

Urgent Call for Action

Azerbaijan's Continuing Violations of Rights of Armenian-Christians to Exercise Freely Their Religion and its Continuing Destruction of Armenian-Christian Religious and Cultural Heritage

To: Honorable Karima Bennouné
UN Special Rapporteur in the field of cultural rights
c/o Office of the High Commissioner for Human Rights
CH-1211 Geneva 10
Switzerland
Email: srculturalrights@ohchr.org

To: Honorable Ahmed Shaheed
UN Special Rapporteur on freedom of religion or belief
c/o Office of the High Commissioner for Human Rights
CH-1211 Geneva 10
Switzerland
E-mail: freedomofreligion@ohchr.org

September 14, 2021

Dear Ms. Bennouné and Mr. Shaheed,

The Armenian Bar Association (“ABA”), the Mother See of Holy Etchmiadzin, the Society for Armenian Studies, National Association for Armenian Studies and Research, and the Association Internationale des Études Arméniennes submit this letter as a necessary supplement to the previous letters dated 21 January 2021, 11 February 2021, and 2 April 2021. The Research on Armenian Architecture Foundation¹ (“RAA”) and Save Armenian Monuments² also support and join this letter.

As you know, our previous letters address the clear and potentially irreversible danger to Armenian cultural heritage, churches, and religious relics in Nagorno-Karabakh (historical Artsakh). They also seek highlight the need to ensure secure and open access to worshippers seeking to visit Armenian-Christian religious sites now under Azerbaijan’s control.

We received and reviewed the public version of your letter dated 2 February 2021, to Azerbaijan, submitted jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in which you requested Azerbaijan’s accountability on various issues, including in connection with the shelling of the Holy Savior Ghazanchetsots Cathedral. We deeply appreciate your continued attention to these matters and commitment to investigating these issues.

¹ Research on Armenian Architecture Foundation website: <http://www.raa-am.com/raa/public/raa.php?clear=1&mid=7&cont=53>

² Save Armenian Monuments website: <https://savearmenianmonuments.com/>

We write to bring to your attention serious and worsening developments in the Nagorno-Karabakh region. Our report focuses this time on the numerous ways in which Azerbaijan has curtailed, and continues to curtail, the rights of Armenian-Christians to exercise their religion freely in their ancestral lands which Azerbaijan seized control of less than one year ago. The pattern of Azerbaijan's conduct documented in this report includes:

1. Eliminating physical security for Armenians in Azerbaijani-occupied territories.
2. Blocking access of religious sites to Armenian-Christian pilgrims.
3. Intimidating clergy by isolating, harassing, and subjecting them to inhumane conditions.
4. Inhibiting access to 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.

The destruction of cultural heritage which we documented in our previous letters sits squarely within a broader systematic effort and pattern to: (i) deprive Armenians of the right to exercise their fundamental right to freely exercise their religion, (ii) cleanse Nagorno-Karabakh of Armenian people and worshippers, and (iii) 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.

We request that the Special Rapporteurs investigate, report, and call broader attention to these issues and similar human rights violations. To the extent possible, we urge the Special Rapporteurs to try to mediate and promote peace-building measures that (i) protect and respect access to religious sites for the performance of religious rites; and (ii) protect and respect the coexistence of multiple religious faiths and cultures. The issues described in this report are not unique to Armenians, they are routinely faced by religious minorities in the Caucasus and Middle East, especially in times of conflict and in the aftermath of conflict. Researching and building roadmaps for solutions in response to this crisis can serve to help in times of other similar crises as well.

I. Background on Azerbaijan's Record on Religious Rights and Pattern of Fostering Hate Against Ethnic Armenians

The backdrop that explains in part the current crisis includes Azerbaijan's policies with respect of religious rights and Azerbaijan's tolerance and promotion of hate toward Armenians.

Azerbaijan has a documented poor record on religious freedom for minorities. In March 2021, the United States Commission on International Religious Freedom ("USCIRF") – an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze and report on religious freedom abroad – issued a country update for Azerbaijan.³ In the report, the USCIRF

³ [Azerbaijan Country Update: Stalled Progress in Azerbaijan \(uscirf.gov\)](https://www.uscifr.gov/country-reports/azerbaijan)

mentioned that it “has monitored religious freedom conditions in Azerbaijan for over a decade, raising the alarm ahead of the passage of restrictive amendments to the country’s religion law in 2009, and including Azerbaijan in USCIRF’s Annual Reports every year since 2013.” The Commission found that although Azerbaijan has taken steps to decrease law enforcement and other authorities’ harassment of religious communities, “it has shown little interest in taking steps to revise problematic legislation that limits religious freedom, such as reforming the country’s 2009 law “On Freedom of Religious Beliefs” (often referred to as the religion law) or creating an alternative civilian service for conscientious objectors.”

