

Azerbaijan UPR Secretariat Submission



**Prepared by the Armenian National Committee of Australia (ANC-
AU)**

Table of Contents

1. Cover Page
2. Table of Contents
3. About the Armenian National Committee of Australia & Contact Details
4. Destruction of Cultural Heritage and Religious Sites
5. Missing People

About the Armenian National Committee of Australia

The Armenian National Committee of Australia (ANC-AU) is the largest and most influential Armenian-Australian grassroots organisation.

Working in coordination with a network of offices, chapters, and supporters throughout Australia and affiliated organisations around the world, ANC-AU actively advances the concerns of the Armenian-Australian community on a broad range of issues.

Contact Details

Contact Person: Michael Kolokossian, Executive Director of the Armenian National Committee of Australia

Email: admin@anc.org.au

Mail Address: PO Box 768 Willoughby NSW 2068

INTRODUCTION

This report summarizes the main human rights violations committed by Azerbaijan against Armenians, Armenia, and the Republic of Artsakh (Nagorno-Karabakh), specifically focusing on violations committed during the Second Artsakh War and the after-war period. A set of recommendations are proposed at the end of each section.

DESTRUCTION OF ARMENIAN CULTURAL AND HERITAGE SITES

1. Azerbaijan has been systematically destroying, erasing and falsifying Armenian cultural heritage in the region. Artsakh has almost four thousand historical and cultural monuments, including 241 chapels, churches and monasteries. Somewhere between 130 to 160 of those came under Azerbaijani control in the aftermath of the 2020 Artsakh War. As evident from these numbers alone, Artsakh has lost not just people, land and resources, but also a significant part of its indigenous Armenian cultural heritage. And that heritage is severely endangered. Azerbaijan, like Turkey, has long targeted Armenian monuments.¹ The entire Armenian cultural presence in Nakhichevan has been entirely erased, including almost 90 medieval churches, 6,000 khachkars and over 20,000 tombstones that were documented in the late Soviet period.²
2. Following Azerbaijan's military aggression against Artsakh and occupation, approximately 1456 overwhelmingly Armenian historical and cultural prominent immovable monuments, 161 monasteries and churches, 591 khachkars (cross-stones), the ancient sites of Tigranakert, Azokh, Nor Karmiravan, Mirik, Keren, fortresses and castles, sanctuaries and other monuments remained under the control of Azerbaijan. 8 state museums also came under the control of Azerbaijan with 19 311 exhibits, as well as private museums of Armenian Carpet and Armenian dram of Shushi.³
3. During the 2020 Artsakh War, Azerbaijan's demolition of Armenian religious and cultural sites escalated, and has continued until today.⁴ In October 2020, for example, Azerbaijan conducted two precision strikes, hours apart, against the historic Holy Saviour Ghazanchetsots Cathedral in Shushi, destroying part of it and injuring civilians who were inside the cathedral at the time.⁵ Another important Armenian site in Shushi, the Kanach Zham church (also known as the "Green Chapel"), was also recently partially destroyed.⁶
4. Following the trilateral agreement signed by Armenia, Azerbaijan and Russia in November 2020, Azerbaijan continues to eliminate Armenian cultural sites and

¹ Hovhannes Nazaretyan, "Artsakh's Cultural Heritage Under Threat," EVN Report, 08 May 2021.

² Simon Maghakyan & Sarah Pickman, "A Regime Conceals Its Erasure of Indigenous Armenian Culture," Hyperallergic, 18 February 2019.

³ <https://www.panorama.am/en/news/2021/01/26/Armenian-monuments-Karabakh-Azerbaijan/2441494>

⁴ See Hakim Bishara, "Satellite Imagery Reveals Azerbaijan's Persistent Erasure of Armenian Heritage Sites," Hyperallergic, 22 August 2021.,

⁵ Avet Demourian, "Armenia says cathedral shelled in clashes with Azerbaijan," AP News, 8 October 2020. See also "Azerbaijan: Attack on Church Possible War Crime," 16 December 2020, HRW.

⁶ See also, e.g., "Azerbaijan destroys Armenian 'Green Church' in Shushi," news.am, 17 March 2021.

artifacts. In May 2022, an Azerbaijani soldier draped in the flag of Azerbaijan hurled heavy stones and rocks at Armenian Khachkars in Mataghis village and then kicked the khachkars to the ground.⁷ Furthermore, between March and July 2022, Azerbaijan carried out the systematic destruction of the village of Mokhrenes in Artsakh, including the St. Sarkis Church of Mokhrenes.⁸

