**Response to the questionnaire of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to be included in the SR report “*Challenges to freedom of opinion and expression in times of conflicts and disturbances”* for the 77th session of the UN General Assembly in October 2022**

**Overview:**

The right to freedom of opinion and expression is fundamental to the advancement of society which gives priority to the respect for human dignity and democratic governance. The Republic of Armenia has upheld human rights as one of its core values despite the challenges faced by the Armenian people throughout history up until today.

We submit these answers to Question 1 to bring attention to the Armenophobic state policy and racist practices adopted by Azerbaijan and Turkey in an attempt to legitimize the dehumanization of ethnic Armenians, including hate speech, xenophobia and explicit incitement to violence. The unfortunate results of decades of anti-Armenian propaganda were most recently demonstrated during the last war unleashed by Azerbaijan against the people of Nagorno Karabakh in September-November 2020.

At the same time, we would like to note that, unfortunately, there are visible shortcoming in relation to the UN’s response to the decades of anti-Armenian propaganda by Azerbaijan and Turkey.

As an organization which upholds human rights and humanitarian values, the UN’s response could have been much more in line with its values especially since the anti-Armenian policies of Azerbaijan have led to atrocities and war crimes during the latest war unleashed against the people of Nagorno Karabakh.

Azerbaijan & Turkey have transported Jihadi mercenaries from the battlefields of Northern Syria to Nagorno Karabakh, the gates of Eastern Europe, yet no punitive measures were taken in this regard. **Turkey’s military involvement** and support to Azerbaijan during the September-November 2020 war against the people of Nagorno Karabakh **was confirmed by Turkish President Recep Tayib Erdogan during one of his speeches.**

The Aliyev dictatorship in Azerbaijan is instead afforded with a sense of impunity since its violations have not been punished in any way. Instead, the Azerbaijan-UN 30 years’ partnership anniversary was held in Shushi which came under Azerbaijani occupation as a result of a bloody and indiscriminate war against the people of Nagorno Karabakh.

As a dedicated member of the United Nations, Armenia calls to the strengthening of the response mechanisms currently operating at the organization in order to prevent future war crimes in all parts of the world, especially when they are based on racial and ethnic grounds.

We remain ready to discuss the potential avenues for strengthening these mechanisms in any suitable format.

***Question 1.***

1. **Please describe specific situations where disinformation, misinformation or propaganda have been used or restrictions have been placed on the media or access to the Internet in order to instigate, aggravate or sustain hatred, violence or conflict. What means and methods are used to manipulate information in such situations?**
2. **What role have States, armed groups or social media platforms played to instigate or mitigate such manipulation or information?**
3. **What has been the impact on human rights and the lives of people? Which groups of people have been particularly affected and in what ways?**
4. **What has been the impact of such propaganda, disinformation or misinformation on the work of human rights defenders, journalists, civil society, humanitarian and development organizations?**

The political leadership of Azerbaijan has consistently proved its readiness to exploit political, social, commercial, religious and other avenues to promote Armenophobia, falsify/revise history and lay claim to territory within the internationally recognized territory of the Republic of Armenia including its capital city Yerevan, labelling it as part of Western Azerbaijan[[1]](#footnote-1). This rhetoric accompanied by a staunch anti-Armenian foreign policy has ultimately hampered any attempts of solving the Nagorno-Karabakh conflict through peaceful negotiations. Azerbaijan’s political leadership has repeatedly demonstrated its willingness for further escalating the conflict while having complete and flagrant disregard for international human rights treaties and humanitarian law to which it is a signatory member. Azerbaijan’s political and military leaderships therefore bare full moral and legal responsibility emanating from their violations of international humanitarian law against the Armenians of the Republic of Armenia and Nagorno Karabakh. Azerbaijan’s destructive and racist policies towards Armenia and Armenians have resulted in numerous violations of the International Covenant on Civil and Political Rights by its military and political leadership, including racially motivated hate speech, dehumanization of Armenians, torture of prisoners of war and civilian captives, executions as well as cultural genocide.

