

**ALTERNATIVE REPORT TO THE COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION (CERD)
ON VIOLATIONS OF THE INTERNATIONAL CONVENTION ON THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION BY
AZERBAIJAN**

**FOR REVIEW OF THE 10th To 12th PERIODIC REPORT OF
AZERBAIJAN**

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Protection of Rights
Without Borders NGO



OPEN SOCIETY FOUNDATIONS
ARMENIA



TRANSPARENCY
INTERNATIONAL
anticorruption center



HELSINKI
CITIZENS
ASSEMBLY



FOUNDATION
law development and
protection

About Organizations

This joint report is submitted to the UN Committee on the Elimination of Racial Discrimination by Protection of Rights without Borders NGO, Open Society Foundations – Armenia, Transparency International Anticorruption Center, Helsinki Citizens’ Assembly -Vanadzor, and Law Development and Protection Foundation non-profit organizations which aim to promote human rights, rule of law and good governance in Armenia.

The Organizations aim at promotion and protection of human rights of Armenians of Nagorno-Karabakh (Artsakh) and conducted fact-finding mission documenting violations of human rights and international humanitarian law committed during the 2020 war in Nagorno-Karabakh, as well as documenting anti-Armenian state policy of Azerbaijan and developing comprehensive reports on Human Rights Violations during the 44-Day War in Artsakh¹ and Anti-Armenian Xenophobia and Racism in Azerbaijan².

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¹ Human Rights Violations during 44-Day in Artsakh, Fact-finding Report, available at: https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf?fbclid=IwAR0X4nNexbX7U4YYT92uPC12Zy4Y-CkTd2UIWLR5Aif8LAHbWbdkNgYkE

² Anti-Armenian Xenophobia and Racism in Azerbaijan, 2021, available at: <https://transparency.am/assets/documents/1646637425-52831-785.pdf>

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I. INTRODUCTION

1. This joint report is submitted to the UN Committee on the Elimination of Racial Discrimination (hereinafter – the Committee) by the Open Society Foundations – Armenia, Protection of Rights Without Borders, Transparency International Anti-Corruption Center, Helsinki Citizens' Assembly Vanadzor, and Law Development and Protection Foundation in advance of the review of the 10th to 12th periodic report of the Republic of Azerbaijan at the 107th session of the Committee.
2. This report focuses on Azerbaijan's policy of racial discrimination and ethnic hatred against ethnic Armenians. Having been brought to the attention of international human rights organisations and confirmed as concerning by the latter on numerous occasions, including by the Committee, such policy not only persists as of today but have especially exacerbated in the context of the armed conflict in 2016 and 2020 and its aftermath against the predominantly Armenian-populated Nagorno-Karabakh Republic (Republic of Artsakh) and its population.
3. The report points out facts regarding the continuing state sponsored policies of racial/ethnic hatred and discrimination against ethnic Armenians which demonstrate that the problems highlighted in the Committee's Concluding Observations of 2016³ have not been eliminated by Azerbaijan, that the recommendations have not been implemented, thus resulting in more profound and severe expressions of Armenophobia in Azerbaijan and hence violations of the obligations under the Convention.

II. INFLAMMATORY SPEECH BY AZERBAIJANI POLITICIANS AGAINST ARMENIANS

4. In its concluding observations on Azerbaijan of 2016, the Committee expressed concern at the “repeated and unpunished use of inflammatory language by politicians speaking about the Nagorno-Karabakh conflict and at its adverse impact on the public's view of ethnic Armenians in the State party” (arts. 4, 5 and 7).⁴
5. The situation has deteriorated during the reporting period and reached its peak during and in the aftermath of the 44-day war launched by Azerbaijan against the Nagorno-Karabakh in 2020. Despite the recommendations by the Committee, the Azerbaijani authorities not only failed to condemn and investigate instances of inflammatory speech, but actually engaged in such conduct at the highest, level, including by the President of Azerbaijan himself.
6. There is a widespread state sponsored practice and common scheme of racial discrimination employed by Azerbaijani authorities against ethnic Armenians. The racial discrimination policy against ethnic Armenians is being continuously and consistently fueled by hate speech of public officials. The president of Azerbaijan actively develops Armenophobic statements that are translated into the public consciousness. President Aliyev in his speeches often makes references to Armenians as “barbarians”, “vandals”, and “fascists”.⁵
7. During the 44-day war in 2020, President of Azerbaijan Aliyev referred to Armenians as “animals”, including claiming that “We are now driving them out as if we were chasing dogs”,⁶ an insult which

³ CERD, Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan, CERD/C/AZE/CO/7-9, 10 June 2016 , <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/117/70/PDF/G1611770.pdf?OpenElement>

⁴ Ibid.

⁵ Armenophobia in Azerbaijan, Authors: Armine Adibekyan, Anzhela Elibegova, https://www.academia.edu/19420142/ARMENOPHOBIA_IN_AZERBAIJAN

⁶ Ministry of Defense, President Ilham Aliyev addressed the nation, available at: <https://mod.gov.az/en/news/president-ilham-aliyev-addressed-the-nation-video-32640.html> , see also BBC, Nagorno-Karabakh conflict: Major cities hit as heavy fighting continues, available at: <https://www.bbc.com/news/world-europe-54407436>

- subsequently gained popularity in Azerbaijan “showing the degree of hostility and hate speech within Azeri society”.⁷ In this context, the announcement of the Azerbaijani Ministry of Defense about the production of UAVs named “Iti Qovan” which is “dog chaser” in Azerbaijani⁸ should be emphasized.
8. The International Court of Justice (hereinafter – ICJ) in its order of provisional measures in the context of the Armenia’s application under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter – the Convention), unanimously indicated that Azerbaijan shall “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 or ethnic origin”.⁹
 9. On 12 April 2021, President Aliyev gleefully participated and delivered a speech at the opening of a trophy park dedicated to the 44-day war in Baku. The inaugurated “park” featured Armenian military equipment and wax figures (mannequins) of dead and dying Armenian soldiers. The latter are presented to the public in extremely dehumanizing and degrading way, further inciting hostile, disdainful and cynical attitude against the ethnic Armenians. The Council of Europe Commissioner of Human Rights, Dunja Mijatovic, expressed her concern at the inauguration of the “Trophy Park”, considering such images “highly disturbing and humiliating” and stating that “this kind of display can only further intensify and strengthen long-lasting hostile sentiments and hate speech and multiply and promote manifestations of intolerance”.¹⁰
 10. In December 2020, the Ministry of Transport, Communication and High Technologies of Azerbaijan issued “Azerbaijan 2020” postage stamps, which showed how a man in medical uniform is disinfecting the Nagorno-Karabakh area on Azerbaijan’s map, basically comparing Armenians to “virus, and depicting ethnic-cleansing of the territory.”¹¹
 11. Monitoring of Azerbaijani mass media and social networks of Azerbaijani users, especially during the 44-day war in 2020, has revealed hatred and incitement to hatred and calls for violence against Armenians, including calls for killings, spread from Turkish and Azerbaijani sources. At the same time, extensive number of social network individual and group pages spread videos and texts containing hatred towards Armenians; scenes of violence and calls for killing and destruction. Significant number of fake profiles with Armenian names and surnames is used to send messages to real Armenian accounts with threats and intimidation.¹²
 12. Hate speech by public officials reached such wide spread dimensions in Azerbaijan that in its most recent report of 2016 the European Commission against Racism and Intolerance (hereinafter – ECRI) pointed out that “political leaders, educational institutions and media have continued using hate speech against Armenians; an entire generation of Azerbaijanis has now grown up listening to this

