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COMPLAINT

to the UN Special Rapporteur in the Field of Cultural Rights

To: Karima Bennouna, UN Special Rapporteur in the field of cultural rights

Submitted by: Transparency International Anticorruption Center, "Helsinki Assembly of Armenia - Vanadzor" NGO, "Protection of Rights without Borders" NGO, Law Development and Protection Center Foundation

Victim's Information - group/community

Name of group/community, civil society or other entity

Armenian people of Artsakh (aka Republic of Artsakh, Nagorno-Karabakh), concentrated in the former Nagorno-Karabakh Autonomous Oblast (NKAO) - an enclave of Soviet Azerbaijan, inhabited by a mainly Armenian population throughout history.

Armenian people of Artsakh suffered heavy losses from the war launched in September 2020 by Azerbaijan, with the military and political support of Turkey, including the recruitment and deployment of mercenaries (also jihadists) to fight the war on their behalf. The pre-mediated war has resulted in the ethnic cleansing of Armenians from their historical territories, including the loss of thousands of historical sites and artifacts from its cultural heritage, as a result of capitulation.

Description of the group/community

The mountainous area of Artsakh (or Republic of Artsakh) has been mainly populated by indigenous Armenians throughout history.

In the early years of the Soviet Union, in 1926, the population of Nagorno-Karabakh Autonomous Oblast (NKAO) was 125,300 - of which 111,694 were Armenians (89%) and 12,592 (10%) - Tyurks (as Azerbaijanis were called in the beginning of 20th century).

In 1989, at the onset of self-determination of Armenians of NKAO, occurring on the background of the collapse of the Soviet Union, 390,505 Armenians lived in Azerbaijan SSR, of which 37% lived in NKAO. The overall population of NKAO was 189,095, of which 145,450 (76%) were Armenians and 40,688 (21.5%) were Azeris.

The current population of the self-determined Artsakh Republic according to 2019 Population Census data is 148,800 - all Armenians.

Before the war in the 1980s, the majority of the Azerbaijani population was concentrated in Shushi (established in 1752 under the Persian rule), which used to be an important cultural and business center within the South Caucasus. Shushi lost around 20,000 of its Armenian population during the massacres of March 1920 organized by troops of the newly-founded Republic of Azerbaijan. According to the 1916 census data, more than 23,000 Armenians lived in Shushi, but by 1921 their number was less than 300. For several decades Shushi was mostly abandoned and laid in ruins given the lack of investment by the government of Soviet Azerbaijan. From the 1960s it was rebuilt and intensely populated - mostly by Azerbaijanis.

Description of the activities of the group/community, civil society or other entity

The origin of the conflict over Artsakh (the so-called Nagorno Karabagh conflict) dates back to 1921, when Stalin, who was responsible for the nationalities policy of the Bolsheviks' government, pushed for annexation of the Armenian-populated Artsakh to Soviet Azerbaijan. Later, in 1923, Artsakh (NKAO) was separated from Soviet Armenia with a Kurd-populated strip, so called Red Kurdistan Uyezd (district), which was later liquidated and about 70% of local Kurds were expelled from the region. Artsakh was connected to Armenia through a narrow corridor of Lachin.

For about 70 years the Armenian people of Artsakh lived under Azerbaijani rule, where they were subjected to discrimination - for example, prevented from studying the Armenian language, broadcasting Armenian language TV programs, etc. The people raised their concerns several times to the Kremlin - requesting NKAO to be annexed to Armenian SSR in order to be able to preserve the local population's cultural identity, but it was denied or ignored. Following some of the freedoms introduced by Perestroika, and in accordance with the Soviet constitutional regulations, on February 20 1988 Artsakh's regional legislature (Oblast Soviet) voted to join Armenia. Azerbaijan's response to this were the pogroms against the Armenians in Sumgait at the end of February 1988, later repeated on a larger scale in Ganja and Baku, as well as spontaneous ethnic clashes throughout other locations - leading to the displacement of about 200,000 ethnic Armenians from Azerbaijan and about 84,000 ethnic Azeris from Armenia (this is close to the minimum and the figures vary in different sources). On December 10 1991, before Azerbaijan got its independence, the people of Artsakh held a democratic referendum on their independence in accordance with the Soviet Constitution and established the Republic of Artsakh.

