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Protection of  
Cultural Property in  
the Event of Armed Conflict

**Four-year cycle  
2017-2020**

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**Questionnaire  
National report on the implementation of the 1954 Hague  
Convention and its two (1954 and 1999) Protocols**

## **GENERAL INFORMATION**

**1. Region:**

**State Party:**

Azerbaijan

**2. Submission of previous national reports**

**Yes**

**No**

2.1. 2013-2016 cycle

**3. Actors involved in the preparation of the national report**

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

**4. National Focal Point**

According to paragraph 120 of the Guidelines for the Implementation of the Second Protocol: *"Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO."* If you do not consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

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# I. The Hague Convention of 1954

## 1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The implementation of Article 3 (Safeguarding of cultural property) of the 1954 Hague Convention, as well as Article 5 (Safeguarding of cultural property) of the 1999 Second Protocol is ensured through legislative and administrative measures.

The Article 16 of the Constitution stresses the responsibility of the Republic of Azerbaijan to safeguard the tangible and intangible heritage of the state. Articles 40 and 77 of the Constitution of the Republic of Azerbaijan underscore the right to access to culture and duty of each citizen to respect and protect historical and cultural property. In addition, Law on Culture and Law on Protection of Historical and Cultural Monuments provide comprehensive legal framework for the protection of cultural property in the Republic of Azerbaijan. These legislative acts, among others, define cultural property, their registration mechanisms, duties and responsibilities of State and individuals and legal entities, who own or use monuments, as well as rules on research and rehabilitation activities.

The Article 7 of the Law on Museums provides that, in case of armed conflict, war and other dangerous situation, the museums, objects included to their catalogue and their collections are transported to the safe places or to the places defined by the civil defense authorities. Also according to the Article 10.1.4 of the Law on Military Situation, the tangible cultural properties are transferred to the safe zones during the military situation period.

According to the Regulation on the levels of protection of cultural properties dated 26 May 2015, for the protection purposes the preventing, conservation, restoration and special protection levels are applied to the cultural property.

The Regulation on protection, restoration and use of the cultural property in the Republic of Azerbaijan dated 14 July 2015 defines the scope of activities to safeguard the cultural heritage in the country and the scope of application of the Law on Culture.

In line with the above-mentioned normative acts, the inventorying of cultural property is a basic act, which gives special State protection to objects with cultural value. To this effect, *State List of National Cultural Property* and *Cultural Property Protection List* have been established. All movable and immovable cultural properties of universal, national and local importance have been included in these lists. The inclusion of immovable cultural properties in the above-mentioned lists is ensured by the Cabinet of Ministers of the Republic of Azerbaijan. The Ministry of Culture is entitled to register movable cultural properties in the lists. All cultural institutions, such as museums, libraries, archives, which are in charge of the protection of cultural property also establish and manage detailed list of cultural property under their responsibility.

In 2014, the State Service for Protection, Development and Restoration of Cultural Heritage was established under the auspices of the Ministry of Culture. Its main functions include to participate in the implementation of state programs and strategies in the field of protection, development and restoration of cultural heritage, coordinate the activities of government agencies, to lead relevant scientific research, to organize the use and promotion of historical and cultural monuments, to carry out state monitoring of their protection, to ensure preparation of feasibility studies and assessments, to carry out technical control in accordance with the Town Planning and Construction Code of the Republic of Azerbaijan, as well as to carry out restoration, construction, repair works in accordance with the approved projects.

The Ministry of Culture also provides overall supervision for the preparation of contingency plans for emergency situations, including in case of armed conflict. Such plans are prepared for different emergency scenarios and include measures such as *in situ* protection of cultural property, rapid transfer of movable property to safe zones etc. The Government of Azerbaijan closely cooperates with international organizations, including UNESCO in the preparation of such plans and training of managers of cultural sites. Notable example, during the period of reporting cycle, is the project of “*Safeguarding cultural property against foreseeable effects of armed conflicts and other emergencies*”, funded by the UNESCO’s Participation Programme. Through this project hundreds of museum staff have been trained, key UNESCO publications have been translated into Azerbaijani language and a website ([www.protectheritage.az](http://www.protectheritage.az)) have been developed as a tool to assist local museum staff in preparation of safeguarding measures.

The Government of Azerbaijan also wishes to note that as a result of the occupation of the territories of Azerbaijan for nearly 30 years, hundreds of cultural properties have been subject to the willful destruction, damage and alteration by the occupying forces of the Republic of Armenia. The Government of Azerbaijan described the extent of the damage and destruction inflicted on cultural property as a results of the occupation in its last national report (2011) and reiterated the importance of dispatching international mission to the territories under occupation. After the liberation of the territories from the occupation, the Republic of Azerbaijan, disclosed images and reports of the massive destruction and misuse of cultural, archeological and historical properties, as well as illicit export and misappropriation of movable heritage from the territories of Azerbaijan subjected to military occupation of Armenia (see Annex 1). Several monitoring missions have been undertaken by national authorities since the liberation of the territories. The preliminary results of the missions include the following: 312 state-registered historical and cultural monuments were monitored, most of which were completely or partially destroyed; 106 unregistered historical, architectural and archeological objects in these areas were newly discovered; 570 cultural institutions that used to preserve and exhibit cultural property were completely destroyed during the occupation, of which 286 libraries, 237 houses of culture and clubs, 19 museums, 24 children's music schools, 2 theaters and 2 art galleries. Around 40,000 museum exhibits were illegally exported and misappropriated.

The Government of Azerbaijan will provide detailed report on the safeguarding measures taken to rehabilitate the affected cultural property in its next report.

## **2. Article 6 - Use of the distinctive emblem for the marking of cultural property**

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The article 53 of the Law on Culture of the Republic of Azerbaijan requires to provide international assistance and to grant the enhanced protection statuses in accordance with the international treaties in order to prevent the damage or the risk of damage to the national cultural and natural heritage of the people of Azerbaijan.