⁷ Bahruz Samadov, “Azerbaijan update: From COVID-19 to the New War in Nagorno-Karabakh,” The Heinrich Böll Stiftung (10 December 2020), available at <https://www.boell.de/en/2020/12/10/azerbaijan-update-covid-19-new-war-nagorno-karabakh>

⁸ Information on the issue at <https://twitter.com/abdullahciftcib/status/1319367163417972737?s=21>;
<https://twitter.com/cavidaga/status/1319158918908698625?s=21>

⁹ ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Order, 7 December 2021, <https://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

¹⁰ Council of Europe, Commissioner for Human Rights, Azerbaijan: efforts to deal with the past should become the priority to ensure reconciliation and lasting peace (27 April 2021), available at: <https://www.coe.int/en/web/commissioner/-/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace>

¹¹ AzTV, Postage Stamps Dedicated to Azerbaijani Heroes Issued, January 6, 2021, <http://www.aztv.az/en/news/11015/postage-stamps-dedicated-to-azerbaijani-heroes-issued>; The Calvert Journal, Azerbaijani Postal Stamps Accused of Spreading Anti-Armenian Propaganda, January 12, 2021, <https://www.calvertjournal.com/articles/show/12442/azerbaijan-stamps-nagorno-karabakh-war-anti-armenian-propaganda>

¹² The Republic of Artsakh Human Rights Ombudsman, Second updated report, on the Azerbaijani atrocities against the Artsakh population during September-October 2020, available at <https://artsakhombuds.am/en/document/735>

hateful rhetoric” and issued a distinct recommendation to authorities of Azerbaijan to “ensure *that public officials at all levels refrain from hate speech towards Armenians*”.¹³

13. The fact that such practice is long-standing and remains untackled for many years is confirmed by the fact that the ECRI addressed the issue of anti-Armenian policy by Azerbaijan in its previous reports on Azerbaijan. For example, in its second report of 2006 on Azerbaijan the ECRI recommended that the Azerbaijani authorities ensure an adequate response to all instances of discrimination and hate-speech against Armenians, including through the use of the relevant legal provisions. Concerns were expressed with regard to oral and written inflammatory speeches and statements, which target Armenia and Armenians in general (both living in Azerbaijan and outside). ECRI also points out that some media, and particularly certain TV channels, some members of the general public, some politicians and even authorities both at local and at national levels apparently fuel negative feelings among society towards Armenians in general, and ethnic Armenians living in Azerbaijan in particular.¹⁴
14. ECRI stated that the situation towards Armenians has not changed. As mentioned in the report “ECRI deeply regrets that since the adoption of its first report in 2002,¹⁵ the situation as concerns ethnic Armenians living in Azerbaijan has not improved at all. While ECRI continues to receive alarming information concerning racism and racial discrimination against this group of persons, the Azerbaijani authorities have not demonstrated their will to tackle this problem. On the contrary, the general attitude among national and local authorities is rather to purely and simply deny that Armenians are confronted with problems in Azerbaijan. ECRI is surprised by this position which comes in stark contrast to information from numerous national and international non-governmental sources. Armenians are often referred to as the most vulnerable group in Azerbaijan in the field of racism and racial discrimination. The issue is sufficiently serious for Armenians to sometimes be described as “second-class citizens” in Azerbaijan. This situation is generally said to be “a consequence of the overall”.¹⁶ It was confirmed that Azerbaijani authorities have not demonstrated their will to tackle the problem of racism and racial discrimination against Armenians.
15. It should be noted that the issue of anti-Armenian hatred and discriminatory environment has been raised in ECRI’s 2011 report on Azerbaijan. ECRI states that the negative climate against Armenians continues, and the Azerbaijani authorities have not taken any step to combat the racial discrimination against Armenians. ECRI is still deeply concerned about the fact that the constant negative official and media discourse concerning the Republic of Armenia helps to sustain a negative climate of opinion regarding people of Armenian origin coming under the Azerbaijani authorities' jurisdiction. This prejudice is so ingrained that describing someone as an Armenian in the media is considered by some people - including by certain Armenians themselves - to qualify as an insult that justifies initiating judicial proceedings against the persons making such statements. ECRI underlines the seriousness of this situation, where it seems that persons belonging to the group discriminated against in this way may themselves have interiorized this discriminatory attitude.

¹³ECRI, Report on Azerbaijan (fifth monitoring cycle) Adopted on 17 March 2016. See, in particular, the paragraphs 25 and 29 of the report. The full text is available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>

¹⁴ ECRI, Report on Azerbaijan, Adopted on 15 December 2006, available in <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-III-2007-22-ENG.pdf>

¹⁵ ECRI, Report on Azerbaijan, Adopted on 28 June 2002, available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-II-2003-003-ENG.pdf>

¹⁶ ECRI, Report on Azerbaijan, Adopted on 15 December 2006, available in <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-III-2007-22-ENG.pdf>

16. The fact of discriminatory policy and racism by Azerbaijan towards Armenians has been pointed out also by the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities. In its opinions on Azerbaijan issued in 2017, the Advisory Committee pointed out the incidents of “hostility and discrimination” against Armenians, existence of anti-Armenian sentiments in Azerbaijan and recommended Azerbaijan to take steps for eliminating the discriminatory attitude towards Armenians.¹⁷
17. Besides, the Advisory Committee mentioned that persons, belonging to some national minorities, and especially those belonging to the Armenian minority, continue to face widespread discrimination in various fields and hostility, often triggered by the media. Access of these persons to effective remedies, including legal remedies, against discrimination is very limited as there seem to be very limited awareness on discrimination-related issues in the judiciary and in the police, but also in the population at large.¹⁸

III. VIOLENCE AGAINST ARMENIANS ON THE GROUND OF ETHNIC HATRED AND IMPUNITY

18. Executions and torture of persons of Armenian origin by Azerbaijani authorities and members of the armed forces as well as state sponsored impunity and encouragement is another evidence of Azerbaijani discriminatory policy against ethnic Armenians. Azerbaijani authorities fail to respect its obligation under Article 6 of the Convention to bring perpetrators of ethnically motivated hate crimes to justice and ensure effective remedy to victims.
19. The European Court of Human Rights (hereinafter – ECHR) in *Makuchyan and Minasyan v. Azerbaijan*¹⁹ case related to the brutal murder in Budapest, Hungary in 2004 of an Armenian Army officer, Lieutenant Gurgen Margaryan, by an Azerbaijani army Lieutenant, Ramil Safarov, who was later extradited to Azerbaijan and given hero’s welcome and promotion upon his return, addressed the issue of impunity and encouragement for ethnically motivated killing of Armenians. In its judgment of 26 May 2020, the ECHR did not question the fact that, as had been established by Hungarian authorities, the killing of the Armenian officer had an ethnic basis (§212 of the judgment), which served as a ground for the Court finding a violation of Article 14 in conjunction with Article 2 of the European Convention on Human Rights. Additionally, the Court found it “*particularly disturbing*” that the ethnically driven acts of the Azerbaijani officer receive official glorification by the State of Azerbaijan, its high-ranking officials (§§216-217 of the judgment), and eventually concluded that the measures taken by the Azerbaijani authorities in respect of the Azerbaijani army officer were racially motivated (§218 of the judgment). Absolute impunity for such a heinous hate crime in Azerbaijan resulted in further practice of deliberate killing and beheading of ethnic Armenians, both combatants and civilians, who fell in the hands of Azerbaijani armed forces as will be presented below.
20. Other cases of torture and extrajudicial execution of Armenian civilians in Azerbaijani custody were also confirmed by the ECHR. In 2010, Manvel Saribekyan, a 20-year old Armenian civilian, had lost his way in the bordering Tavush region of Armenia in a fog and was detained by Azerbaijani military

¹⁷<https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>

Advisory committee on the framework Convention for the protection of National Minorities, Fourth Opinion on Azerbaijan, 8 November 2017

¹⁸Ibid.