Following the war, Armenian forces gained control of Artsakh and the adjacent areas, before a ceasefire was declared in 1994. Later, the peace talks began, which continued for more than two decades under the auspices of the OSCE Minsk Group, however, the group was unable to provide a meaningful resolution to the conflict despite efforts by the co-chairs and the key parties.

Azerbaijan, unwilling to negotiate meaningfully, spent the better half of the last decade accumulating arms and heavily investing in its military with the intention of taking over the region by force, as seen by the launch of their large-scale aggression, which started on September 27 2020 by Azerbaijan with support of Turkey. The war stopped with an armistice brokered by Russia on November 9 2020.

Ethnic, religious, social or other background of the group/community members

Artsakh used to be a province of historical Armenia and its heritage is an integral part of the Armenian Christian culture and identity. Its population has managed to maintain its language, religion and autonomous governance despite living under various autocratic rulers, most recently - the Persian Empire and Russian Empire. Artsakh has struggled for independence, recognition and justice for over a hundred years - since 1921.

During about 70 years under the Soviet Azerbaijani government and restrained autonomy, the Armenian population has suffered violations of its cultural rights, which lasted until the moment the people of Artsakh made a political choice to exercise their right to self-determination and thus get out of Azerbaijani rule. As this decision was met with a hostile and violent response from Azerbaijan, they decided to take arms to defend themselves, their homes, culture and identity.

Analyzing the structure and strategy of the recent war against Artsakh, there is no doubt that Azerbaijan implemented a strategy of ethnic cleansing of Armenians from their historical lands.

Azerbaijan, together with Turkey, used a large arsenal of contemporary weaponry against Armenians, including drones (unmanned aerial vehicles - UAV), banned munition (e.g. cluster bombs) and chemical weapons targeting peaceful population, killing children, shelling schools and hospitals (including a maternity ward), destroying civilian infrastructures, burning forests, and bombing places of worship - deliberately targeting the spiritual centre of Artsakh diocese. Turkey also deployed several thousand jihadi mercenaries from Syria to the region paying them fixed base amount and also bonus - per each Armenian head.

Artsakh's Human Rights Ombudsman provided comprehensive reports of all the atrocities committed during and after the war in an attempt to ethnically cleanse the region of its Armenian population.

Following Artsakh's capitulation on November 9 2020, some territories of Artsakh - more than 120 villages and over 1,400 historical and cultural monuments - were transferred over to Azerbaijan.

Affiliation or activity of group/community

Armenian people of Artsakh are part of the Armenian nation and live on their historical lands. Being artificially separated from the Republic of Armenia they want to be politically related to it to preserve their identity and culture as well as the democratic order of governance.

Occupation of group/community members

NGOs working in the fields of human rights, democracy and culture

Contact information of the group/community

Artsakh people are represented by the following groups

1. "Stepanakert Press Club" NGO, Stepanakert, Artsakh
2. "Civic Hub" NGO, Stepanakert, Artsakh
3. "Union of Artsakh Young Scientists and Specialists" NGO, Stepanakert, Artsakh
4. "Artsakh Volunteers' Union" NGO, Shushi, Artsakh (currently displaced to Yerevan)
5. "Vector" youth NGO, Stepanakert, Artsakh
6. "Equal opportunity" NGO, Stepanakert, Artsakh
7. "Youth Center for Public Research" NGO, Stepanakert, Artsakh
8. "De-occupation of Hadrut" NGO, Yerevan, Armenia (created by displaced Artsakh-Hadrut people after the war)

Submitting group/community, civil society or other entity

Name of group/community, civil society or other entity

1. Transparency International Anti-corruption Center (TIAC)
2. Helsinki Citizens Assembly - Vanadzor (HCAV)
3. Protection of Rights Without Borders (PRWB)
4. Law Development and Protection Foundation (LDPF)

Description of the activities of the group/community, civil society or other entity

Below mentioned organizations are non-political, non-religious local groups that work to advance democracy and human rights in Armenia.