***Azerbaijani violations against the human rights of the people of Nagorno Karabakh and Armenia.***

1. **Since 1988, pursuing a policy of ethnic cleansing of Armenians living in Azerbaijan as well as Nagorno Karabakh through pogroms, massacres and forced expulsions/deportations. Pursuing state-generated anti-Armenian propaganda, dehumanization of Armenians.**

Azerbaijan has forcibly expelled hundreds of thousands of Armenians living in Azerbaijan and has prevented their return. The assets of those forcibly expelled have been either confiscated by the state or have been given to Azerbaijanis thus changing their character which is prohibited under international humanitarian law. The state-sponsored criminal campaigns targeting Armenians in Azerbaijan and Nagorno Karabakh, at least some of which constitute war crimes such as ethnic cleansing and cultural genocide include but are not limited to: **Sumgait pogroms, February 1988, Kirovabad massacre, November 1988, Baku pogroms, January 1990, Maragha massacre, April 1992.**

These well documented and evidenced state-sponsored massacres and pogroms against the Armenian population living in Azerbaijani cities constitute clear and irrefutable evidence that Armenians within Azerbaijan have systematically been expelled, ethnically cleansed and treated in the most inhuman ways possible simply due to their ethnicity. Against this, the Armenian population of Nagorno Karabakh has opted to stand in the face of adversity, lawfully assert its right to self-determination and establish a democratic and free society, a far cry from today’s Azerbaijan where authoritarianism dominates the political and social life of ordinary Azerbaijani citizens.

**Nagorno Karabakh, September-November 2020**: During the latest war unleashed by Azerbaijan, a significant number of war crimes were carried out by the Azerbaijan armed forces have been solidly documented, as well. Azerbaijani soldiers have on several occasions recorded/filmed the torture, execution and abuse of Armenian PoWs and civilians and have shared the content on social media platforms. This is irrefutable evidence of the systematic indoctrination of Azerbaijani soldiers and wider society with the notions of dehumanization of Armenians as an ethnicity which has ultimately manifested itself in the most inhuman and barbaric ways[[2]](#footnote-2). The Azerbaijani military conducted practices such ear cutting, torture, corpse mutilation and close range executions, photo as well as video evidence is provided in the report published by the Human Rights Defender of the Republic of Armenia[[3]](#footnote-3) and by international bodies monitoring human rights abuses.

1. **Destroying, desecrating, and plundering churches and other religious monuments, cemeteries and other Armenian cultural monuments integral to the Armenian national and ethnical heritage with the aim of erasing any Armenian presence in the territory of Azerbaijan and Nagorno Karabakh.**

Azerbaijan has not only committed war crimes and potentially genocide against the Armenian people but also against Armenian cultural heritage present in Nagorno Karabakh and beyond, long before any signs of Azerbaijani presence. Cultural genocide of Armenian religious and cultural monuments as well as the desperate falsification of history have become prominent elements of Azerbaijani state policy.

Well documented instances of destruction of Armenian cultural monuments by Azerbaijan, these include but are not limited to:

* **5840 Khachkars** (Armenian Decorated Cross stones) **and 22000[[4]](#footnote-4)** **historic tombstones in Jugha cemetery (**what is now known as the Azerbaijani exclave of Nakhijevan), This destruction of cultural heritage is a clear demonstration of Azerbaijan’s intentions of eliminating all traces of Armenian presence with the aim of conducting its desperate falsification of history and genocide against cultural world heritage[[5]](#footnote-5).
* **the Church of Holy Apostles Thaddeus and Bartholomew**: Built in 1911, before the establishment of the entity today known as Azerbaijan in 1918, this church was pulled down in the 1930’s and its foundations used to build the Azerbaijani State Conservatory.
* **Ghazanchetsots Cathedral (Shushi)**: In what amounts to a war crime and in contravention to international humanitarian law, on the 8th of October 2020, the Azerbaijani military targeted the Ghazanchetsots Cathedral on a number of occasions. The missile strikes against Armenian religious monuments have once again been well documented with photo/video evidence being widely available.[[6]](#footnote-6) Today, the Cathedral’s inner and outer architectural appearances are being subject to modifications in another attempt to revise Shushi’s history and eliminate any presence of Armenian identity.
* **Dadivank Cathedral**: After the occupation of Karvachar in November 2020 the Azerbaijani military, has been striving to prevent Armenian worshippers from conducting religious activities in Dadivank Cathedral. Azerbaijan has been engaging in history falsification, as it has done for decades by claiming that Dadivank Cathedral is Caucasian Albanian and not Armenian, despite Armenian inscriptions and religious icons being present on the walls of the Cathedral since the 9th century A.D.

Many more religious (churches, shrines), national and ethnical monuments/buildings have been desecrated and destroyed by Azerbaijan, through its policy of indiscriminate destruction of any shred of Armenian identity within territories under its control.

1. **Banning the entry of persons of Armenian origin into the Republic of Azerbaijan regardless of their actual citizenship and simply due to their Armenian ethnicity.**

The continued refusal of persons of Armenian origin of entry into Azerbaijan have been documented. Armenians holding third country passports such as Russian, French and other citizenships have been prevented from entering Azerbaijan[[7]](#footnote-7).