On 17 May 2021 the USCIRF expressed serious concerns about amendments to Azerbaijan’s Religion Law:⁴

The amendments would introduce new, bureaucratic limitations, including restrictions on religious leaders and on the ability of religious communities to operate in the absence of a religious leader. The amendments would also require religious communities form a “religious center” to perform certain functions. At the same time, the amendments would not change current, already restrictive provisions that require official registration, limit registration to those communities that have at least 50 members, mandate state approval of all religious literature, and prohibit foreign citizens from conducting religious ceremonies.

USCIRF has recommended that the U.S. State Department place Azerbaijan on its Special Watch List for engaging in and tolerating severe religious freedom violations.⁵ As indicated by the U.S. Department of State’s Bureau of Democracy, Human Rights and Labor Country Report for Azerbaijan, the Azerbaijan “government did not prosecute or punish the majority of officials who committed human rights abuses; impunity remained a problem.”⁶

More information and analysis about Azerbaijan’s Law on Freedom of Religious Belief is available in the Joint Opinion on that law issued by the Venice Commission of the European Commission for Democracy Through Law and the OSCE/ODIHR.⁷

Azerbaijan also has a documented record and governmental practice of fostering hate toward ethnic Armenians. Evidence of the governmental fostering of hatred is documented, among others, in a

⁴ USCIRF Concerned by Azerbaijan Religion Law Amendments, Condition of Ghazanchetsots Cathedral, May 17, 2021, available at: <https://www.uscifr.gov/news-room/releases-statements/uscirf-concerned-azerbaijan-religion-law-amendments-condition>

⁵ *Id.*

⁶ United States Department of State, Bureau of Democracy, Human Rights and Labor, Azerbaijan’s Country Report on Human Rights Practices for 2020, at p. 2, available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/azerbaijan/>

⁷ Joint opinion available at: [Venice Commission :: Council of Europe \(coe.int\)](https://www.venicecommission.europa.eu/media-100766); see also comments of the Republic of Azerbaijan, available at: [Venice Commission :: Council of Europe \(coe.int\)](https://www.venicecommission.europa.eu/media-100766)

report by Protection of Rights without Borders NGO of Armenia on 26 October 2020⁸ and a Report submitted by the Armenian Bar Association to the Committee on the Elimination of Racial Discrimination (“CERD”) on 18 December 2020.⁹ Paragraphs 15 to 21 of the Armenian Bar Association report list the following specific examples:

- Azerbaijani President Ilham Aliyev referring to Armenians as “dogs” in a pejorative and degrading way. President Aliyev, in his 10 November 2020 public address to the nation, said: *“We chased them out of our lands like dogs. I said that we would chase them, that we would chase them like dogs, and we chased them, we chased them like dogs.”*¹⁰
- Other Azerbaijani government leaders associate Armenians with dogs. For example, in a video uploaded on 13 November 2020, Huseynov Camal, an Azerbaijani general who fought in the First Nagorno-Karabakh War in the 1990s, is seen calling Armenians dogs and further threatens: *“After Karabakh, we will come to Yerevan [the capital of Armenia] . . . and you will see what we will do.”*¹¹
- Similar Armenophobic statements emanate from Turkey’s leadership—Azerbaijan’s ethnic and linguistic “brother nation” and close military ally, which directly assisted Azerbaijan in its Nagorno-Karabakh war. Turkish President Recep Tayyip Erdoğan used the Turkish term “kılıç artığı,” which means “leftovers of the sword,” in reference to the survivors of the Christian massacres that mainly targeted Armenians, Greeks and Assyrians in the Ottoman Empire and its successor state, Turkey.¹² President Erdoğan referred to the Armenian flag as rag-scrub.¹³
- High-ranking Azerbaijani officials also have frequently voiced threatening statements alluding to massacres and genocides of Armenians. In 2005, Hajibala Abutalybov, former Deputy Prime Minister of Azerbaijan, said to a visiting German delegation while serving as Mayor of Baku: “Our goal is the complete elimination of Armenians. You Nazis

⁸ Report available at: <https://prwb.am/wp-content/uploads/2020/11/PRWB-Alternative-Report-to-CERD-on-Azerbaijan-26.10.2020.pdf>

⁹ Report available at: <https://armenianbar.org/programs/united-nations-initiative/azerbaijans-racial-discrimination-against-ethnic-armenians/>.

¹⁰ Full text and translation of President Aliyev’s 10 November 2020 speech is available on the website of the Republic of Azerbaijan’s Ministry of Defense: mod.gov.az/en/news/president-ilham-aliyev-addressed-the-nation33795.html.