A distinctive emblem of enhanced protection has been affixed on the Walled City of Baku with the Shirvanshah's Palace and Maiden Tower and Gobustan Archaeological site, cultural sites which are inscribed on the International List of Cultural Property under Enhanced Protection. The placement of the blue shield emblem on other cultural property is under consideration.

### 3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

In accordance with the Instructions of the Application of the Law of Armed Conflict in the Armed Forces of the Republic of Azerbaijan, approved by the order of the Minister of Defense of the Republic of Azerbaijan dated 29 December 2009, cultural property cannot be used for military purposes (Rule 1.25). Instructions also include the necessity of the teaching of law of armed conflicts at the military training centers and other educational facilities.

In line with the above-mentioned instructions, the armed forces of the Republic of Azerbaijan receive regular trainings on international humanitarian law, including the protection of cultural property. These trainings have comprehensive programme, which includes the teaching of different emblems, rules of engagement with cultural property etc.

The Ministry of Defense of the Republic of Azerbaijan cooperates very closely with other government entities, in particular the Ministry of Culture, to maintain the list of cultural sites and to ensure their protection.

The Ministry of Defense also closely cooperates with the International Committee of Red Cross and regularly holds various seminars, trainings and gatherings in order to train the personnel of the Azerbaijan Army in international humanitarian law, as well as protection of cultural properties and heritage in armed conflicts. The ICRC organizes around 10 various events a year for the Azerbaijan Army, including pre-deployment trainings concerning cultural properties and humanitarian affairs for the peacekeeping contingent.

Finally, during the reporting cycle, the Government of Azerbaijan also translated the UNESCO's Military Manual on the Protection of Cultural Property into Azerbaijani language and discussions with the Secretariat of the 1954 Hague Convention and its two Protocols are underway to organize a joint training to the military officers of the armed forces of the Republic of Azerbaijan.

- *Has your State established **services** or designated specialist personnel *within your armed forces to ensure respect for cultural property?**

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

In the organizational structure of the Ministry of Defense, there is no section directly responsible for cultural property and heritage protection. Nevertheless, the Department of Law of the Ministry of Defense conducts trainings for personnel on protection of cultural properties and heritage, since it is a mentor body for international humanitarian law.

#### 4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

UNESCO's Military Manual, which provides guideline to the provisions of the 1954 Hague Convention and its two Protocols has been translated into Azerbaijani language and disseminated among the military personnel.

The Ministry of Culture also ensures the dissemination of essential provisions of the 1954 Hague Convention and its two Protocols among the general public, with a purpose to increase the respect to the culture.

#### 5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"**

Please annex an *electronic copy of your translation(s) to this report*:

Attach the document

#### 6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State **introduced in your domestic legislation** all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

According to Article 28 of the Law on Protection of Historical and Cultural Monuments the infringement of legislation governing the protection of cultural property may result in criminal, administrative, disciplinary or civil liability.

Article 116 of the Criminal Code of the Republic of Azerbaijan (Violation of norms of international humanitarian law in the event of armed conflict), under the Chapter of War Crimes, specifies the scope of violations of norms of international humanitarian law in the event of armed conflict. In this regard, giving effect to Article 28 of the 1954 Hague Convention and Article 15 of the 1999 Second Protocol, this provision specifically prohibits the following:

- Directing attacks against clearly visible and distinctive buildings dedicated to religion, education, science, charitable, medical purposes, places where the sick and wounded are collected, provided they are not military objectives;
- Making cultural property, including cultural property under enhanced protection the object of attack or using cultural property under enhanced protection or its immediate surroundings in support of military action without military necessity;
- Extensive destruction or appropriation of cultural property or theft, pillage or misappropriation of, or acts of vandalism directed against cultural property;
- Illicit removal of cultural property from occupied territory or transfer or termination of ownership of cultural property located in the territory under occupation; any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property; any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

All these acts may result in imprisonment from 10 to 20 years or life imprisonment.

Article 246 of the Criminal Code regulates the protection of cultural property in peacetime. It specifies sanctions (between 2000-4000 Azerbaijani manat fines or up to 2 years of imprisonment) for intentional destruction or damage to historic or cultural monuments.

Article 183 of the Criminal Code prohibits the plunder of objects or documents having special historical, scientific, art or cultural value, is punished 5 to 7 years of imprisonment.

Administrative sanctions also imposed for violating the requirements concerning the protection and use of historical and cultural monuments by Article 231.3 of the **Code of Administrative Offences** of the Republic of Azerbaijan. Such offences shall entail warning or the imposition of a fine in the amount of 200 to 300 Azerbaijani manat.

Finally, the Government of Azerbaijan notes that, pursuant to Article 148 of the Constitution of Azerbaijan, international treaties, to which the Republic of Azerbaijan is party to, are integral part of the national legislative system.



## II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in Resolution II?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Although measures related to the establishment and functioning of a national advisory committee are still ongoing, no such body has been created yet in the Republic of Azerbaijan. The National Commission of the Republic of Azerbaijan for UNESCO is currently ensuring the liaison among the concerned government entities with regard to the measures required for the implementation of the 1954 Convention.

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

N/A

## III. 1954 (First) Protocol

*[To be completed only by the High Contracting Parties to the 1954 Protocol]*

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 116 of the Criminal Code of the Republic of Azerbaijan (see above) clearly prohibits the illicit removal of cultural property from occupied territory or transfer or termination of ownership of cultural property located in the territory under occupation; any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property; any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

The Article 43.0.4 of the law on Culture prohibits the illicit removal of the national cultural properties from the territory of the Republic of Azerbaijan. The Article 231.1 of the Code of Administrative Offences of the Republic of Azerbaijan introduces responsibility for the illicit

removal of the national cultural heritage objects included to the list of protection of the cultural properties from the territory of Azerbaijan.

