy Savior Ghazanchetsots Cathedral, which was intentionally attacked during the war. In that letter, among other requests, they specifically asked about pending investigations into the deliberate attacks on the Holy Savior Cathedral. They also asked “*which measures will be taken to assess and afford emergency stabilization for this site, as well as to fully consult with relevant parties, including the Armenian Apostolic Church, about such efforts and about how to undertake reconstruction of this site so as to protect cultural rights, including of those most connected to the site*” and “*when the site will be safe for the conduct of services and ceremonies by the Armenian Apostolic Church to resume, and what plans there are to facilitate this.*”<sup>ii</sup>

Since that letter, 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.<sup>lii</sup> *No members of the Armenian Apostolic Church have been consulted in connection with this project.*





Other organizations, including the United States Commission on International Religious Freedom (“USCIRF”), have expressed concern about this reconstruction. USCIRF Commissioner was quoted as saying:

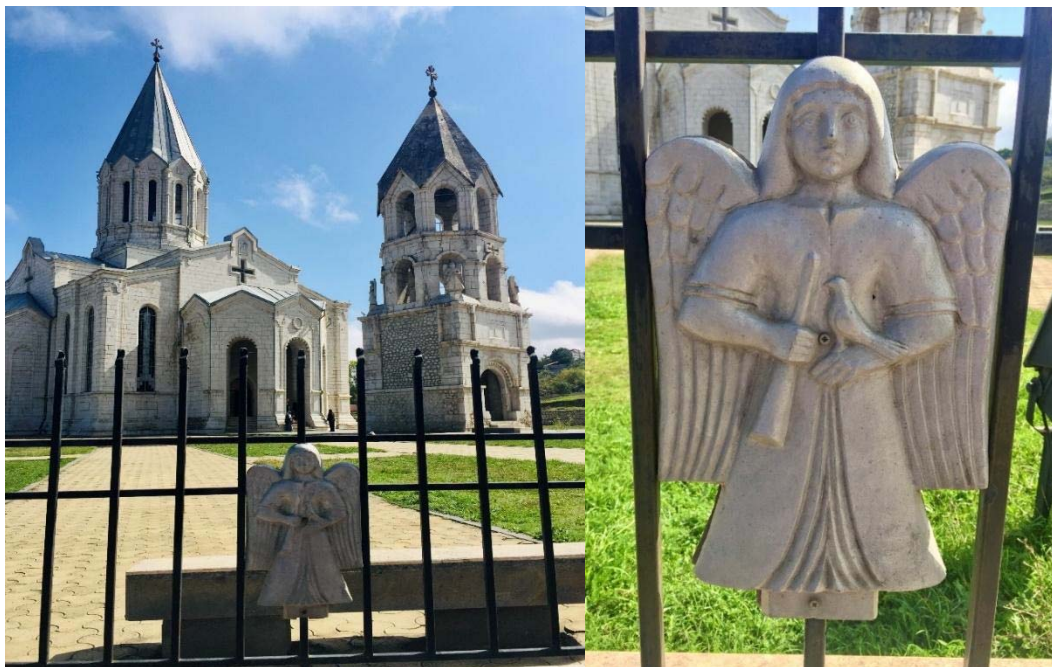
*“USCIRF is troubled by reports concerning the preservation and integrity of houses of worship and other religious sites—such as the Armenian Apostolic Ghazanchetsots Cathedral in Shusha, which appears to have had its domes removed amid reports of its ‘restoration’ without the input of its congregation, While the cathedral is certainly in need of repair following the damage it endured as a result of Azerbaijani shelling last fall, it is imperative that it and other sites are properly restored and maintained.”<sup>liii</sup>*

The Holy Savior Ghazanchetsots Cathedral also has Armenian inscriptions including the names of the master builder and architect.

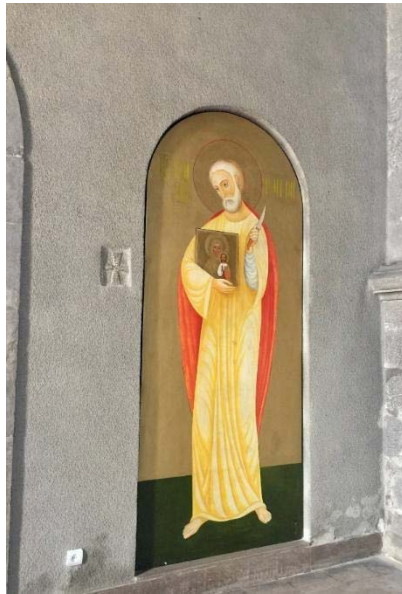
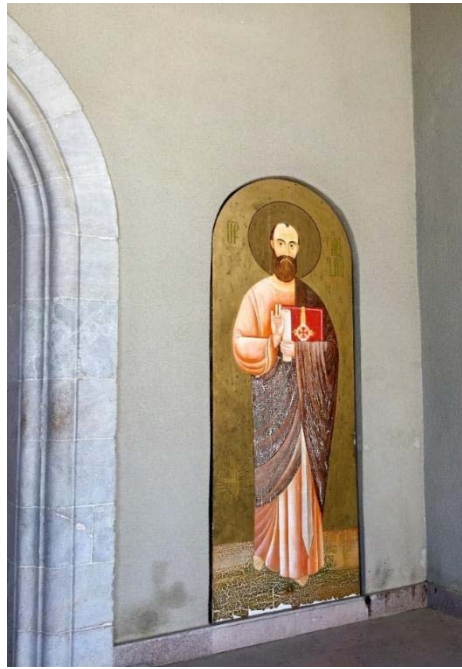
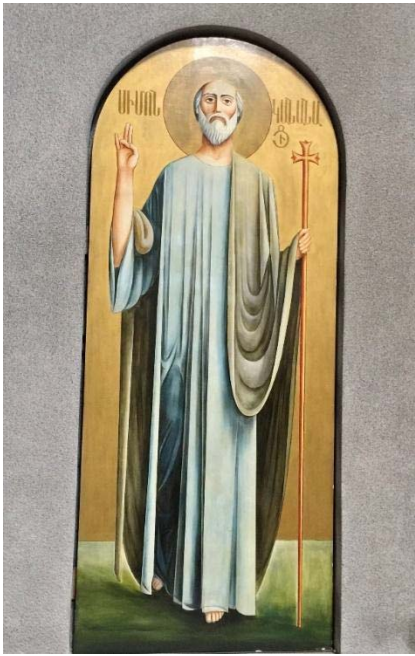


