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Re: Call for input: Advocacy of Hatred Based on Religion or Belief

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I. Introduction

The Armenian Bar Association (“ABA”) welcomes your call for input on “Advocacy of Hatred Based on Religion or Belief.” The ABA is an international non-profit organization of judges, attorneys, law professors, law students, and legal professionals that addresses and provides education on areas of legal concern to the Armenian community. This submission focuses on Azerbaijan’s state-sanctioned religious hatred toward Christian Armenians, and its devastating impact on ethnic Armenians and their religious artifacts and sites.

II. Analysis

Q5: How does hatred based on religion or belief overlap with other grounds of discrimination?

Q6: Are there particular times, actors, forms, or objects and symbols associated with manifestations of such hatred?

A. Hatred Against Christian Armenians is Intertwined with Genocidal State Policy Aimed at Obliterating the Armenian Identity¹

The pervasive destruction of Armenian religious monuments and artifacts and the systematic deprivation of Armenians’ right of religious practice stems from the genocidal intention to eradicate the Armenian identity. From the Armenian Genocide of 1915 to the brutal military attack on Armenians in Artsakh over the last couple of years, attempts to annihilate the

¹ Significant research in this submission is derived from: Gayane Matevosyan, *The Destruction of Armenian Cultural Heritage* (May 2023) (unpublished manuscript) (on file with author).

entire ethnic Armenian population have been both the root and the catalyst of widespread cultural and religious hatred. In this way, the attack on Armenians' religious freedom has intersected with discrimination based on ethnicity and culture.

The Second Artsakh War

Responding to the intersection between religious hatred and ethnic and cultural hatred against Armenians poses unique challenges and complications, especially in the context of armed conflict. On September 27, 2020, Azerbaijan started the Second Artsakh War² by bombing the Republic of Artsakh, a region mainly inhabited by indigenous Armenians.³ What followed was senseless bloodshed that claimed the lives of thousands and threatened the very existence of the Armenian population.

The destruction of religious monuments and artifacts was used as a tool alongside murder, torture, and other forms of intimidation against ethnic Armenians. The special importance of religious monuments and artifacts as fundamental components of social cohesion, community, belonging, and memory was exploited to shatter ethnic Armenians' very sense of who they are and where they come from.⁴ As symbols of normalcy, safety, faith, and morale, religious monuments and artifacts were destroyed as a means of obliterating ethnic Armenians' resilience and potential for healing from the horrific violence they endured.⁵

On October 8, 2020, Azerbaijani Armed Forces used guided munitions to intentionally target Ghazanchetsots Holy Saviour Cathedral in the city of Shushi.⁶ The Cathedral dates back to the 19th century and is one of the largest Armenian churches in the world.⁷ It has been described as a landmark of Armenian religious and cultural identity.⁸ Shushi is the cultural and spiritual center of Artsakh. Azerbaijani Armed Forces bombed the Cathedral two separate times only hours apart from each other. The shelling caused extensive damage, including a one-meter hole in the ceiling near the main dome and the destruction of religious icons and paintings housed inside the Cathedral.

² The First Artsakh War took place 1988-1994.

³ See *Azerbaijan: Unlawful Strikes in Nagorno-Karabakh*, Human Rights Watch (Dec. 11, 2020), <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>.

⁴ See Sinéad Coakley & Pádraig McAuliffe, *Picking up the pieces: Transitional justice responses to destruction of tangible cultural heritage*, 40 NETHERLANDS QUARTERLY OF HUMAN RIGHTS 311, 317-8 (2022).

⁵ See *id.*

⁶ See *Azerbaijan: Attack on Church Possible War Crime*, Human Rights Watch (December 16, 2020), <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>.

⁷ Dorian Batycka, *Armenian monuments in line of fire in Nagorno-Karabakh conflict*, The Art Newspaper (Oct. 26, 2020),

<https://www.theartnewspaper.com/2020/10/26/armenian-monuments-in-line-of-fire-in-nagorno-karabakh-conflict>.

⁸ Christina Maranci, *Cultural Heritage in the Crosshairs Once More*, The Wall Street Journal (Nov. 18, 2020), <https://www.wsj.com/articles/cultural-heritage-in-the-crosshairs-once-more-11605731198>.