During the reporting cycle, the part of the internationally recognized territories of the Republic of Azerbaijan had been under occupation of the Republic of Armenia. In this period, in contradiction to the international law and the legislation of Azerbaijan, massive number of cultural property had been removed from occupied territories and transferred to Armenia and third countries. Military operations, started in response to the another of aggression of the armed forces of Armenia on 27 September and ended on 10 November 2020, resulted in the liberation of territories under occupation, which enabled the respective authorities of the Republic of Azerbaijan to reinstate the control in these territories, including over cultural institutions.

In the time of the submission of this report, initial monitorings showed that thousands of movable cultural objects were missing from museums and other cultural institutions. The Government of Azerbaijan will take every effort to return the cultural property, which were transferred contrary to the First Protocol.

#### **IV. The 1999 Second Protocol**

*[To be filled in only by the Parties to the 1999 Second Protocol]*

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

##### **1. Article 5 - Safeguarding of cultural property**

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

See report under Part I.1

##### **2. Article 9 - Protection of cultural property in occupied territory**

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation**?

YES:  NO:  Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

N/A

### 3. Article 10 - Enhanced protection

The 1999 Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (composed of 12 Parties).

- Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Walled City of Baku with the Shirvanshah's Palace and Maiden Tower and Gobustan Archaeological site, have been already inscribed on the International List of Cultural Property under Enhanced Protection.

The inscription of other sites is under consideration.

#### MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

*[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].*

The benefit of enhanced protection implies the continued fulfillment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Walled City of Baku with the Shirvanshah's Palace and Maiden Tower and Gobustan Archaeological site, are two sites inscribed on the International List of Cultural Property under Enhanced Protection.

The Government of Azerbaijan regularly reviews the protection mechanisms of these sites and develops their on-site protection.

In parallel, legislation of Azerbaijan is also being updated to ensure the special protection status of sites under enhanced protection.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- *Has your State **marked with the distinctive emblem** cultural property under enhanced protection?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Yes, both sites are marked with the distinctive emblem. Photos were shared with the Secretariat.

#### 4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol **and to make such offences punishable by** appropriate penalties”.

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

See report under Part I.6

#### 5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

As indicated in response to question 6 under Part I of the questionnaire, Article 15 has been fully integrated to the Criminal Code of the Republic of Azerbaijan. Thus, all courts of the Republic of Azerbaijan have jurisdiction to try crimes listed under Article 15 of the 1999 Second Protocol.

## 6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State implemented such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 18 of the Law on Protection of Historical and Cultural Monuments prohibits the use of cultural property for military purposes.

Necessary amendments were also made to the criminal legislation of the Republic of Azerbaijan to ensure the application of Articles 9 (Protection of cultural property in occupied territory) of the 1999 Second Protocol.

At the time of the submission of the present report, the Government of Azerbaijan continues monitoring of cultural property destroyed or damaged during the occupation of the Republic of Armenia to identify the extend of the harm. Necessary measures will be taken to rehabilitate the affected cultural property and return the property illegally exported from the territories of Azerbaijan subjected to military occupation of Armenia.

## 7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention and the Second Protocol** within the armed forces as well as to target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

See report under Part I.4

## **8. Article 33—Assistance of UNESCO**

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your **experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?***

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

During the reporting cycle, the Government of Azerbaijan requested UNESCO for the dispatch of a mission to its territories under the occupation of the Republic of Armenia. The mission has not been possible due to the unconstructive position of the Government of Armenia.

Following the end of occupation, by the trilateral statement signed by the leaders of Azerbaijan, Armenia and Russia, on 10 November 2020, the Director-General of UNESCO referring its mandate under Article 23 of the 1954 Hague Convention, offered the assistance of UNESCO through the dispatch of a technical mission to the conflict affected territories of the Republic of Azerbaijan. At the time of the preparation of the present report, UNESCO and the Republic of Azerbaijan engaged into a dialogue to finalize the parameters of the mission.

## **9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention**

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.**

Please annex an *electronic copy of your translation(s) to this report.*

## V. Other questions relating to the 1954 Hague Convention and its two Protocols

### 1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/Accession
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	Accession
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	Accession
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	.....
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	Accession
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	Accession
Additional Protocol (I) to the Geneva Conventions, 1977	.....
Additional Protocol (II) to the Geneva Conventions, 1977	.....
Additional Protocol (III) to the Geneva Conventions, 2005	.....

### 2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

PDF Document

Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document

Website

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document

Website

### 3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

- |   |                                     |
|---|-------------------------------------|
| There is no cooperation between the different authorities   | <input type="checkbox"/>            |
| There is limited cooperation between the different authorities                                    | <input type="checkbox"/>            |
| There is cooperation between the various authorities, but there are still improvements to be made | <input type="checkbox"/>            |
| There is a perfectly functional cooperation between the different authorities                     | <input checked="" type="checkbox"/> |
| Other (specify)   |                                     |

## VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

### 1. Assessment of the degree of implementation

*[To do this, please use the following rating scale]*

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	2



Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i>	4
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

## 2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	5
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i>	5
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

## VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

*For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.*

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?



- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?



- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?