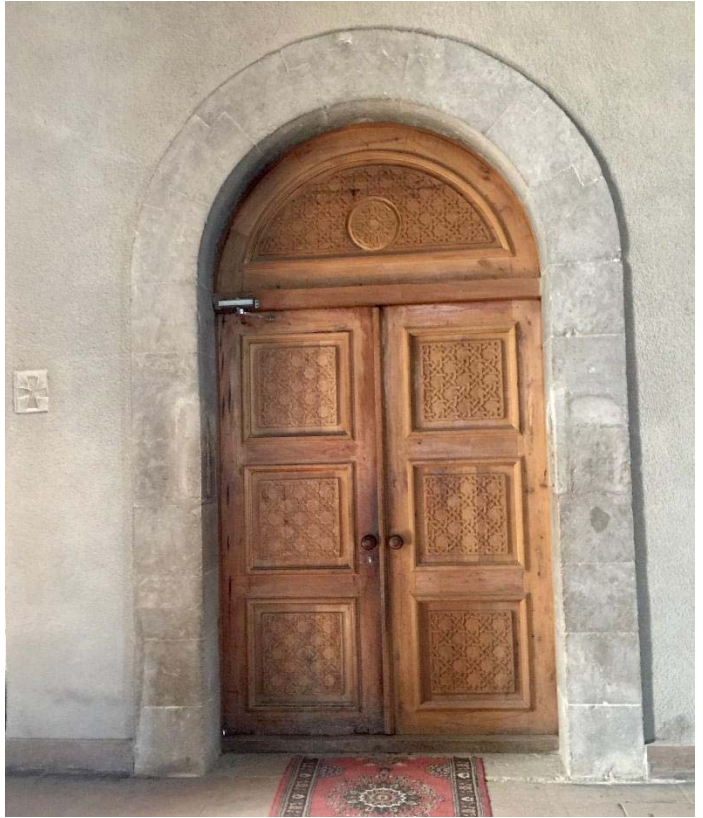
Photo Source: Monuments Watch Figure 3 available at <https://monumentwatch.org/monument/holy-all-savior-ghazanchetsots-church-in-shushi/>

It was home to icons, books, liturgical and religious items, and archives, and contains multiple interior and exterior details that evidence its Armenian-Christian background. All of those are also at risk during this restoration. No information is available about the status of these items or the status of the libraries and religious archives of the Cathedral. Some pictures of the details in the Cathedral are included below courtesy of Dr. Kuyumjian.









Most recently, Azerbaijan authorities appear to have removed the cross on another church – Spitak Khach Church in Hadrut<sup>liv</sup> under the guise of restoration. To eliminate traces of Armenian cultural and religious heritage, they are falsely representing the church as “Albanian-Udi.”



### Destruction Has Continued – Actively Disconnecting People from Places of Worship or Places to Pay Respects to Loved Ones

In 2021, many organizations were established and are monitoring and documenting any destruction. Those organizations include Save Armenian Monuments, Caucasus Heritage Watch, and Monument Watch.<sup>lv</sup>

Caucasus Heritage Watch is a New York based research group that is led by archeology professors from Cornell University and Purdue University and monitors and documents endangered and damaged cultural heritage using high-resolution satellite imagery. In June 2021, Caucasus Heritage Watch published a Monitoring Report

documenting its observations about “two primary areas where significant damage to heritage is most clearly visible” – in the town of Shushi/Shusha and along two corridors in the southern part (one corridor from Fuzuli to Shushi and another corridor along the Hakari/Aghavno River valley).<sup>lvi</sup> Caucasus Heritage Watch recently reported that the 51 sculptures in the park of the Shushi Museum of Fine Arts appear to have been removed or destroyed.<sup>lvii</sup> Many of these sculptures had spiritual and Christian themes.