¹¹ See Nail Kemerlinin Kanali, “Bilsəydilər erməni dilini bilirəm dərimi soyardılar - Hüseynov Camal (ALL SUBTITLES AVAILABLE),” YouTube (13 Nov. 2020), <https://youtu.be/YworvLKGyQ?t=800>.

¹² See “Turkey: Erdogan uses ‘Leftovers of the Sword’ anti-Christian hate speech,” Genocide Watch (11 May 2020), <https://www.genocidewatch.com/single-post/2020/05/11/Turkey-Erdogan-uses-Leftovers-of-the-Sword-antiChristian-hate-speech>; Uzay Bulut, “Erdogan Insults Survivors of the Turkish Genocide of Assyrians, Greeks and Armenians,” Gatestone Institute (13 May 2020), <http://www.aina.org/news/20200513130644.pdf>.

¹³ See Aris Nalcı | Արիս Նալցի, <https://t.co/LREUOwoh9x> Twitter (5 Dec. 2020), <https://twitter.com/arisnalcı/status/1335279401857114114?s=20>; Haber Global, “Cumhurbaşkanı Erdoğan: Artık Karabağ Semalarını Hilal Ve Yıldız Süslüyor!” YouTube (5 Dec. 2020), <https://www.YouTube.com/watch?v=TbqFKowqQZM>.

eliminated the Jews in the 1930s and 40s, right? You should be able to understand us.”¹⁴ Ramiz Melikov, the former spokesperson for Defense Minister Safar Abiyev, stated in 2004: “Within the next 25 years there will be no state of Armenia in the South Caucasus. These people...have no right to live in this region.”¹⁵

- Elnur Aslanov, Head of the Political Analysis and Information Department of the Presidential Administration of Azerbaijan, stated that “Armenia has turned into ‘a cancer tumor’ on the region.”¹⁶
- When Azerbaijani journalist Saadat Kadyrova was asked on Russian national television on 9 October 2020 why Azerbaijan intentionally struck a historic Armenian cathedral in Shushi, Nagorno-Karabakh not once but twice (injuring two Russian journalists), Ms. Kadvrova offered the following justification: Armenian soldiers had been using the cathedral for prayer.¹⁷ She also referred to the cathedral as a toilet and to Armenians as terrorists, by invoking a past statement of Vladimir Putin about chasing terrorists everywhere, even at outhouses. She went on to justify the bombing by stating that “for Azerbaijan [Armenians] are occupiers and wherever they are they must be [targeted].”
- Additional evidence of hate speech and animosity towards ethnic Armenians by public officials and public figures can be found in the Ad Hoc Public Report by the Human Rights Defender of Armenia and the Human Rights Ombudsman of Artsakh.¹⁸

Since the Armenian Bar Association’s December 2020 report, Azerbaijan has also issued a commemorative stamp depicting a person chemically “disinfecting” (cleansing) the Armenian region of Artsakh.¹⁹

¹⁴ See Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, June 18th, 2008, Serial No. 110-200, p. 5.

¹⁵ *Ibid.*

¹⁶ See “Armenophobia in Azerbaijan: Organized Hate Speech & Animosity Towards Armenians,” the Office of Ombudsman of the Republic of Artsakh (25 Sept. 2018), https://agbueurope.org/wpcontent/uploads/sites/17/2017/02/Armenophobia-in-Azerbaijan-1.00-Interactive-25.09.2018.pdf?fbclid=IwAR3U_vpfJrVZAK2a%20F3OEu5oOxk-toGhmIIDAbhzUhyckamzqPI_oPtkRvzTg.

¹⁷ See Evening with Vladimir Soloviev, “Политолог Саадат Кадырова оправдала обстрел храма в Карабахе, где были ранены российские журналисты,” YouTube (9 Oct. 2020), <https://www.YouTube.com/watch?v=Xox3PTSROEs> (discussing beginning at 7:04).

¹⁸ Ad Hoc Public Report: Organized Hate Speech and Animosity Towards Ethnic Armenians in Azerbaijan as Root Causes of Ethnically Based Torture and Inhuman Treatment by Azerbaijani Armed Forces, Human Rights Defender of Armenia & Human Rights Ombudsman of Artsakh (September to November 2020), <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>.