During the Second Artsakh War, Azerbaijani Armed Forces also shelled Tigranakert, an archeological site known for its religious significance in the Early Christian period, and a Baptist church in Stepanakert, the capital and largest city of Artsakh.⁹

Historic Background and Patterns

According to a report by Caucasus Heritage Watch, a research initiative led by archaeologists at Cornell and Purdue Universities that uses satellite imagery to monitor and document endangered and damaged cultural heritage, the extensive destruction of Armenian cultural heritage between 1997 and 2011 evinces a “systematic, state-sponsored program of cultural erasure.”¹⁰ To the west of Armenia in a province called Nakhchivan, 108 of the 110 medieval and early modern Armenian monasteries, churches, and cemeteries identified by Caucasus Heritage Watch were destroyed.¹¹ Simon Maghakyan, a visiting scholar at Tufts University and lecturer at University of Colorado Denver, has described the disappearance of 89 Armenian churches, 5,840 khachkars, and 22,000 tombstones over the past 30 years as “the greatest cultural genocide of the 21st century.”¹²

A December 2010 report by the American Association for the Advancement of Science found significant evidence of destruction to Armenian cultural artifacts in the Djulfa Cemetery of Nakhchivan.¹³ Due to Azerbaijan’s prohibition of on-site investigation by outside groups, the Washington, D.C.-based non-profit organization based its conclusion on satellite imagery taken

⁹ Hamlet Petrosyan, *Politics, Ideology and Landscape: Early Christian Tigranakert in Artsakh*, 28 ELECTRUM 163, 163 (2021); *Armenian Monuments Threatened After Artsakh/Nagorno-Karabakh War*, Cultural Property News (Jan. 27, 2021), <https://culturalpropertynews.org/armenian-monuments-threatened-after-artsakh-nagorno-karabakh-war/>; Simon Maghakyan, *Archeologist Raises Alarms Over Azerbaijan’s Shelling of an Ancient City*, Hyperallergic (Oct. 3, 2020), <https://hyperallergic.com/592287/tigranakert-artsakh-nagorno-karabakh-war/>; *The Armenian Cultural Heritage in Artsakh (Nagorno-Karabakh): Cases of Vandalism and At Risk of Destruction by Azerbaijan*, The Human Rights Ombudsman of the Republic of Artsakh at 13 (Jan. 26, 2021), https://artsakhombuds.am/sites/default/files/2021-01/6.%20Final%20Report%20on%20Armenian%20cultural%20heritage%20-%202026.01.2021_0.pdf; Kaylor, Brian, *Baptist Church Damaged by Shelling in Nagorno-Karabakh Conflict*, World&Way (Oct. 13, 2020), <https://wordandway.org/2020/10/13/baptist-church-damaged-by-shelling-in-nagorno-karabakh-conflict/>.

¹⁰ David Nutt, *Report shows near-total erasure of Armenian heritage sites*, Cornell Chronicle (Sept. 12, 2022), <https://news.cornell.edu/stories/2022/09/report-shows-near-total-erasure-armenian-heritage-sites>; Ian Lindsay, Adam T. Smith, Lori Khatchadourian, & Husik Ghulyan, *Silent Erasure: A Satellite Investigation of the Destruction of Armenian Cultural Heritage in Nakhchivan, Azerbaijan*, Caucasus Heritage Watch (Sept. 2022), <https://indd.adobe.com/view/publication/2a6c8a55-75b0-4c78-8932-dc798a9012fb/58x9/publication-web-resources/pdf/CHWNakhichevanReportFull.pdf>.

¹¹ *Id.*

¹² *Id.*

¹³ *High-Resolution Satellite Imagery and the Destruction of Cultural Artifacts in Nakhchivan, Azerbaijan*, American Association for the Advancement of Science at 8 (Dec. 5, 2010), https://www.aaas.org/sites/default/files/s3fs-public/reports/Azerbaijan_Report.pdf?adobe_mc=MCMID%3D63149228756226268933717820100751046328%7CMCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1678651390.

between 2003 and 2009.¹⁴ Djulfa Cemetery, the largest medieval Armenian cemetery in the world, was home to 10,000 ornately carved 16th-century khachkars.¹⁵

Khachkars have been recognized for over a decade on the United Nations Educational, Scientific and Cultural Organization (UNESCO)'s Representative List of the Intangible Cultural Heritage of Humanity.¹⁶ They are outdoor steles carved from local stone that serve as a focal point for worship.¹⁷ The typical structure of khachkars features an ornamentally carved cross in the middle, resting on the symbol of a sun or wheel of eternity, accompanied by geometric motifs and carvings of saints.¹⁸ A religious ceremony marks the blessing and anointing of khachkars, which are believed to possess protective holy powers. No two khachkars are alike.¹⁹

B. The Linkage Between Hatred Against Christian Armenians and Genocidal State Policy Creates Unique Challenges for Healing and Restitution

Addressing the physical destruction of religious monuments and artifacts is a complex process that extends far beyond rebuilding structural components. Often, religious meaning is embedded in the original construction of a monument or artifact, which rebuilding does not have the capacity to capture. Moreover, rebuilding in the aftermath of armed conflict heightens the risk of religious and cultural erasure.