¹⁹ ECHR, *Makuchyan and Minasyan v. Azerbaijan*, app. no. 17247/13, judgment of 26 May 2020

<https://hudoc.echr.coe.int/eng?i=001-202524>

police. He was killed in the Azerbaijani custody and his death was declared by the Azerbaijani authorities as a suicide. In 2020, the ECHR ruled that Azerbaijan was responsible for the murder of Manvel Saribekyan, “given the injuries which Mr. Saribekyan sustained prior to his death, as described in the Armenian forensic report, supported by photographic evidence, and the information made available to the Court regarding the configuration of his cell..., the account according to which he hung himself cannot be accepted.”²⁰ No one in Azerbaijan was brought to justice for the murder of Saribekyan.

21. Mamikon Khojoyan, a 77-year-old Armenian civilian, was also arrested by Azerbaijani authorities when he got lost during harvesting activities in the bordering region of Armenia in 2014. He was repatriated to Armenia after staying 35 days in Azerbaijani custody. Forensic medical examination revealed multiple signs of torture, including injuries to his head, ears, ribs, arms, numerous fractures of two sides of the ribs accompanied by a chest deformation. A chemical forensic examination was also undertaken, which revealed the existence of petroleum and psychotropic medications in Manvel Khojoyan’s blood and urine. Mr. Khojoyan died shortly after his repatriation, on 20 May 2014. The ECHR found that Mr. Khojoyan was subjected to treatment which amounted to torture, and the injuries included multiple injuries to his head, ribs, arms and other parts of his body – had posed a serious and imminent risk to his life in violation of his right to be free from torture and right to life. Moreover, the ECHR had taken into account that “Mr. Khojoyan was an Armenian citizen who was detained on the ground that he was a member of an armed group. In this connection, the Court cannot overlook the general context of hostility and tension between Azerbaijan and Armenia and the proper investigation should have been carried out including as to whether ethnic hatred had played a role in the treatment of Mr. Khojoyan which had put his life at risk.”²¹ Perpetrators of torture to the elderly Khojoyan remain unpunished to-date in Azerbaijan.
22. Crimes of executions of peaceful civilians, decapitation of a serviceman of the Nagorno-Karabakh Defense Army, as well as mutilation and dismemberment of corpses of the fallen Armenian servicemen, including through beheading were committed by Azerbaijan during the 2016 April war. On 2 April 2016, Azerbaijani Special forces penetrated into Talish village of Nagorno-Karabakh where they tortured and executed elderly members of the Khalapyan family in their house, as well as mutilated their corpses through cutting their auricles.²² On the same day, Azerbaijani Special forces executed through beheading and dismembered a Major of the Defense Army, H. T., while alive and beheaded his driver, Private H. Gh., post-mortem.²³ The severed heads were taken as a war trophy and never returned to the families of the killed. Moreover, the severed head was posted on social media by a member of the Azerbaijani Special Forces proudly claiming the “possession of one”. It should be noted that the perpetrator of the crime, the Commander of the Special Forces Unit, Sarkhan Mammadov, publicly admitted committing the crime of execution and beheading of Major H. T.,²⁴ however the Azerbaijani authorities failed to conduct an investigation and to punish for the crime.

²⁰ ECHR, *Saribekyan and Balyan v. Azerbaijan*, App. No. 35746/11, judgment 30.01.2020, <https://hudoc.echr.coe.int/eng?i=001-200439>

²¹ ECHR, *Khojoyan and Vardazaryan v. Azerbaijan*, App. no. 62161/14, judgment 04.11.2021, <https://hudoc.echr.coe.int/eng?i=001-212964>

²² ECHR, *Khalapyan v Azerbaijan*, app no 54856/16 (communicated on 25 November 2016, <http://hudoc.echr.coe.int/eng?i=001-169756>).

²³ ECHR, *K.S. and N.A. v. Azerbaijan and 21 other applications* (communicated on 25 November 2011, <http://hudoc.echr.coe.int/eng?i=001-169755>).

²⁴ *Yenicag.az, Interview with Sarkhan Mammadov, Chief of Unit of Special Forces of Azerbaijan*, <https://yenicag.az/ermeni-zabiti-tapancasini-cixarib-dostuma-tusladi-aprel-doyuslerinin-qehremanlari-sohbet-silsilesinden/>

23. Another instance of a hate crime in 2016 was the decapitation of an Armenian soldier of Ezidi origin, Kyaram Sloyan, taking his severed head as a war trophy and subject to public display, including to children. Moreover, the severed head was filmed and posted on social media by the perpetrator himself, however, again no investigation had been conducted and perpetrator was not punished. On the contrary, the photos posted showed that the President of Azerbaijan Aliyev visited border-line regions, where he had meetings with civilians and military officials whom he expressed his gratitude for the brevity and rewarded them. Among the rewarded military personnel was Elnur Ferzeliev, who beheaded the killed Armenian soldier and posed a photo with the severed head. Impunity for this crime, tacit or verbal approval of such conduct by Azerbaijani officials resulted in an increased number of beheadings while alive of Armenian civilians and servicemen *hors de combat* during the 2020 war in Nagorno Karabakh as demonstrated below.
24. As a clear manifestation of hatred against Armenians and their dehumanization was also mutilation of bodies of fallen Armenian servicemen by Azerbaijani servicemen, including cutting of auricles, wrists, and other parts of bodies, as well as smashing of their faces through sharp and blunt tools.²⁵
25. Total impunity for hate crimes, including racially (ethnically) motivated torture and killing of Armenians in the reporting period resulted in the situation that the hatred towards ethnic Armenians has been exacerbated in the context of the armed conflict in 2020. Examples of atrocities committed against civilians and servicemen *hors de combat* encompassing executions and beheadings while alive, torture and ill-treatment include but are not limited to the following cases:
26. *On 15 October 2020, two videos were circulated on social media showing surrender and execution of two men.²⁶ Both videos were taken in the town of Hadrut, Nagorno-Karabakh. It was established that the two men in the videos were local residents Benik Hakobyan, 73 (civilian) from town of Hadrut, and Yuri Adamyan, 25 (a voluntarily enlisted servicemen of the Nagorno-Karabakh Defense Army) from Tyak village of Hadrut district.²⁷ The first video shows how two Armenian men surrender to a group of servicemen in a military uniform of the Azerbaijani Armed Forces. The second video shows two men with hands tied behind their backs and wrapped up in the flags of the Republic of Armenia and Nagorno-Karabakh respectively. Upon a command, they are shot multiple times. According to the BBC translation, before shots are fired, someone orders in Azerbaijani: “Aim at their heads.”²⁸ The United Nations High Commissioner for Human Rights also referred to this case, stating “in-depth investigations by media organizations into videos that appeared to show Azerbaijani troops summarily executing two captured Armenians in military uniforms uncovered compelling and deeply disturbing information.”²⁹*

²⁵ *K.S. and N.A. v. Azerbaijan* and 21 other applications (communicated on 25 November 2011, <http://hudoc.echr.coe.int/eng?i=001-169755>).