1. **Propagation and dissemination of anti-Armenian discourse among the general public through state institutions in Azerbaijan in order to cement the hatred of Armenians and justify the dehumanization of Armenians and inhuman treatment.**

Anti-Armenian propaganda is an endemic phenomenon in Azerbaijan which has been absorbed by national institutions and has become akin to national tradition. Armenophobic material is part of the national curriculum taught in schools and universities. Academic subjects such as history and geography, have become propaganda tools used by the political leadership in Azerbaijan in order to indoctrinate students of all ages with falsified anti-Armenian teachings. From a young age, children are taught to hate the “Armenian enemy”[[8]](#footnote-8) and the Republic of Armenia’s borders are often modified in geography books with the aim of falsely claiming that parts of the Republic of Armenia are “Azerbaijani ancestral lands” by replacing the names of Armenian regions with Azerbaijani names.

Armenophobia is also part of the **sporting culture** in Azerbaijan, this has been most recently manifested by the statement made by “Qarabag” FK’s communications officer Nurlan Ibrahimov on November 4th 2020. Ibrahimov’s post on Twitter read: “We [Azerbaijanis] must kill all Armenians – children, women and the elderly. We need to kill them without making a distinction. No regrets. No compassion”[[9]](#footnote-9). As a result, Ibrahimov was banned by UEFA from exercising any football related activities with immediate effect. It is important to note that no action was taken by Azerbaijani national sporting associations to condemn Ibrahimov’s cruel statement or prevent it from re-occurring.

In a more recent incident on July 3 2020, during the European championship of freestyle wrestling, Azerbaijani athlete Sabir Jafarov left the podium during the Armenian national anthem[[10]](#footnote-10). Armenian Wrestling Federation filed a protest, and Sabir Jafarov was disqualified

These and many other cases demonstrates that anti-Armenian rhetoric and hatred of Armenians have unfortunately become part of the social fabric of Azerbaijani society, due to the efforts of the Azerbaijani political leadership.

A **postal stamp** released by the Ministry of Transport, Communications and High Technologies of Azerbaijan after the latest war unleashed against Nagorno Karabakh and its people is another sign of Azerbaijani state-sponsored discrimination and dehumanization of Armenians on ethnic basis. The stamp shows a disinfection specialist standing over a map of Azerbaijan and fumigating the area of Nagorno Karabakh, insinuating that ethnic Armenians in the area were a virus that needed to be eradicated/cleansed. The Universal Postal Union (UPU) ultimately decided not to register the “Azerbaijan 2020” stamp[[11]](#footnote-11).

1. **Failing to pursue a policy of eliminating racial discrimination and instead disseminating, including in public statements by high-ranking officials and via its media and educational institutions, false narratives and racist propaganda intended to stoke ethnic and national hatred of Armenia and Armenians, and to promote the superiority of Azerbaijan and Azerbaijanis.**

The political leadership in Azerbaijan has through its **statements and actions** clearly demonstrated that it views Armenians as an inferior race whose dehumanization and inhuman treatment is legitimate. In 2004 **the case of Ramil Safarov** who axed his colleague Gurgen Margaryan to death during a NATO training course in Budapest purely based on his victim’s Armenian ethnicity. Safarov was awarded with a salary for his period of imprisonment, a military promotion and an apartment in the capital Baku. In its verdict on May 26th 2020, the European Court of Human Rights held that Azerbaijan had violated Articles 2 and 14. The court also found that “the behavior of the Azerbaijani government constituted an ‘approval’ and ‘endorsement’ of Safarov’s actions”[[12]](#footnote-12). The European Commission against Racism and Intolerance also made reference to the case of Makuchyan and Minasyan vs Azerbaijan and Hungary in its Statement adopted its 85th plenary meeting on 30-31 March 2021 as a striking example of hate speech leading to “grave violations of the European Convention on Human Rights”.[[13]](#footnote-13)

During a meeting for the cabinet ministers of the republic of Azerbaijan in 2015, Ilham Aliev himself declared that: *“If you do not want to die, then get out of Azerbaijani lands. […] We must and we do wage a more active struggle with Armenia. We have isolated it from all international and regional projects.”*

The so-called “War trophy park”, which was opened in Baku after the war in 2020, serves as a striking example of the extreme manifestation of racism and hatred towards Armenians in general. Displayed in the “Park”, along with the Armenian military equipment, were wax figures/imitations of Armenian servicemen, all of which were purposely presented in a degrading manner, violating human dignity. Extensive publicity was conducted in order to attract the widest possible audience to the so-called, ‘Trophy Park’ and the Park was inaugurated by Azerbaijani president Ilham Aliev himself.

