



# General Assembly Security Council

Distr.: General  
13 January 2022

Original: English

**General Assembly**  
**Seventy-sixth session**  
Agenda items 72, 73, 74 and 134

**Security Council**  
**Seventy-seventh year**

**Elimination of racism, racial discrimination, xenophobia  
and related intolerance**

**Right of peoples to self-determination**

**Promotion and protection of human rights**

**The responsibility to protect and the prevention of genocide,  
war crimes, ethnic cleansing and crimes against humanity**

## **Letter dated 12 January 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh Republic), David Babayan, in relation to the recent actions and announcements of Azerbaijan concerning the city of Shushi, occupied as a result of the large-scale aggression of Azerbaijan in the fall of 2020 (see annex).

The letter refers to the submission of documents by Azerbaijan to the secretariat of the United Nations Educational, Scientific and Cultural Organization and the continued policy of destruction and misappropriation of the millennia-old Armenian cultural and religious heritage in Artsakh (Nagorno-Karabakh) by Azerbaijan.

I kindly ask that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 72, 73, 74 and 134, and of the Security Council.

*(Signed)* Mher **Margaryan**  
Ambassador  
Permanent Representative



## **Annex to the letter dated 12 January 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

### **Letter dated 10 January 2022 from the Minister of Foreign Affairs of the Republic of Artsakh addressed to the Secretary-General**

I am writing to express deep concern about and firm objection of the latest developments regarding the fate of the city of Shushi – a city that has been a cultural and historical centre for the Armenian people and, in particular for Artsakh Armenians, throughout its history.

On 10 November 2021, the Ministry of Culture of Azerbaijan announced<sup>1</sup> that Baku had submitted documents to the secretariat of the United Nations Educational, Scientific and Cultural Organization (UNESCO), proposing to include Shushi in the Creative Cities Network. Some days later, the Ministry announced<sup>2</sup> that works were under way to include Shushi in the UNESCO World Heritage List, together with other Armenian heritage sites of the Republic of Artsakh, all of which are currently under Azerbaijani occupation.

First, the attempt to present Shushi as a creative city of the Azerbaijani people patently violates the rights of Armenians generally and the Armenians of the city of Shushi in particular. Azerbaijan has deprived Shushi Armenians of their right to live a creative and cultural life in their native city since the autumn of 2020. The Azerbaijani army captured Shushi during the 44-day war of aggression against Artsakh and its people, launched on 27 September 2020 with the direct support and participation of Turkey and foreign terrorist fighters.

As a result of the war, the city came under the temporary military occupation of Azerbaijan. During the aggression, Shushi was subjected to brutal bombardment by the Azerbaijani army and suffered significant damage. The 44-day war left Shushi Armenians – along with thousands of Artsakh Armenians from other cities and villages occupied by Azerbaijan – displaced and homeless. Azerbaijan's recent efforts to include Shushi in the Creative Cities Network is a disingenuous ploy to achieve its military and political objectives and runs counter to the goals of the UNESCO programme.

Notably, Azerbaijan denies the right of displaced Armenians from Shushi and the rest of the occupied territories to freely exercise their right to access religious and cultural sites. This is while Azerbaijan has ensured every possible access for ethnic Azerbaijanis to visit Shushi and other occupied territories of Artsakh that came under Azerbaijani control as a result of Azerbaijan's 2020 aggression.

Moreover, the Azerbaijani Government has deliberately destroyed Armenian cultural and religious sites to prevent Armenians from pilgrimage. Where outright destruction is not possible, Azerbaijan has falsified Armenian heritage by presenting such sites as non-Armenian. These acts have been so egregious that the International Court of Justice, on 7 December 2021, issued an order demanding that Azerbaijan take all necessary measures to prevent and punish acts of vandalism and desecration

---

<sup>1</sup> Ministry of Culture of Azerbaijan, “Şuşanın Tarixi Mərkəzi Dünya irsi elan edilməsinə layıqdır” (Shusha Historical Centre deserves to be declared a World Heritage Site), 12 November 2021. Available at [https://mct.gov.azhttp/mct.gov.az/az/umumi-xeberler/13313?fbclid=IwAR0YU5xH HylSYrZESQKa4wenZ3i-bETph8nDTZY\\_\\_sxn9f\\_1GLaIF0mBA](https://mct.gov.azhttp/mct.gov.az/az/umumi-xeberler/13313?fbclid=IwAR0YU5xH HylSYrZESQKa4wenZ3i-bETph8nDTZY__sxn9f_1GLaIF0mBA) (last visited 29 November 2021).