TIAC is the national chapter of Transparency International global anti-corruption movement and aims to promote good governance in Armenia through reducing corruption and strengthening democracy.

HCAV unites individuals who value the supreme principles of democracy, tolerance, pluralism and human rights.

PRWB is a team of lawyers that work towards the protection of human rights, strengthening the rule of law and good governance in Armenia and is specialized in the rule of law, judiciary and security sector.

LDPF is a team of lawyers that work to improve the protection of human rights and reform of the legal framework.

Circumstances of the case

Case details

The Russian-brokered ceasefire deal signed by Armenia and Azerbaijan on November 9, 2020 reinforced Azerbaijan's claim over much of the contested region of Artsakh, which raises concerns over the future of the Armenian people of Artsakh and their heritage.

Being geographically small, Artsakh hosts vital heritage sites and important archaeological resources, of which more than 1,400 immovable cultural heritage, including early-Christian

monuments, were transferred over onto Azerbaijani control, including about 160 churches and monasteries, about 590 khachkars (cross-stones), more than 340 valuable tombstones, more than 100 cemeteries and sacral sights, more than 40 fortresses and palaces, and more than 200 other types of monuments. Armenians recognize these places as important relics of their ancient heritage and are concerned that they will be destroyed, vandalised or misused.

The attempts to erase the history and traces of Armenians from the region have been one of the key objectives of the ethnic cleansing policy adopted by Azerbaijan. Azerbaijan is actively engaging in revisionist history and is using three major methods to achieve this objective; namely destroying the heritage, vandalizing the heritage and/or appropriating the heritage to other people from the region.

Destroying

- During the war Azerbaijani armed forces shelled St. Holy Savior Ghazanchetsots Cathedral in Shushi, a masterpiece of nineteenth-century Armenian architecture and a landmark of Armenian cultural and religious identity. On October 8, they launched two targeted attacks on the cathedral destroying the dome and inner part of the building. The cathedral was located in an open space in the city center, close to residential buildings and there were no military objects nearby.
- Another masterpiece in Shushi - the Kanach Zham (Green Church) was seriously damaged by strikes whereby its dome and the bell tower were completely destroyed.

Vandalizing

- Following the war, once Shushi fell under the control of Azerbaijan, within days, videos and photos of defacing the Cathedral of Holy Savior by Azerbaijani soldiers appeared on social media.
- The Holy Mother of God church in Jabrail region of Azerbaijan was desecrated by Azerbaijani soldiers.
- Monuments devoted to the victims of the Great Patriotic War were damaged in the village Avetaranots, occupied part of Askeran district and in the village Talish, occupied part of Mardakert district;
- An Armenian cross-stone was vandalized in the village of Arakel, occupied Hadrut district of Artsakh.

Concerns about the destruction of Armenian historical and cultural monuments and the attempt to remove all traces of Armenians living there, once under the Azerbaijani rule, are not unfounded as Azerbaijan has a track record of engaging in this kind of activity before. Examples include:

- Azerbaijan destroyed 89 medieval Armenian churches, 5,840 intricately carved cross-stones called khachkars, and 22,000 tombstones in one of its territories, Nakhichevan/Nakhchivan, another enclave awarded by Bolsheviks to Soviet Azerbaijan upon the lobbying of Turkey. This includes the famous cross-stones in Jugha/Julfa - the hometown of prosperous Armenian merchants in the Medieval Ages, which was pulverized with bulldozers, heavy hammers and pickaxes.