¹⁹ See Azerbaijan’s Dehumanization of Armenians Echoes Horrors of Holocaust, January 30, 2021, The Times of Israel, available at: <https://blogs.timesofisrael.com/azerbajians-dehumanization-of-armenians-echoes-horrors-of-holocaust/>; see also Azerbaijani postal stamps accused of spreading anti-Armenian propaganda, The Calvert journal, available at: <https://www.calvertjournal.com/articles/show/12442/azerbaijan-stamps-nagorno-karabakh-war-anti-armenian-propaganda>; see also: <http://www.aztv.az/en/news/11015/postage-stamps-dedicated-to-azerbaijani-heroes-issued>



Photo Source: [Azerbaijani postal stamps accused of spreading anti-Armenian propaganda — The Calvert Journal](#)

Azerbaijan also rushed to create and publicize a war Trophy Park where it glorifies Azerbaijan's "victory" and dehumanizes and vilifies Armenian soldiers. President Aliyev visited and publicized his visit through a hall of helmets of slain Armenian soldiers. The Park is promoted as a family attraction and official government representatives have been photographed visiting it and promoting it.



Photo Source: [https://en.wikipedia.org/wiki/Military_Trophy_Park_\(Baku\)](https://en.wikipedia.org/wiki/Military_Trophy_Park_(Baku))

The Council of Europe's Commissioner for Human Rights expressed concern about the Trophy Park in a letter to President Aliyev as follows:²⁰

I regret to learn that you recently inaugurated the 'Trophy Park' in Baku, which has been opened to the public since 14 April and can be visited by everyone, including small children. This park reportedly displays Armenian military equipment taken as a trophy during the war. From information and the images which are publicly available, I noticed that it shows dehumanising scenes, including wax mannequins depicting dead and dying Armenians soldiers. I consider such images highly disturbing and humiliating.

The European Parliament adopted a resolution condemning the park and urging it be closed, stating as follows:²¹

whereas the 'Park of Military Trophies' inaugurated in Baku on 12 April 2021 reportedly displays Armenian military equipment, wax mannequins depicting dead and dying Armenian soldiers and models of Armenian POWs chained in a cell, which may be perceived as a glorification of violence and risks inciting further hostile sentiment, hate speech or even inhumane treatment of remaining POWs and other Armenian captive civilians, thereby perpetuating the atmosphere of hatred and contradicting any official statements on reconciliation;

[. . .]

19. Deplores the opening of the so-called Trophy Park in Baku, open to the public since 14 April 2021, as it further intensifies long-lasting hostile sentiments and undermines mutual trust between Armenia and Azerbaijan; urges, therefore, that it be closed without delay;

The stamps and Trophy Park are symptoms of a policy of dehumanizing and fostering hatred toward Armenians. It should be readily apparent that, given these circumstances, the Armenian-Christians of Nagorno-Karabakh do not feel safe to return to any territories under Azerbaijan's *de facto* control.

²⁰ Letter of Council of Europe Commissioner of Human Rights to Ilham Aliyev, available at: <https://rm.coe.int/letter-to-mr-ilham-aliyev-president-of-the-republic-of-azerbaijan-by-m/1680a2364c>

²¹ P9_TA(2021)0251 *Prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan*, European Parliament resolution of 20 May 2021 on prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan (2021/2693(RSP)), available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0251_EN.pdf

II. Armenian Christians Cannot Safely Access Religious Sites in Azeri-Controlled Territories

In our January 2021 letter, we reported that, after the Ceasefire Statement of November 2020, 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. We offered the example of Maral Najarian, a resident of Nagorno-Karabakh and a citizen of Lebanon, who had been kidnapped in Shushi by Azerbaijani forces on 10 November 2020.²² Although Ms. Najarian has thankfully since been released in March of 2021 after four months of captivity,²³ other Armenians were not as fortunate.

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 in numerous reports.²⁴ 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 15.²⁵ *Elena Hakobyan*, Benik Hakobyan's wife, was found with her legs bound with rope and her skull separated from her body.²⁶ Some of the civilians mentioned in the report suffered traumatic head injuries,²⁷ (*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 history of the Grigor Narekatsi University in Stepanakert. Professor Lalayan earned a PhD in Theology from Yerevan State University and was a specialist in medieval theology. His remains were

²² "ECHR confirms Armenian woman imprisoned in Azerbaijan, says MP," PanArmenian.Net (11 January 2021), https://www.panarmenian.net/eng/news/289241/ECHR_confirms_Armenian_woman_imprisoned_in_Azerbaijan_says_MP.

²³ [Lebanese-Armenian Maral Najarian Freed from Azerbaijani Prison Lands in Beirut - The Armenian Mirror-Spectator \(mirrorspectator.com\)](https://www.mirror-spectator.com/news/lebanese-armenian-maral-najarian-freed-from-azerbaijani-prison-lands-in-beirut)

²⁴ 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).

²⁵ 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/>

²⁶ Ombudsman Interim Report, Section 3, case number 66.

²⁷ Ombudsman Interim Report.

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.²⁸



Professor Lalayan.

