



**MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF AZERBAIJAN**

# **WAR AGAINST AZERBAIJAN**

**Targeting cultural heritage**



**Baku 2015**

# **Destruction and desecration of Islamic historical and cultural heritage in the occupied territories of the Republic of Azerbaijan resulting from the continuing aggression of the Republic of Armenia against the Republic of Azerbaijan**

## **I. Essential facts**

1. It is well known that at the end of 1987 Armenia overtly laid claim to the territory of the Nagorno-Karabakh region of Azerbaijan; that a number of illegal decisions were taken by both Armenia and the Armenian community of the Nagorno-Karabakh region with a view to securing the unilateral secession of this region from Azerbaijan; that shortly after the assertion of claims on the Nagorno-Karabakh region, under instructions from and with the blessing of the Armenian authorities, about 230,000 Azerbaijanis were forcibly deported from their homes in Armenia; that the process of deportation was accompanied by killings, torture, the destruction of property and pillaging throughout Armenia; that these acts were conducted on a widespread and systematic basis; and that, in all, 216 Azerbaijanis were killed in Armenia in 1987-1989, including children, women and elderly people.

2. Shortly after the Soviet Union ceased to exist at the end of 1991 and both Armenia and Azerbaijan were accorded international recognition, armed hostilities and Armenian attacks against areas within Azerbaijan intensified. Armenia unleashed the war, used force against Azerbaijan and occupied its territories, including the Nagorno-Karabakh region and seven adjacent districts; carried out ethnic cleansing of the seized areas by expelling about one million Azerbaijanis from their places of origin, committed other serious crimes during the conflict and established the ethnically constructed subordinate separatist entity on the occupied Azerbaijani territory.
3. The international community has consistently deplored and condemned the use of military force against Azerbaijan and the resulting occupation of its territories. In 1993, acting on behalf of all the members of the United Nations, the UN Security Council adopted resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), condemning the use of force against Azerbaijan and occupation of its territories and reaffirming the sovereignty and territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders. In those resolutions, the Security Council reaffirmed that the Nagorno-Karabakh region is part of Azerbaijan and demanded immediate, complete and unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan. The UN General Assembly adopted three resolutions on the conflict (48/114 of 20 December 1993, 60/285 of 7 September 2006 and 62/243 of 14 March 2008) and included the special item entitled

“The situation in the occupied territories of Azerbaijan” in the agenda of its regular sessions. Other international organizations have adopted a similar position.

4. In its resolution 62/243 of 14 March 2008, the UN General Assembly reaffirmed continued respect and support for the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders, demanded the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of Azerbaijan, reaffirmed the inalienable right of the Azerbaijani population expelled from the occupied territories to return to their homes, and stressed the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict affected territories.
5. The documents of international organizations also make explicit reference to serious violations of international humanitarian and human rights law committed during the conflict. Thus, in its aforementioned resolutions, the UN Security Council condemned the attacks on civilians and bombardments of inhabited areas within Azerbaijan and expressed grave concern at the displacement of a large number of civilians in Azerbaijan. In its resolution 48/114 of 20 December 1993, the UN General Assembly noted with alarm “that the number of refugees and displaced persons in Azerbaijan has ... exceeded one million”. In its resolution 1416 (2005) of 25 January 2005, the Parliamentary Assembly of the Council of Europe, of





which both Armenia and Azerbaijan are members, noted particularly that large-scale ethnic expulsion of the Azerbaijani civilian population and the creation of mono-ethnic areas resemble the terrible concept of ethnic cleansing. The European Court of Human Rights later arrived at an important conclusion qualifying the offences of the invading Armenian troops against Azerbaijani civilians as acts of particular gravity that amount to war crimes or crimes against humanity.

6. The illegality of the separatist entity, established by Armenia on the occupied territory of Azerbaijan, has been repeatedly stated at the international level. This entity is denied any international recognition; it is under Armenia's direction and control.
7. Since the eruption of the conflict between Armenia and Azerbaijan, the OIC has explicitly qualified the actions of Armenia on the territory of Azerbaijan as aggression and condemned in the strongest possible terms the use of force against Azerbaijan and the occupation of its territories.
8. In its most recent resolution 10/41-POL (2014), the OIC Council of Foreign Ministers strongly condemned the aggression of Armenia against Azerbaijan, reaffirmed the commitment by all OIC Member States to respect the sovereignty, territorial integrity and political independence of Azerbaijan and called "...for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized borders".