- During the so-called restoration in 2004 of St. Elisaeus church in Nij (Gabala) built in 1823, which belonged to Udi minority (the actual descendants of the Caucasian Albanians which followed the Armenian Apostolic Church, though worshipping different saints), the Armenian inscriptions on the tympanum and on tombstones outside the church were deliberately erased.
- There is another evidence of erasure of Armenian letters in the Armenian Virgin Mary church in Nij (Gabala) built in the early 1890s, long after the Caucasian Albanian eparchy of the Armenian church was abolished in 1836. The Armenian inscription on the tympanum has been covered by a piece of glass art depicting the Holy Virgin and the infant Christ.
- During the recent war, on October 19, 2020, Azerbaijan's First Deputy Minister of Culture Anar Karimov stated that among other things, the war also aims at liberating “a huge number of cultural and historical monuments from the occupation of the Armenian Armed Forces,” making it an overt statement of the intended efforts of reassignment of the cultural meaning of some monuments to Azerbaijan.
- On November 11, 2020, Karimov tweeted that Khudavang (the Armenian monastery of Dadivank on the territory transferred to Azerbaijan, close to the NKAO border) is “one of the best testimonies of ancient Caucasian Albanian civilization.” It is worth mentioning that the same allegedly Albanian monastery laid in ruins and served as a farmhouse before the Armenian side restored it after the war of 1990s.
- Since the armistice of November 10, 2020 the Ministry of Education, Science, Culture and Sports of the Republic of Artsakh makes efforts to take out of the occupied Shushi the collections of the city’s three museums, including about 200 monuments of the Museum of History of Shushi, nearly 800 paintings, graphic works and sculptures of the Museum of Fine Arts and over 700 samples of the Geology Museum of Shushi. So far, negotiations are unsuccessful and there are concerns that a large part of collections will be appropriated under the name of Caucasian Albanians, while others might be destroyed. Another museum that has not dislocated its collections from the occupied lands is Hadrut’s Museum of Homeland Studies named after Artur Mkrtchyan

It should be noted that appropriation of the monuments started after Azerbaijan gained its independence following the collapse of the Soviet Union, in an attempt to form its national identity. Azerbaijan began to claim that many Armenian historical monuments in fact belong to Caucasian Albanians – the predecessors of one of Azerbaijani minorities. Meanwhile, at the same time, Azerbaijan’s repressive policies towards its minorities almost eradicated the Udi people – the actual descendants of Caucasian Albanians (their number used to be more than 50,000 in 19th century, 4,200 in early 2000s and 3,800 in 2018)

Country where the incident allegedly occurred/is occurring/might occur

Azerbaijan

Additional country/ies where the incident allegedly occurred/is occurring/might occur, or otherwise related to the case submitted

Ethnic cleansing of Armenians in Artsakh has been supported and promoted by Turkey. The latter was an active player both in early 1920s during the negotiations with Bolsheviks on the annexation of Armenian populated Artsakh to Soviet Azerbaijan, as well as in the most

recent war - through the provision of weapons (including drones) and military assistance, but also engagement of jihadi mercenaries from Syria, promising them bonus payments for beheading Armenians.

It should be noted that Turkey itself is responsible for the ethnic cleansing and erasure of Armenian cultural heritage (along with other indigenous people) on its own territory.

Azerbaijan's and Turkey's relations have been described as "One nation, two states" by Heidar Aliyev, Azerbaijan's former president and the father of Ilham Aliyev.

Still in July 2020, Turkish president, Recep Tayyip Erdogan stated that they were going "to continue to fulfill the mission of their grandfathers, which was carried out a century ago in the Caucasus," which implies a threat of continuing the Armenian Genocide which took place in the beginning of the 20th century in the Ottoman Empire. During the parade in Baku celebrating Azerbaijan's victory over Artsakh, the Turkish president said: "The fact that Azerbaijan saved their territory from occupation does not mean that the struggle is over. The struggle which has been carried out in political and military arenas so far will now continue in various different fronts." This affirms the concern that Armenians and their cultural heritage in Artsakh might face an existential threat from Turkish-Azerbaijani alliance if the international community does not react and take preventive measures.