Photo source: <https://iravaban.net/en/308949.html>

It is estimated that some 30,000 Armenians fled Hadrut, Shushi, and other areas 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 Nagorno-Karabakh, which means they cannot practice their religion and visit religious sites and cemeteries now under Azerbaijani control.²⁹ It has also made it impossible for clergy from the Armenian Church to remain safely in those same areas.

There were altogether 160 churches, monasteries, and chapels in the Nagorno-Karabakh territories now under Azerbaijan's control. Those monasteries 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 Azerbaijan initiated aggression), the following are some statistics obtained from

²⁸ See Ombudsman Interim Report, Section 3, case number 60; *Society for Armenian Studies, Society for Armenian Studies (SAS) Publishes the Late Dr. Vahram Lalayan's Mystical Perception of the Book of Lamentations by Grigor Narekatsi in the 13th – 18th Centuries: Dr. Lalayan was Killed during the Artsakh War of 2020*, available at: <https://societyforarmenianstudies.com/2021/07/28/society-for-armenian-studies-sas-publishes-the-late-dr-vahram-lalayans-mystical-perception-of-the-book-of-lamentations-by-grigor-narekatsi-in-the-13th-18th-centuries-dr-lalaya/>; see also USC Dornsife Institute for Armenian Studies, *Intentional Killings of Karabakh Armenian Civilians Documented*, December 23, 2020, available at: <https://armenian.usc.edu/report-details-intentional-killings-of-civilians-in-karabakh-war/>.

²⁹ 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).

church officials pertaining to the levels of activity within the main churches and monasteries. The vibrant communities are gone after the war.

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

III. Armenian Churches Now Under Azerbaijani Control Were Active Churches Frequented on a Regular Basis by Worshippers and Pilgrims

For centuries and only until late last year, 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, Der Matevos had organized a pilgrimage to the Katarovank Monastery, a quarterly ritual with parishioners from not only the Hadrut region, but other parts of Nagorno-Karabagh. Located high in the mountains of southern Karabakh, near the villages of Khtsaber, Hin Tagher and Tumi, this amazing structure was built in 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 the drone attack 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 Jabrail. 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 hospital, he would witness the dead bodies of soldiers being brought back every couple of minutes. He performed many burials in Stepanakert – he lost count how many he performed. Many family members could not attend funeral services to pay last respects, because Azerbaijan would target 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 Azeri 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 of 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 Azeri 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 in those territories. In the limited instance where clergy were able to remain in territories controlled by Azerbaijan, it has been under very harsh and worsening conditions.

IV. Worshippers Are Being Denied Access to Dadivank Monastery and the Clergy at Dadivank Are Subject to Harassment by Azeri Forces

Dadivank is a monastery complex located in the Karvajar/Kalbajar District of Nagorno-Karabakh. 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 the territory was occupied by Azerbaijan.

Under the protection of Russian Peacekeepers, after the ceasefire statement, monks remained in the Monastery and pilgrims were still allowed to visit. However, in our January report, we provided the account of a pilgrim who was able to visit Dadivank in December to be present at a wedding and mass. 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 has since deteriorated. Since late April, 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 B**, entitled "*We are left alone with you, Lord.*" *Clergymen of Dadivank await Armenian pilgrims*, the situation in Dadivank is documented from the monks' perspective.³⁰



According to that report, Father Atanas Sarksyian, a 27-year-old monk at Dadivank, says that the phrase "*We have remained alone with you, Father*" 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, 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 deny access to pilgrims – those excuses ranged from citing the pandemic, citing road construction, and

³⁰ “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>

requesting reciprocal access to other areas using pilgrims' access to Dadivank as negotiating leverage to extract other concessions.³¹

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 Azeri 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 C**.

In a recent report from the New York Times,³² a glimpse from 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 interferes 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).

³¹ The Report refers to a region called *Aghbaban*, which Azerbaijan apparently claims is a holy site and which it requests to access. However, as noted in the report, the Head of the Artsakh Diocese of the Armenian Church, after consulting peacekeepers, historians, elderly residents, cannot locate this site on the map. As such, Azerbaijan's request seems pretextual to block access to pilgrimages.

³² See *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>.

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 Nagorno-Karabakh.