Indeed, Azerbaijan's so-called "restoration" of Ghazanchetsots Holy Saviour Cathedral sparked outrage. The Azerbaijani Minister of Culture announced a plan to remove Armenian traces, letters, and inscriptions from the walls of religious buildings in Artsakh.²⁰ The U.S. Commission on International Religious Freedom expressed concern that Azerbaijan's alleged restoration of the Cathedral involved removing its domes without seeking input from its congregation.²¹

¹⁴ *Id.* at 3.

¹⁵ Catherine Womack, *Historic Armenian monuments were obliterated. Some call it 'cultural genocide'*, Los Angeles Times (Nov. 7, 2019),

<https://www.latimes.com/entertainment-arts/story/2019-11-07/armenian-monuments-azerbaijan>.

¹⁶ *Armenian cross-stones art. Symbolism and craftsmanship of Khachkars*, UNESCO,

<https://ich.unesco.org/en/RL/armenian-cross-stones-art-symbolism-and-craftsmanship-of-khachkars-00434>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Azerbaijan intends to completely destroy the Armenian cultural heritage in the occupied territories*, Monument Watch (2022),

<https://monumentwatch.org/en/alerts/azerbaijan-intends-to-completely-destroy-the-armenian-cultural-heritage-in-the-occupied-territories/>.

²¹ *USCIRF Concerned by Azerbaijan Religion Law Amendments, Condition of Ghazanchetsots Cathedral*, United States Commission on International Religious Freedom (May 17, 2021),

<https://www.uscirf.gov/news-room/releases-statements/uscirf-concerned-azerbaijan-religion-law-amendments-condition>.

The Azerbaijani Armed Forces have also engaged in coordinated efforts of intimidation to prevent Christian Armenians from accessing holy sites and engaging in religious worship.²²

The barriers to healing and restitution for the Armenian community in the face of persecution by the Azerbaijani government are only likely to intensify in the near future. Last month, Azerbaijan launched a military attack on Artsakh after starving the ethnic Armenian population for nine months.²³ Almost 200 ethnic Armenians were killed, including children and civilians.²⁴ Over 100,000 ethnic Armenians were forcibly displaced from Artsakh in fear for their lives.²⁵

Azerbaijan's brutal takeover not only incited death and forced displacement, but it also endangered every single religious monument and artifact within Artsakh's borders. According to some estimates, the region now under Azerbaijani control is home to approximately 400 Armenian holy sites.²⁶ These sites are currently under severe risk of destruction as Azerbaijani continues its state-sponsored campaign of cultural genocide.²⁷

C. The Linkage Between Hatred Against Christian Armenians and Genocidal State Policy Also Results in Severe Violations of Armenians' Human Rights

1. The context of Azerbaijan's state-sanctioned racism towards Armenians

The cultural genocide of Armenian religious monuments and artifacts must also be understood within a wider context of Azerbaijan's deep-seated and state-sanctioned racism towards Armenians. The Committee on the Elimination of Racial Discrimination ("CERD") in 2022 noted its deep concern about the "[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials."²⁸

²² See Felix Corley, *Azerbaijan: "They hold services and pray there, but without a congregation,"* Forum 18 (July 8, 2021), https://www.forum18.org/archive.php?article_id=2671.

²³ See Tim Lister, Gianluca Mezzofiore, Christian Edwards, Anna Chernova & Nick Paton Walsh, *Azerbaijan launches operation against Armenian forces in Nagorno-Karabakh*, CNN (Sept. 20, 2023), <https://www.cnn.com/2023/09/19/asia/armenia-azerbaijan-nagorno-karabakh-bombardment-intl/index.html>.

²⁴ See *id.*

²⁵ *Guarantee Right to Return to Nagorno-Karabakh*, Human Rights Watch (Oct. 5, 2023), [https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh#:~:text=\(Berlin%2C%20October%205%2C%202023,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh#:~:text=(Berlin%2C%20October%205%2C%202023,Human%20Rights%20Watch%20said%20today).

