



Armenian Bar Association

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Letter calling attention to the destruction and desecration of Armenian religious and cultural heritage property by Azerbaijan and the denial of right to exercise religious rites

To: Honorable Alexandra Xanthaki
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 Nazila Ghanea
UN Special Rapporteur on freedom of religion or belief
c/o Office of the High Commissioner for Human Rights
CH-1211 Geneva 10
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December 14, 2022

Dear Ms. Xanthaki and Ms. Ghanea:

We write on behalf of the [Armenian Bar Association](#) to follow-up on our previous communications with your predecessors.¹

The Bar Association is joined in this letter by the [Mother See of Holy Etchmiadzin](#), Argentine Armenian Lawyers Association, [Armenian Cultural Foundation](#), Association Française des Avocats et Juristes Arméniens (AFAJA), [Association Internationale des Études Arméniennes](#) (AIEA), Association of Armenian Lawyers, [Deutsch-Armenische Juristenvereinigung](#), [Lemkin Institute for Genocide Prevention](#), [National Association for Armenian Studies and Research](#) (NAASR), [Save Armenian Monuments](#) (SAM), the [Society for Armenian Studies](#) (SAS), and [Research on Armenian Architecture](#) (RAA) Foundation.

The Armenian Bar Association is an international non-profit organization of judges, attorneys, law professors, law students, and legal professionals. In November 2022, the Bar Association testified about the issue of destruction of cultural heritage and the denial of the right to religious freedom during the United States Senate Foreign Relations

¹ Previous correspondence with the Honorable Karima Bennouna and the Honorable Ahmed Shaheed can be found on the Armenian Bar Association's website: [January 21, 2021 Letter](#), [April 2, 2021 Letter](#), [September 21, 2021 Letter](#), and [April 2022 Report](#). The Special Rapporteur in the field of cultural rights previously wrote to Azerbaijan's representatives on two occasions in 2021 concerning some of the issues raised in this letter, but those letters remain unanswered (See Reference: [AL AZE 1/2021](#) & [AL AZE 3/2021](#)).

Committee’s hearing on *Assessing U.S. Foreign Policy in the Caucasus*. The Bar Association with the Mother See has issued a comprehensive [report](#) on the issues of destruction and erasure of Armenian cultural heritage and impediments created to the rights to exercise freedom of religion of Christian-Armenians. In addition to these issues, the Armenian Bar Association has issued reports and letters to UN mandate holders regarding Azerbaijan’s [racial discrimination](#) against Armenians, its treatment of [POWs](#) and its responsibility in carrying out [arbitrary executions](#) of ethnic Armenians.

In September 2020, Azerbaijan launched an unprovoked military offensive against the Armenian population in Artsakh (also referred to as Nagorno-Karabakh). The attack was timed to launch in the middle of the COVID pandemic and in the few weeks before the 2020 US Presidential election. The eyes of the United States and international communities averted, the aggression drew little attention and Azerbaijan has evaded any accountability. To this day, Azerbaijan’s aggression remains unchecked.

In November 2020, a ceasefire statement brokered by Russia mandated that Armenians (governed by the Republic of Artsakh) cede control of portions of Artsakh and adjacent territories to Azerbaijan. While the ceasefire statement brought a temporary standstill, the current situation leaves many Armenian monuments and religious places of worship at heightened risk of destruction.

Azerbaijan has a lengthy, documented history of denying the existence of, and intentionally destroying, Armenian cultural and religious heritage and monuments. From 1997 to 2006, Azerbaijan deliberately obliterated nearly all traces of once prevalent Armenian culture in an area known as Nakhichevan. They razed Armenian medieval churches, thousands of ancient carved cross-stones (*khachkars*), and historical tombstones.² Video footage from 2005 depicts Azerbaijan destroying the surviving portions of the medieval necropolis of Djulfa, that housed thousands of Armenian cross-stones.³ The traditions of *khachkar* crafting and *khachkar* symbolism are listed on UNESCO’s Representative List of the Intangible Heritage of Humanity,⁴ as *khachkars* are used for