²⁶ Bellingcat, An execution in Hadrut (15 October 2020), <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/>

²⁷ “Interim Report: On the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan” (Stepanakert: The Republic of Artsakh Human Rights Ombudsman, September 27, 2021), available at: <https://artsakhombuds.am/hy/document/785>

²⁸ BBC, Nagorno-Karabakh conflict: ‘Execution’ video prompts war crime probe (24 October 2020); available at: <https://www.bbc.com/news/world-europe-54645254> ;

²⁹ United Nations, Nagorno-Karabakh conflict: Bachelet warns of possible war crimes as attacks continue in populated areas, available at: <https://www.ohchr.org/en/press-releases/2020/11/nagorno-karabakh-conflict-bachelet-warns-possible-war-crimes-attacks?LangID=E&NewsID=26464>

27. *On 30 October 2020, a footage appeared on Telegram channels³⁰ which shows the bodies of at least eighteen men in Armenian military uniforms, some with tied hands and/or ankles, some blindfolded (their heads covered), and others unclothed, lined up on the ground. A serviceman in an Azerbaijani uniform walks by and films the bodies. According to the Digital investigator Benjamin Strick, satellite imagery dated October 24, 2020, appears to show a line of dead bodies in uniform in Kovsakan (Zangilan) nearby a building.³¹ At least four of eighteen servicemen had their hands tied. The fact that the dead servicemen are tied suggests that they fell into Azerbaijani custody while alive. Given the context and established practice of executing Armenian prisoners of war (hereinafter – POWs) by Azerbaijani servicemen, this suggests that they were executed.*
28. *On 22 November 2020, a video of brutal decapitation of Genadi Petrosyan, a 69-year-old civilian resident of Matadashen village of Askeran district of Nagorno-Karabakh was disseminated. The video depicts Genadi Petrosyan being beheaded by servicemen in Azerbaijani uniform, the severed head is then placed on a dead animal (a pig). “See the pigs next to each other!”, “You dishonorable, all these for the blood of our martyrs” and “This is how we get revenge – by cutting off heads,” a voice says off camera in Azerbaijani.³² In the second video, published on 3 December 3 2020³³ on Azerbaijani Telegram channels, a group of servicemen in Azerbaijani military uniform, with the flag of Azerbaijan on the right shoulder, are seen holding a struggling man – Genadi Petrosyan, while another serviceman cuts off his head, and one of the other servicemen puts his hand on the body in order to help the perpetrator.*
29. *On 3 December 2020, a video of the decapitation of an Armenian civilian surfaced on the internet, and the victim in the video was later identified as Yuri Asryan, an 82-year-old civilian resident of Azokh village of Hadrut District, Nagorno-Karabakh. In the video, Yuri Asryan is seen asking not to be beheaded in the name of “Allah” but a serviceman wearing a uniform of the Azerbaijani Armed Forces beheads him in cold blood, and the other servicemen present there cheer.³⁴*
30. *Arsen Gharakhanyan, a 44-year old civilian resident of the city of Hadrut, Nagorno-Karabakh, was killed while in Azerbaijani custody. He was killed in January 2021, after the conclusion of the Tripartite Statement of 9 November 2020, ending the hostilities. The last time the family spoke to Arsen was on 9 October 2020. There was no news of Arsen until January 6, 2021, when the family saw a video of Arsen on the internet: he was forced to say, ‘Karabakh is Azerbaijan.’ The second video was published on January 8, 2021; in the video Arsen was held down, and he was told to say “salam”. On 18 January 2021, Arsen’s body was identified by his sister. The body had been found*

³⁰OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, Fact-finding report, 2022, available at: https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf?fbclid=IwAR3lCU-VDDByUv6JmrIY4pjWidt2EcvkQVOcPJOZ8NqDWcrhEw3JLhwB9m8, pp. 60-61.

³¹ Benjamin Strick, Digital Investigator, publication on Twitter (30 October 2020), available at: <https://twitter.com/bendobrown/status/1322200787141971971>

³² Amnesty International, Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated (10 December 2020), available at: <https://www.amnesty.org/en/latest/news/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/>

³³ OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, fact-finding report, 2022, available at: https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf?fbclid=IwAR3lCU-VDDByUv6JmrIY4pjWidt2EcvkQVOcPJOZ8NqDWcrhEw3JLhwB9m8

³⁴ Washington Post, Videos from Nagorno-Karabakh conflict prompt accusations of war crimes (25 December 2020), available at: https://www.washingtonpost.com/world/armenia-nagornokarabakh-war-crimes/2020/12/24/f8b28900-4165-11eb-b58b-1623f6267960_story.html

during search operations. His body had been buried within 2-3 km from Hadrut city but his head was left above ground. Forensic experts concluded that he had been killed on 15 January 2021.³⁵

31. Torture and ill-treatment of POWs was a widespread practice during the armed conflict including upon capture, during the transfer as well as in premises of the Azerbaijani Military Police, the Ministry of National Security and in Kurdakhani Prison in Azerbaijan. The interviewed repatriated POWs stated that they were severely beaten just because “being Armenian”.³⁶ The repatriated POWs reported that they were subject to abuse by Azerbaijani servicemen immediately upon capture. Beatings and abuse took place mostly when they were transferred from the place of capture to temporary command points set up by Azerbaijani military. Azerbaijani servicemen in groups abused the POWs, hit them on various parts of the body, including right on the injuries. Armenian servicemen were subjected to abuse also during the transfer to Baku. Some of them reported that their skin was burned by cigarettes; some were subjected to electric shock. They also reported that they were subject to beatings particularly at the premises of the military police. Some of the POWs interviewed by the PRWB stated that they were threatened there that all those captured Armenians would have to pay for everything that occurred in 1990-s and they would not go back.