²⁶ Felix Light, *Armenian priest fears for Karabakh's Christian heritage amid mass exodus*, Reuters (Sept. 27, 2023), <https://www.reuters.com/world/asia-pacific/armenian-priest-fears-karabakh-christian-heritage-amid-mass-exodus-2023-09-27/#:~:text=Father%20David%20said%20Nagorno%2DKarabakh,of%20destruction%2C%22%20he%20said>.

²⁷ Christina Maranci, *What Cultural Genocide Looks Like for Armenians in Nagorno-Karabakh*, Time (Oct. 12, 2023), <https://time.com/6322574/cultural-genocide-armenia-nagorno-karabakh-essay/>.

²⁸ CERD, *Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan*, CERD/C/AZE/CO/10-12 (Sept. 22, 2022).

For example, in reference to Azerbaijan’s 2020 military attack on Artsakh, Azerbaijan’s President Aliyev stated, “[w]e have not only liberated our lands, we have cleansed the region, the South Caucasus, of these savage forces,”²⁹ referring to Artsakh Armenians. After thousands of ethnic Armenians were forced to flee their homes in Artsakh because of the war, in December 2020 Azerbaijan released a commemorative postage stamp depicting an individual “fumigating” Nagorno-Karabakh.³⁰ In April 2021, Azerbaijan opened the so-called “Military Trophies Park” in Baku, which included wax mannequins of ethnic Armenian soldiers as prisoners of war with caricatured faces and abnormally large noses.³¹ Azerbaijani children are indoctrinated with this association between Armenians and “savagery” from a young age: the Azerbaijani fifth grade history textbook describes Armenians as the “enemy” 187 times in its 391 pages.³²

2. *Ethnic cleansing, and other crimes and human rights violations as a result of Azerbaijan’s advocacy of hatred towards Armenians*

This context of racial hatred towards Armenians—and towards the religious monuments and artifacts which are core components of Armenian culture—has produced not only an ongoing cultural genocide, but also the ethnic cleansing of Armenians from Artsakh.

In December 2022, Azerbaijan imposed a blockade of the Lachin corridor, the only road connecting Artsakh to Armenia, which resulted in a mass shortages of food, fuel, and medicine,³³ Azerbaijan flagrantly disregarded orders from the International Court of Justice demanding the Lachin corridor be re-opened.³⁴ After almost a year of starving the civilians living in Nagorno-Karabakh, Azerbaijan launched a military offensive against Artsakh on September 19,

²⁹ President Ilham Aliyev was interviewed by AZERTAC VIDEO, Azertac (Jan. 31, 2022), <https://azertag.az/en/xeber/1994012>.

³⁰ Lucía de la Torre, *Azerbaijani postal stamps accused of spreading anti-Armenian propaganda*, Calvert Journal (12 January 2021), <https://www.calvertjournal.com/articles/show/12442/azerbaijan-stampsnagorno-karabakh-war-anti-armenian-propaganda>.

³¹ Neil Hauer, *Azerbaijan's 'Ethnic Hatred' Theme Park Draws Ire, Imperils Reconciliation*, Radio Free Europe (22 April 2021), <https://www.rferl.org/a/azerbaijan-karabakh-theme-park-armenia-ethniCE-hatredaliyev/31217971.html>. 109; *‘War trophies park’ in Baku sparks controversy domestically and abroad*, JAMNews (14 April 2021), <https://jam-news.net/war-trophies-park-in-baku-sparks-controversy-domestically-and-abroad/>.

³² Yasemin Kilit Aklar, *Nation and History in Azerbaijani School Textbooks*, *Ab Imperio* 2/2005, pp. 469-97.

³³ Caolan Magee, ‘we are starving to death:’ residents of Nagorno-Karabakh Fear for future under blockade, CNN (September 7, 2023), <https://www.cnn.com/2023/09/06/europe/nagorno-karabakh-blockade-azerbaijan-armenia-intl-cmd/index.html>.

³⁴ Mike Corder, *Un court calls for end to Nagorno-Karabakh Roadblock*, AP News (Feb. 22, 2023), <https://apnews.com/article/politics-united-nations-international-court-of-justice-armenia-azerbaijan-43f8071d0877147203b44a8692a0df5c>.