Yukhari Govhar Aga Mosque (Shusha City)

9. In flagrant violation of the generally accepted norms and principles of international law and in total disregard of the demands contained in the above-mentioned UN Security Council and General Assembly resolutions and decisions of other international organizations, Armenia continues to occupy almost one fifth of the territory of Azerbaijan, including the Nagorno-Karabakh region and seven adjacent districts.
10. Having succeeded in realizing its territorial claims militarily, Armenia spares no effort to consolidate the results of the unlawful use of force and politically promote its annexationist aspirations. To this end, Armenia undertakes measures to illegally change the demographic, cultural and physical character of the occupied territories of Azerbaijan, thus gravely violating the relevant resolutions of the United Nations, the Geneva Conventions of 1949 and other applicable norms and principles of international humanitarian law. Over the period passed since the beginning of the conflict, tens of thousands settlers have moved into the occupied areas depopulated of their Azerbaijani inhabitants. Illegal activities in the occupied territories of Azerbaijan include also exploitation, plunder and illicit trade of assets, natural resources and other forms of wealth, permanent infrastructure development, extensive exploitation of agricultural and water resources, timber exporting, archaeological excavations, embezzlement of artifacts etc.
11. Following the OSCE-led fact-finding and field assessment missions in the occupied territories of Azerbaijan in 2005 and 2010, the Co-chairs of the



Saatli Mosque (Shusha City)



Ashagi Govhar Aga Mosque (Shusha City)

OSCE Minsk Group, which is mandated to provide an ongoing forum for negotiations towards a peaceful settlement of the conflict, urged the Armenian side to refrain from actions that would change the demographic, social, or cultural character of those territories and would make it impossible to reverse the *status quo* and achieve a peaceful settlement. However, the missions' recommendations remained on paper.

12. Moreover, the reports on increase and expansion of illegal activities in the occupied territories of Azerbaijan provide yet more evidence of Armenia's deliberate policy aimed at colonization of Azerbaijani lands. These illegal activities represent serious obstacles to the negotiated settlement of the conflict, the core elements of which are the liberation of the occupied territories of Azerbaijan and the realization by the forcibly displaced people of their inalienable right to return.

## **II. Interference in the cultural environment of the occupied territories of the Republic of Azerbaijan**

13. Azerbaijan is one of the areas of earliest human settlement with a rich historical past and diverse cultural legacy. Different rock drawings, architectural monuments, samples of arts and crafts, as well as a great number of artifacts unearthed as a result of archaeological excavations testify to the country's distant past and its vast cultural heritage. The occupation of the territories of Azerbaijan has also had catastrophic consequences for the country's cultural





Juma Mosque (Aghdam City)

heritage both in the occupied territories and in Armenia.

14. The occupation of the Nagorno-Karabakh region and seven adjacent districts of Azerbaijan (Kalbajar, Lachyn, Gubadly, Zangilan, Jabrayil, Fuzuli and Aghdam), as well as seven villages in the district of Gazakh and the village of Karki in Nakhchyvan, which are beyond the Nagorno-Karabakh region and situated on the border with Armenia, with 1,891 cultural resources, comprising 738 monuments, 28 museums with more than 83,500 exhibits, 4 picture galleries, 14 memorial complexes and 1,107 cultural establishments, led to a great cultural loss for Azerbaijan.
15. Architectural monuments of national importance in those territories include the sixth century Albanian Aghoghlan cloister and the fourteenth century Malik Ajdar tomb in Lachyn, the fourth century Albanian Amaras cloister and a considerable number of Albanian temples in Khojavand, the eighteenth century Asgaran castle, fourteenth century tombs and a number of Albanian temples dating back to the Middle Ages in Khojaly, the sixth century Albanian Saint Jacob and thirteenth century Albanian Khatiravang cloisters and the thirteenth-fourteenth centuries Lekh castle in Kalbajar, the Albanian cloister of the fifth to eighth centuries in Gazakh, the thirteenth-fourteenth centuries Mirali tomb and the seventeenth century caravanserai in Fuzuli, the fourteenth century tomb in Zangilan, the seventeenth century mosque complex in Jabrayil, the eighteenth-nineteenth centuries Yukhary and Ashaghy Govharagha and Saatly mosques, caravanserais and





Juma Mosque (Aghdam City)

houses in Shusha, the nineteenth century mosque in Aghdam, and archaeological sites like Garakopaktapa, Khantapa, Gunashtapa, Uzuntapa, Meynatapa and Zargartapa, residential areas of the Neolithic and Bronze Ages in Fuzuli, the residential areas of Chyragtapa and Garaghajy, of the Bronze Age, and those of Gavurgala, of the Middle Ages, and Aghdam, Imangazantapa and Gyshlag mounds of the Bronze Age in Jabrayil, rock drawings of the Bronze Age in Kalbajar, the stone box necropolis of the Bronze and Iron Ages in Khojaly, the residential area and necropolis of the Bronze Age in Sadarak, mounds of the Bronze and Iron Ages in Lachyn, a cave of the Stone Age, a mound and stone box graves of the Bronze and Iron Ages in Shusha, and the Shahri-Sharifan residential area of the thirteenth-fourteenth centuries in Zangilan.