The **International Court of Justice** noted in relation to the so-called “Military Trophies Park”, that the director of the park indicated that all mannequins and military helmets were removed from the park and will not be displayed in the future[[14]](#footnote-14). This was done prior to the first hearing of the action brought by Armenia against Azerbaijan as this constituted an explicit violation of human dignity and respect for fallen Armenian soldiers and their families.

Below is a non-exhaustive list of statements, displaying the rhetoric adopted by Azerbaijani high ranking officials, including the president of the Republic of Azerbaijan, towards Armenians.

* “We didn’t wage war only with Armenia. We didn’t wage war only with the Armenians of the world, we fought against Armenia’s patrons, and we have won this war” (Ilham Aliev, President of Azerbaijan)[[15]](#footnote-15).
* “the Armenian army and the Armenian state were destroyed entirely and found themselves on the brink of a precipice” (Ilham Aliev, President of Azerbaijan)[[16]](#footnote-16).
* “The remains of the Armenian army are on display in the Military Trophy Park in the center of Baku. (Ilham Aliev visited military unit of defense ministry’s special forces)[[17]](#footnote-17).
* Armenia, the Armenian armed forces begin to tremble on hearing of Azerbaijan’s Special Forces. They have not gotten over it and never will get rid of this fear” (Ilham Aliev upon visit to military unit of defense ministry’s special forces).
* “Terrorists will now become a source of coronavirus dissemination in the region”, "Coronavirus is a trouble for several months, while Armenians have been a trouble for Azerbaijanis for centuries. Armenians are a worse disaster than Coronavirus.” or “Armenia has organized imaginary elections in Nagorno Karabakh, gathered people in one place in the name of voting. Right after that the Armenians living in Nagorno Karabakh started spreading coronavirus.”[[18]](#footnote-18)(Ilham Aliev President of Azerbaijan).
* “The territory of present-day Armenia is an ancient Azerbaijani land, Azerbaijan is many times stronger than Armenia in the economic and military spheres and have demonstrated this, including on the battlefield… April war should serve as a lesson for our disaster neighbor… Azerbaijan will restore its territorial integrity: we are gaining strength and will become stronger; however the geopolitical situation should also be favorable for our actions to be successful”[[19]](#footnote-19). Another hateful announcement made by President Aliyev during his visit to a military unit in Agdam was the following: “If the Armenian fascist state does not give up its dirty deeds, the very existence of the Armenian state can be called into question”.[[20]](#footnote-20) (Ilham Aliev, President of Azerbaijan).
* “As the situation becomes tense on the frontline, citizens wishing to go to war appeal to the Defense Ministry. It arises from our people’s hatred for the enemy [Armenians] and wishes to liberate our lands”[[21]](#footnote-21) (Minister of Defence of Azerbaijan Zakir Hasanov).
* Siyavush Novruzov, Deputy Executive Secretary of the Ruling “Yeni Azerbaijan” Party (YAP): “We do not allow Armenians into our party. Applications of the sort have been submitted to the party’s regional and city offices; they were rejected, however. There is not a single Armenian among the YAP members.”[[22]](#footnote-22)
* Kemal Turan, Azerbaijani National-Socialist Movement Leader: “The Armenians are our enemies. No peace is possible with them! […] The Armenians are not the type of a nation with whom peaceful talks could be held. They are a nation of parasites!”.[[23]](#footnote-23)
* On October 4, ……, during his address to the nation Azerbaijani President Ilham Aliyev once again instigating hatred against Armenians mentioned: “We are driving them away like dogs! Azerbaijani soldiers drive them away like dogs! The Azerbaijani flag is being raised in the occupied territories! Azerbaijani soldiers are standing in their trenches! Their posts are in our hands! We are driving their tanks! Their other weapons are in our hands; their trucks are in our hands! We are fulfilling our mission of salvation and we will complete it!.”[[24]](#footnote-24)

With such statements and actions emanating from the president of Azerbaijan and other high ranking officials, threatening Armenians with death unless they leave their ancestral lands in Nagorno Karabakh and glorifying a criminal who axed his colleague to death, the political leadership of Azerbaijan is not only failing to pursue a policy of eliminating racial discrimination but actively promoting hatred of Armenia and Armenians based on ethnic grounds.

***Armenia vs Azerbaijan at the International Court of Justice***

On September 16 2021, Armenia initiated legal proceedings against Azerbaijan concerning the latter’s violations of the International Convention on the Elimination of All Forms Racial Discrimination (ICERD) at the International Court of Justice.

