

**Fourteenth United Nations Congress
on Crime Prevention and Criminal Justice
Kyoto, Japan, 7–12 March 2021**

Agenda item 6(b)

**International cooperation and technical assistance
to prevent and address all forms of crime: new
and emerging forms of crime**

**Position paper on crimes against cultural property, submitted by the delegation of
the Republic of Armenia**

With a view of the discussions under agenda item 6(b) of the 14th United Nations Congress on Crime Prevention and Criminal Justice, entitled “International cooperation and technical assistance to prevent and address all forms of crime” the delegation of the Republic of Armenia would like to invite the attention of the distinguished delegates of the UN Member States to the following:

Armenia as a nation, the cultural heritage of which is scattered throughout the region and in some areas is under the threat of complete destruction and erasure, pays special attention to the issue of establishing proper national, regional and international mechanisms to protect the cultural heritage from crimes directed against it. Unfortunately, we continue to witness acts of deliberate destruction, misappropriation of cultural heritage, denial of cultural identity and other crimes against cultural property that affects millions of people. Moreover, such crimes become even more acute and widespread in the event of armed conflict, which creates a conducive environment for the unhindered destruction of peoples’ cultural heritage.

Armenia welcomes international efforts to strengthen our collective responsibility to preserve and protect global cultural heritage. One of the recent examples of such multilateral efforts was the Resolution 10/7 of the 10th Conference of States Parties to the United Nations Convention against Transnational Organized Crime, which expressed alarm at the increasing number of acts of deliberate destruction of or damage to cultural property, and the theft, looting and smuggling of cultural property in the context of conflicts all over the world. Armenia stands ready to support further international efforts in this regard in order to achieve universally binding norms and mechanisms of responsible state behavior with respect to cultural property.

As a result of the 44-day war, launched by Azerbaijan with the direct involvement of Turkey and foreign terrorist fighters against Artsakh (Nagorno-Karabakh) on 27 September 2020, the Armenian cultural and religious heritage became under an imminent threat of destruction and/or appropriation.

Throughout the war, the Armenian cultural and religious monuments, including the Holy Saviour Ghazanchetsots Cathedral of Shushi, Artsakh[1], and Hellenistic and Armenian archaeological site of Tigranakert, an ancient city founded by Armenian king Tigranes the Great in 95-55 BC, were deliberately targeted and partially destroyed. These attacks are a blatant violation of the 1954 Hague Convention and its Protocols and the International Humanitarian Law.

Perhaps the most notorious act of cultural genocide conducted in Azerbaijan has been the destruction of several thousand giant engraved cross-stones (khachkars) and tombstones of the medieval Armenian cemetery of Old Jugha in Nakhijevan during 1997-2006. There is sufficient evidence, including photos and videos [3], documenting this barbaric act [4].

Misappropriation and misidentification of Armenian cultural heritage is another significant risk. Azerbaijan continues its policy of misappropriation and falsification of Armenian cultural heritage on the territory of Artsakh referring to them as “Caucasian Albanian”. The distortion of the identity of the Armenian heritage is an attempt of cultural looting, which is again a gross violation of international law.

Armenia is deeply concerned that regardless of the huge amount of information and evidence of crimes against Armenian cultural heritage available on the Internet and on the ground, clearly implicating Azerbaijani servicemen as perpetrators, with easily identifiable uniforms and vehicle number plates, there was no public information about any investigation or prosecution in that regard, although Azerbaijan has necessary legislative framework to bring those criminals to justice. Moreover, the lack of action by the authorities of Azerbaijan against their military servicemen who commit such crimes, makes the official Baku formally complicit in such crimes according to the International Law.

In the absence of adequate response from the Azerbaijani government, proactive measures of the international community become ever more important to prevent further destruction and vandalism and preserve the Armenian cultural and religious heritage. Bringing to justice perpetrators, without doubt, will contribute to the prevention of similar acts in the future.

Armenia welcomed the 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 where the Committee urged UNESCO to send an independent technical mission to Nagorno-Karabakh as soon as possible with the aim of assessing the situation with a view of effective protection of cultural and religious heritage.

Armenia also welcomed the subsequent decision of UNESCO to dispatch a technical assistance mission to Artsakh and adjacent districts to prepare a preliminary inventory of significant cultural properties in the affected area. This proposal has been fully supported by the Minsk Group Co-Chair countries, as well as the Republic of Artsakh.

So far, regrettably, Azerbaijan politicizes the issue and creates artificial obstacles for UNESCO’s mission.

The preservation of many Armenian historical-cultural and religious monuments that fell under Azerbaijani control must be an important part of the peace process. Azerbaijan must immediately cease all the actions of deliberate destruction, misappropriation, alteration of Armenian cultural and religious heritage. The proper protection of cultural monuments and religious sites could be instrumental for creating conditions for peace and reconciliation in the region.

[1] Shushi was once home to 6 churches. All were damaged during the 1920 massacre when 20,000 Armenians were slaughtered by the Azerbaijani army and 7,000 structures were destroyed.

[2] Human Rights Watch. (Dec. 16, 2020). *Azerbaijan: Attack on church possible war crime*. Available at: <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>

[3] Maghakian S. (2006). *The new tears of Araxes*. [Video]. Available at: https://www.youtube.com/watch?v=JZu2zqFE_gI

[4] Maghakian S., Pickman S. (2019). *A Regime Conceals its Erasure of Indigenous Armenian Culture*, available at: <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>