Photo Source: Caucasus Heritage Watch

The destruction of cemeteries, most notably in Mets Tagher and Northern Shushi, is another alarming development.<sup>lviii</sup> This was most recently called out by the USCIRF in its September 2021 Factsheet on the Destruction of Cemeteries.<sup>lix</sup> Desecrating the dead is a crime and destroying the cemeteries is yet another attempt at destroying evidence that Armenians lived and died in the region and an attack on Armenian-Christian religious burial practices. It is reminiscent of the total destruction of Armenian cross stones in Nakhichevan and is another attempt to continue to try to disconnect the Armenians-Christians from the land where they exercised their religious rites, both while alive and posthumously, and paid respects to their deceased ancestors and loved ones.

## The Decision of the International Court of Justice Acknowledged the Existence of Armenian Cultural Heritage, Recognized The Irreparable Harm Caused by its Destruction and The Need to Provide Access to Religious Sites

An important step in the recognition of Azerbaijan's destruction of Armenian cultural heritage is the order of the International Court of Justice ("ICJ"), the principal judicial organ of the UN, on indication of binding provisional measures on 7 December 2021 ("the Order"),<sup>lx</sup> in the case known as *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*

On 16 September 2021, Armenia lodged with the Registry of the International Court of Justice ("ICJ") a request for indication of eight provisional measures ("Request") regarding the violations by Azerbaijan of the International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination ("ICERD").

Article 41 of the Statute of the Court provides that provisional measures may be ordered if the Court "*considers that the circumstances so require.*" The ICJ can only order provisional measures if a number of conditions are satisfied:<sup>lxi</sup> (1) the plausibility of the rights<sup>lxii</sup> invoked by the party requesting provisional measures; (2) a link between the rights that constitute the subject-matter of the proceedings pending before the Court on the merits of the case and the measures to be taken; and (3) risk of irreparable prejudice to the rights of the accused, or to the rights of the defence, as well as the urgency, *i.e. the real and imminent nature of the risk of irreparable harm, likely to materialize before the Court renders its definitive decision.*<sup>lxiii</sup>

Armenia indeed 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 support of these arguments, in the Request for indication of provisional measures, Armenia produced documented evidence of Azerbaijan's continued propagation of hatred toward Armenians, and systematic destruction and falsification of the Armenian cultural heritage<sup>lxiv</sup> since the beginning of 1988, as well as during and in the aftermath of the signature of the ceasefire in the night of 9 November 2020.<sup>lxv</sup> These examples included, but were not limited to: (i) "*the destruction of the Old Jugha/Djulfa cemetery in the exclave of Nakhichevan, which once boasted the world's largest collection of Khachkars (distinctive Armenian cross-stones) from the 15th and 16th centuries*";<sup>lxvi</sup> (ii) "*vandalising or destroying Armenian churches, gravestones, and cultural artefac*";<sup>lxvii</sup> and (iii) "*redefining Armenian*

monuments as “ancient Azerbaijani landmarks,”<sup>134</sup> or as “Caucasian Albanian” in origin.”<sup>lxviii</sup>

The Court concluded that the rights invoked by Armenia are plausible and the infringement of those rights is likely to result in irreparable damage to those rights. The Court concluded that there is a real and imminent risk that such damage will be caused before the Court makes a final decision in the case.

The Court has taken note of the resolution on the humanitarian consequences of the conflict between Armenia and Azerbaijan adopted by the Parliamentary Assembly of the Council of Europe on 27 September 2021. Parliamentary Assembly of the Council of Europe adopted on 27 September 2021, which, among other, “condemn[ed] the damage deliberately caused [by Azerbaijan] to [Armenian] cultural heritage during the 6-week war, and what appears to be the deliberate shelling of the Gazanchi Church/Holy Saviour, Ghazanchetsots Cathedral in Shusha/Shushi as well as the destruction or damage of other churches and cemeteries during and after the conflict; remains concerned, in the light of past destruction, about the future of the many Armenian churches, monasteries, including the monastery in Khutavank/Dadivank, cross-stones and other forms of cultural heritage which have returned under Azerbaijan control; [and] express[ed] concern about a developing narrative in Azerbaijan promoting a ‘Caucasian Albanian’ heritage to replace what is seen as an ‘Armenian’ cultural heritage” (Resolution 2391 (2021), text adopted by the Assembly on 27 September 2021, 24th sitting).<sup>lxix</sup>

As such, 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 vandalisation, destruction or alteration, and allowing Armenians to visit places of worship”<sup>lxx</sup>

**Despite this decision, Azerbaijan continues to deny the existence of Armenian cultural heritage, to block access to religious sites to Armenian Christian pilgrims and does not consult with the Armenian Apostolic Church in connection with reconstruction or alterations of churches. Since those proceedings, directly flouting the provisional order, Azerbaijan’s Minister of Culture has announced the creation of a state body or “working group” that will actively purge monuments and sites of their Armenian traces. See [Embodened by Ukraine Crisis, Azerbaijan Escalates its War on Armenian Heritage Sites \(hyperallergic.com\)](https://hyperallergic.com).**

## Conclusion and Call to Action

Human rights conventions and treaties, including those acceded to by Azerbaijan, protect the right to freely exercise religion and the right of access to and enjoyment of all forms of cultural heritage.