**Some pictures of cultural property sites that have been subject to the willful destruction, damage and alteration by the occupying forces of the Republic of Armenia in the liberated territories of the Republic of Azerbaijan**

**Agdam Bread Museum**



**Agdam State Drama Theater**



**Agdam, Cultural House**



**Agdam, Cultural house**



**Agdam, cultural house**



**Agdam City Youth Library**



**Agdam Juma Mosque**





**Agdam Panakh Khan's Mansion**





Agdam, XVIII century Giyasli Mosque



**Agdam city library**



**Agdam History and Ethnography Museum**





**Jabrayil, city History and Ethnography museum**



**Jabrayil, city cultural house**



**Jabrayil, city Central Library**



**Jabrayil, XIX century Mosque**



**Jabrayil, Chelebiler village, XIX century Mosque**



Jabrayil, Dashkasan village, Mosque



**Jabrayil, Yukhari Mazra village, XIX century Mosque**



**Jabrayil, Suleymanli village, XIX century Mosque**



Fuzuli, Qarghabazar village, XVII century Caravanserai





Fuzuli, Haji Alakbar Mosque, XVII century



Fuzuli, XIX century Hamam



**Fuzuli, XIX century Bridge**



**Fuzuli, Qarghabazar village, XVIII century Tomb**





**Fuzuli, Dadali village, XIX century Mosque**



Fuzuli, Gachar village, XIX century Mosque



Fuzuli, Horadiz village, Mosque built in 1889



Fuzuli, XIX century Mosque



**Fuzuli, XIX century Mosque**



**Fuzuli, XVIII century Mosque in Gochahmadli village**





Gubadli, Damirchilar village, XIX century Mosque



**Gubadli, Mamar village, XVIII century Mosque**



**Gubadli, cultural house**



**Gubadli, cultural house**



**Zangilan, Mammadbayli village, Eight-sided tomb (1304-1305)**





**Zangilan, Yenikend village, XIV century Mausoleum**





**Zangilan, XIX century Mosque**





**Zangilan, Malatkeshin village, XIX century Mosque**



Zangilan, Girig Mushlagli village, XIX century Mosque





**Khojavend, Taghverdi village, XVII century church**



**Khojavend, Tugh village, XIII century, Temple**



**Khojavend, Edilli village, Temple**



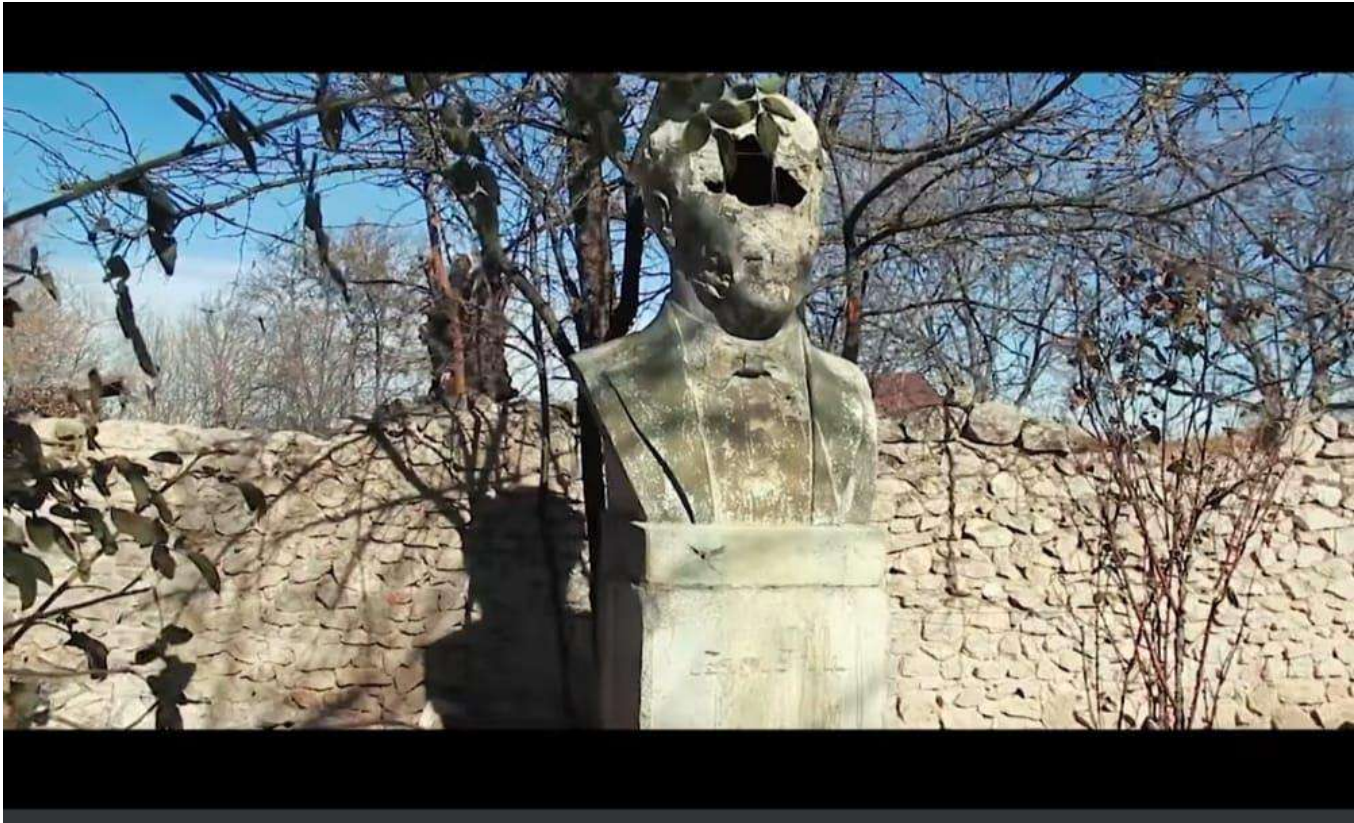
**Khojavend, Orthodox Church**



Shusha, city music school



Azerbaijani (tenor) opera singer Bul-Bul's House Museum



**Shusha History and Ethnography Museum**



**Shusha, Tomb of Molla Panah Vagif**



**Shusha, Ashaghi Govharagha Mosque**





Shusha, The Mansion of Haji Gulular, XVIII century







Shusha, Natavan's Palace, XVIII century



Shusha, "Chol Gala" Mosque, XVIII century





**Kalbajar, Ashiq Shamshir Cultural House**



**Kalbajar, city Central Library**



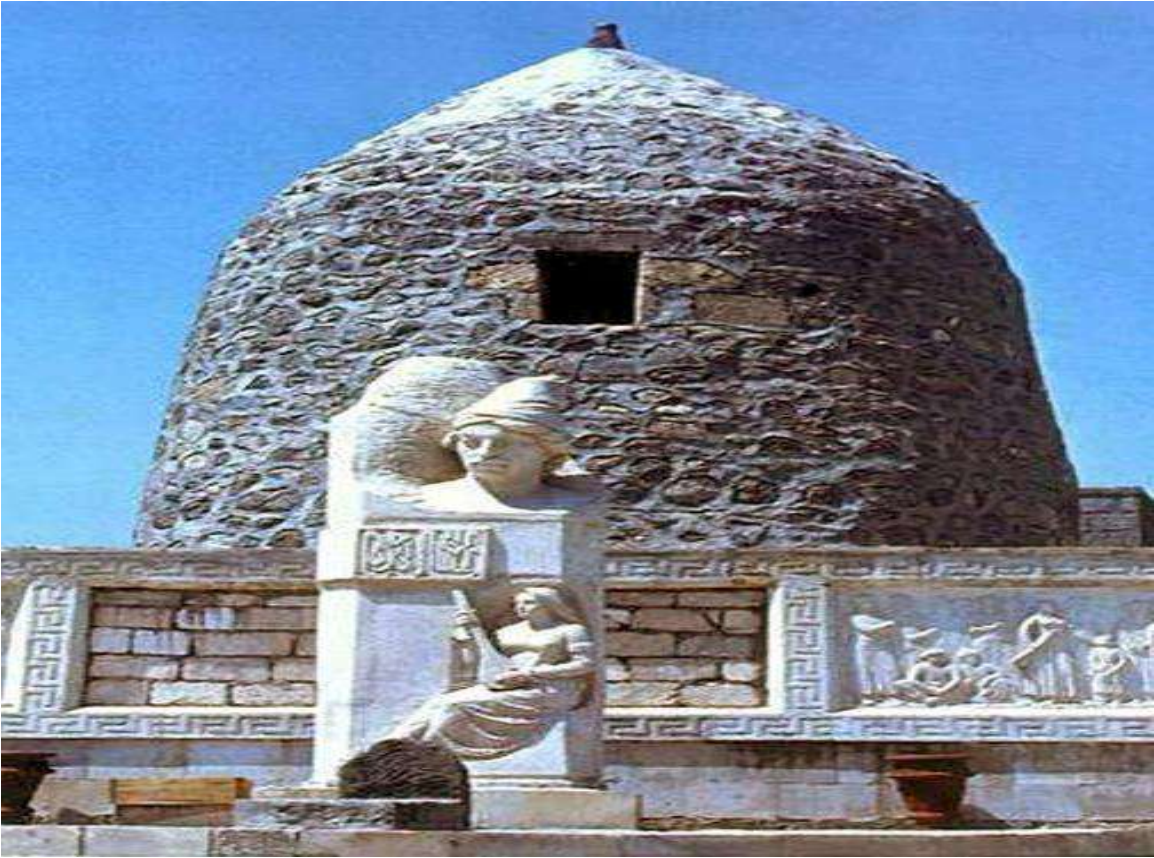
**Kalbajar, Bozlu village library**



**Khudavang Monastery. The monastery was looted and the bells, crosses, and ancient manuscripts of 13th century Khudavang monastery were illegally removed to Armenia.**



Lachin, Gulabird village, Memorial museum of Sari Ashiq