District / province / area where the incident allegedly occurred/ is occurring

Artsakh - both the territory of NKAO and the surrounding areas, in particular - Karvachar/Kelbajar, currently transferred to Azerbaijan.

Short chronological summary of the incident: what happened; when (date/time); who was involved?

On October 8, 2020 Azerbaijan targeted and shelled one of the historical symbols of Armenian architecture, the St. Holy Savior Ghazanchetsots Cathedral of Artsakh, located in Shushi's city center twice. The first missile attack was reported at around 13:00. According to witnesses, the civilians living nearby, the first strike was conducted by a military plane. At that moment there were only children, women, and elderly sheltering in the basement of the Cathedral.

Immediately after the first attack, a group of foreign (Russian) and local journalists went inside the Cathedral to report and publish their findings, as well as help the peaceful population there. After a short break, at around 16:30 the second air strike was delivered by an Azerbaijani unmanned aerial vehicle (UAV) on the same part of the Cathedral. As a result, significant damage was caused to the building.

Later on, following the declaration of the ceasefire between Armenia and Azerbaijan on November 10, the Azerbaijanis who entered Shushi city, vandalized the Cathedral of Ghazanchetsots, with graffiti on the external and internal walls of the Cathedral.

Vandalism in Jabrail and the destruction of the domes of Kanach Zham took place after the capitulation of Artsakh on November 10 2020.

Armenian traces of Caucasian Albanian churches in Nij were destroyed in 2004 (St. Elias) and in (Virgin Mary).

Thousands of Armenian cross-stones in the cemetery of Jugha/Julfa were destroyed in 2005.

Does the alleged victim believe she/he was targeted due to her/his

Ethnic origin

Has the incident been reported to the relevant authorities?

Yes, complaints have been issued by the Armenian authorities before the international bodies against Azerbaijan's actions.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)?

No, the Azerbaijani government did not react adequately, but rather continues threatening the distraction of the Armenian monuments, e.g. by not allowing UNESCO mission to visit the areas of cultural monuments.

Additional information concerning the incident

It should be noted that for many years, Azerbaijan has advanced its standing on key international platforms through corrupt practices given its abundant Caspian oil money. In 2017, it surfaced "showing how Azerbaijan used a \$2.9 billion slush fund to buy influence across Europe".

Institutions such as UNESCO have been part of their corrupt schemes. For the last 16 years Mehriban Aliyeva, the wife of President Ilham Aliyev, and the First Vice-President of Azerbaijan and Head of the Presidential Fund, acts as a Goodwill Ambassador of UNESCO. She uses this respected institution and its networks along with the country's oil money "to inform the world about the historical and cultural heritage of Azerbaijan and its realities," including "the truth about the Armenia-Azerbaijan Nagorno-Karabakh conflict, the culture, history and traditions of statehood." It is evident that for many years the Goodwill Ambassador's position in UNESCO is being misused to put pressure on those who may pursue the protection of cultural heritage of Armenians in the territory of Artsakh. In other words, M. Aliyeva's role as UNESCO's GoodWill Ambassador has and likely will continue to hinder UNESCO's efforts to protect Armenian cultural heritage under Azerbaijani control.

Another alarming aspect is the financial support of 5 million USD to UNESCO, that was granted two years ago and was warmly welcomed by the former Director-General of UNESCO, Irina Bokova.

According to investigative reporters, Bokova has been promoting Mehriban Aliyeva despite the questionable performance of Azerbaijan with respect to human rights. Bokova's husband, Kalin Mitrev has received 425,000 euros from the so-called Azerbaijan Laundromat.

UNESCO has made proposals to organize a mission to Artsakh to create an inventory of significant cultural properties so that they can be protected following the conflict. The mission can take place only with the agreement of both Armenia and Azerbaijan, however so far Azerbaijan has failed to respond to the request.