The (1) *intentional* destruction and desecration of cultural heritage is a violation of human rights; (2) the right of access to, and the enjoyment of, cultural heritage forms part of the right to take part in cultural life; (3) cultural rights are at the core of human identity and enable many other civil, economic, political and social rights; and (4) the right to freely exercise one's religion is an essential human right. The inability of clergy to visit and practice in the regions controlled by Azerbaijan, the inability of pilgrims to visit churches and cemeteries they once attended, the desecration and destruction of holy places (including cemeteries and tombs), all deprive ethnic Armenian-Christians of their right to exercise their religion freely in areas controlled by Azerbaijan.

Acknowledging that respect for, and recognition of, cultural and religious rights and diversity are key to building lasting peace in the region, we urge stakeholders to respond to this information to try to engage and establish constructive action, within their mandates. Such actions could include the following in cooperation with state parties (e.g. Armenia, Azerbaijan, Turkey, Russia, France, United States), international organizations, Ministries of Culture, and cultural heritage professionals in Russia, Azerbaijan and Armenia.

- Engage with the Government of Azerbaijan and call for an immediate end to the targeting of moveable and immovable cultural heritage sites and demand the respect and protection of all such sites under the control of Azerbaijani authorities in accordance with UN Resolution 2347 on the protection of the cultural heritage located in conflict zones.
- Request information from Azerbaijan on what measures have been taken to record information on the destroyed, desecrated or demolished sites of cultural heritage by Azerbaijani forces and what measures have been taken to find and prosecute persons engaged in such actions.
- Request information on the measures taken to prevent the recurrence of racist and xenophobic speech and acts, to foster tolerance, mutual understanding and social harmony, and promote respect for cultural diversity of all people (including the Armenian people) in Azerbaijan.
- Request that Azerbaijan recognize the existence of Armenian cultural heritage as an undeniable part of the region's diverse cultural heritage and as covered under the protection of Azerbaijani national laws.

- Condemn the creation of a working group on Caucasian-Albanian history and architecture that has been set up to remove traces of Armenian heritage.
- Request that Azerbaijan allow safe passage and access to clergy and pilgrims for pilgrimages to Churches and places of worship in Shushi and Hadrut, and request to reopen the access to Dadivank Monastery.
- Request that Azerbaijan abide by its obligations to consult with members of the Armenian Apostolic Church in connection with any reconstruction of sites.
- Request information on the status of (and the return of) religious archives, relics and records of the Armenian Apostolic Church that remained in churches and administrative offices in territories occupied by Azerbaijan.
- Request information on the status of museums in the territories controlled by Azerbaijan: buildings and grounds, their collections, the museum archives, databases and libraries.
- Explore and facilitate the potential for a memorandum of understanding among relevant state actors or cultural heritage professionals that would set up procedures for dealing with destruction (including defacement and change of character) of monuments.
- Explore and facilitate peacekeeping mandates that include a mandate (1) to deal with destruction and desecration of cultural or religious heritage, and (2) to ensure safe passage to religious sites.
- Explore and facilitate the potential for other collaborative projects in the area of culture and religion between Armenian and Azerbaijani cultural and religious leaders.
- Explore the establishment of monitoring mechanisms, including satellite imagery and security cameras to monitor acts of destruction or defacement.
- Draw attention to the cultural erasure by the Azerbaijani armed forces against the Armenians of the Artsakh Republic.
- Draw attention to the misappropriation, intentional destruction, and desecration of Armenian religious, cultural, and historical sites, the interference with the maintenance and care of these sites, the restriction of access and religious freedom to use these sites, and the disruption of religious practices of the Armenian Church and other Christians and their faithful.



- Engage with local authorities (including the Republic of Artsakh) to create and maintain a comprehensive database of the objects of the global cultural heritage on the territories that are occupied by Azerbaijan; and
- Disseminate this report to members, stakeholders and constituencies.

## Appendix A – Translation of News Report on Dadivank

### UNOFFICIAL TRANSLATION OF NEWS REPORT

“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.azatutyun.am/a/31346025.html#comments>

Reporter: Father Atanas, who has just returned from Karvajar, now under Azerbaijani control, says that the most widely used expression in Dadivank is “We have been left alone with you, Lord.” In Dadivank, six clergy have been isolated. There are dozens of Russian peacekeepers and hundreds of Azerbaijanis in the area.

Father Atanas: says that as servants of the Armenian church, the emphasis falling on Armenian, the clergy consider it their sacred mission to stay as long as it takes to restore the church to its original function.

Reporter: Father Atanas says that they are most in need of pilgrims. The priest adds that since the end of April, the Azerbaijanis have closed off the church; before that time they were allowing a limited number of pilgrims’ entry to the monastery for Sunday’s worship. He says that in their service to the church, the clergy need people to show their religious attachment to the church.

Father Atanas: says that the church is [unclear word] the translation of the nation, and in their service to the church, they have the most need for citizens of the nation now.

Reporter: At first, says Father Atanas, the Azerbaijanis said that entry was prohibited because of the Covid pandemic. Then they said that the Tartar River had overflowed its banks and the road had become impassable. And now, says the Artsakh Diocesan Primate Bishop Vrtaness, they have come up with a new argument--they too have holy sites in Artsakh and they need to visit those sites.