A so-called “Military Trophy Park” was also erected and personally inaugurated by Ilham Aliev, the president of Azerbaijan. This “Military Trophy Park” serves as a striking example of the extreme manifestation of racism and hatred towards Armenians as an ethnicity. Displayed in the “Park”, along with Armenian military equipment, were wax figures/mannequins of Armenian servicemen, all of which were purposely presented in a degrading manner, violating human dignity. Helmets of dead Armenian soldiers were also displayed in an attempt to further insult and humiliate the relatives and memory of fallen Armenian servicemen.

On December 7 2021, the International Court of Justice dispensed two orders on the request for provisional measures of both Armenia and Azerbaijan as part of the proceedings initiated by both states against each other under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)[[25]](#footnote-25).

The Court has in fact granted Armenia the majority of its requested specific measures[[26]](#footnote-26). It is therefore important at this stage to highlight the nature of the provisional measures imposed on Azerbaijan by the Court:

* In relation to Armenian prisoners of war who unlawfully remain in Azerbaijani captivity under fabricated charges, the Court has imposed on Azerbaijan the obligation to “protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law”. As for the issue of the release of prisoners of war, the Court made reference to International Humanitarian Law which would provide suitable legal instruments for securing the release of prisoners of war[[27]](#footnote-27).
* In relation to the promotion and incitement of racial hatred towards Armenians, the Court has imposed on Azerbaijan the obligation to “take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination including by its officials and public institutions, targeted at persons of Armenian national and ethnic origin”. It is worthy here to consider the wording employed by the aforementioned Court which has clearly identified Azerbaijani officials and public institutions as promoters of Armenophobia and hatred towards ethnic Armenians[[28]](#footnote-28).
* In relation to Armenian cultural heritage, the Court has imposed on Azerbaijan the obligation to “take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artifacts”. Azerbaijani authorities have been changing the identity of monuments belonging to Armenian cultural heritage under the guise of “restorations”, in violation of CERD articles[[29]](#footnote-29) . Armenia therefore urges Azerbaijani authorities to comply with the Court’s orders to their full extent.
* In relation to the so-called “Military Trophies Park”, the Court noted that the director of the park indicated that all mannequins and military helmets were removed from the park and will not be displayed in the future[[30]](#footnote-30). This was done prior to the first hearing of the action brought by Armenia against Azerbaijan as this constituted an explicit violation of human dignity and respect for fallen Armenian soldiers and their families.

The only provisional measure imposed by the Court on Armenia as a result of Azerbaijan’s claim is for Armenia to respect its obligations under the International Convention on the Elimination of Racial Discrimination. Armenia has always endeavored to prevent the incitement and promotion of racial hatred against all national and ethnic minorities and will continue to maximize its efforts in that regard.

The Court proceeded to highlight in its orders general measures which reaffirm both parties’ obligations under the ICERD, such as refraining from any actions which could aggravate the dispute.

The order dispensed by the Court ultimately contributes towards eliminating state-sponsored racial discrimination globally and drives us towards a more tolerant and inclusive international community.

Armenia has throughout its challenging history strived for humanitarian and democratic values and will continue its fight against racial discrimination which is often a pre-cursor to the crime of genocide and other gross violations of international humanitarian law.

***On the Destruction and Acts of Vandalism Perpetrated Against Armenian Cultural Heritage in 2020 – 2022 by Azerbaijan***

Azerbaijani military aggression against Nagorno Karabakh and its people, unleashed on September 27, 2020, and supported by Turkey and Turkish-backed foreign terrorist fighters and mercenaries from the Middle East, lasted 44 days and resulted in thousands of casualties and displacement of ethnic Armenians, who were forced to leave their ancestral homes, becoming refugees and internally displaced persons. Azerbaijan’s aggression also led to the occupation of a significant part of the territory of the Republic of Artsakh and consequently up to **2 000 objects of Armenian historical and cultural property** have come under the Azerbaijani control. This includes 161 Armenian churches, more than 10 chapels, 52 castles and fortresses, 591 khachkars (unique hand-carved cross-stones), the archaeological site of Tigranakert, the Azokh Paleolithic cave, the Nor Karmiravan tombs, and architectural monuments such as palaces, bridges, and historic quarters.

Moreover, 10 state museums and galleries *(see Annex 2)*, as well as the privately-owned Shushi Carpet Museum and the Armenian Dram Museum, **with up to 21 000 artifacts and 127 school libraries with 617 000 books**, were also located in the territories that came under Azerbaijani control in the fall of 2020.