**Voluntary report of the Republic of Azerbaijan** on the violations of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) and its two Protocols (1954 and 1999) by the Republic of Armenia during the occupation of the territories of Azerbaijan

**7 October 2021**

1. Paragraph 121 of the Guidelines for the Implementation of the 1999 Second Protocol invites Parties to the Protocol to inform the Committee for the Protection of Cultural Property in the Event of Armed Conflict through the Secretariat, on a voluntary basis, of all legislative, judicial or other matters relevant to the Parties' implementation of the Second Protocol.<sup>1</sup>
2. Following the above-mentioned clause, and taking into account the mandate of the Committee for the Protection of Cultural Property in the Event of Armed Conflict to monitor and supervise the implementation of the 1999 Second Protocol (Article 27, paragraph 1), the Republic of Azerbaijan submits the present document for the information.
3. The document intends to present information on the violations of the Hague Convention and its Two Protocols by the Republic of Armenia during the occupation of the territories of Azerbaijan.
4. The document is submitted pursuant to paragraph 2, Rule 12 of the Rules of Procedure of the Committee to the item 12 of the Provisional Agenda: "Monitoring and supervision mechanism for the implementation of the 1999 Second Protocol".
5. Oral update may be provided at the 16<sup>th</sup> meeting of the Committee, by the delegate(s) of the Republic of Azerbaijan, in accordance with the Rules of Procedure of the Committee.

### **Assessment of damage inflicted on cultural heritage as a result of occupation**

6. The Republic of Azerbaijan notes that, according to the official records, hundreds of cultural institutions, including 927 libraries, with total of 4.6 million books, 808 cultural sites, 22 museums and their branches with over 100,000 artefacts and 706 historical and cultural monuments located in the previously occupied territories prior to the aggression. The most of this cultural and religious heritage have been severely damaged or destroyed as a result of military occupation (*see Annex I*).
7. Following the end of the armed conflict between Armenia and Azerbaijan pursuant to Trilateral Statement signed by the leaders of Azerbaijan, Armenia and Russia on 10 November 2020, the Government of Azerbaijan launched large scale monitoring missions to the conflict-affected territories to assess the scope of damage inflicted on cultural heritage. Conducted in parallel to the demining, 312 state-registered historical and cultural monuments were monitored, most of which were completely or partially destroyed; 106 unregistered historical, architectural and archaeological objects in these area were newly discovered; 570 cultural institutes that used to preserve and exhibit cultural property were completely destroyed during the occupation, of which 286 libraries, 237 houses of culture and clubs, 19 museums, 24 children's music schools, 2 theatres and 2 art galleries. Around 40,000 museum exhibits were illegally exported and misappropriated.
8. It must be emphasized that the refusal of the Government of Armenia to disclose geolocations of landmines not only impedes faster monitoring and reconstruction process of the region, but continues to cause casualties among military personnel and civilians.