Though we perceive that UNESCO has generally acted in full compliance with its mandate and good spirit to guard people against racist and xenophobic violence, there are concerns that the party that has a serving goodwill ambassador that is also the Vice-President of a country that has committed aggression against an ethnic minority to which it was obliged to grant protection under international and national laws, has donated millions of dollars and has built connections over these years will exploit the mandate and good spirit of the reputable organization to clean-up the destruction of cultural heritage and ethnic cleansing in Artsakh, making strong references to the international norms guarded by UNESCO.

If the alleged violation relates to the right to access to, and enjoyment of cultural heritage, please provide information about such cultural heritage: whether it is recognized as national or international cultural heritage; who is responsible for protecting/safeguarding and managing it; which communities have a specific interest in it; etc.

As mentioned, because of the war, some of the territories of Artsakh now fall under the rule of Azerbaijan. As the latter has an extremely hostile Armenophobic stance and demonstrates clear acts of erasing the signs of the Armenian heritage on its territories, there are concerns that the monuments will be destroyed, vandalized or appropriated as Caucasian Albanians – an ancient state, that has been assimilated throughout thousands of years mostly with Armenians and Georgians, whose likely descendants are the Udi people, living in the Eastern part of Azerbaijan, that are currently endangered as well. Besides, more than 1400 Armenian immovable monuments on the territories of Artsakh captured by Azerbaijan will likely be inaccessible to the Armenian people of Artsakh.

Do you believe the alleged victim was specifically targeted because of her/his ethnic or religious background, language, belonging to a particular group, etc?

At different times in history Azerbaijan has been trying to remove indigenous Armenians from the region through a variety of tactics. In particular, there have been cases of

- massacres of Armenians – in 1900s in Shushi, in 1988-1990 - Sumgayit, Baku and Ganja;
- destroying and vandalising historical monuments and places of worship, such as St. Holy Savior Ghazanchetsots Cathedral, Kanach Zham, etc;
- destroying cemeteries, including the medieval cemetery of Jugha/Julfa in Nakhichevan/Nakhchivan;
- appropriating the historical objects of the Armenian people as Caucasian Albanian ones;
- erasing the Armenian scripts from the Caucasian Albanian (Udi people) monuments;
- closing or blocking the Armenian language schools and media during the Soviet regime;

- falsifying history in textbooks stating that Armenia (including Yerevan, Syunik) has been historical territory of Azerbaijan and currently claiming that they have to “liberate” all their “historic” lands;
- instilling Armenophobia in their society by teaching young children to hate Armenians and view them as enemies;
- inviting mercenaries (also jihadists) from Syria and tasking them to behead Armenians;
- torturing and humiliating Armenian prisoners of war including elderly unarmed civilians.

The systematically carried out complexity of efforts by various regimes and governments of Azerbaijan throughout the 20th and 21st centuries proves its specific purpose to wipe out the indigenous Armenians from the region under their control and thus strengthen Azerbaijan’s tenuous links to the same land.

Additional information

The group of Armenian civil society organizations appeal to the UN Special Rapporteur in the field of cultural rights in accordance with the mandate:

1. To appeal to the Heads of Delegations of the UN, the member states of Minsk Group process to include the protection of cultural heritage of Artsakh in the negotiation process of their respective states and to ensure international peace-keeping troops are deployed around the areas with major immovable monuments and sacred places to ensure safe access and the protection of the sites;
2. Through the cooperation and exchange with the Human Rights Council and in close cooperation with the UN Secretary-General for the Prevention of Genocide, work with UNESCO to ensure the prevention and protection of cultural heritage of ethnic Armenians within the framework of the Strategy for the Reinforcement of UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict;
3. To facilitate the transfer of collections from the museums of occupied Shushi and Hadrut to the Armenian control until there are safe conditions for the Armenian population to return to their homes and recover the museums;
4. To explore the current state of education in Azerbaijan to devise measures for preventing the erasure of cultural heritage through revisionist politics of historical narratives.

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