Today, after more than a year since the cessation of hostilities, the fate of these monuments, religious sites, and museum exhibits remains unclear as they are facing a constant threat of deliberate destruction, acts of vandalism, and desecration.

There are serious concerns over the preservation of these monuments, religious sites, and museum exhibits, given Azerbaijan’s practice of systematic destruction and falsification of the identity of Armenian cultural heritage over the last several decades, both during peacetime and the war[[31]](#footnote-31).

* Additionally, during the aggression, the significant Hellenistic and Armenian archaeological site of Tigranakert, an ancient city founded by king Tigranes the Great in the first century BCE, became an area of intensive war activity and was shelled for several times (October 2020), proving yet again the complete disdain of Azerbaijani authorities towards even the most remarkable cultural heritage sites, which belong not only to the Armenian people but the whole mankind.
* In mid-November 2020, images and videos circulated in social media shortly after the occupation of Shushi by Azerbaijan, showing that the 19th-century Church of Saint John the Baptist (Kanach Zham) had been severely damaged; the dome and the bell tower of the Church had been almost fully destroyed. Later, in February 2021, satellite images of Google Earth confirmed that the Church had been completely leveled, with the bell tower and the dome removed. Later, on 17 January 2022 a video circulated online showing that Azerbaijanis converted the parish office of the church into a restaurant[[32]](#footnote-32).
* According to video material prepared by the BBC, an Armenian Church, built in 2017 in Mekhakavan (Jabrail), now under Azerbaijani control, was vandalized by the armed forces of Azerbaijan (November 14, 2020) just after the war and has been completely erased without a trace (March 2021).
* In the same month, videos of the Saint Yeghishe Church of Mataghis (Martakert region) being vandalized and desecrated by Azerbaijani soldiers were broadcast[[33]](#footnote-33).
* Damages to symbolic monuments of Armenian collective memory and cultural identity were also reported. In Shushi, a memorial dedicated to the victims of the Armenian Genocide, fallen soldiers in World War II and the First Karabakh war was entirely destroyed (December 2020). Several memorials were also damaged or vandalized in Talish. Khachkars were destroyed in Hadrut (Arakel village), Kubatli, Mekhakavan (Jabrayil) and cemeteries were desecrated[[34]](#footnote-34). One of the latter’s vivid illustrations is the destruction of the cemetery of the Avetaranots’ village (Askeran region). In late May, it was also revealed that in the same region, Azerbaijani armed forces had also leveled the 18th-century cemetery of the Sghnakh village to the ground. In the Hadrut region, the cemetery of Mets Tagher (19th century) was not spared from the destruction either (June 2021)[[35]](#footnote-35).
* Other Armenian cultural heritage symbols face an imminent threat of destruction as well. The Vankasar Church, built around the 6th-7th centuries and located near the ancient site of Tigranakert, is reported to have been loaded with heavy military equipment by the Azerbaijani army. The Holy Astvatsatsin Church (19th century), located in the area of the village of Taghavard, the Western part of which came under Azerbaijani control, is threatened by the ongoing destruction of the West part of the village that extends to the edge of the Church[[36]](#footnote-36). Katarovank, located on top of Mount Dizapayt occupied by Azerbaijani armed forces as a result of the violation of the ceasefire of December 12, 2020, is also the subject of serious concern as various videos show that the monastery is now being used for military purposes and that Azerbaijani soldiers live inside the complex (March 29, 2021)[[37]](#footnote-37). Another monastery, Kusanats Anapat, in Avetaranots village of the Askeran region, has suffered the same fate by being desecrated and ruined by Azerbaijani military forces (October 7, 2021)[[38]](#footnote-38). On January 27, 2022, it was also reported that Azeris have removed the cross on the Spitak Khach (White Cross) Church in the occupied Hadrut region. For the record, under the guise of restoration the roof of the church has also been demolished and the church has later been presented as a monument of Albanian-Udi culture, as evidenced by several footages broadcasted by Azerbaijani media in November 2021[[39]](#footnote-39).

***Azerbaijan denies the evidence of Armenian historic presence in Nagorno Karabakh by promoting the policy of falsification of the identity of Armenian cultural heritage***

Azerbaijan’s intentional destruction has been combined with official efforts to rewrite history and engage in cultural erasure. Azerbaijan’s practice of historical revisionism has been carried out through systematic acts of misappropriation of Armenian cultural heritage since the 1950s.