### **Activities undertaken to rehabilitate and reconstruct cultural heritage**

9. Along with monitoring missions, the Government of Azerbaijan has also launched large scale rehabilitation and reconstruction projects in the conflict-affected territories of the Republic of Azerbaijan.
10. Considering rich and diverse cultural heritage of the conflict-affected territories, rehabilitation and reconstruction activities are conducted in transparent and inclusive manner. Public is constantly informed about the ongoing works. Civil society, eminent specialists, both national and international, as well as representatives of all religious associations are regularly consulted and directly involved in decision-making processes. The primary objective of the activities are to resume the access to all cultural and religious heritage sites by public as soon as possible.

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<sup>1</sup> [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1999\\_Protocol\\_Guidelines\\_EN\\_2020.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1999_Protocol_Guidelines_EN_2020.pdf)

## **UNESCO Independent Technical Mission to the conflict-affected territories of the Republic of Azerbaijan**

11. On 20 November 2020, the Secretariat of UNESCO transmitted to the Government of Azerbaijan a draft proposal to dispatch a technical mission with the aim to assess the damage to the cultural property in the conflict-affected territories of the Republic of Azerbaijan. The Government of Azerbaijan welcomed the proposal of the Secretariat to dispatch a technical mission from the very beginning and has announced it on many occasions. In fact, the Government of Azerbaijan has requested the need to dispatch such a mission and brought it to the attention of UNESCO in numerous platforms during past 30 years of occupation. One of the first official requests was made by Foreign Minister of Azerbaijan in 2003 (*see Annex 2*). Unfortunately, a dispatch of a mission to the previously occupied territories of Azerbaijan was prevented each times by Armenia, which was acknowledged by UNESCO in its “Report on the Implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and Its Two 1954 And 1999 Protocols: Report on the Activities from 1995 to 2004”:

### ***Azerbaijan***

*“54. The Government of Azerbaijan has informed the Secretariat of its concern over the protection of cultural property in Nagorno-Karabakh and other occupied territories adjacent to it, and has requested the despatch of a fact-finding mission. However, the Secretariat has been prevented from sending a mission to verify the state of cultural property in the area, as other specialized agencies of the United Nations have not been able to enter these territories since their occupation by Armenian military forces. The Secretariat will reconsider sending a mission once a peaceful settlement has been reached by Armenia and Azerbaijan.”*

12. The assessment of unprecedented damage inflicted on cultural heritage of Azerbaijan by an independent technical mission stands as a priority for the Government of Azerbaijan and Azerbaijan is closely cooperating with the Secretariat to elaborate necessary parameters of such mission. A phone conversation between the President of Azerbaijan H.E. Mr. Ilham Aliyev and UNESCO’s Director-General H.E. Ms. Audrey Azoulay, followed by video conference meetings between Assistant to the President of Azerbaijan Mr. Hikmat Hajiyev and Chief of Staff, Office of the Director-General Mr. Nicolas Kassianides, as well as several meetings between Permanent Delegate Mr. Elman Abdullayev and ADG Culture Mr. Ernesto Ottone, demonstrates one more time that Azerbaijan attaches great importance to cooperation with UNESCO and is always open for constructive dialogue.
13. The Government of Azerbaijan wishes to extend its gratitude to the UNESCO Secretariat for the comprehensive dialogue on the dispatch of the technical mission. Azerbaijan would like to note that thanks to these intensive exchanges between the Government of Azerbaijan and UNESCO Secretariat, agreement was reached on a number of extremely complex technical, legal and political aspects of the mission, which will ensure its effectiveness and independence.
14. It should be mentioned that the Government of Azerbaijan submitted all its proposals to the terms of reference of the technical mission on 19 August 2021.
15. The Government of Azerbaijan encourages UNESCO Secretariat to finalize the draft text of the terms of reference, so that the mission can successfully be launched, as soon as possible. The Government of Azerbaijan is ready to host this mission as soon as the agreement on terms of reference between UNESCO and Azerbaijan is reached.
16. Cultural heritage situated in the territory of the Republic of Azerbaijan, regardless of its origin, whether secular or religious, reflects the cultural diversity of the people of Azerbaijan and belongs to the people of Azerbaijan.

## **Other measures**

17. On 23 September 2021, the Republic of Azerbaijan also instituted proceedings against the Republic of Armenia at the International Court of Justice and requested the Court to indicate provisional measures under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>2</sup>
18. In its Application, the Republic of Azerbaijan brought to the attention of the Court the fact that Armenia has been pursuing an overarching policy of “cultural erasure” in an effort to remove any trace of Azerbaijani ethnicity, culture, or traditions in the formerly Occupied Territories, by: resettling Armenians in areas from which Azerbaijanis had been expelled; razing a number of Azerbaijani municipalities and renaming others with Armenian labels; looting and destroying Azerbaijani cultural heritage sites; and conducting propaganda campaigns denying and distorting Azerbaijani history, culture, and ethnic identity.