*“At the military police, I was beaten several times, subjected to electric shock. They beat me with their hands, kick with boots, hit with a baton, hit my head. Only after that I was transferred to a hospital for a medical check-up as I was wounded,” Gnel (name changed) recounted.*³⁷

32. After the Military Police the captives were transferred to the Ministry of National Security, where the Armenian POWs were also subjected to physical violence and suffering. Azerbaijani guards would order them to stand the whole day or, on the contrary, to sit and not move for hours; they would be beaten if caught not following the instructions. If the orders were not followed, then the captives were beaten. Very often, they were insulted, for example, with such words as “jackal”, or “ogrash” (insult in Azerbaijani). *One of the repatriated POWs recounted: “I was kept alone (in Ministry of National Security). Even at night, a very strong light was on, like a projector, so that I could not sleep properly. During the day, the light was made down low but still on. They would tell me to stand for the whole day, or to sit and freeze. If they did not enter to check on you, you were lucky. If they entered and saw that you were not following their order, that was not good at all, they would beat you. From my cell, I heard other Armenians screaming. I even recognized one of my fellow servicemen, we were captured together. Over there, I was beaten if not every day, then every other day for sure. Usually, they would beat me on the day of interrogation or the day before. They used batons to beat me, electric shockers, mostly on the sides of my abdomen area, on the neck, hands and calf muscles. They would use the electric shocker up to the point when I was about to pass out. I did not pass out, but if they used it for two seconds longer, I would. They would stop when they noticed that I was going to pass out. During interrogation, they would also beat me, mostly hit on my head. However, they would mostly beat me in my cell, and then take me for interrogation either on the same*

³⁵ Human Rights Watch, Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes (12 March 2021), available at: <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>

³⁶ OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, Fact-finding report, p. 108, Yerevan, 2022, available at: https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf?fbclid=IwAR3lCU-VDDByUv6JmrIY4pjWidt2EcvkQVOcPJOZ8NqDWcrhEw3JLhwB9m8

³⁷ Ibid.

day or the next day. They would enter the cell, beat me with various accusations, force me to say 'Karabakh-Azerbaijan,' and swear at certain people"³⁸

33. The Azerbaijani guards in detention facilities ordered them to stand up, including the wounded, and say 'Karabakh is Azerbaijan' every time they opened the cell. Those who did not follow the orders, were abused.
34. Videos showing subjecting the Armenian POWs and civilians to torture and to inhuman and degrading treatment by the Azerbaijani servicemen were widely posted and circulated in social media by Azerbaijani users themselves. Given that the access to the internet was restricted in Azerbaijan during the active phase of hostilities, the fact that Azerbaijani servicemen at the frontline not only recorded the execution of Armenians who fell into their custody but also were able to transmit and/or post it online en masse, suggests that there was an approval of such practice by the high-rank Azerbaijani officials. This practice also aimed to create fear among the remaining Armenian population of Nagorno Karabakh as to their fate if they fall into the hands of Azerbaijani, hence pushing them to leave with no possibility of return to their homes.
35. *On 25 October 2020, a video was posted on Telegram Channel showing a group of captured persons in the Armenian military uniform face down on the ground with their hands tied behind their backs and blindfolded.³⁹ There are pierced wounds on the bodies of some of them. The video shows men in the uniform of the Azerbaijani armed forces speaking in Azerbaijani who walk around and poke the bodies of some of the tied Armenians with a metal rod. While poking one of the lying and tied Armenian soldiers, and kicking him, one of the Azerbaijani soldiers suggests in Azerbaijani to cut off his fingers. The Armenian soldier asks in Russian not to do that. One of the tied, blindfolded Armenians says in Russian: "Do not do it! I will tell everything". Azerbaijani soldiers kick him several times, step on his head and leg, and prod him. Few seconds later, a background voice speaking Azerbaijani tells to cut off his fingers.⁴⁰ HRW verified the identity of this soldier as M.M, 21. HRW also established the identity of another Armenian in this group as L.M., 51.⁴¹ Two Azerbaijani soldiers repeatedly kick and poke him with the metal rod on his head, back, stomach, and legs, as he pleads with them not to hurt him. The capture of L.M. has been confirmed by the Azerbaijani authorities as they charge L.M. with torture of detainees during the First Karabakh War.⁴² One of the Azerbaijani soldiers also kicked with booted feet the captured Armenians in the head and other parts of the body. The trousers of some of the Armenians are bloody, suggesting that they are wounded.*
36. *Numerous videos posted in social media showed soldiers of the Nagorno-Karabakh Defense Army in the hands of Azerbaijani servicemen being kicked in head and other body parts, ordering to swear*

³⁸ OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, Fact-finding report, Yerevan, 2022, pp. 109-110.

³⁹ Ibid, p. 120.

⁴⁰ Ibid.

⁴¹ Human Rights Watch, Azerbaijan: Armenian prisoners of war badly mistreated (02 December 2020), available at: [https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated#:~:text=\(Berlin\)%20%E2%80%93%20Azerbaijani%20forces%20have,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated#:~:text=(Berlin)%20%E2%80%93%20Azerbaijani%20forces%20have,Human%20Rights%20Watch%20said%20today)

⁴² OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, Fact-finding report, 2022, cited above, p. 120.

*certain persons, including the leader of Armenia. There are numerous videos showing the Armenian soldiers being ordered to chant “Karabakh is Azerbaijan”.*⁴³

37. During the 2020 armed conflict, the Azerbaijani armed forces indiscriminately shelled the civilian population and civilian infrastructure using cluster munitions, as well as directly targeting civilians by the unmanned aerial vehicles (hereinafter – UAV). On 5 October 2020, Amnesty International has independently verified, reported and publicly condemned the use of cluster munitions targeting civilians in Stepanakert that appeared to have been fired by Azerbaijani forces.⁴⁴ The use of cluster munitions against civilian population has been confirmed also by the Human Rights Watch. After the on-site investigation in Stepanakert (capital of Nagorno-Karabakh Republic), it has been reported that “Human Rights Watch was not able to identify any military equipment or bases in the three neighborhoods where the attacks took place. Even if there had been, given the indiscriminate effects of cluster munitions, their use in a residential civilian setting is not permitted under the law of war”.⁴⁵
38. In addition, wide-spread use of UAVs with a view to kill and/or cause life-changing injuries, is aimed at spreading terror and psychological suffering among the civilian population. The use of these prohibited under International Humanitarian Law weapons has contaminated large residential areas of city of Stepanakert with unexploded ordnance posing additional risks for the civilians including children.⁴⁶
39. Systemic and indiscriminate shelling and direct strikes from UAVs resulted in significant human loss and people suffering life-changing injuries. At least 81 civilians were killed by Azerbaijani armed forces, including 42 civilians were killed in missile and drone strikes, while the remaining 39 were murdered after being captured by the Azerbaijani servicemen.⁴⁷
40. Moreover, civilian harm caused by indiscriminate and direct strikes extends far beyond killings and injuries as it causes significant psychological harm to civilians, particularly to children,⁴⁸ cripple daily activities,⁴⁹ etc. Regular use of UAVs over the city of Stepanakert created an atmosphere of terror and constant fears among the civilian population who have to spend days and nights in shelters not to be targeted. As pointed out by the UN Special Rapporteur on extrajudicial, summary or arbitrary

⁴³ OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, Fact-finding report, Yerevan, 2022, cited above, pp. 122-129.