Indeed, **in efforts to strengthen its ties to these lands, Azerbaijan claims that the Armenian churches and khachkars belong to so called “Caucasian Albanians,”** with a putative assumption that Caucasian Albanians are the ancestors of the Azerbaijani people. The latter was a historical polity situated in the north of the river Kura (in the Shaki, Qakh, Oghuz, Gabala, and Ismayilli districts of present-day Azerbaijan and southern Dagestan in the Russian Federation) and ceased to exist in the 8th century AD. The population of historical Caucasian Albania consisted of more than two dozen ethnic groups, none of which were title-bearing people nor had the identity of “Caucasian Albanian.”

Azerbaijan has never hidden its intention to use cultural destruction and misappropriation as means of demographic engineering of Nagorno Karabakh and completely distorting its cultural identity. Particularly the publicly pronounced plans for the construction of new mosques in Hadrut and Karin Tak villages and rebuilding of the historic center of Hadrut speak for themselves[[40]](#footnote-40). Both villages never had any Azerbaijani population before they were occupied by the armed forces of Azerbaijan in 2020.

On March 15, 2021, the Azerbaijani President visited the 17th-century Armenian Church in the village of Tsakuri in the Hadrut region of Artsakh, currently under the occupation of the Azerbaijani Armed Forces, and openly declared it “Caucasian Albanian” stating: “Just as the Armenians desecrated our mosques, they have also desecrated this old Albanian temple. We will restore it. All these inscriptions are fake; they were added later.”[[41]](#footnote-41) Thus, labeling the Armenian inscriptions on the Church’s walls as “fake,” the highest leadership of Azerbaijan has an intention to prepare the ground for future acts of vandalism in explicit violation of the 1954 Convention and the UN Security Council Resolution 2347 (2017).

The attempts to alienate these monuments from the Armenian people have no historical, religious, or moral grounds. Attempts to present the Christian heritage of Armenians of the region as so-called “Caucasian Albanian” have not been corroborated by any academics other than the ones in Azerbaijan or the ones directly funded by Azerbaijan.

The indigenous Armenian origin of the religious sites is supported not only by vast historiographic evidence but is also verifiable by their strict adherence to the distinctive architectural features, canons and worship practices of the Armenian Apostolic Church, as well as by the thousands of inscriptions in the Armenian language on the churches and other places of worship, which present the history of the construction of those monuments.

**The distortion of the identity of the Armenian heritage is an attempt of cultural looting, which is also a gross violation of the UNESCO 1954 Hague Convention and UN Security Council Resolution 2347 (2017)[[42]](#footnote-42)**. The latter particularly emphasizes that “the unlawful destruction of cultural heritage, the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States.”

**Azerbaijan has relentlessly continued the misrepresentation of Armenian cultural heritage because the historic and cultural monuments point to the undeniable and continuous presence of Armenians in Nagorno-Karabakh, which has been a severe challenge to the claims of Azerbaijan over the control of the territory.**

Furthermore, presenting the Armenian churches as “Caucasian Albanian” is, in fact, an intermediate step towards “Azerbaijanizing” them, taking into account Azerbaijan’s claims of being a descendant of Caucasian Albanians. Ethnographic, archaeological, and anthropological research has proven this to be false. No feature of identity, including religion, language, or ethnonym, can attest to the mere similarity of these ancient Caucasian populations to that of Turkic Azerbaijanis. The aim of this faulty thesis is to eradicate the Armenian peoples’ historical roots in the region and thereby diminish their entitlement to live in and organize their lives in these areas, while also fabricating an Azerbaijani historical presence. This systemic “Albanization/ Azerbaijanization” of Armenian cultural property quite evidently constitutes historical revisionism by Azerbaijan.

This spurious policy and the continuous hostility toward Armenian cultural heritage and the will to annihilate it from the region reached its culmination with the announcement made on 3 February 2022 by Azerbaijani Minister of culture Anar Karimov regarding the establishment of a working group “Albanian history and architecture” to remove the Armenian inscriptions on religious temples in Artsakh[[43]](#footnote-43). “The establishment of such a working group at the state level aimed at the deliberate and illegal appropriation of the historical and cultural heritage of the neighboring people and depriving them of their historical memory is unprecedented even in the history of conflicts. It, once again, demonstrates the fact that the cases of vandalism and destruction of the Armenian historical, cultural and religious heritage in Nagorno Karabakh during the 44-day war and the following period, are deliberate and pre-planned, and are part of the policy of annihilating Nagorno Karabakh’s indigenous Armenian population”

Moreover, the United States Commission on International Religious Freedom (USCIRF) in its 2021 Annual Report, recommended that the U.S. Department of State places Azerbaijan on its Special Watch List for engaging in or tolerating severe religious freedom violations[[44]](#footnote-44).