<sup>2</sup> Laman Ismayilova, “Shusha, Azykh cave might be included in UNESCO World Cultural Heritage List”, AzerNews, 15 November 2021. Available at [www.azernews.az/culture/185627.html](http://www.azernews.az/culture/185627.html) (last visited 29 November 2021).

of Armenian cultural heritage, including churches, monuments, landmarks, cemeteries and artefacts.<sup>3</sup>

Of the numerous Armenian churches fully or partially destroyed by Azerbaijan during and after the 44-day aggression of 2020, two are located in the city of Shushi. The Holy Saviour Ghazanchetsots Cathedral was targeted twice, in a single day, by precise striking drones on 8 October 2020,<sup>4</sup> demonstrating the intentional nature of the strikes. As a result, one of the two domes of the Cathedral was destroyed – a flagrant violation of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Further damage was caused to the second dome of the Ghazanchetsots Cathedral, months after signing the statement to end the hostilities. The Church of Saint John the Baptist, known to locals as Kanach Zham, was also vandalized and partially demolished<sup>5</sup> long after the military hostilities ceased. The International Court of Justice heard evidence of these specific acts of destruction and desecration prior to issuing its order against Azerbaijan.<sup>6</sup>

Azerbaijan's policy of destruction and falsification of Armenian culture and presence originates from the top of the Azerbaijani Government. During a visit to the occupied territories of the Republic of Artsakh in March 2021, the President of Azerbaijan sought to erase traces of the Armenian origin of the cultural monuments in the territories seized by Azerbaijan and to present them as Caucasian Albanian. On 16 March 2021, during a visit to the occupied Hadrut region of Artsakh, the President of Azerbaijan stated that the Church of the Holy Mother of God (Surb Astvatsatsin) located in the village of Tsakuri was Albanian, and that the Armenian inscriptions were fake. Azerbaijani authorities immediately seized on this presidential directive and redoubled their efforts to change the cultural and historical appearance of Artsakh, including by renaming historical toponyms and destroying Armenian cultural, historical and religious monuments.<sup>7</sup> We have repeatedly noted that the destruction of the Armenian cultural heritage by Azerbaijan in the occupied territories is not an isolated case, but part of a broader policy pursued by Baku towards Armenians (see [A/75/739-S/2021/124](#)).

Azerbaijan's conduct has drawn condemnation from European institutions. The extensive damage caused to Armenian cultural heritage in Artsakh during the 44-day war – including the deliberate shelling of the Holy Saviour Ghazanchetsots Cathedral in Shushi, as well as the destruction or damage to other churches and cemeteries during and after the conflict – was specifically condemned by the Parliamentary Assembly of the Council of Europe in its resolution 2391, adopted in September 2021. The Parliamentary Assembly of the Council of Europe recognized that Azerbaijan was responsible for the destruction of Armenian cultural heritage in Azerbaijan, including in Nakhijevan, over a period of 30 years, and expressed concern “in the

---

<sup>3</sup> International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Order of 7 December 2021. Available at [www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf](http://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf) (last visited 20 December 2021).

<sup>4</sup> Hetk.TV, Shushi's Ghazanchetsots Cathedral after being struck twice by Azerbaijani military on 8 October 2020, 28 May 2021, Available at <https://youtu.be/aGdXvHNAhfA> (last visited 30 November 2021).

<sup>5</sup> See Caucasus Heritage Watch. Available at <https://caucasusheritage.cornell.edu/index.php/home> (last visited 29 November 2021).

<sup>6</sup> International Court of Justice, *Application Instituting Proceedings and Request for Provisional Measures (Armenia v. Azerbaijan)*, 16 September 2021. Available at [www.icj-cij.org/public/files/case-related/180/180-20210916-APP-01-00-EN.pdf](http://www.icj-cij.org/public/files/case-related/180/180-20210916-APP-01-00-EN.pdf) (last visited 20 December 2021).

<sup>7</sup> Azertag agency, “President Ilham Aliiev and first lady Mehriban Aliieva visited Fuzuli and Kojavand districts”, 16 March 2021. Available at: [https://azertag.az/en/xeber/President\\_Ilham\\_Aliyev\\_and\\_first\\_lady\\_Mehriban\\_Aliyeva\\_visited\\_Fuzuli\\_and\\_Khojavand\\_districts\\_VIDEO-1734525](https://azertag.az/en/xeber/President_Ilham_Aliyev_and_first_lady_Mehriban_Aliyeva_visited_Fuzuli_and_Khojavand_districts_VIDEO-1734525) (last visited 14 December 2021).

light of past destruction, about the future of the many Armenian churches, monasteries, including the monastery in Khutavank/Dadivank, cross-stones and other forms of cultural heritage which have been returned under Azerbaijan control”.<sup>8</sup> The Parliamentary Assembly of the Council of Europe further voiced “concern about a developing narrative in Azerbaijan promoting a ‘Caucasian Albanian’ heritage to replace what is seen as an ‘Armenian’ cultural heritage”.<sup>9</sup>

Importantly, Azerbaijan’s campaign of destruction and falsification is an affront to its own obligations under a number of international legal instruments. Rights related to cultural heritage form an inseparable part of the Universal Declaration of Human Rights, in particular article 27, which provides that “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”. Azerbaijan is a signatory to the Declaration.