⁴⁴ Amnesty International, Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs, 5 October 2020, available at: <https://www.amnesty.org/en/latest/press-release/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/>

⁴⁵ Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh?fbclid=IwAR1izxbCrYsT8JyVNhH3Nsfqv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnl>

⁴⁶ Amnesty International, Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs, 5 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/> ; Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh?fbclid=IwAR1izxbCrYsT8JyVNhH3Nsfqv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnl>

⁴⁷ PanArmenian.net, HRD: 750 Karabakh citizens killed in 44-day war, 81 still missing, 7 July 2021, available at: <https://www.panarmenian.net/eng/news/294162/>

⁴⁸ Los Angeles Times, A New Weapon complicates an old war in Nagorno-Karabakh, <https://www.latimes.com/world-nation/story/2020-10-15/drones-complicates-war-armenia-azerbaijan-nagorno-karabakh>

⁴⁹ Ombudsperson of the Republic of Armenia, The representatives of the Human Rights Defender of Armenia visited today the child who was injured as a result of the Azerbaijan, 15 October 2020, available at: https://www.ombuds.am/en_us/site/ViewNews/1334

executions, precision of drones and surgical strikes by them in terms of avoiding casualties among the civil population is a myth.⁵⁰

41. Such practice is aimed at forced displacement of the ethnic Armenian population of Nagorno-Karabakh with a view of its de-population and ethnic cleansing. A clear manifestation of a policy to eliminate the Armenian population in Nagorno-Karabakh was also shelling of the maternity hospital and child health center of Stepanakert in October 2020.⁵¹ During the armed conflict, around 90 000 people (60 per cent) of the population of Nagorno-Karabakh has been displaced because of systematic shelling of settlements.⁵²
42. Following the signature of the Tripartite statement on the end of hostilities on 9 November 2020,⁵³ the Government of Azerbaijan continues its policy of discrimination and ethnic cleansing of the Armenian population of Nagorno-Karabakh and terrorizes them with various methods. This includes but is not limited to psychological pressure and intimidation, the creation of a humanitarian disaster in Nagorno-Karabakh, as well as violating the ceasefire statement and regularly targeting civilian communities which are located close to the border and in the immediate reach of Azerbaijani armed forces.
43. Regular shooting from different caliber weapons, including mortars, were reported in villages along the line of contact established after the cessation of hostilities in November 2020, including Khamort, Khnapat, Nakhijevanik, Nor Shen, Karmir Shuka, Khnushinak, and Parukh.⁵⁴ Due to shooting with large and small caliber weapons by the Azerbaijani armed forces, agricultural work of villagers has been hindered,⁵⁵ agricultural machinery was damaged in Nakhijevanik village.⁵⁶
44. ***Unprovoked violence by the Azerbaijani armed forces has become the norm in the aftermath of the 44-day war. After the signature of the ceasefire statement of 9 November 2020, at least three Armenian civilians were deliberately killed (executed) and more than ten wounded.⁵⁷ The majority of them were engaged in agricultural and repair works. Some of those incidents occurred in the presence of the Russian peacekeepers.***
45. The policy of hatred and discrimination against ethnic Armenians received new manifestation in the beginning of 2022.

⁵⁰ See more at the Report on Targeted killings through armed drones and the case of Iranian General Quassem Soleimani, UN Special Rapporteur on extrajudicial, summary or arbitrary executions. A/HRC/44/38, pp. 6-7, available at www.ohchr.org

⁵¹ Human Rights Watch, Azerbaijan: Unlawful Strikes in Nagorno-Karabakh, 11 December 2020, available at:

<https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>

⁵² Armenia FM: About 90,000 people are displaced in Karabakh, losing their homes and property,

<https://news.am/eng/news/609547.html>

⁵³ Statement by the Prime Minister of the Republic of Armenia, President of the Republic of Azerbaijan and the President of the Russian Federation; <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>

⁵⁴ Azatutyun.am, Shelling continues in Karabakh, <https://www.azatutyun.am/a/31748632.html>

⁵⁵ Public Radio of Armenia, Agricultural work suspended as Azerbaijani forces fire civilian communities in Artsakh, <https://en.armradio.am/2022/03/09/agricultural-work-suspended-as-azerbaijani-forces-fire-at-civilian-settlements-in-artsakh/>

⁵⁶ News.am; Azerbaijan fires on tractor in Artsakh's Nakhijevanik village; <https://news.am/eng/news/690719.html> Armenianweekly.com, Azerbaijani shells Artsakh villages, <https://armenianweekly.com/2022/03/09/azerbaijan-shells-artsakh-villages/>

⁵⁷ The 55-year-old man, Aram Tepnants, an ethnic Armenian farmer in Nagorno-Karabakh was shot dead by Azerbaijani forces while working in his pomegranate grove on 11 October 2021. Azatutyun.am, Karabakh civilian killed in truce violation, <https://www.azatutyun.am/a/31503243.html>. On 08 November 2021, Azerbaijani servicemen opened fire on the employees of the Water and Sewerage CJSC while repairing waters pipes at the crossroad near Shushi, killing one person and injuring three, see Armenpress.am <https://armenpress.am/eng/news/1067635/>; On 3 December 2021, 65-year-old Seyran Sargsyan, a resident of Tchartar town of the Martuni region, while grazing his cattle, got lost and was captured and killed near Tchartar; <https://hetq.am/en/article/138566>.

46. In the beginning of February 2022, on a daily basis the Azerbaijani armed forces used loudspeakers along the de facto line of contact from the territories of Nagorno-Karabakh that fell under the control of Azerbaijan as of November 2020 in the immediate vicinity of Armenian villages, calling the residents to leave their communities “as they are living in the territory of Azerbaijan and have to obey the Azerbaijani instructions.” The demands to Armenians to abandon their homes are accompanied by threats to use force in the case of disobedience to those “orders.”⁵⁸ Such actions of the Azerbaijani armed forces were reported in villages Khramort, Nakhijevanik, Nor Shen, and Taghavard. Apart from those calls, as another method of intimidation, the members of Azerbaijani armed forces play azan on loudspeakers, the call for Muslim prayer, in the Christian Armenian communities.⁵⁹ In addition, on 11 March, 2022 the Facebook page of the National Assembly of Nagorno-Karabakh was hacked, and an announcement was posted for the residents of the Askeran region to leave their homes within 168 hours.⁶⁰
47. *On 8 March 2022, over 100,000 people living in Nagorno-Karabakh have been deprived of natural gas supply and heating as the main pipeline supplying gas to Nagorno-Karabakh from Armenia was damaged in the vicinity of Azerbaijani military positions in Shushi, which has been under Azerbaijani control since November 2020, after the 44 day war.⁶¹ The Azerbaijani side did not allow Armenians or Russian peacekeepers to take part in the fixing the pipeline, it restored the gas supply on March 18 but only for few days. Between 21 and 28 March 2022, again the entire population of Nagorno-Karabakh was deprived of gas and heating. In March 2022, the weather conditions in Nagorno-Karabakh were harsh, the temperature was below 0 degrees of Celsius, and it had been snowing heavily. Lack of gas supply also affected the capacity of local bakeries to bake bread, hence, creating shortage of it. School classes had been suspended as there was no heating; the work of hospitals was also affected negatively. As a result, Nagorno-Karabakh faced real and serious humanitarian disaster deliberately caused by Azerbaijan contributing to the well-documented policy of ethnic cleansing and Armenophobia promoted and encouraged by the Azerbaijani authorities.*
48. Civilians were also wounded. On 15 February 2022 the Azerbaijani armed forces fired at a resident of Khnapat village carrying out agricultural work in a field.⁶² On 10 March 2022, Suren Baghdasaryan, the resident of Khramort village, was injured while working in his garden as a result of one of those mortar attacks.⁶³ Due to the intense shelling and real threat, children were evacuated from Khramort village on the same day.⁶⁴ On 25 March, the Armenian side suffered two deaths and

⁵⁸<https://www.facebook.com/Y.Rub99/posts/1785139441676681>

⁵⁹OC Media, Nagorno-Karabakh left in cold, 9 March 2022, available at: <https://oc-media.org/nagorno-karabakh-left-in-the-cold-after-gas-pipeline-damaged-in-azerbaijan-controlled-territory/?fbclid=IwAR1cIDrzqCb1288ZzhQHdG0rIXeKXXs5wwBIYQ0roqenUcCWbhpD0br3Ibw>