Bishop Vrtaness: They are saying that we have this holy site in this particular village, which we should be able to visit in return for you visiting your sites. But there’s no holy site in this village.

Reporter: Azerbaijan claim that there is a holy site in the village of Aghbaban, in Artsakh’s Mardakert region, which they want to visit.

Bishop Vrtaness: says that this claim surprises him since there's only forest there. He says he has asked long-time residents of the area, Armenian ethnographers, and Russian peacekeepers and no one knows of any such thing.

Reporter: And the Azerbaijanis are building a 1.5-kilometer road to this invisible holy site. The Primate believes that the Azerbaijanis are putting forth various arguments and preconditions in order to disallow the Armenians from entering the site. Bishop Vrtaness stresses the point that despite the fact that the Armenian clergy cannot conduct regular daily vespers and the weekly Divine Liturgy, they are still regularly offering these services.

Father Atanas: [unclear....] says that the peacemakers can see the clergy praying at different hours of the day.

Reporter: says that Father Atanas is 27 years old. He returned to Yerevan a few days ago and will soon return to Dadivank. He has received the blessing of the Catholicos of All Armenians for his services in Dadivank. In addition to the isolation and lack of regular visitors, there's no electricity nor telephone connections. Fortunately, Etchmiadzin sends food to the clergy via the Russian peacekeepers. There is good food, thanks to the Russian peacekeepers he says. The priests are able to cook their own food, says Atanas, smiling.

Father Atanas: says that even though he is not talented enough to cook tasty meals, his fellow spiritual brothers attempt to do so.

Reporter: Father Vrtaness has recent photos of Karvajar, and of himself at vespers and against the backdrop of verdant forests. The clergy have not attempted to leave the confines of the monastery, to descend to Tartar; they have not tried to enter the forest. They don't want to create any tensions. Father Atanas says that he and the other clergy see the forests; they hear the rippling of the river, but they cannot physically communicate those sensations.

Reporter: Not far from Dadivank, the chirping of the birds mixes with the prayers of the clergymen. We have been left alone, Lord.

[END]

## Appendix B - Translation of News Report on Dadivank

Translation of Aravot Newspaper Article

<https://www.aravot.am/2021/07/19/1205307/>

**Father Atanas Sargsyan, Dadivank priest: “For more than two months now, Azerbaijan has in effect closed off the entrance to Dadivank and has severely limited clergymen’s access to the monastery compound.”**

The restrictions imposed at Dadivank, which has come under Azerbaijani control, on the movement and duties of the Armenian Apostolic Church’s holy servants have raised alarms in the press. Despite the presence of Russian peacekeepers, Azerbaijan has restricted the entry of Armenian clergy and pilgrims to the monastery’s premises. On this matter, Aravot.com spoke to Father Atanas Sargsyan.

Question: Father Atanas, can you elaborate on the situation at Dadivank. When and why was the access of Armenian clergy and laypersons restricted?

Answer: Armenian pilgrims last entered the premises of Dadivank monastery on May 2. Since that date, at no time has Azerbaijan provided any possibility for the faithful to enter the religious complex and to participate in the Divine Liturgy. The pilgrims spend a total of a few hours, participate in the liturgy, receive Holy Communion, and leave. That is, over the course of the week, the presence of the pilgrims amounts to three to four hours. Customarily, during the first half of the week, the list and details of the pilgrims who are to visit the monastery is sent to the Russian peacekeepers. But by week’s end, sometimes on Sunday morning, it becomes clear that Azerbaijani side will not allow entry to the monastery. The Russian peacekeepers work daily to make such access possible.

Question: Are our Armenian clergy allowed to enter Dadivank and relieve their colleagues?

Answer: Prior to May 2, the clergy who arrived to relieve their colleagues entered the monastery on Sundays with the pilgrims. But now even this process has become difficult, at times impossible. During the past months, because of the efforts of the Russian side, this process took place on one or two occasions. Now, the Russian side is negotiating with the Azerbaijani side to secure the clergy’s access. For the past months, the Azerbaijani side has closed off the monastery’s entrance, and has severely limited the clergy’s access. In the past months, the Russian side has been engaged in negotiations with the Azerbaijani side for the Azerbaijanis to allow the entry of the clergy and the pilgrims into the monastery’s compound. But the Azerbaijani side declared at the beginning that it has prohibited entry because of the pandemic. Then it announced that the river had flooded, and the road was impassable. Recently, the Azerbaijani side has not provided any reason for its actions. Nevertheless, during the pandemic and during the period when the road was impassable there has been unhindered movement from their side and scores of visits

to Dadivank. No reliable proof or valid reason has been given by the Azerbaijani sides regarding these entry restrictions.