16. Monuments world importance in the occupied territories of Azerbaijan includ the 11- and 15-arch medieval Khudafarin bridges and Niftaly mounds of the Bronze Age in Jabrayil, Albanian medieval Ganjasar and Khudavang cloisters in Kalbajar, the fourteenth century Gutlu Musa oghlu tomb and Uzarliktapa residential area of the Bronze Age in Aghdam, the Azykh and Taghlar caves of the Paleolithic Age in Khojavand, and mounds of the Bronze and Iron Ages in Khojaly.

17. Apart from its wealth of architectural and archaeological monuments and its spectacularly beautiful nature, Karabakh has been home to many talents, including in particular Vagif, Natavan, Nawab,



Juma Mosque (Aghdam City)



Juma Mosque (Aghdam City)

Hajybayov and Bulbul, whose legacy, for their great contribution not only to the Azerbaijani but also to the world's cultural heritage, has widely been recognized by the international community.

18. The ongoing policy of deliberate destruction of this legacy following the occupation has been and continues to be an irreparable blow both to Azerbaijani culture and world civilization. As has clearly been demonstrated in the deliberate change of the cultural look of Shusha and other towns and settlements of Karabakh by destroying the monuments and changing architectural features, and making “archaeological” excavations, this Armenian policy pursues far-reaching targets of removing any sign heralding their Azerbaijani origins.
19. Analysis of the period of more than 20 years since the establishment of a ceasefire in 1994 demonstrates that armed hostilities have not destroyed Azerbaijani monuments to the extent to which this has been subsequently done by the Armenian side.
20. Thus, if in the years immediately following the military operations, in Shusha town the architectural monuments, such as the Yukhary and Ashaghy Govharagha mosques with their madrasahs, the mausoleum of Vagif, and the house of Natavan and caravanserais, have been destroyed, burnt, plundered and rendered unusable; the later period proves the intensification of the barbarism, which has left almost no Azerbaijani monument without destruction or damage.



Juma Mosque (Aghdam City)



Yukhari Govhar Aga Mosque (Shusha City)

21. As for other districts, the “Imarat of Panah khan” complex, mosques in Aghdam town, Abdal and Gulably villages, the tomb of Ughurlu bay and the home museum of Gurban Pirimov in the Aghdam district, fourteenth century tombs in the Khojaly district, mosques in the Bashlybel and Otagly villages, ancient cemeteries in the Moz, Keshdak and Yukhary Ayrym villages and Kalbajar town in the Kalbajar district, mosques in the Zangilan, Gyrag Mushlan, Malatkeshin, Babayly and Ikinji Aghaly villages, medieval cemeteries in the Jahangirbayli, Babayly and Sharifan villages in the Zangilan district, ancient cemeteries in the Gayaly and Mamar villages, the mosque in Mamar village in the Gubadly district, the mosque in Garygyshlag village and the ancient cemetery in Zabukh village in the Lachyn district, the mosque complex in Chalabilar village and the ancient cemetery in Khubyarly village in the Jabrayil district, mosques in Fuzuli town and the Gochahmadli, Merdmli and Garghabazar villages in the Fuzuli district, the cemeteries of the Khojavand, Akhullu, Kuropatkino, Dudukchu and Salakatin villages and the old cemetery of Tugh village in the Khojavand district, the ancient hammams in Umudlu village in the Tartar district and the cemetery of Karki village in the Sadarak district, have been destroyed, burnt down and plundered.
22. The Museum of History in the Kalbajar district with its unique collection of ancient coins, gold and silverware, rare and precious stones, carpets and other handicraft wares, museums in Shusha, the Lachyn Museum of



Juma Mosque (Aghdam City)

History, the Aghdam Museum of History and the Bread Museum and others have also been destroyed, plundered, and their exhibits put on sale in different countries. For example, the bronze statues of the poetess Natavan, the composer Uzeyir Hajybayov, the singer and musician Bulbul would have been sold as bronze scrap metal in Georgia if the Azerbaijani Government had not bought them for \$500,000 and taken them to Baku. Similarly, a silver handbag from the Lachyn Museum of History was sold at a Sotheby's auction in London for \$80,000.