Armenianweekly.com, Azerbaijani shells Artsakh villages; 9 March 2022, available at: https://armenianweekly.com/2022/03/09/azerbaijan-shells-artsakh-villages/?fbclid=IwAR2NvTKANYoOoSXMbZc_nVsy5OL-ZVibhDZ7eN-8vabLuezNiPL-vVjIRA Caliber.az, Азан звучит в Пирлар и Ханабаде, 26 February 2022, available at: <https://www.facebook.com/watch/?v=5129718323745410>

⁶⁰Lragir.am, Facebook page of the Artsakh National Assesmbly was broken, 11 March 2022, available at: <https://www.lragir.am/2022/03/11/703969/>

⁶¹Ministry of Foreign Affairs, Statement of the Ministry of Foreign Affairs of the Republic of Artsakh, 10 March 2022, available at: <http://www.nkr.am/en/news/2022-03-10/statement>

⁶²News.am, Azerbaijani army targets Karabakh villager carrying out agricultural work, 16 February 2022, available at: <https://news.am/eng/news/687075.html>

⁶³Caucasian Knot, Nagorno-Karabakh villager wounded in mortar attack, 10 March 2022, available at: <https://www.eng.kavkaz-uzel.eu/articles/58468/>

⁶⁴Caucasian Knot, Due to heavy shelling children evacuated from Nagorno-Karabakh village, 11 March 2022, available at: <https://www.eng.kavkaz-uzel.eu/articles/58473/>

five servicemen were wounded as a result of the attacks by Azerbaijani Armed Forces and occupation of Parukh village and Karaglukh height. The local population of the village had to leave it with no possibility of return.⁶⁵

49. The Armenophobia and ethnic hatred has received a new manifestation resulting in the violation of vital rights of ethnic Armenians living in Nagorno-Karabakh and creating serious obstacles for their future survival in their homeland.

IV. DESTRUCTION AND FALSIFICATION OF CULTURAL HERITAGE AND HISTORY OF ARMENIANS LIVING IN NAGORNO-KARABAKH

50. As part of its policy of Armenophobia, Azerbaijan employs state-sponsored policy of destruction, elimination or de-Armenization of the Armenian cultural and religious heritage in the territories under its control.
51. Azerbaijan's practice of systematic destruction and erasure of Armenian cultural heritage is well-documented. An example is the total destruction of the ancient Armenian cemetery of Julfa in Nakhichevan between 1997-2006, in which a total of 28,000 monuments (including 89 medieval churches; 5,840 unique hand-carved khachkars (cross-stones) and 22,000 ancient tombstones were destroyed.⁶⁶ This act of vandalism in Nakhchivan was acknowledged and criticized by UNESCO⁶⁷ and ICOMOS⁶⁸.
52. In 2005, during the restoration of the church in Nij, Azerbaijan, the Azerbaijani authorities deliberately removed three Armenian inscriptions on the church walls. The Armenian letters on nearby tombstones were also polished out, while the decorations, hand-carved by Armenians, were left untouched. The issue was raised by the Norwegian diplomats.⁶⁹ This act of ethnically-motivated vandalism remained unpunished. On 15 May 2021, Mehriban Aliyeva the Vice-President of Azerbaijan, and the spouse of the incumbent president of Azerbaijan, tweeted about her visit to the Albanian Church of the Blessed Virgin Mary, located in the Nij settlement of Gabala district, to reinforce the "Albanian" narrative.⁷⁰
53. In April 2016, Azerbaijani armed forces targeted the Armenian church in Talish village of Nagorno-Karabakh.
54. The state-sponsored practice of destruction and de-Armenization of cultural heritage received a new impetus in Nagorno-Karabakh territories fallen under the Azerbaijani control as a result of the 2020 war. In March 2021, the President Ilham Aliyev visited the 12th-century Armenian Holy Mother of God Church in Hadrut, Nagorno Karabakh and claimed that "Armenians wanted to Armenianize this church and wrote inscriptions in Armenian here, but they failed. If this were an Armenian church, would they leave it in such a state? It looks as if it were a garbage dump. All these inscriptions are

⁶⁵ <https://www.facebook.com/ArtsakhInformation>

⁶⁶ Azerbaijan: Destruction of the Armenian Cemetery at Djulfa – Continued, Heritage at risk 2006-2007, https://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_09_National_Report_Azerbaijan.pdf?fbclid=IwAR2BZgT5ZU5-hzoB1V5JGm-rr9xAxeOUkU42xjHSjxgtL0XII4RJBZ11WT4

⁶⁷ UNESCO Response Is Not Available, But There Are Some References to UNESCO's Ordering "An End to All Destructive Activity in Djulfa, 30 June 2006, available at: <https://archive.archaeology.org/online/features/djulfa>.

⁶⁸ International Council on Monuments and Sites, Resolutions of the General Assembly, September-October 2008, available at: https://www.icomos.org/quebec2008/resolutions/pdf/GA16_Resolutions_final_EN.pdf

⁶⁹ Mirror Spectator, Former Dutch Envoy Exposes Azeri Vandalism on Armenian Church, 28 November 2020, available at: <https://mirrorspectator.com/wp-content/uploads/2020/11/Armenian-Mirror-Spectator-November-28-2020.pdf>

⁷⁰ Tweet by Mehriban Aliyeva, 15 May 2021, available at: <https://twitter.com/1VicePresident/status/1393571286488649730>

fake- they were written later”.⁷¹ Similarly, President Aliyev claimed that churches in “Kelbajar belong to the ancient State of Caucasian Albania”.⁷²

55. *On 8 October 2020, the Azerbaijani armed forces deliberately targeted the Holy Savior Ghazanchetsots Cathedral in Shushi twice. At the moment of the first targeted strike children, women and elderly persons were sheltered in the basement of the Cathedral. Fortunately, no deaths or injuries were reported.*⁷³ *Shortly after the first strike the Azerbaijani armed forces targeted the Cathedral for the second time.*⁷⁴ *Three journalists filming the destruction were injured, one of them was hospitalized in “critical condition”.*⁷⁵ *According to the witness accounts, immediately prior to the strike, a drone was flying over the area suggesting that it was a deliberate attack.*
56. In May 2021, the Holy Savior Ghazanchetsots Cathedral started to undergo reconstruction to its “original” form as stated by the Azerbaijani authorities. This means that Azerbaijani authorities aim to change the church in an attempt to de-Armenize it. Today, at least 1,456 overwhelmingly Armenian historical and cultural monuments have fallen under Azerbaijani control, including 161 Armenian churches, the archaeological sites of Tigranakert, Azokh Paleolithic cave, the Nor Karmiravan tombs, Mirik, Keren, and architectural monuments, such as palaces, bridges, and historic quarters. In addition, in the territories which came under Azerbaijani control, there were eight State museums and galleries with 19 311 exhibits.
57. After the ceasefire statement of 9 November 2020, reports of destruction or damaging of Armenian cultural heritage continued. Examples include destruction of the chapel of 18th century church of St. John the Baptist in Shushi,⁷⁶ cross-stone in Arakel village,⁷⁷ complete erasure of the Armenian church in Jabrail,⁷⁸ vandalism of the 19th century St. Yeghishe Church in Mataghis,⁷⁹ turning the Park of Royal Springs of ancient city of Tigranakert into barbeque area, etc.⁸⁰