[End]

## Appendix C - Additional Resource Articles Related to Protection of Cultural Heritage During and After the War

- **Asia Times: 16 November 2020** – “**Cultural erasure may spark next Nagorno-Karabakh war**” by Simon Maghakyán, available at: [https://asiatimes.com/2020/11/cultural-erasure-may-spark-next-nagorno-karabakh-war/?fbclid=IwAR1z2lGE1umdKH3ey1XMKVeaSmUThrPzAxxOHf\\_cEILXt1XBMaDOy7881z4](https://asiatimes.com/2020/11/cultural-erasure-may-spark-next-nagorno-karabakh-war/?fbclid=IwAR1z2lGE1umdKH3ey1XMKVeaSmUThrPzAxxOHf_cEILXt1XBMaDOy7881z4)
- **Art Net News: 10 December 2020** – “**What International Audiences Must Understand About the Conflict Between Armenia and Azerbaijan—and the Cultural Heritage That’s at Stake**” by Thomas de Waal, available at: <https://news.artnet.com/opinion/thomas-de-waal-nagorno-karabakh-1929584>
- **Atlas Obscura: 10 December 2020** – “**Cultural Heritage Is Caught Up in the Conflict Over Nagorno-Karabakh**” by Tom Mutch, available at: <https://www.atlasobscura.com/articles/dadivank-monastery-nagorno-karabakh>
- **BBC: 8 October 2020** – “**Nagorno-Karabakh: Armenia accuses Azerbaijan of targeting cathedral**” available at: <https://www.bbc.com/news/world-europe-54465172>
- **Christianity Today: 17 November 2020** – “**A Plea to Save Artsakh’s Armenian Heritage**” by Catholicos Karekin II, available at: <https://www.christianitytoday.com/ct/2020/november-web-only/karekin-save-artsakh-armenian-churches-nagorno-karabakh.html>
- **Civilnet: 14 November 2020** – “**Dadivank Monastery to remain under the control of Russian peacekeepers**” available at: <https://www.civilnet.am/news/2020/11/14/Dadivank-Monastery-to-remain-under-the-control-of-Russian-peacekeepers/408181>
- **Eurasianet: 16 November 2020** – “**Now comes a Karabakh war over cultural heritage**” by Thomas de Waal, available at: <https://eurasianet.org/perspectives-now-comes-a-karabakh-war-over-cultural-heritage>
- **France24: 13 November 2020** – “**Armenians bid ‘painful’ farewell to monastery ceded in peace deal**” available at: <https://www.france24.com/en/live-news/20201113-armenians-bid-painful-farewell-to-monastery-ceded-in-peace-deal>
- **Greek City Times: 16 November 2020** – “**Azerbaijani Islamist destroys a Cross as Putin calls for respect of Artsakh’s religious sites**” by Paul

Antonopoulos, available at: <https://greekcitytimes.com/2020/11/16/putin-azerbaijan-church-artsakh/>

- **Hyperallergic: 13 November 2020 – “Google Arts & Culture as an Agent of Ethnic Cleansing”** by Nevdon Jamgochian, available at: <https://hyperallergic.com/601492/google-arts-culture-as-an-agent-of-ethnic-cleansing/>
- **Hyperallergic: 3 October 2020 – “Archeologist Raises Alarms Over Azerbaijan’s Shelling of an Ancient City”** by Simon Maghakyan, available at <https://hyperallergic.com/592287/tigranakert-artsakh-nagorno-karabakh-war/>
- **Le Monde: 6 January 2021 - “Dans le Kelbadjar, la bataille se déplace autour des monuments chrétiens,”** by Paul Tavignot, available at:
- **Los Angeles Times: 16 December 2020 – “Armenian monuments are at risk in Azerbaijan. L.A. artists make their own to keep memory alive,”** by Carolina A. Miranda, available at: <https://www.latimes.com/entertainment-arts/story/2020-12-16/armenian-monuments-are-at-risk-in-azerbaijan-los-angeles-artists-respond>
- **Los Angeles Times: 7 November 2020 – “Historic Armenian monuments were obliterated. Some call it ‘cultural genocide’”** by Catherine Womack, available at: <https://www.latimes.com/entertainment-arts/story/2019-11-07/armenian-monuments-azerbaijan>
- **Medium: 14 December 2020 – “The US can help prevent the destruction of cultural heritage in Nagorno-Karabakh. Here’s how.”** By Lori Khatchadourian and Adam Smith, available at: <https://medium.com/cornell-university/the-us-can-help-prevent-the-destruction-of-cultural-heritage-in-nagorno-karabakh-heres-how-b809b87a5e79>
- **DFRLab: 25 November 2020 - “Church and memorial desecration in post-ceasefire Nagorno Karabakh,”** available at: <https://medium.com/dfrlab/church-and-memorial-desecration-in-post-ceasefire-nagorno-karabakh-87ece968af3f>
- **National Association of Armenian Studies and Research (NAASR): 14 November 2020 – Video webinar on “The Armenian Cultural Heritage of Artsakh”** available at: [https://www.youtube.com/watch?v=avmo-AjsV08&feature=share&fbclid=IwAR1rHr\\_3HhTBhSclh8ynR3J-mgad9V0vUNILA3gISlUQPpi50LXqzQSDIb8](https://www.youtube.com/watch?v=avmo-AjsV08&feature=share&fbclid=IwAR1rHr_3HhTBhSclh8ynR3J-mgad9V0vUNILA3gISlUQPpi50LXqzQSDIb8)
- **News.ru: 12 November 2020 – “Lavrov says restoration of monuments in Nagorno-Karabakh requires UNESCO”** available at: <https://news.ru/en/cis->

countries/lavrov-says-restoration-of-monuments-in-nagorno-karabakh-requires-unesco/?fbclid=IwAR0e-AhiW9\_adugL\_Ve1T1ZRkfw8FtZdTGhUoVnM4K8hBo7WeL7sD7HZUo