2023,³⁵ resulting in the death of at least 200 people,³⁶ and what Human Rights Watch described as a “dire humanitarian crisis.”³⁷ The following day, a Russian-backed ceasefire agreement was signed where the Republic of Artsakh was coerced into disarming.³⁸ The bodies of victims of Azerbaijan’s attack have signs of mutilation and torture.³⁹

Within days of the ceasefire announcement, more than 100,000 people—virtually the entire population of Artsakh—were forced to flee to Armenia, fearing more of the atrocities committed by Azerbaijan starting in 2020, including torture and arbitrary killings.⁴⁰

Those atrocities, committed by Azerbaijani servicemen against Armenian civilians, are well documented and another disturbing facet of Azerbaijan’s advocacy of hatred against Armenians. From September 27, 2020 to September 27, 2021, at least 80 civilians were killed by Azerbaijani Armed Forces, including multiple cases of torture and mutilation.⁴¹ In some instances, the killings were video recorded. Analysts have noted that the number and frequency of such videos indicate that “the Azerbaijani state has given its tacit approval to these war crimes.”⁴²

For example, Yuri Asryan, born in Artsakh in 1938, was unable to leave his home in the Azokh village of Hadrut region due to health problems, after the Azerbaijani Armed Forces took control in October 2020. He was captured on October 21, 2020, shortly after the invasion, and in December 2020, a video of his beheading was posted to the internet. Asryan was pinned down by members of the Azerbaijani Armed Forces. He repeatedly asked not to be beheaded in the name of “Allah,” but despite his pleas, an Azerbaijani Armed Forces member proceeded to behead him. His body was later found on January 21, 2021.⁴³

³⁵ Gabriel Gavin, Azerbaijan launches attack in Nagorno-Karabakh, announces ‘evacuation’ of Armenian population, POLITICO (Sept 20, 2023),

<https://www.politico.eu/article/azerbaijan-launch-anti-terror-operation-nagorno-karabakh-armenia/>.

³⁶ Genocide Watch, Genocide Emergency Alert: Artsakh Surrenders to Azerbaijan’s Aggression (Sept. 21, 2023), <https://www.genocidewatch.com/single-post/genocide-alert-azerbaijan-attacks-artsakh>; Siranush Ghazanchyan, At least 200 killed, over 400 are wounded in Azerbaijani attack – Artsakh Ombudsman, Public Radio of Armenia (Sept. 20, 2023),

<https://en.armradio.am/2023/09/20/at-least-200-killed-over-400-wounded-in-azerbaijani-attack-artsakh-ombudsman/>

³⁷ Human Rights Watch, Azerbaijan: Ensure Civilians’ Rights in Nagorno Karabakh (Sept. 23, 2023),

<https://www.hrw.org/news/2023/09/23/azerbaijan-ensure-civilians-rights-nagorno-karabakh>.

³⁸ Paul Kirby, Azerbaijan halts Karabakh offensive after ceasefire deal with Armenian separatists, BBC News (September 21, 2023), <https://www.bbc.com/news/world-europe-66863702>

³⁹ Bodies of victims of Azeri attack in Nagorno-Karabakh have signs of torture and mutilation, Armenpress (Oct. 19, 2023), <https://www.armenpress.am/eng/news/1122336/>.

⁴⁰ Human Rights Watch, Guarantee Right to Return to Nagorno Karabakh (Oct. 5, 2023),

<https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh>.

⁴¹ The Republic of Artsakh Human Rights Ombudsman, Interim Report (Sept. 27, 2021),

<https://artsakhombuds.am/en/document/785> at 3.

⁴² Ulkar Natiqqizi & Joshua Kucera, Evidence of widespread atrocities emerges following Karabakh war (Dec. 9 2020), <https://eurasianet.org/evidence-of-widespread-atrocities-emerges-following-karabakh-war>.

⁴³ See Andrew Roth, Two men beheaded in videos from Nagorno-Karabakh war identified, The Guardian (Dec. 15, 2020),

War crimes such as this, as well as the recent forced displacement and ethnic cleansing of Artsakh Armenians, must be understood as part of Azerbaijan's advocacy of hatred towards Armenians and their religiocultural monuments, artifacts, and values.

Q13: Are existing UN tools to counter hatred used by the stakeholders with a mandate to uphold human rights?

While there are tools that have tried to address Azerbaijan's violations of human rights, Azerbaijan has disregarded them and undermined the stakeholders who seek to uphold or enforce those tools. This raises the question of whether there are ways to improve the efficacy of those tools and the accountability of member states for violations.