The Council of Europe Framework Convention on the Value of Cultural Heritage for Society, also known as the Faro Convention<sup>10</sup> – to which Azerbaijan, again, is a signatory – also codifies the protection of cultural heritage. Article 1 provides that signatories:

Recognize that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights; recognize individual and collective responsibility towards cultural heritage; emphasize that the conservation of cultural heritage and its sustainable use have human development and quality of life as their goal; take the necessary steps to apply the provisions of this Convention concerning the role of cultural heritage in the construction of a peaceful and democratic society, and in the processes of sustainable development and the promotion of cultural diversity

Article 4 states further that “everyone, alone or collectively, has the right to benefit from the cultural heritage and to contribute towards its enrichment; everyone, alone or collectively, has the responsibility to respect the cultural heritage of others as much as their own heritage, and consequently the common heritage of Europe”.

Azerbaijan’s announcement as to Shushi, moreover, violates the basic principles of authenticity and integrity enshrined in the Nara Document on Authenticity (1994),<sup>11</sup> which provides that: “The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development ... Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems.” It further states: “Authenticity, considered in this way and affirmed in the Charter of Venice, appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.”

International legal instruments to which Azerbaijan itself is a party plainly establish, therefore, the rights of Armenian pilgrims and clergy to safely access Armenian churches and monasteries and freely exercise their rights to religion and worship. These rights are threatened, indeed openly violated, by Azerbaijan’s announcement that the historic city of Shushi shall be a creative city of Azerbaijani society.

---

<sup>8</sup> Parliamentary Assembly of the Council of Europe, resolution 2391 (2021), “Humanitarian consequences of the conflict between Armenia and Azerbaijan/Nagorno-Karabakh conflict”. Available at <https://pace.coe.int/en/files/29483/html> (last visited 14 December 2021).

<sup>9</sup> Ibid.

<sup>10</sup> Council of Europe Framework Convention on the Value of Cultural Heritage for Society, Council of Europe, Council of Europe Treaty Series – No. 199. Available at <https://rm.coe.int/1680083746> (last visited 30 November 2021).

<sup>11</sup> Nara Document on Authenticity (1994), International Council on Monuments and Sites. Available at [www.icomos.org/charters/nara-e.pdf](http://www.icomos.org/charters/nara-e.pdf) (last visited 30 November 2021).

The ramifications of Azerbaijan's strategic proposal should not be underestimated. Notably, of the eight Artsakh state museums and galleries currently under the military control of Azerbaijan – which collectively house a collection of more than 19,000 exhibits – five are located in Shushi. These museums showcase the history, religion and creativity of the Armenians of Artsakh. Unfortunately, Armenians have neither access to these museums nor information about the fate of the collections.

Context is crucial. The United Nations and its specialized agencies need to bear in mind that Azerbaijan has embarked on yet another “cultural genocide” – like the one it successfully committed in Nakhijevan, when it completely obliterated the world's largest Armenian necropolis, the Djulfa cemetery, located in the Azerbaijani-controlled exclave of Nakhijevan.<sup>12</sup> Azerbaijan continuously denied that it had destroyed the site, claiming that “it never existed in the first place” – until satellite imagery and photography plainly exposed Azerbaijan's destruction of the cemetery.<sup>13</sup>

As it did in Nakhijevan (while it erased the Djulfa cemetery), Azerbaijan has banned UNESCO and other specialized United Nations agencies from visiting Artsakh, including Shushi, to conduct an inventory and fact-finding mission.<sup>14</sup> Azerbaijan simply refuses to cooperate with a UNESCO request to send a mission to Artsakh; yet, it asks UNESCO to name Shushi a “cultural centre of Azerbaijan” and apply for the inclusion of Shushi in the Creative Cities Network as well as in the UNESCO World Heritage List as an Azerbaijani cultural centre. Such arrant brazenness must not be condoned.

It is clear that Azerbaijan – after destroying and appropriating the cultural heritage of the entire community and depriving it of its identity and its people's right to life and creativity – is now trying to candy-coat its conduct with the imprimatur of international organizations.