- **New York Times: 30 November 2020 - “When an Enemy’s Cultural Heritage Becomes One’s Own,”** by Hugh Eakin, available at: <https://www.nytimes.com/2020/11/30/opinion/armenia-azerbaijan-monuments.html>
- **Radio Free Europe: 14 November 2020 – “Left Behind? Churches, Monasteries Due for Handover To Azerbaijan”** by Amos Chapple, available at: <https://www.rferl.org/a/churches-and-christian-monuments-due-to-be-handed-over-in-armenia-azerbaijan-peace-deal-/30944878.html>
- **Sky News: 23 November 2020 – “I don’t want to say goodbye’: Armenian monastery guarded by military set to pass to Azerbaijan”** by Diana Magnay, available at: [https://news.sky.com/story/amp/i-dont-want-to-say-goodbye-armenian-monastery-guarded-by-military-set-to-pass-to-azerbaijan-12139563?fbclid=IwAR3woLFWuKWzIzH\\_BMYBPEcYL\\_Ax\\_FUTF2JuHAhYY1z3ApJCfjJD\\_dpfgHw](https://news.sky.com/story/amp/i-dont-want-to-say-goodbye-armenian-monastery-guarded-by-military-set-to-pass-to-azerbaijan-12139563?fbclid=IwAR3woLFWuKWzIzH_BMYBPEcYL_Ax_FUTF2JuHAhYY1z3ApJCfjJD_dpfgHw)
- **Smithsonian Magazine: 24 November 2020 - “Why Scholars, Cultural Institutions Are Calling to Protect Armenian Heritage”** by Nora McGreevy, available at: [https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/?fbclid=IwAR2u7g44wloa2tb8ztS\\_1Zk1wDrwOqhreV5FTmh49NwZcdLiURxn5eBLkt8](https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/?fbclid=IwAR2u7g44wloa2tb8ztS_1Zk1wDrwOqhreV5FTmh49NwZcdLiURxn5eBLkt8)
- **The Conversation: 15 December 2020 – “Armenians displaced from Nagorno-Karabakh fear their medieval churches will be destroyed”** by Christina Maranci, available at: <https://theconversation.com/armenians-displaced-from-nagorno-karabakh-fear-their-medieval-churches-will-be-destroyed-149141>
- **The European Post: 30 November 2020 - “Europe should stand up to Turkey and protect cultural heritage in Nagorno-Karabakh”** by Marco Gombacci available at: <http://europeanpost.co/europe-should-stand-up-to-turkey-and-protect-the-cultural-heritage-in-nagorno-karabakh/>
- **The Guardian: 19 November 2020 – “The Ceasefire agreement with Azerbaijan comes with great risks for Armenia”** by Dale Berning Sawa, available at: <https://www.theguardian.com/commentisfree/2020/nov/19/ceasefire-agreement-azerbaijan-great-risks-armenia>



- **The National Interest: 16 December 2020** – “**Now that Azerbaijan Controls Nagorno-Karabakh, Are Medieval Churches in the Crosshairs?**” by Christina Maranci, available at: <https://nationalinterest.org/blog/reboot/now-azerbaijan-controls-nagorno-karabakh-are-medieval-churches-crosshairs-174533>
- **The Observer: 18 November 2020** – “**Armenians in Nagorno-Karabakh fear destruction of their cultural heritage**” by Diana Liu, available at: <https://observers.france24.com/en/asia-pacifique/20201124-armenians-in-nagorno-karabakh-fear-destruction-of-their-cultural-heritage>
- **The Sunday Times: 22 November 2020** – “**Armenians fear a sacking of the monasteries with Nagorno-Karabakh retreat**” by Marc Bennetts, available at: <https://www.thetimes.co.uk/article/armenians-fear-a-sacking-of-the-monasteries-with-nagorno-karabakh-retreat-3b8zhwdpt>
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- **Wall Street Journal: 18 November 2020** – “**Cultural Heritage in the Crosshairs Once More**” by Christina Maranci, available at: <https://www.wsj.com/articles/cultural-heritage-in-the-crosshairs-once-more-11605731198?fbclid=IwAR3-0lDncRnWgykrDZWDnfet1js0-xk04sEd1mQhwN7itCBiScavQONvLG8>

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- iii 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/>.
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- v “Preserve Artsakh: An Open Letter to the World Community,” GlobeNewswire (12 Nov. 2020), <https://www.globenewswire.com/news-release/2020/11/12/2125920/0/en/Preserve-Artsakh-An-Open-Letter-to-the-World-Community.html>; see also “Gohar Agha Upper Mosque restored in Shushi” (October 4 2019), Lragir Newspaper, available at: <https://www.lragir.am/en/2019/10/04/73365>.
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- vii *Supra* note i.
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- x *Ibid.*
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- xii 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.
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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/>.

<sup>xvi</sup> 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 xv.

<sup>xvii</sup> The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its two additional Protocols.

<sup>xviii</sup> 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>.

<sup>xix</sup> “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>.