A. International Treaties

As a state party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Azerbaijan is obligated to refrain from any act of hostility directed against the cultural property of Armenia.⁴⁴ Additionally, Azerbaijan is obligated to take all feasible precautions when choosing means and methods of attack so as to avoid damaging Armenia's cultural property.⁴⁵

Regardless of whether an armed conflict is ongoing, Azerbaijan is barred from deliberately damaging Armenia's cultural heritage as a state party to the 1972 World Heritage Convention.⁴⁶ Moreover, Azerbaijan is obligated to ensure the protection and conservation of Armenian cultural heritage situated on its territory.⁴⁷

These tools have not stopped Azerbaijan from destroying Armenian cultural and religious heritage.

<https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>; The Republic of Artsakh Human Rights Ombudsman, Interim Report at 15 (Sept. 27, 2021), <https://artsakhombuds.am/en/document/785>.

⁴⁴ Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, art. 4, UNESCO (May 14, 1954), https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf.

⁴⁵ Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, art. 7, UNESCO (Mar. 26, 1999), <https://en.unesco.org/about-us/legal-affairs/second-protocol-hague-convention-1954-protection-cultural-property-event>.

⁴⁶ Convention Concerning the Protection of the World Cultural and Natural Heritage, art. 6, UNESCO (Nov. 16, 1972), <https://whc.unesco.org/archive/convention-en.pdf>.

⁴⁷ *Id.* at art. 4.

Additionally, given the deep entwinement between racism and the advocacy of religious hatred, the Convention on the Elimination of All Forms of Racial Discrimination is another tool which is relevant to countering this hatred—but which Azerbaijan categorically disregards. As noted above, in 2022, CERD noted its deep concern about Azerbaijan’s “[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials,” as well as its “extrajudicial killings, torture and other ill-treatment” of Armenians, in relation to Articles 2, 5, and 6 of the Convention on the Elimination of All Forms of Racial Discrimination.⁴⁸

The CERD Committee’s findings did not deter Azerbaijan from laying siege on the Armenian population of Artsakh and depriving them of food and other necessities of life.

B. Customary International Law

The UN Security Council has repeatedly expressed “the existence of a general prohibition of intentional destruction of cultural property in the context of armed conflict.”⁴⁹ Security Council Resolution 2347 explicitly “[d]eplores and condemns the unlawful destruction of cultural heritage, inter alia the destruction of religious sites and artefacts, as well as looting and smuggling of cultural property from archaeological sites, museums, libraries, archives and other sites, in the context of armed conflicts.”⁵⁰

C. Judicial Decisions

On December 7, 2021, the ICJ issued a legally binding order in response to Armenia’s Request for the Indication of Provisional Measures in the Armenia v. Azerbaijan case.⁵¹ In its binding order, the ICJ required Azerbaijan to “[t]ake 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 artefacts” in accordance with Azerbaijan’s obligations under CERD.⁵²

D. UN Declarations, Resolutions, and Other Tools

⁴⁸ CERD, Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan, CERD/C/AZE/CO/10-12 (Sept. 22, 2022).

⁴⁹ Francesco Francioni, *Customs, General Principles, and the Intentional Destruction of Cultural Property*, Getty Publications (2022), <https://www.getty.edu/publications/cultural-heritage-mass-atrocities/part-4/24-francioni/>.

⁵⁰ *Id.*

⁵¹ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Order on the Request for the Indication of Provisional Measures, 2021 I.C.J. (Dec. 7), <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>.

⁵² *Id.* at 393.

Azerbaijan's conduct flies in the face of many other UN tools for countering hatred. Article 6(a) of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief protects the right to "worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes." In its destruction of Armenian religious sites, Azerbaijan did not heed this guidance, nor that contained in a slew of other UN tools urging states to protect religious sites.⁵³

III. Conclusion

Considering the gravity of the crimes and human rights violations produced by Azerbaijan's state-sanctioned religious hatred toward Armenians, as well as the urgency of protecting artifacts and sites that have recently come under Azerbaijani control, we hope you take this submission into account in your forthcoming thematic report to be delivered to the 55th session of the UN Human Rights Council. We thank you for your consideration of this matter.

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⁵³ See UN General Assembly, Resolution 77/221: Freedom of religion or belief, A/RES/77/221 (Jan. 6, 2023); Human Rights Council, Resolution 6/37: Elimination of all forms of intolerance and of discrimination based on religion or belief (Dec. 14 2007); UN General Assembly, Resolution 55/254: Protection of religious sites (11 June 2001); Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4 (July 30, 1993).