V. Arbitrary Restrictions or Difficulty of Access for Citizens of Canada and the U.S.

We have begun to hear anecdotes of Canadian and U.S. citizens being restricted from accessing sites they previously were able to access. While the reasons for the denials are not clear, we continue to monitor them. Below are three recent accounts we have become aware of:

- 1) Mrs. Virginia Davies is a dual citizen of Canada and the U. S., who is of Armenian descent. In 2009, through her generous donation and in the name of her grandparents, Vergine and Ohannes Garabedian, Mrs. Davies contributed to the restoration of the 17th Century St. Minas Church in the village of Hak, in the Kashatagh region of Nagorno-Karabakh, a region that is now under Azerbaijani control. Since 2009, Mrs. Davies has visited the village of Hak and the St. Minas Church regularly as a worshipper, pilgrim, and benefactor. Mrs. Davies participated in a pilgrimage to St. Minas in late November 2020.³³ Since December 1, 2020, when the region of Kashatagh was taken over by Azerbaijan, Mrs. Davies has been denied access to visit the church after making her request through Azerbaijan's Embassy in the Washington, D.C. Mrs. Davies would be willing to speak to the Special Rapporteurs about her experience as needed.
- 2) Mrs. Heghnar Zeitlian Watenpaugh is a Professor of Art History at the University of California, Davis. Her field is the history of art in the Middle East. She is the author of an award-winning book on Aleppo. Her new book, *The Missing Pages*, was widely acclaimed and it is the first book to receive prizes from both the Society for Armenian Studies and the Ottoman and Turkish Studies Association. Among her many fellowships and awards, Professor Watenpaugh was recently named a fellow of the Guggenheim Foundation and a National Endowment for the Humanities Public Scholar. Professor Watenpaugh has conducted extensive field research in Syria, Turkey, and Armenia. Professor Watenpaugh is a member of the Armenian Apostolic Church who was invited to participate in a small pilgrimage to Amaras Monastery on June 11-13, 2021. As we explained in our January Report, the Amaras Monastery, located in Martakert was 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. It is where St. Mesrop Mashtots—inventor of the Armenian alphabet—opened the first-ever Armenian language school, in the fifth century. Amaras Monastery 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. Professor Watenpaugh and her group was denied permission to enter Nagorno-Karabakh to

³³ *A Final Pilgrimage to Historic Churches In Artsakh's Kashatagh*, available at: https://asbarez.com/a-final-pilgrimage-to-historic-churches-in-artsakhs-kashatagh/?__cf_chl captcha_tk__=pmd_defe9dace55a702aec4db519564e88e9e263c72e-1628104594-0-gqNtZGzNAzjcnBsZRAO

conduct her pilgrimage. Professor Wattenpaugh would be willing to speak to the Special Rapporteurs about her experience.

- 3) Two members of International Christian Concern ("ICC") travelled on a humanitarian mission to the region of Nagorno-Karabakh in May 2021. ICC is a U.S.-based non-profit organization that provides assistance to Christian communities who are persecuted around the world and offers humanitarian aid both to families and to businesses that have suffered tremendous loss because of war. ICC's field staff provide ongoing aid to local communities there. The two members of ICC who travelled to Artsakh were subject to multiple checkpoints. One person had a Middle Eastern passport and the other had an American passport. The processing of both applications was delayed without reason, with little approval notice given before the required entry date. The American passport in particular contributed to repeated delays at every checkpoint. The individual with the Middle Eastern passport was processed more quickly. No reason was given for these delays. Both individuals were able to eventually access the region of Nagorno-Karabakh after multiple delays. ICC representatives would be willing to discuss the circumstances of their trip with the Special Rapporteurs as needed.

There is typically no reason given for denials. Seemingly arbitrary denials of access are another mechanism that could be used to curtail the right to freely exercise religion in the territories now occupied by Azerbaijan. As such, we are continuing to monitor these types of accounts.

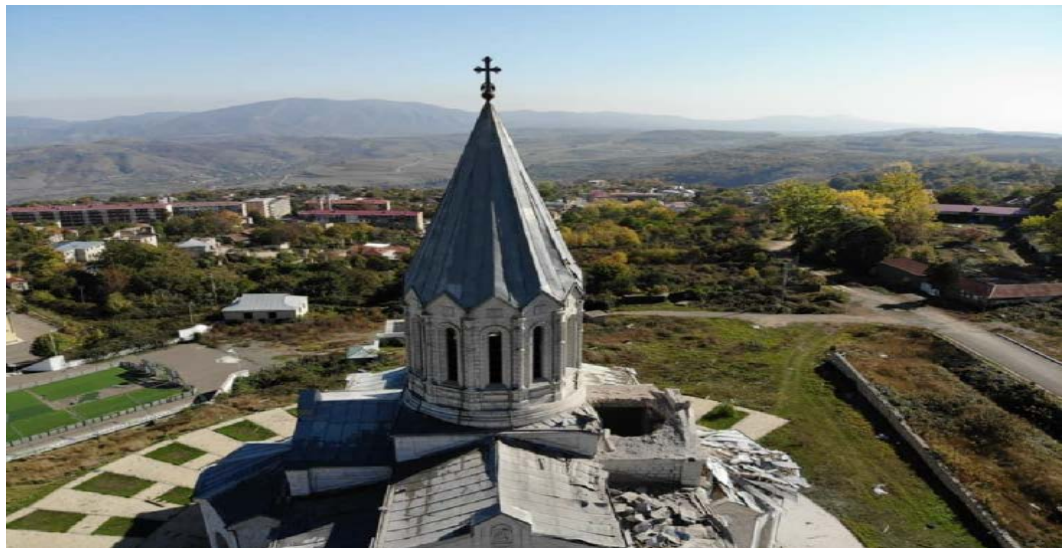
VI. Reconstruction of Saint Ghazanchetsots Without Participation of The Communities Most Tied to the Church