Azerbaijan's conduct violates the fundamental cultural rights of the Armenian society under still other international conventions to which Azerbaijan is a bound signatory. According to article 4 of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict,<sup>15</sup> any acts of theft, robbery or misappropriation of cultural property in any form, and any acts of vandalism, are prohibited.

Article 53 of the Protocol I Additional to the Geneva Conventions of 12 August 1949<sup>16</sup> states: “Without prejudice to the provisions of the Hague Convention of May 14, 1954, it is prohibited to carry out any hostile action against cultural heritage, to use it for military purposes, or make it a subject of retaliation.”

The systematic and coordinated campaign of destruction and misappropriation of the vast Armenian cultural heritage in Artsakh by Azerbaijan is also a blatant

---

<sup>12</sup> Dale Berning Sawa, “Monumental loss: Azerbaijan and ‘the worst cultural genocide of the 21st century’”, *The Guardian*, 1 March 2019. Available at [www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars](http://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars) (last visited 29 November 2021).

<sup>13</sup> See Caucasus Heritage Watch. Available at <https://caucasusheritage.cornell.edu/index.php/home> (last visited 29 November 2021).

<sup>14</sup> UNESCO, “UNESCO is awaiting Azerbaijan's Response regarding Nagorno-Karabakh mission”, 21 December 2020. Available at <https://en.unesco.org/news/unesco-awaiting-azerbajans-response-regarding-nagorno-karabakh-mission> (last visited 29 November 2021).

<sup>15</sup> UNESCO, Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for its Execution, The Hague, 14 May 1954, Available at: [https://en.unesco.org/sites/default/files/1954\\_Convention\\_EN\\_2020.pdf](https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf) (last visited 29 November 2021).

<sup>16</sup> International Committee of the Red Cross, Protocols Additional to the Geneva Conventions of 12 August 1949. Available at [www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](http://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf) (last visited 29 November 2021).

violation of the UNESCO 1954 Hague Convention and United Nations Security Council resolution 2347 (2017),<sup>17</sup> which emphasizes “that the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States”.

The United Nations and its specialized agencies must not rubber-stamp Azerbaijan’s calculated steps toward committing another “cultural genocide”, like the one it committed in Nakhijevan. The United Nations and its specialized agencies should also bear in mind that the International Court of Justice indicated, just one month ago, provisional measures specifically aimed to protect Armenian cultural heritage under Azerbaijan’s control from destruction based on evidence that clearly demonstrated Azerbaijan’s clear purpose and practice in destroying, vandalizing and appropriating Armenian cultural heritage in the territories that it controls. The United Nations Court explicitly noted that its order creates an international legal obligation, and has binding legal effect, on Azerbaijan.<sup>18</sup>

The United Nations and its specialized agencies should reject Azerbaijan’s latest attempt to seal its destruction and appropriation of Armenian cultural heritage, this time through outright manipulation of the mandates of UNESCO and other cultural heritage-focused bodies. Rather, the United Nations and its specialized agencies should demand that Azerbaijan respect its international obligations under the very conventions to which it is a party and require it to abide by the provisional measures indicated by the International Court of Justice as to Azerbaijan’s duty to prevent and even punish acts of vandalism and destruction of Armenian cultural heritage.

Baku’s initiatives related to Shushi are part of a government-led policy to consolidate the results of its military aggression, in particular the consolidation of occupation of the territories of Artsakh, regardless of the international legal obligations that specifically prohibit its conduct.

Furthermore, we consider it crucial that – until the Azerbaijan-Karabakh conflict is resolved and while the occupation of the territories of Artsakh, including Shushi, continues – all requests of the Azerbaijani authorities regarding the territory of Artsakh must be considered through the prism of maintaining the Nagorno-Karabakh peace process and preventing the legitimization of the results of the illegal use of force. Azerbaijan’s conduct as to Armenian cultural heritage in the territory of Artsakh is before the International Court of Justice, moreover, and the Court has expressly ruled that Azerbaijan “refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”.<sup>19</sup>

Azerbaijan’s proposal as to Shushi must be rejected outright – and condemned. Respectfully, anything less would only promote Azerbaijan’s patent violations of numerous international conventions and permit the clear violation of the international legal obligations just ordered against Azerbaijan by the International Court of Justice.

(Signed) David Babayan

---

<sup>17</sup> Security Council resolution 2347 (2017) of 24 March 2017. (last visited 30 November 2021).

<sup>18</sup> International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Order of 7 December 2021, para. 96. Available at [www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf](http://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf) (last visited 20 December 2021).

<sup>19</sup> *Ibid.* para. 98 (2).