



UPR SUBMISSION

Armenian National Committee of Canada
(ANCC)

About ANCC

The Armenian National Committee of Canada (ANCC) is the largest and most influential Armenian-Canadian grassroots political organization. Working in coordination with a network of offices, chapters and supporters throughout Canada, the ANCC actively advances the concerns of the Armenian-Canadian community on a broad range of issues.

Sevag Belian – Executive Director
National.Office@anccanada.org

TABLE OF CONTENTS

Destruction of Armenian Cultural Heritage	2
The Right to Property	3
The Rights of Displaced Persons	3

Destruction of Armenian Cultural Heritage:

The Republic of Artsakh (Nagorno-Karabakh) is home to around 4,000 Armenian cultural sites, including 370 churches, 119 fortifications, and other ancient cultural monuments¹. The churches span the 4th to the 21st centuries. Its invaluable archaeological sites date back to the first century, most notably the ancient city of Tigranakert in Artsakh. Azerbaijan now controls at least 1,456 historically significant and predominately Armenian immovable monuments following the November 9, 2020, trilateral ceasefire agreement between the Republic of Armenia, the Republic of Azerbaijan, and the Russian Federation². This number includes 161 Armenian churches, the archaeological sites of Tigranakert and Azokh Paleolithic Cave, the Nor Karmiravan tombs, Mirik, and Keren, as well as other architectural landmarks. Additionally, eight state museums and galleries with 19,311 exhibits, including the privately run Shushi Carpet Museum and Shushi Armenian Money Museum are now under Azerbaijani occupation.³

The preservation of these ancient sites under the Azerbaijani administration is of critical concern. These concerns are not unfounded, given Azerbaijan's historical record of destroying Armenian cultural heritage. The destruction of 27,000 monuments, including 89 medieval churches, 5,840 distinctive hand-carved khachkars (cross-stones), and 22,000 ancient tombstones, in the ancient Armenian cemetery of Julfa in Nakhichevan between 1997 and 2006 is one egregious example.⁴ Another is the destruction of Armenian monuments in the Tsar village in the Karvachar (Kelbajar) region.

The region is rife with historical revisionism perpetrated by Azerbaijan through the systematic "Albanization" of Armenian cultural heritage. Azerbaijan actively revises and rewrites history by claiming that Caucasian Albanians are the owners of the Armenian churches and cross-stones and that they are the ancestors of the Azerbaijani people. All of this is done maliciously to enhance its ties to these areas. The aim is to fabricate a narrative of Azerbaijani historical presence while eradicating the Armenian people's historical roots, hence, decreasing their right to practice their right to self-determination on their ancestral lands.

Following the 2020 Artsakh War, UNESCO offered to both Armenia and Azerbaijan that a mission of experts be sent to draft a preliminary inventory of significant historical and cultural heritage sites in and around Artsakh as a first step towards the practical preservation of Artsakh's heritage.⁵ To address the issue of cultural property protection in Artsakh, the members of the

¹ A Plea to Save Artsakh's Armenian Heritage | Christianity Today; Armenian monuments in line of fire in Nagorno-Karabakh conflict | The Art Newspaper - <https://www.theartnewspaper.com/news/monuments-in-line-of-fire-in-nagorno-karabakh-conflict>

² Ad Hoc Public Report The Armenian Cultural Heritage In Artsakh (Nagorno-karabakh): Cases Of Vandalism And At Risk Of Destruction By Azerbaijan - https://armenianbar.org/wp-content/uploads/2021/04/6.-Final-Report-on-Armenian-cultural-heritage-26.01.2021_0.pdf

³ Ibid

⁴ Abbasov, Idrak; Rzayev, Shahin; Mamedov, Jasur; Muradian, Seda; Avetian, Narine; Ter-Sahakian, Karine (27 April 2006). "Azerbaijan: Famous Medieval Cemetery Vanishes". Institute for War and Peace Reporting.

⁵ UNESCO, "Nagorno-Karabakh: Reaffirming the obligation to protect cultural goods, UNESCO proposes sending a mission to the field to all parties", 20 November, 2020 - https://www.unesco.org/en/articles/nagorno-karabakh-reaffirming-obligation-protect-cultural-goods-unesco-proposes-sending-mission-field?TSPD_101_R0=080713870fab20000936845fc1fa1cfc8725c1a1aa425cc8da50a0776fe295d7e6b262992a66960908805217d5143000ce851862213

intergovernmental Committee of the Hague Convention of 1954 and its Second Protocol adopted a declaration on December 11, 2020. They welcomed UNESCO's initiative to conduct a mission to assess the situation surrounding cultural properties in and around the region. The Committee has requested that both parties facilitate the mission.⁶ However, the Azerbaijani government has not responded to the request, hindering the urgent matter despite UNESCO's acknowledgment of its significance.⁷

Recommendations:

- *Allow UNESCO to enter the occupied parts of Artsakh to conduct a preliminary survey of all the Armenian cultural heritage currently endangered under Azerbaijani control.*
- *Protect and preserve all Armenian cultural heritage without altering their historical characteristics in an attempt to falsify facts and present a revisionist narrative of history,*
- *Provide the appropriate compensation – determined by impartial third-party observers – to the damage caused to Armenian cultural heritage currently under Azerbaijani control.*

The Right to Property:

In the 32 years since the people of Artsakh exercised their right to self-determination and proclaimed their independence in 1991, a tremendous amount of effort has been devoted to the rehabilitation and development of the country and its infrastructure, which was greatly devastated by the first war that took place from 1988-1994. Following the war, civilian infrastructure and housing were constructed to address the social needs of the people, including tens of thousands of refugees and internally displaced individuals. In this regard, citizens' rights and fundamental freedoms, especially the right to adequate housing, were - and continue to be - protected by the government of Artsakh.⁸

However, following the Second Artsakh War in 2020, the country again endured significant civilian infrastructure damage. Due to Azerbaijan's indiscriminate and deliberate airstrikes on civilian objects and infrastructures, thousands of individuals lost their moveable and immovable property. In addition to losing private property, various government institutions lost public property assets, such as schools, hospitals, hydroelectric power plants, government buildings and storage facilities.

As a result of the war and Azerbaijan's subsequent occupation of Artsakh territory, displaced populations from 118 villages cannot return to their homes⁹, are denied access to their property, and have no means to exercise any authority over their properties. This has amounted to 40.000

⁶ Declaration of the Committee for the Protection of Cultural Property in the Event of Armed Conflict of the Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict – ensuring cultural property protection in and around Nagorno-Karabakh and setting-up an independent technical mission, December 11, 2020 -

<https://unesdoc.unesco.org/ark:/48223/pf0000380348>

⁷ UNESCO, "UNESCO is awaiting Azerbaijan's Response regarding Nagorno-Karabakh mission," December 21, 2020 -

https://www.unesco.org/en/articles/unesco-awaiting-azerbaijans-response-regarding-nagorno-karabakh-mission?TSPD_101_R0=080713870fab2000a3722ad876b81618703f74a29c69eeeabb89fbf77afe431f9e96839acf4bd3740809b2230a1430006545eee599fd9140e0517563a1e13338eb3779be

⁸ See Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986

⁹ See [the list of Communities in Armenian](#).

people being displaced from their homes due to the continuous onslaught and occupation by Azerbaijan.

Recommendations:

- Provide the adequate compensation for the harm caused by the violation of property rights, based on UN's 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 International Humanitarian Law.
- Refrain from inflicting further intentional damage to the property of individuals whose property has been effectively stolen from them.

The Rights of Displaced Persons

Due to Azerbaijan's aggression and its indiscriminate, premeditated, and systematic attacks on civilian targets, over 90,000 individuals, or over sixty percent of the whole population of the Republic of Artsakh, were compelled to evacuate their homes and seek sanctuary in safer locations, during the 2020 Artsakh war¹⁰.

The UN Committee on Economic, Social and Cultural Rights (CESCR) has observed with concern the unlawful takeover of Armenian property by Azerbaijani refugees and internally displaced individuals¹¹. The ECRI has noted that according to several reports, some refugees and IDPs are illegally occupying private properties belonging to ethnic Armenians and that no measures have been taken to ensure that financial or material compensation is awarded to the victims of such illegal occupations.¹²

Additionally, those who fled areas now under Azerbaijan's control have no chance of returning¹³, as Azerbaijan has prevented the return of Armenians to areas it now controls¹⁴. As a result, as of May 2021, around 36,989 Armenians were in refugee status. Reportedly, 15,000 to 20,000 of them are from territories now controlled by Azerbaijan.¹⁵

Recommendations:

- *Allow the return of displaced Armenians to their homes securely and respectfully. Moreover, provided reparations if they suffered any harm, loss, or injury that could not be fully compensated by restoring their homes. This should include offering financial compensation to the displaced Armenians until they can safely return to their homes.*

¹⁰ See "[The Updated Edition of The Second Interim Report on the Azerbaijani Atrocities Against The Artsakh Population In September-October 2020](#)," 18 October 2020.

¹¹ CESCR, Report on the Thirty-Second and Thirty-Third Sessions, E/2005/22, E/C.12/2004/9 (2005), para. 493.

¹² ECRI, [Second report on Azerbaijan](#), 24 May 2007, para. 78.

¹³ "[Thousands of Armenian civilians flee their homes in wake of Nagorno-Karabakh truce](#)," france24, 12 November 2020.

¹⁴ See "[First of all displaced persons from Hadrut, Shushi of latest war must return – MFA on Aliyev remarks](#)," Armen Press, 27 February 2021.

¹⁵ [Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#), Council of Europe, Commissioner for Human Rights, 08 November 2021.