² [Special investigation: Declassified satellite images show erasure of Armenian churches](#), The Art Newspaper (June 1, 2021); Christina Maranci, “[The Medieval Armenian Monuments in Nagorno-Karabakh Must be Protected](#),” Apollo Magazine (December 9, 2020); Dale Berning Sawa, “[Monumental loss: Azerbaijan and 'The Worst Cultural Genocide of the 21st Century](#),” The Guardian (March 1, 2019); Nora McGreevy, “[Why Scholars, Cultural Institutions Are Calling to Protect Armenian Heritage](#),” Smithsonian Magazine (November 24, 2020).

³ Simon Maghakyan and Sarah Pickman, “[A Regime Conceals Its Erasure of Indigenous Armenian Culture](#),” Hyperallergic (February 18, 2019); “[Destruction of the Armenian Cemetery of Djulfa](#),” ICOMOS Heritage at Risk; “[Azerbaijan: Famous Medieval Cemetery Vanishes: IWPR reporter confirms that there is nothing left of the celebrated stone crosses of Jugha](#),” Institute for War & Peace Reporting; “[When the World Looked Away: The Destruction of Julfa Cemetery](#),” Radio Free Europe (December 10, 2020); Kate Fitz Gibbon, “[World Heritage Committee Meeting in Baku Will be Hosted by Cultural Destroyers](#),” Cultural Property News (March 19, 2019); “[Azeri Soldiers Vandalized a Cemetery in Nagorno-Karabakh, Rekindling Fears of Destruction of Armenian Heritage](#),” Archyde (November 27, 2020); “[Silent Erasure: A Satellite Investigation of the Destruction of Armenian Cultural Heritage in Nakhichivan, Azerbaijan](#),” Caucasus Heritage Watch (September, 2022).

⁴ “[Armenian cross-stones art. Symbolism and craftsmanship of Khachkars](#),” UNESCO.

devotional and worship purposes by Armenian Christians and pilgrims, in addition to documenting the history of the region.

Experts predicted that in the aftermath of the 2020 war, Azerbaijan would continue its official policy of cultural erasure.⁵ Unfortunately, that prediction has proven prescient. Artsakh is endowed with a deeply rich cultural history, including thousands of religious sites and monuments, many dating back thousands of years. While Russian peacekeeping forces monitor some Armenian places of worship (most notably Dadivank, a 7th-9th century monastic complex with a cathedral rebuilt in the 13th century – discussed below), they do not provide protection for a great many other Armenian religious sites, leaving them extremely vulnerable.

Caucasus Heritage Watch, a non-profit research organization led by anthropology and near eastern studies professors from Cornell University and Purdue University, utilizes satellite imagery to monitor and document destruction in Artsakh since the November 2020 ceasefire statement. As of October 2022, Caucasus Heritage Watch has documented the complete destruction and erasure in July, 2022 of the historical Saint Sargis Church, the flattening of several cemeteries, and the destruction of and threats to other sites.⁶



Photo credit: Caucasus Heritage Watch

Under the pretext of its “reconstruction,” Azerbaijan has also begun its campaign of removing evidence of Armenian presence from the Holy Savior Ghazanchetsots Cathedral - a landmark of Armenian cultural and religious identity in Shushi – that Azerbaijan shelled repeatedly and intentionally during the war with high precision weaponry.⁷ Part of the “reconstruction” of the cathedral has included removal of its conical domes, which

⁵ [“Artsakh: Cultural Heritage under Threat”](#) Sunday Edition of Hyperallergic magazine (February 28, 2021).

⁶ [“Caucasus Heritage Watch: Monitoring Report #4,”](#) Caucasus Heritage Watch (October, 2022).

⁷ [“Artsakh Ombudsman Second Interim Public Report on the Azerbaijani Atrocities Against the Artsakh Population in September to October 2020”](#) (October 18, 2020); [“Azerbaijan: Attack on Church Possible War Crime,”](#) Human Rights Watch (December 16, 2020).

are architecturally distinctive as Armenian Apostolic.⁸ Azerbaijan’s “reconstruction” “without input of [the cathedral’s] congregation” has been admonished by USCIRF⁹ as no members of the Armenian Apostolic Church have been consulted.