5. There are a number of other widely circulated videos and photos depicting Azerbaijani military personnel vandalising or eliminating Armenian monasteries, gravestones, and cultural artefacts.⁹ Satellite imagery and other evidence confirm the extent of the destruction of numerous important relics of Armenian cultural heritage in Nagorno-Karabakh.¹⁰
6. Azerbaijan has not only desecrated Armenian cultural heritage, it has also sought to obliterate or reinvent it. It has done so through, inter alia, redefining Armenian monuments as “ancient Azerbaijani landmarks,”¹¹ or as “Caucasian Albanian” in origin.¹² In March 2021, President of Azerbaijan Ilham Aliyev visiting the occupied region of Hadrut in Nagorno Karabakh and claimed Armenian heritage sites, such as the Armenian church built in the 17th century in the village of Tsakuri,¹³ as Albanian.¹⁴ He also claimed that the Armenian inscriptions on the church walls were “fake” and indicative of Armenia’s “false history.”¹⁵
7. Azerbaijan has actually tried to digitally remove Armenian sites. In January 2022, Azerbaijan ordered Google to remove Armenian toponyms from its digital maps of Artsakh in an effort to erase any trace of the Armenian culture from the internet.¹⁶ To some commentators, the destructions already inflicted upon cultural and religious sites go beyond a violation of the 1954 Hague Convention. The Members of the International Association of Genocide Scholars, for instance, regard these destructions also as “a part of policy of the cultural genocide that the Azerbaijani government has been implementing over the past 30 years”.¹⁷

8. *Recommendations:*

⁷ Destruction of khachkars caused by Azerbaijan in the occupied territories of Artsakh Monument Watch, 10 May 2022

⁸ Ian Lindsay, Adam T. Smith, & Lori Khatchadourian, Caucasus Heritage Watch Monitoring Report #4 October 2022, Caucasus Heritage Watch

⁹ See “Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD), Armenian Bar Association, 18 December 2020, paras. 52-53, 57, 90-95.

¹⁰ See, e.g., “Satellite image shows Azerbaijan’s destruction of Armenian church,” PanArmenian, 17 March 2021.

¹¹ See Simon Maghakyan & Sarah Pickman, “A Regime Conceals Its Erasure of Indigenous Armenian Culture,” Hyperallergic, 18 February 2019.

¹² See “President of Azerbaijan Ilham Aliyev addressed the nation,” Azertac (25 November 2020).

¹³ See “Aliyev, Karabağ Ziyaretinde Hadrut-Cebrayıl-Şükürbeyli Otoyolunun Temelini Attı,” Youtube, 16 March 2021.

¹⁴ President of the Republic of Azerbaijan, Ilham Aliyev, Ilham Aliyev visited Fuzuli and Khojavand districts, 15 March 2021.

¹⁵ Ibid.

¹⁶ Artsakh Ombudsman to Google: “Don’t Replace Armenian Placenames in Artsakh Maps,” Hetq 10 Jan. 2022

¹⁷ Sylvia Maus A Violent Effort to Rewrite History?: Destruction of Religious Sites in Nagorno-Karabakh and the Concept of Cultural Genocide, Völkerrechtsblog, 19.04.2021, doi: 10.17176/20210419-100914-0. <https://voelkerrechtsblog.org/a-violent-effort-to-rewrite-history/>

- By way of restitution, restoring or returning any Armenian cultural and religious buildings and sites, artifacts, or objects to Armenians.
- Preserve and protect the cultural and archaeological heritage in its jurisdiction without altering their cultural and ethnic identity.
- Compensate for the damages or alterations caused to Armenian cultural, historical, and religious properties.
- Permit UNESCO to conduct an independent mission to draw a preliminary inventory of significant cultural properties as a first step towards the effective safeguarding of the region's heritage.

MISSING PERSONS

9. Approximately a thousand people are considered missing in Armenia due to the Armenia-Azerbaijan conflicts, which commenced in the 1990s. Since the 2020 outbreak of hostilities, the number of missing people has dramatically increased. As of 24 August 2021, 243 servicemen and 28 civilians are reported to be missing on the Armenian side.
10. Azerbaijan has failed to acknowledge its possession of other individuals who are known to be in its captivity based on direct evidence, including video and photographic materials. The ICRC continues to work with the authorities to clarify their fate and provide answers to the families. Failure to disclose information on the fate and whereabouts of missing persons and refusal to hand over the remains of the deceased may amount to enforced disappearance.
11. The right of every person not to be subjected to enforced disappearance as a non-derogable right under IHL. In addition, the widespread or systematic practice of enforced disappearance constitutes a crime against humanity with the legal consequences attached to it, and that it is not subject to statutory limitations.
12. *Recommendations:*
 - Promote communication, establish a common database, and increase the chances of location and identification of mortal remains.
 - Co-operate at the international level by providing mutual assistance in the form of information sharing in order to establish the fate of missing and disappeared persons.
 - Under customary IHL, take all feasible measures to account for persons reported as missing as a result of the conflict and provide their family members with any information Azerbaijani authorities have on their fate and whereabouts.
13. *General Recommendations:*
 - Stop the use of corruptive means to foster Azerbaijan's conflict perception in different international organizations.
 - Collaborate fully with the European Court of Human Rights regarding the application on the case of Hayk Makuchyan and Samvel Minasyan v. Azerbaijan and Hungary;
 - Do not impede an international independent human rights monitoring presence in the areas affected by the conflict in 2020, to document human rights abuses and to provide regular, public reporting on the human rights situation and emerging issues

and risks.