⁷¹ Ilham Aliyev visited Fuzuli and Khojavand districts, 15 March 2021, available at: <https://president.az/en/articles/view/50893>

⁷² Azerbaijan24, Churches in Kalabajar belong to the ancient state of Caucasian Albania- President Aliyev, 25 November 2020, available at: <https://www.azerbaycan24.com/en/churches-in-kalabajar-belong-to-the-ancient-state-of-caucasian-albania-president-aliyev/>

⁷³BILD, Paul Ronzheimer, tweet of 8 October 2020, available at: <https://twitter.com/ronzheimer/status/1314162740823457792?s=20>

⁷⁴ KP.ru, Journalist Yury Kotenok told about the attack in Karabakh, see more at <https://www.kp.ru/online/news/4042532/>

⁷⁵ See more at Ad hoc Public report on the Azerbaijani targeted attacks against the St. Holy Savior Ghazanchetsots Cathedral of Shushi, Artsakh (Nagorno Karabakh) as a war crime and crime against humanity, the Artsakh Ombudsperson, pp. 14-15, available at <https://artsakhombuds.am/en/document/740?fbclid=IwAR1fXwjqof8-eYqva0M8bBXENJIGVvix7cP1PpDvRdwD80ePHdUAT24d0E8;>

Paul Ronzheimer, tweet of 8 October 2020, available at: <https://twitter.com/ronzheimer/status/1314217037661499395?s=20v>

⁷⁶ TorontoHye, Armenia warns of destruction, misappropriation of monuments on Azerbaijani-occupied territories of Artsakh, 19 March 2021, <https://torontohye.ca/armenia-warns-of-destruction-misappropriation-of-monuments-on-azerbaijani-occupied-territories-of-artsakh/>

⁷⁷ Public Radio of Armenia, Azerbaijanis destroy Armenian cross-stone in occupied Artsakh village, 12 January 2021, available at: <https://en.armradio.am/2021/01/12/azerbaijanis-destroy-armenian-cross-stone-in-occupied-artsakh-village/>

⁷⁸ Eurasianet, What happened to the church? 26 March 2021, available at: https://eurasianet.org/what-happened-to-the-church?fbclid=IwAR3QBpuwyTqKfKbPVauf_84greUgNMj41byoufD_GP3HHGUTgHM7hhQ6J2Y

⁷⁹ <https://asbarez.com/azerbaijanis-continue-vandalizing-armenian-churches-in-artsakh/>

⁸⁰ Monument watch, Azerbaijani turned the Park of Royal Springs of Tigranakert into a barbeque restaurant, 11 November 2021, available at: <https://monumentwatch.org/en/alerts/azerbaijanis-turned-the-park-of-royal-springs-of-tigranakert-into-a-barbeque-restaurant/>

58. Aliyev announced the construction of one more mosque in another historically Armenian-populated settlement, the village of Karin Tak. Similarly, the date the foundation was laid was symbolic: November 7, 2021, the anniversary of the occupation of the village.⁸¹ A video shows the interior of the Holy Mother Church in Karin Tak, which was damaged. In the video, the Muslim call to prayer is sung inside the church, symbolizing the conquest of the Christian site⁸².
59. Azerbaijani servicemen also actively engaged in destruction of Armenian cemeteries on territories under Azerbaijani control.
60. By December 2021, Caucasus Heritage Watch – a research initiative by archaeologists from Cornell and Purdue universities - through satellite imagery, observed the impact on 21 cultural sites in the territories occupied by Azerbaijan, of which 6 were destroyed (the Fine Arts Museum Sculpture Garden, Makun Bridge, Aygek Mosque, Ghazanchetsots Inscribed Stone, Sghnakh Cemetery, Mets Tagher Cemetery), 8 were threatened, and 7 were damaged.⁸³
61. On 3 February 2022, the Minister of Culture of Azerbaijan, Anar Karimov, told in a press briefing that a working group of both local and international experts had been established which would be responsible for removing “the fictitious traces written by Armenians on Albanian religious temples”.⁸⁴ The policy of “Caucasian-Albanization” of Armenian apostolic churches is clear manifestation of ethnic hatred aiming at the elimination of the Armenian cultural heritage of Nagorno-Karabakh. Reports demonstrated that the President of Azerbaijan personally instructed to wipe off Armenian traces from Nagorno-Karabakh. This narrative also raised concerns of the international community which aims “to replace which is seen as an Armenian heritage”.⁸⁵
62. It should also be noted that ICJ indicated provisional measures in the case of Armenia v. Azerbaijan, ruling that Azerbaijan must “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 or ethnic origin”, “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.”⁸⁶

IV. CONCLUSIONS

63. As demonstrated above, the state policy of Armenophobia, hate speech by high-rank Azerbaijani officials against Armenians, state-run propaganda of de-Armenization of Armenian cultural and religious heritage, destruction of cultural and historic Armenian sites, absolute impunity for ethnically-motivated hate crimes against Armenians, including beheading while alive, and torture, result in the growing number of hate crimes against Armenians and heinous incidents during and after the 2020 war in Nagorno-Karabakh.

⁸¹ Trend news agency, Президент Ильхам Алиев и Первая леди Мехрибан Алиева заложили фундамент мечети в селе Дашалты, 7 November 2021, available at: <https://bit.ly/3M00Hp9>.

⁸² YouTube channel: Karabakh Hnor, Şuşada kilsədə əhli sünənə qardaşımlla vəhdət azanı verərkən, 23 March 2021, <https://www.youtube.com/shorts/IRHHnTHIRwg>

⁸³ Caucasus Heritage Watch, Monitoring Report #3, December 2021, <https://caucasusheritage.cornell.edu/index.php/report>

⁸⁴ Reportaz, Ermənilərin saxtalaşdırdıqları alban dini məbədlərinin bərpası üçün işçi qrup yaradılıb, 3 February 2022, available at: <https://report.az/medeniyyet-siyaseti/alban-dini-mebedlerinin-berpasi-ucun-isci-grup-yaradilib/>

⁸⁵ PACE, Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict, Resolution 2391 (2021), 27 September 2021, available at: <https://pace.coe.int/en/files/29483/html>

⁸⁶ ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Order, 7 December 2021, <https://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

64. The above-presented examples and events demonstrate that there is a state policy of ethnic hatred and discrimination against ethnic Armenians in Azerbaijan which has not been eliminated following the publication of the Concluding Observations of 2016, but has, unfortunately, exacerbated especially in the context Nagorno-Karabakh conflict and aftermath the war of 2020.

V. RECOMMENDATIONS

The Civil Society Organizations recommend the Committee to urge the Government of Azerbaijan:

- To put an end of the inflammatory language, especially by high-rank officials and in public domain, including the President Aliyev. To condemn and investigate the statements by politicians, including high-rank officials, that incite racial hatred against Armenians and to prosecute those responsible.
- To put an end to the impunity for the hate crimes against Armenians. To investigate the instances of hate crimes committed against Armenians, including people fallen under the control of Azerbaijan in the context of the armed conflict and prosecute those responsible.
- To take immediate and effective measures to eliminate the state policy of racial discrimination and hatred against Armenians and to promote tolerance and to combat existing stereotypes and prejudices against Armenians.
- To ensure respect and effective protection to the Armenian cultural and historical heritage on the territories under the control of Azerbaijan.