We appreciate your effort, in your February 2, 2021 letter, to request accountability from Azerbaijan's representative concerning Holy Savior Ghazanchetsots Cathedral, which was intentionally attacked during the war. In that letter, among other requests, you specifically asked about pending investigations into the deliberate attacks on the Holy Savior Cathedral. You 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.*"³⁴ Despite the passage of several months, we have not seen a response from Azerbaijan (or their answer is not publicly available).

Since that letter, as you may have seen from reports, Azerbaijan has begun 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.³⁵ *No members of the Armenian Apostolic Church have been consulted in connection with this project.*

³⁴ February 2, 2021, Letter pages 6-7, points 6 & 7.

³⁵ 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>



Other organizations, including the United States Commission on International Religious Freedom 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.”³⁶

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.

³⁶ 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>









VII. Destruction Has Continued – Actively Disconnecting People from Places of Worship or Places to Pay Respect to Loved Ones

As we explained in our January report, Azerbaijan has a historical record of intentionally destroying Armenian cultural heritage sites within its borders. From 1997 to 2006, Azerbaijan erased nearly all traces of prevalent Armenian culture in the Azerbaijani exclave of Nakhichevan, with more than 89 medieval churches, 5,840 carved cross-stones (*khachkars*), and 22,000 historical tombstones vandalized and, ultimately, vanishing.³⁷

³⁷ “Azerbaijan: Famous Medieval Cemetery Vanishes: IWPR reporter confirms that there is nothing left of the celebrated stone crosses of Jugha” available at Institute for War & Peace Reporting: <https://iwpr.net/global-voices/azerbaijan-famous-medieval-cemetery-vanishes>; “When the World Looked Away: The Destruction of Julfa Cemetery” Radio Free Europe (10 December 2020), available at: https://www.rferl.org/a/armenia-azerbaijan-julfa-cemetery-destruction-unesco-cultural-heritage/30986581.html?fbclid=IwAR38guzAYkn3_fnSCP13XoD8iBeNxJOdcjcw4fb4V8HW9ZvNLzNKnuwM0M; Simon Maghakyan and Sarah Pickman, “A Regime Conceals Its Erasure of Indigenous Armenian Culture,” Hyperallergic (18 Feb 2019), available at: <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>; Kate Fitz Gibbon, “World Heritage Committee Meeting in Baku Will be

Since our January and April reports, many organizations have been established and are monitoring and documenting any destruction, including Save Armenian Monuments, Caucasus Heritage Watch, and Monument Watch³⁸

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 their 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).³⁹ 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.⁴⁰ Many of these sculptures had spiritual and Christian themes.

Hosted by Cultural Destroyers,” Cultural Property News (19 Mar. 2019), available at: <https://culturalpropertynews.org/unesco-exposed/>; 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/>; Dale Berning Sawa, “Monumental loss: Azerbaijan and ‘The Worst Cultural Genocide of the 21st Century,’” The Guardian (1 Mar. 2019), <https://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars>; 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; “Destruction of the Armenian Cemetery of Djulfa” Article in ICOMOS Heritage at Risk, available at: https://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_09_National_Report_Azerbaijan.pdf;

³⁸ Caucasus Heritage Watch: <http://caucasusheritage.cornell.edu/>; Save Armenian Monuments: <https://savearmenianmonuments.com/>; Monument Watch: <https://monumentwatch.org/>.

³⁹ Caucasus Heritage Watch, Monitoring Report 1, at pages 19 and following, available at: <http://caucasusheritage.cornell.edu/index.php/report>

⁴⁰ Caucasus Heritage Watch, Twitter Notification, <https://twitter.com/CaucasusHW/status/1426236001794543623?s=20>



Photo Source: Caucasus Heritage Watch

The destruction of cemeteries, most notably in Mets Tagher and Northern Shushi, is another alarming development.⁴¹ This was most recently called out by the USCIRF in its September 2021 Factsheet on the Destruction of Cemeteries.⁴² 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 cleansing 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 respect to their deceased ancestors and loved ones.

VIII. This Pattern of Conduct Amounts to an Ongoing Violations of Human Rights

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.