23. Acts of barbarism are accompanied by different methods of defacing the Azerbaijani cultural image of the occupied territories. Among them are large-scale construction works therein, such as, for example, the building of an Armenian church in Lachyn town, the extension of the flight line of the Khojaly airport by destroying the children's music school, library, social club and infrastructure facilities. Another widespread practice employed is the change of the architectural details of different monuments, such as the Saatly mosque and Khanlyg Mukhtar caravanserai in Shusha town, as well as replacement of the Azerbaijani-Muslim elements of the monuments with alien ones, such as the Armenian cross and writings, which have been engraved on the Arabic character of the nineteenth century Mamayi spring in Shusha town.
24. As for the fate of the Azerbaijani historical and cultural heritage in Armenia, those monuments which survived until the beginning of the conflict have since been destroyed, such as the Damirbulag and Goy mosques





Juma Mosque (Aghdam City)



Juma Mosque (Aghdam City)

of Yerevan. The former was razed to the ground, while the latter has been “reconstructed” to alter its original authenticity. The mosques and other Azerbaijani monuments in other places of Armenia have shared the same fate, together with ancient or modern Azerbaijani cemeteries and toponyms of Azerbaijani origin, which have been erased from present-day Armenia.

25. In addition, Armenia has conducted excavations in the “Azikh” cave in the occupied Jabrail district since 2003 and near the occupied Aghdam district since March 2005.

### **III. Applicable international law and arising obligations**

26. It has been confirmed at the international level on a number of occasions that Azerbaijani territories are under occupation.<sup>1</sup> This brings into operation the law of occupation which is essentially laid down in three instruments, being the Regulations annexed to Hague Convention IV, Respecting the Laws and Customs of War on Land 1907 (“the Hague Regulations”); Geneva Convention IV on the Protection of Civilians in Time of War 1949 (“Geneva Convention IV”) and Additional Protocol I to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts 1977 (“Additional Protocol I”).

---

<sup>1</sup> See, e.g., UN Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993); UN General Assembly resolutions A/RES/60/285 and A/RES/62/243, and the Report of the UN Secretary-General A/63/804 and addendum 1 thereto.

27. In addition, international human rights law is seen as in principle applicable to occupation situations.
28. Other important instrument is the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is the first international treaty of universal application dedicated exclusively to the protection of cultural heritage in the event of armed conflict. The Convention is accompanied by Regulations for its execution, which forms an integral part thereof, as well as a first Protocol aimed primarily at preventing the export of cultural objects from occupied territory.
29. The Convention, namely Article 5, imposes an obligation upon the Contracting Parties to “take measures to preserve cultural property situated in occupied territory and damaged by military operations”. Protection is accorded automatically to all objects which fall under the definition. It comprises two aspects: safeguarding and respect for such property.
30. Like the 1954 Hague Convention with Article 5, the Second Protocol also includes specific provision on the protection of cultural property in occupied territory. Thus, Article 9 stipulates the obligation of a State Party in occupation to prohibit and prevent in relation to the occupied territory any illicit export, other removal or transfer of ownership of cultural property; any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property; and any alteration to, or change of use of,

cultural property which is intended to conceal or destroy cultural, historical or scientific evidence”.

31. In other words, the objective of the aforementioned provisions on the protection of cultural property in occupied territories is to eliminate by prohibition and preventive measures any interference in the cultural environment of such territories.
32. International criminal law qualifies the destruction of cultural property in situations of armed conflict as a war crime entailing individual criminal responsibility.
33. In its Resolution 3/41-C (2014) on the Protection of Islamic Holy Places, containing a separate section on “the destruction and desecration of Islamic historical and cultural relics and shrines in the occupied Azerbaijan territories resulting from the aggression of the Republic of Armenia against the Republic of Azerbaijan”, the OIC Member States, *inter alia*, emphasized that pieces of Azerbaijani history, culture, archaeology, and ethnography remaining in the territories occupied by Armenia are an integral part of the Islamic heritage, and, therefore, must be protected. They reaffirmed that the utter and barbaric destruction of mosques and other Islamic Shrines in Azerbaijan, at the hands of Armenia, for the purpose of ethnic cleansing is a crime against humanity and strongly condemned the barbaric acts committed by the Armenian aggressors in the Republic of Azerbaijan with the aim of total annihilation of the Islamic heritage in the occupied Azerbaijani territories.

34. It is in common interest of OIC Member States to demand from Armenia to comply strictly with its obligations under international law, including the protection of mosques and other cultural properties in the occupied territories of Azerbaijan.