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<sup>2</sup> <https://www.icj-cij.org/public/files/case-related/181/181-20210923-PRE-01-00-EN.pdf>

**Some pictures of cultural property sites that have been subject to the willful destruction, damage and alteration by the occupying forces of the Republic of Armenia in the liberated territories of the Republic of Azerbaijan**

**Agdam Bread Museum**



**Agdam State Drama Theater**



**Agdam, Cultural House**



**Agdam, Cultural house**



**Agdam, cultural house**



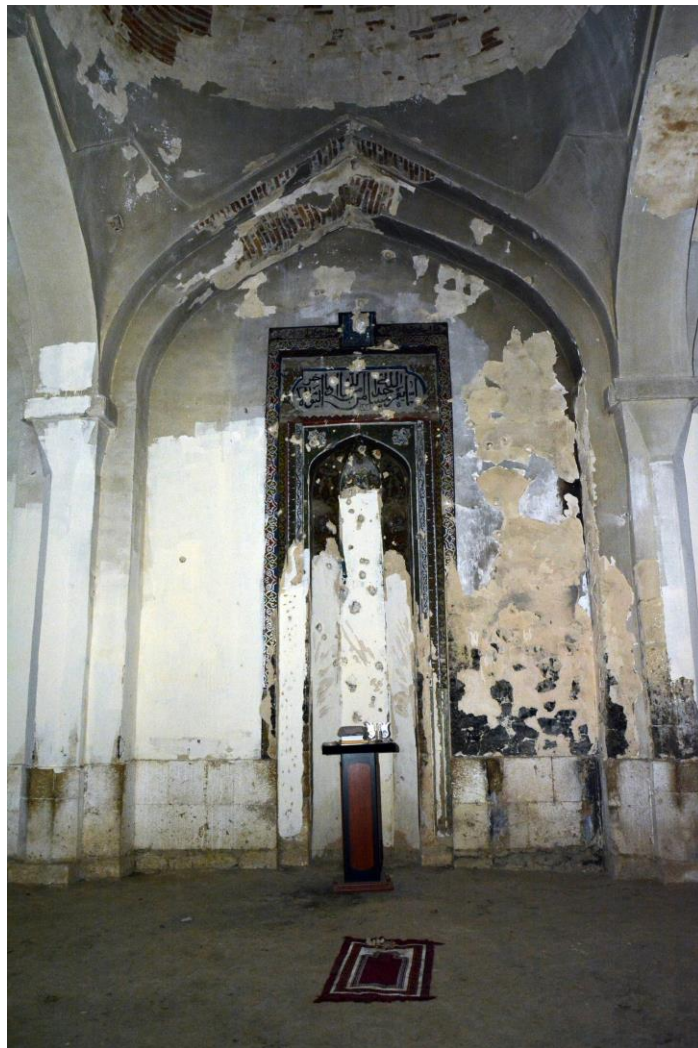
**Agdam City Youth Library**



**Agdam Juma Mosque**







**Agdam Panakh Khan's Mansion**



Agdam, XVIII century Giyasli Mosque



**Agdam city library**



**Agdam History and Ethnography Museum**





**Jabrayil, city History and Ethnography museum**



**Jabrayil, city cultural house**



**Jabrayil, city Central Library**



**Jabrayil, XIX century Mosque**



**Jabrayil, Chelebiler village, XIX century Mosque**



Jabrayil, Dashkasan village, Mosque





**Jabrayil, Yukhari Mazra village, XIX century Mosque**



**Jabrayil, Suleymanli village, XIX century Mosque**



Fuzuli, Qarghabazar village, XVII century Caravanserai



Fuzuli, Haji Alakbar Mosque, XVII century



Fuzuli, XIX century Hamam



**Fuzuli, XIX century Bridge**



**Fuzuli, Qarghabazar village, XVIII century Tomb**





**Fuzuli, Dadali village, XIX century Mosque**



Fuzuli, Gachar village, XIX century Mosque



Fuzuli, Horadiz village, Mosque built in 1889





Fuzuli, XIX century Mosque



**Fuzuli, XIX century Mosque**



**Fuzuli, XVIII century Mosque in Gochahmadli village**



Gubadli, Damirchilar village, XIX century Mosque



**Gubadli, Mamar village, XVIII century Mosque**



**Gubadli, cultural house**



**Gubadli, cultural house**



**Zangilan, Mammadbayli village, Eight-sided tomb (1304-1305)**





Zangilan, Yenikend village, XIV century Mausoleum





Zangilan, XIX century Mosque







**Zangilan, Malatkeshin village, XIX century Mosque**



Zangilan, Girig Mushlagli village, XIX century Mosque



**Khojavend, Taghverdi village, XVII century church**



**Khojavend, Tugh village, XIII century, Temple**



**Khojavend, Edilli village, Temple**



**Khojavend, Orthodox Church**



Shusha, city music school



Azerbaijani (tenor) opera singer Bul-Bul's House Museum



## Shusha History and Ethnography Museum



## Shusha, Tomb of Molla Panah Vagif





**Shusha, Ashaghi Govharagha Mosque**





Shusha, The Mansions of Hajji Gulular, XVIII century





Shusha, Natavan's Palace, XVIII century



Shusha, "Chol Gala" Mosque, XVIII century





**Kalbajar, Ashiq Shamshir Cultural House**



**Kalbajar, city Central Library**



**Kalbajar, Bozlu village library**

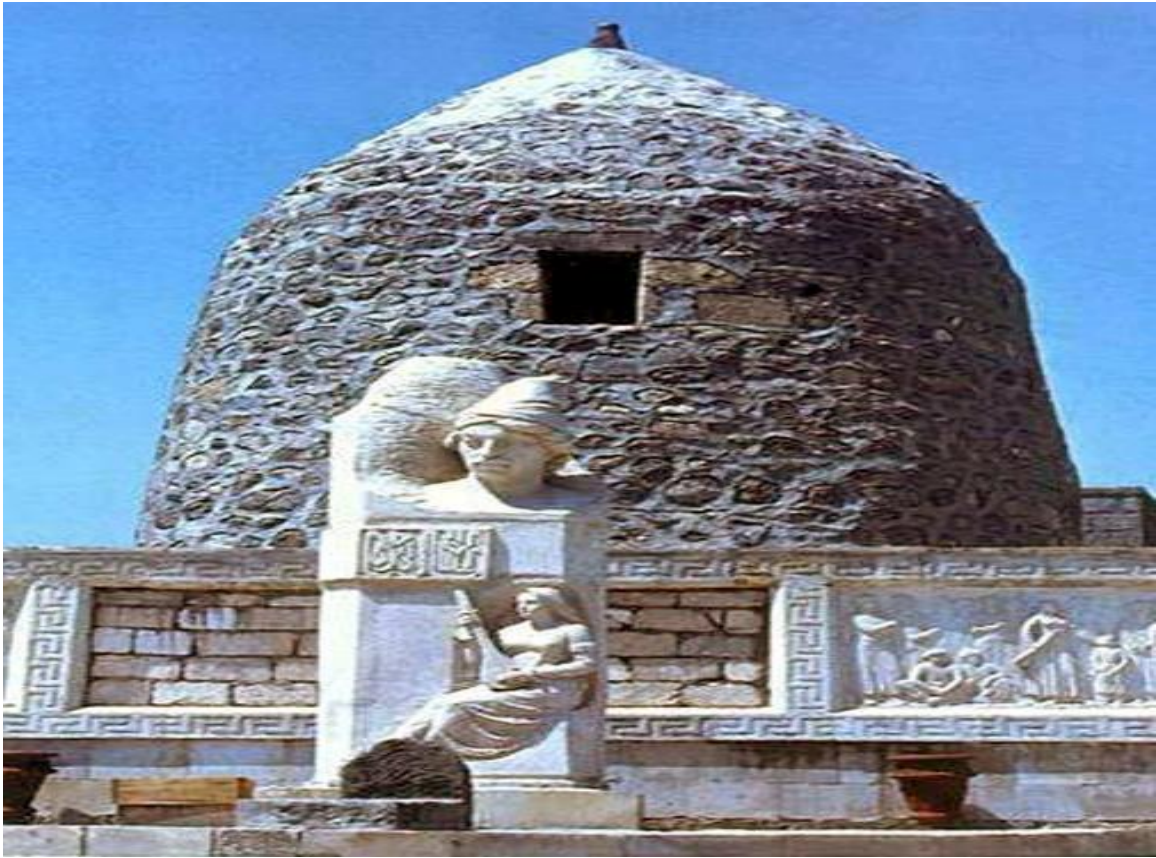




**Khudavang Monastery. The monastery was looted and the bells, crosses, and ancient manuscripts of 13th century Khudavang monastery were illegally removed to Armenia.**



Lachin, Gulabird village, Memorial museum of Sari Ashiq