Under Article 18 of the Universal Declaration of Human Rights, “*everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*”

⁴¹ Caucasus Heritage Watch, Monitoring Report 1, at pages 21 and 31, available at: <http://caucasusheritage.cornell.edu/index.php/report>

⁴² USCIRF Factsheet: Destruction of Cemeteries, available at: <https://www.uscifr.gov/sites/default/files/2021-09/2021%20Factsheet%20-%20Destruction%20of%20Cemeteries.pdf>

Under Article 27 of the Universal Declaration of Human Rights, “*everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.*”

The right to manifest one’s religion or belief is also safeguarded under Article 18 of the *International Covenant on Civil and Political Rights (ICCPR)* – acceded to by Azerbaijan on 13 August 1992.

Under the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* – also acceded to by Azerbaijan on 13 August 1992 - State Parties must ensure the equal right of all to enjoyment of all economic, social, and cultural rights (Article 3) and the State Parties recognize the “right of everyone to take part in cultural life.” (Art. 15, para. (1)(a)). This includes the obligation of States to respect and protect cultural heritage. (See General Comment No. 21, para. 50 of the Committee on Economic, Social and Cultural Rights). As the Committee on Economic, Social and Cultural Rights has explained:

The right of everyone to take part in cultural life is also intrinsically linked to the right to education (arts. 13 and 14), through which individuals and communities pass on their values, religion, customs, language, and other cultural references, and which helps to foster an atmosphere of mutual understanding and respect for cultural values.

The international standards governing freedom of religion or belief include the following, as summarized in the table by the Special Rapporteur on Freedom of Religion or Belief.⁴³

<p>The right to manifest one's religion or belief</p>	<p>ICCPR</p> <p>Art. 18 (1): "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."</p> <p>Art. 18 (3): "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 1 (1): "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."</p> <p>Art. 1 (3): "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others."</p>
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	<p>Human Rights Committee general comment 22</p> <p>Para . 4: "The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae, and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language, customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications."</p>
Freedom to worship	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom, "To worship or assemble in connection with a religion or belief [...];".</p> <p>Art. 6 (c): The right to freedom of thought, conscience, religion or belief includes the freedom, "To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief;".</p> <p>Commission on Human Rights resolution 2005/40 (paragraph 4 (d)), Human Rights Council resolution 6/37 (paragraph 9(g)) and General Assembly resolution 65/211 (paragraph 12 (g))</p> <p>Urges States "To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief [...]."</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: "The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including [...] the use of ritual formulae, and objects [...]."</p>
Places of worship	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom, "To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;".</p> <p>Human Rights Council resolution 6/37</p> <p>9 (e): The Human Rights Council urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;".</p> <p>9 (g): The Human Rights Council urges States, "To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or</p>

	<p>belief and to establish and maintain places for these purposes [...];".</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: "The concept of worship extends to [...] the building of places of worship."</p>
Religious symbols	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (c): The right to freedom of thought, conscience, religion or belief includes the freedom, "To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;".</p> <p>Commission on Human Rights resolution 2005/40</p> <p>4 (b): The Commission on Human Rights urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious expressions are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;".</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: "The concept of worship extends to [...] the display of symbols".</p> <p>Para. 4: "The observance and practice of religion or belief may include not only ceremonial acts but also such customs as [...] the wearing of distinctive clothing or head coverings [...]."</p>

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 Armenians of their right to exercise their religion freely in areas controlled by Azerbaijan.

We ask that the Special Rapporteurs investigate these issues with Azerbaijan, demand accountability on the preservation of sites, relics, and religious records, and intervene to try to open access for the clergy and Armenian-Christians to make religious pilgrimages in Nagorno-Karabakh territories controlled by Azerbaijan.

Submitted by:

Armenian Bar Association
 Mother See of Holy Etchmiadzin
 Society for Armenian Studies
 National Association for Armenian Studies and Research
 Association Internationale des Études Arméniennes
 Research on Armenian Architecture Foundation
 Save Armenian Monuments

APPENDIX A



Photo Source: <https://www.stnersess.edu/churches-of-artsakh.html>

APPENDIX B

UNOFFICIAL TRANSLATION OF NEWS REPORT

“Մենք մենակ ենք մնացել քեզ հետ, Տեր” Դավիթականի հոգևորականները հայ ուխտավորների են սպասում

(Menk Menag Enk Mnatsel Kez Hed, Der: Dadivanki Hokevoragannere Hay Oukhdavorneri en sbassoum) (Translated: *"We are left alone with you, Lord." Clergymen of Dadivank await Armenian pilgrims*), Azadutyun News Channel, July 7, 2021, available at: <https://www.azadutyun.am/a/31346025.html#comments>

Reporter: Father Atanas, who has just returned from Karvatchar, 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 Karvatchar, 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 C

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]