During war



After war



Many acts of ruin and destruction have been documented on the ground since November, 2020, including vandalism, graffiti, desecration, disfigurement of key features of religious monuments (domes and crosses), and the destruction of cemeteries and cross-stones.¹⁰ In 2021, the BBC documented the complete elimination of another church - Zoravor Holy Mother of God Church located near the village of Mekhakavan (Jebrayil), now under Azerbaijani control.¹¹ Notably, many of the photos and video stills of vandalism and destruction originate with and feature *Azerbaijani* military personnel. To deny the existence of Armenian cultural and religious heritage, many sites are falsely represented as “Albanian-Udi” including by official authorities.

⁸ [“Azerbaijan “distorting” Ghazanchetsots Cathedral under the guise of “restoration” – Artsakh Ombudsman,”](#) Public Radio of Armenia (May 3, 2021); [Twitter postings](#) from Azerbaijani Diplomat Nasimi Aghaev.

⁹ [USCIRF Concerned by Azerbaijan Religion Law Amendments, Condition of Ghazanchetsots Cathedral,](#) Press Release (May 17, 2021)

¹⁰ Rob Lee, [Twitter post](#) (November 14, 2020); Sascha Duerkop, [Twitter post](#) (November 20, 2020); [“Azerbaijanis destroy Armenian cross-stone in occupied Artsakh village,”](#) Public Radio of Armenia (January 12, 2021); [“Azeri Soldiers Vandalized a Cemetery in Nagorno-Karabakh, Rekindling Fears of Destruction of Armenian Heritage,”](#) Archyde (November 27, 2020); Tigran Balayan, [Twitter post](#) (November 14, 2020); [“The Azerbaijani military servicemen are vandalizing the Armenian church of St. Yeghishe in the Mataghis region of Artsakh,”](#) Human Rights Defender of the Republic of Armenia (March 29, 2021); [“Ad Hoc Public Report on the Armenian Cultural Heritage in Artsakh \(Nagorno-Karabakh\): Cases of Vandalism and At Risk of Destruction by Azerbaijan,”](#) Human Rights Ombudsman of the Republic of Artsakh (January 26, 2021); [“Damage to Cultural Property Means Damage to the Cultural Heritage of All Mankind”](#) Human Rights Ombudsman of the Republic of Artsakh (March 25, 2021); [“Azerbaijanis Remove Cross from Spitak Khach Church in Occupied Hadrut,”](#) Asbarez.com (January 27, 2022); [“Azerbaijani soldiers vandalize Armenian church in Artsakh village,”](#) Panorama | Armenian news (February 8, 2022).

¹¹ [“Nagorno-Karabakh: The mystery of the missing church”](#)

In addition to the threat of eradication of religious sites, Armenian Christians cannot safely return to Artsakh under Azerbaijani occupation for pilgrimages, services, monastic life, and custodianship. The following statistics obtained from church officials show the levels of activity within some of the main churches and monasteries in pre-war 2019 and 2020 (for the first nine months before the Azerbaijan’s aggression) as compared to the post-war period during which, among other things, Azerbaijan has blocked all access to the sites, resulting in the ceasing of Armenian baptisms and marriages. Vibrant religious communities have entirely disappeared.