Annex 2

**AZƏRBAYCAN RESPUBLİKASI  
XARİCİ İŞLƏR NAZİRLİYİ**

**REPUBLIC OF AZERBAIJAN  
MINISTRY OF FOREIGN AFFAIRS**

№ 6/5-080/01  
" 11 " 03 20031

Monsieur le Directeur général,

Comme vous le savez, 20% du territoire azerbaïdjanais est toujours sous occupation arménienne. L'agression du pays voisin a causé une destruction massive des monuments représentatifs de la culture azerbaïdjanaise. C'est ainsi que 4366 unités socio-culturelles, dont 500 monuments historiques et architecturaux, 100 sites archéologiques, 22 musées et 4 galeries contenant plus de 40 000 objets précieux de la culture azerbaïdjanaise ont été détruits et endommagés.

Les musées ayant été pillés, leurs collections ont été volées, emportées en Arménie. Selon les informations dont nous disposons aujourd'hui, une grande partie de ces collections sont en vente aux enchères internationales, présentées comme des chefs d'oeuvre de la culture arménienne. Plusieurs sites religieux situés en Arménie et au Karabakh occupé ont été détruits tandis que l'église arménienne construite en 1903, au coeur de Bakou ainsi que le cimetière arménien sont bien préservés à ce jour.

Cette destruction massive représente bien sûr une perte considérable pour le peuple azerbaïdjanais mais aussi pour l'humanité tout entière. Elle témoigne une fois de plus du non-respect de la Convention de la Haye par l'Arménie et par les occupants arméniens.

De nombreux documents sur le patrimoine matériel azerbaïdjanais du Karabakh ont été présentés à l'UNESCO par les Ministères azerbaïdjanais des Affaires Etrangères et de la Culture.

N'ayant pas la possibilité d'obtenir des informations sur nos monuments historiques et culturels sous l'occupation, j'ai l'honneur de vous demander, au nom de mon gouvernement, d'envoyer une mission des experts aux territoires azerbaïdjanais occupés par les Arméniens. La mission devrait établir un bilan de l'état actuel de conservation et des possibilités restauration d'une partie représentative de notre patrimoine culturel.

Bakı şəhəri, 370009, Ş. Qurbanov küç., 4  
Tel.: (99412) 923401, Faks: (99412) 988480  
e-mail: bkat1@mfa.gov.az

4, Sh. Gurbanov str., Baku, 370009, Azerbaijan  
Tel.: +(99412) 923401, Fax: +(99412) 988480

Convaincu que vous aurez à coeur de réserver une suite favorable à cette demande légitime, je vous prie d'agréer, Monsieur le Directeur général, l'assurance de ma haute considération.



Vilayet QULIYEV

Ministre des Affaires Etrangères  
de la République Azerbaïdjanaise

- Annexes :
- Photos des cimetières azerbaïdjanais détruits en Arménie et dans les territoires azerbaïdjanais occupés ;
  - Article du magazine « New Yorker » sur la mosquée azerbaïdjanaise située à Erevan ;
  - Photo de l'église arménienne située à Bakou.

Monsieur  
Koïchiro Matsuura  
Directeur général de l'UNESCO  
7, Place de Fontenoy  
75352 PARIS 07 SP  
Fax : + (33-1) 45.68.55.62