<sup>xx</sup> *Ibid.*

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

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<sup>xxiv</sup> 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/>.

<sup>xxv</sup> “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/>.

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

<sup>xxvii</sup> 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](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494).

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

<sup>xxix</sup> Nagorno-Karabakh: The mystery of the missing church available at: <https://www.bbc.com/news/av/world-europe-56517835>.

<sup>xxx</sup> Office of the Human Rights Defender in the Republic of Armenia, Press Release, available at: [https://www.ombuds.am/en\\_us/site/VideoGalleryView/520](https://www.ombuds.am/en_us/site/VideoGalleryView/520)

<sup>xxxi</sup> Office of the Human Rights Ombudsman of the Republic of Artsakh: 26 January 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

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xl *Ibid.*

xli The Human Rights Ombudsman of Artsakh “Fifth Ad Hoc Report On Torture and Inhuman Treatment of Members of Artsakh Defense Army and Captured Armenians by Azerbaijani Armed Forces” (From Nov. 19-Dec. 2, 2020) (available upon request; certain of these reports are not disseminated publicly, given the disturbing images and content they display).

xlii 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).

xliiii Ombudsman Interim Report, Section 3, cases number 42 and 43. This case is 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/>

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xlvii See The Human Rights Ombudsman of Artsakh “Fifth Ad Hoc Report On Torture and Inhuman Treatment of Members of Artsakh Defense Army and Captured Armenians by Azerbaijani Armed Forces” (From Nov. 19-Dec. 2, 2020) (available upon request; certain of these reports are not disseminated publicly, given the disturbing images and content they display).

xlviii “Մենք մենակ ենք մնացել քեզ հետ, Տեր” Դավիթյանի 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.azatutyun.am/a/31346025.html#comments>

xlix 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

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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.

<sup>l</sup> *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>.

<sup>li</sup> February 2, 2021, Letter pages 6-7, points 6 & 7.

<sup>lii</sup> *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>

<sup>liii</sup> *USCIRF Concerned by Azerbaijan Religion Law Amendments, Condition of Ghazanchetsots Cathedral*, May 17, 2021, available at: <https://www.uscifr.gov/news-room/releases-statements/uscifr-concerned-azerbaijan-religion-law-amendments-condition>

<sup>liv</sup> *Azerbaijanis Remove Cross from Spitak Khach Church in Occupied Hadrut – Asbarez.com*

<sup>lv</sup> Caucasus Heritage Watch: <http://caucasusheritage.cornell.edu/>; Save Armenian Monuments: <https://savearmenianmonuments.com/>; Monument Watch: <https://monumentwatch.org/>.

<sup>lvi</sup> Caucasus Heritage Watch, Monitoring Report 1, at pages 19 and following, available at: <http://caucasusheritage.cornell.edu/index.php/report>

<sup>lvii</sup> Caucasus Heritage Watch, Twitter Notification, <https://twitter.com/CaucasusHW/status/1426236001794543623?s=20>

<sup>lviii</sup> Caucasus Heritage Watch, Monitoring Report 1, at pages 21 and 31, available at: <http://caucasusheritage.cornell.edu/index.php/report>

<sup>lix</sup> USCIRF Factsheet: Destruction of Cemeteries, available at: <https://www.uscifr.gov/sites/default/files/2021-09/2021%20Factsheet%20-%20Destruction%20of%20Cemeteries.pdf>

<sup>lx</sup> In the *LaGrand case*, the ICJ recognized the binding nature of provisional measures under Article 41 of its Statute.

<sup>lxi</sup> On provisional measures before the ICJ, see Cameron Miles, *Provisional Measures before International Courts and Tribunals* (Cambridge 2016); Sabtae Rosenne, *Provisional Measures in International Law – The International Court of Justice and the International Tribunal for the Law of the Sea* (Oxford 2005).

<sup>lxii</sup> For more development on the plausibility condition see Massimo Lando, “Plausibility in the Provisional Measures Jurisprudence of the International Court of Justice” (2018) 31 *Leiden Journal of International Law* 641; Cameron Miles, “The Influence of the International Court of Justice on the Law of Provisional Measures” in Mads Andenas and Eirik Bjorge (eds), *A Farewell to Fragmentation: Reassertion and Convergence in International Law* (Cambridge University Press 2015); For the case law see *Passage through the Great Belt (Finland v. Denmark)* (Request for the Indication of Provisional Measures: Order) [1991] ICJ Rep 12; *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)* (Request for the indication of provisional measures: Order) [2009] ICJ Rep 210

<sup>lxiii</sup> P-F Laval, ‘Chronique de jurisprudence internationale : Ordonnance du 7 décembre 2016, mesures conservatoires, Immunités et procédures pénales (Guinée équatoriale c. France)’ (2017) 121 *Revue générale de droit international public* 152, 171

<sup>lxiv</sup> Request, para.39

<sup>lxv</sup> Request, paras.70

<sup>lxvi</sup> Request, paras.70-72

<sup>lxvii</sup> Request, paras.75

<sup>lxviii</sup> Request, para.77

<sup>lxix</sup> Order, para.86

<sup>lxx</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Armenia v. Azerbaijan*), Order of 7 december 2021 (“Order 7 december 2021”)