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

Dadivank is a large, medieval monastic complex, a center for literary production, and was an active religious site, where worshippers and pilgrims would regularly attend mass up to the beginning of Azerbaijan’s offensive.¹²

After the November, 2020 ceasefire statement, under the protection of Russian peacekeepers, Armenian monks remained in the monastery and pilgrims were, for a time, allowed to visit. But the situation at Dadivank swiftly deteriorated. From April, 2021 to the present, Azerbaijan has refused to allow pilgrimages there. In a report entitled *“We are left alone with you, Lord.” Clergymen of Dadivank await Armenian pilgrims*, the situation in Dadivank is documented from the perspective of the handful of monks remaining there.¹³ Although this site is monitored by tens of Russian peacekeepers, the freedom of religion and use of sacred Dadivank is rendered impossible as the monks are surrounded by hundreds of Azerbaijani troops, are subject to psychological intimidation,

¹² [Cultural Heritage Is Caught Up in the Conflict Over Nagorno-Karabakh](#), Atlas Obscura (December 10, 2020)

¹³ [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)(Translation available upon request). See also [“In Nagorno-Karabakh, Land Mines, Bulldozers and Lingering Tensions,”](#) Anton Troianovski, NY Times (July 25, 2021) (describing situation at Dadivank).

are taunted and tormented, have unsteady phone access, and are unable to freely leave the grounds of the monastic complex for fear of altercations.¹⁴

In September, 2021, Armenia lodged with the Registry of the International Court of Justice (“ICJ”) a request for indication of provisional measures regarding the violations by Azerbaijan of the International Convention of December 21, 1965, on the Elimination of All Forms of Racial Discrimination. During the ICJ proceedings, Azerbaijan indefensibly denied the very existence of Armenian cultural 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.*” Flouting the provisional order, Azerbaijan subsequently announced the creation of a special committee that would act to purge traces of Armenian heritage.¹⁵

To date, Azerbaijan has denied UNESCO’s monitors access to the area notwithstanding UNESCO’s multiple requests. The Special Rapporteur in the field of cultural rights previously wrote to Azerbaijan’s representatives on two occasions in 2021 concerning these issues, but those letters remain unanswered (See Reference: [AL AZE 1/2021](#) & [AL AZE 3/2021](#)). USCIRF has recommended that the U.S. State Department include Azerbaijan on the Special Watch List.¹⁶

However, there are still no assurances that Armenian cultural and religious heritage sites will be protected in territories that are under Azerbaijan’s occupation, and there are no mechanisms to allow for Christian pilgrims to access the Armenian religious sites.¹⁷ Azerbaijan’s destruction of Armenian cultural and religious heritage is squarely within a broader systematic effort and pattern by Azerbaijan to: (1) deprive Armenian Christians of the ability to exercise their fundamental right to freely exercise their religion, (2) ethnically cleanse Artsakh of Armenian people and worshippers, and (3) erase the record of Armenian history and heritage and any evidence of Armenian presence from the region.

Our purpose in making this submission is to inform you of these activities which advance Azerbaijan’s policy of cultural genocide against the Armenians of Artsakh. We are committed to bringing attention to atrocities committed by Azerbaijan and documenting them in our reports.

¹⁴ The civilian population of Artsakh is also subject to psychological intimidation and propaganda encouraging them to leave their ancestral lands. “[Interim Report on Violations of the rights of Artsakh people by Azerbaijan in February-March 2022](#),” Human Rights Defender of Artsakh (2022).

¹⁵ Simon Maghakyanyan, “[Emboldened by Ukraine Crisis, Azerbaijan Escalates its War on Armenian Heritage Sites](#),” Hyperallergic Magazine (February 4, 2022). After international criticism, Azerbaijani authorities attempted to walk back their initial statements concerning this committee.

¹⁶ “[United States Commission on International Religious Freedom – 2022 Annual Report](#)” – USCIRF (April 2022)

¹⁷ Civil society groups such as [RAA](#), [Save Armenian Monuments](#), [Monument Watch](#) and [AUA Artsakh Heritage Project](#) have been raising awareness of these issues.

We would be grateful for an opportunity to discuss these issues with you and can make ourselves available at your earliest convenience.

Respectfully submitted,

Armenian Bar Association

Mother See of Holy Etchmiadzin

Argentine Armenian Lawyers Association

Armenian Cultural Foundation

Association Française des Avocats et Juristes Arméniens
(AFAJA)

Association Internationale des Études Arméniennes
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Research on Armenian Architecture (RAA) Foundation