- Carry out thorough, prompt, independent and impartial investigations into allegations of serious human rights violations committed during the conflict and its aftermath in order to hold perpetrators to account and provide adequate and effective reparations to the victims.
- Provide humanitarian actors access to all areas affected by the conflict so that assistance can reach all those in need. Ensure effective and flexible modalities of access, enabling humanitarian and human rights actors to reach out to all those in need of urgent humanitarian assistance and human rights protection.

CRIMES AGAINST HUMANITY IN THE CONTEXT OF HUMAN-MADE DISASTERS DURING COVID-19

14. Azerbaijan initiated the unprovoked war against Artsakh and Armenia despite a call for global ceasefire by the UN Secretary-General¹⁸ and the demand of the UN Security Council for a general and immediate cessation of hostilities in all situations.¹⁹ Azerbaijan's wide-scale aggressive war during the COVID-19 pandemic increased the spread of the pandemic within civilian populations. The Azerbaijani state policy to make a human-made disaster during the pandemic to accelerate the rapid spread of the deadly virus, to achieve the eventual collapse of the health care system, causing increased deaths, other serious injuries and great sufferings to the population constitute elements of crimes against humanity.²⁰
15. The war increased the number of infected people with COVID-19, by exposing the life and health of population to direct and imminent danger. It is notable that the risk of dying from COVID-19 is greater for people in danger, security threats and poor sanitary situation. In the meantime, Azerbaijani armed forces attacked civilians and civilian infrastructure, who had taken refuge in shelters, not meeting the required sanitary standards for the prevention of the affection with the coronavirus. The war overburdened the health system and significantly reduced its efficiency. Due to the high number of wounded, hospital structures and physical facilities were restructured, while the medical staff reassigned.²¹
16. In order to control the pandemic, beds, supplies, medications, respirators, staff in adequate numbers to meet demand for care and cover shift rotations, trained staff, and the sufficient quantity of tests were required. However, the war incapacitated provision of the required resources for COVID-19 treatment, as a result of which patients faced a higher risk of death and enduring health problems. For example, as of 26th of September 2020, no single case of patients with coronavirus waiting at home to be hospitalized was registered. However, as of 10th November, the number of patients with coronavirus disease waiting to be hospitalized was 445. As a result,

¹⁸ See UN Secretary General Statement, 23 March 2020.

¹⁹ See UN Security Council Resolution S/RES/2532 (2020)

²⁰ Article 7(1) of the Rome Statute defines "crime against humanity" as "any of the following acts when committed as part of a widespread or systematic attack directed against civilian population, with knowledge of the attack" and also lists, under Article 7(I)(k), the catch-all provision of "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

²¹ Ad Hoc Public Report on The Azerbaijan's Crimes Against Humanity In The Context of Human-Made Disaster During Covid-19 (The War Against Artsakh and Armenia, September-November 2020), The Human Rights Defender of the Republic of Armenia, 2020.

the health sector became unassisted and strangled, while the advance of contamination became uncontrolled. Due to the overburdened health system, provision of proper health care became intricate, which increased deaths and other health complications among patients. Moreover, intentional strikes by Azerbaijan on hospitals further decreased the medical capacities of the country.²²

17. In violation of the principle of non-use of force, and in full disregard of the UN Security Council demand for immediate cessation of hostilities during COVID-19, Azerbaijani authorities made a disastrous political decision to initiate a human-made disaster (war) against Artsakh and Armenia during COVID-19, intentionally causing deaths and other sufferings among the population. Azerbaijani armed forces acted in an offensive and irresponsible manner, exposed the Armenian and Azerbaijani population to the contagion of COVID-19, with the risk of death or other irreversible consequences, adversely affecting particularly those who were more sensitive in condition of vulnerability. Azerbaijani actions had a serious effect on the physical and mental health of the population, placing them at risk for a highly-lethal virus, with uncontrolled spreading capacity, which suggests that Azerbaijani authorities committed crimes against humanity.²³

18. *Recommendations:*

- Provide effective and prompt reparation for the harm suffered from COVID-19 during the 2020 War period, in line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of IHL.
- Initiate an independent international Commission of Inquiry to collect and secure evidence and testimonies about the crimes against humanity committed in 2020 by Azerbaijani forces.
- Prosecute and punish all those who were involved in committing crimes against humanity during the 2020 war.

²² Ibid.

²³ Ibid.