The misappropriation of Armenian cultural heritage is not limited to places of worship; **Azerbaijan has also been attempting to usurp the Armenian tradition of carpet weaving.** Armenian carpets have been revered in the Christian West for over five hundred years now, and Artsakh was one of the key centers of Armenian carpet weaving culture. Artsakh carpets reflect the rich traditions of Armenian carpet weaving as well as the artistic and semantic features typical of different eras, thus serving as the best evidence of the centuries-old history of the indigenous Armenian people.

Nevertheless, Azerbaijani authorities do not recognize the historical role played by Armenians in the rich history of carpet weaving, continuing to allege that the Armenian carpet weaving traditions are just a reflection of the Azerbaijani art form, thus appropriating Armenian carpet weaving culture and ascribing it to Azerbaijan*.*

According to the **Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (1999), Article 9, point C,** “any alteration to, or change of use of, a cultural property which is intended to conceal or destroy cultural, historical or scientific evidence” is prohibited. And the general provisions of UNESCO and ICOMOS prohibit any external or internal changes of forms, components, functions of the Cultural object that can contradict the world’s primary principles of identity, integrity, cultural value and uniqueness of a Heritage site.

***Question 3.***

1. **What legislative, administrative, policy or regulatory or other measures has the government in your country taken to protect online and offline freedom of expression or access to information in times of emergency, conflict, violence, disturbances?**
2. **What legislative, administrative, policy or regulatory or other measures exist in your country to address online or offline:**

* **Propaganda for war;**
* **Disinformation and misinformation; and**
* **Incitement to violence, discrimination or hatred**

1. **Is there recent jurisprudence or decisions in relation to these laws, policies or practices?**
2. **What has been the impact of these measures or human rights and international humanitarian law?**
3. **Do you have any suggestions on how these measures can be improved to uphold rights while countering war propaganda, disinformation, misinformation and incitement?**

**Legislation on media freedoms in the Republic of** Armenia in relation to question 3 of the **questionnaire submitted by the Special Rapporteur:**

The new Criminal Code of the Republic of Armenia, passed on May 5, 2021 (ՀՕ-199-Ն), and to enter into force on July 1, 2022 envisages the following crimes: public denial, justification, propaganda, of genocide or crimes against humanity, or down playing of the danger thereof (article 136); discrimination (article 203); justification, propaganda, or incitement to terrorism, as well as distribution of materials or objects containing such calls (article 313); public speech inciting or promoting hatred, discrimination, intolerance or hostility, as well as the dissemination of materials or objects for that purpose (article 329); public calls for violence, public justification or propaganda of violence, as well as dissemination of materials or objects for that purpose (article 330). It should also be noted that article 71-1-6 envisages commitment of a crime motivated by hatred, intolerance or hostility based on racial, national, ethnic or social origin, religion, political or other views or other personal or social circumstances as a universal aggravating circumstance.

***Question 8.***

**What other issues in relation to freedom of opinion and expression in the context of conflict do you feel should be given attention by the Special Rapporteur and why?**

The implementation of measures aimed at educating people and media literacy carries great importance; specifically, the public is frequently not aware of the right to freedom of expression or restrictions on hate speech, which makes fighting the latter even more difficult.

A comprehensive national response to hate speech is needed to address the rights of individuals both on and offline, including of vulnerable groups who are most often targeted by hate speech. In that context, in order to address the issue of hate speech the National Human Rights Strategy of the Republic of Armenia and Deriving Action Plan for 2020-2022 adopted in December 2019 envisage to elaborate liability for hate speech in accordance with the best international standards (Action N 42) and to raise public awareness on hate speech (Action N 44).

In relation to hate speech in the context of information war, the latter could be seen as integral part of the conflict between Armenia and Azerbaijan which started after the collapse of the Soviet Union and continued until after the trilateral agreement signed on 9 November 2020. Cyberattacks have been part of the above armed conflict since the beginning of 2000s. Cyberattacks on webpages of government and private entities led by sources originating in Azerbaijan and Turkey grew significantly in the last decade.

Since 2013, periodic DDoS attacks have increased and sometimes the sizable attacks amount to 50 Gbps which according to some experts was comparable to the whole Armenian internet traffic. The cyberattacks were often associated with hate speech content such as incitement to national, racial or religious hatred or hate crime such as denial of genocide or destruction or damage of property committed by motives of national or racial hatred. For example, it is not unusual that every year on the eve of April 24, when Armenians mourn the victims of 1915 genocide, hackers from Azerbaijan or Turkey attack Armenian websites, preferably those belonging to public bodies, and post hate speech or racist content such as pictures of Ottoman Turkey leaders who have committed genocide of Armenians.

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