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**Memoricide as Post-Conflict Violence:
The Erasure of Armenian Cultural Heritage in Nagorno-Karabakh**

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Abstract:

What happens to a people when its monuments, histories, and memories are systematically obliterated? In Nagorno-Karabakh, the answer to this question is unfolding in real time. Following the forced displacement of the Armenian population in 2023, a coordinated campaign has emerged to erase centuries of Armenian cultural presence from the region. This thesis examines how Armenian cultural heritage is being targeted by the Azerbaijani state through three interconnected strategies: the physical destruction of monuments, cultural misappropriation and digital erasure. Drawing on memory studies, cultural heritage scholarship, and international law, the research frames these acts as a form of memoricide: a deliberate attempt to eliminate collective identity by dismantling its material, historical, and symbolic foundations. However, can existing legal frameworks meaningfully address Armenian cultural destruction in Nagorno-Karabakh? While most legal instruments offer normative protections, they lack effective enforcement, particularly in cases where the perpetrating state serves as the custodian of the targeted heritage. The study exposes a critical blind spot in the international legal system's ability to confront cultural violence in post-conflict settings. It argues for a reimagined legal and ethical framework that recognises the agency of affected communities and centres cultural memory as a vital component of justice and post-conflict recovery.

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Finally, I dedicate this thesis to all who continue to carry Artsakh with them.



Figure 1 A medieval Armenian family as depicted on a khachkar, crafted in year 1158, at the Okhti Yeghysi church, Artsakh / Nagorno-Karabakh

List of Abbreviations:

CHW Caucasus Heritage Watch

CERD International Convention on the Elimination of All Forms of Racial Discrimination

ICC International Criminal Court

ICJ International Court of Justice

ICTY International Criminal Tribunal for the former Yugoslavia

NGO Non-Governmental Organization

NKAO Nagorno-Karabakh Autonomous Oblast

NKR Nagorno-Karabakh Republic

UN United Nations

UNESCO United Nations Educational, Scientific and Cultural Organization

UNGEGN United Nations Group of Experts on Geographical Names

WHC World Heritage Convention

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I. Introduction

The destruction of cultural heritage is one of the most persistent forms of violence committed during armed conflicts. From the ruins of Palmyra to the desecrated mosques in Bosnia, cultural erasure has served as a powerful tool in reshaping collective memory and asserting new narratives over contested spaces. The South Caucasus region, specifically Nagorno-Karabakh, reminds us that this type of violence is far from over. Following the 2020 war between Armenia and Azerbaijan, and the 2023 Azerbaijani offensive that resulted in the dissolution of the Republic of Artsakh (Republic of Nagorno-Karabakh), the Armenian population was forcibly displaced from the region. With their departure, not only were their lives uprooted, but centuries of cultural, spiritual, and communal presence came under threat of erasure. Nagorno-Karabakh has long held a significant place in the Armenian national conscience. Home to over 6,000 monuments¹, the region served as both a living archive of heritage and a haven for cultural preservation. However, with the 2023 exodus, these cultural traces have become vulnerable to destruction, distortion, and misappropriation. This thesis contends that what is unfolding there is not merely a case of sporadic heritage destruction, but a targeted erasure of collective memory as a means of identity and territorial consolidation.

1. Research Objective and Questions

This thesis seeks to understand how memoricide operates as a form of post-conflict cultural violence in Nagorno-Karabakh, and how its different mechanisms undermine not only the physical heritage, but the very possibility of Armenian cultural survival in the region. The project also explores the international legal frameworks and their existing limitations in recognizing or addressing these distinct forms of harm.

Primary Research Question:

- *How do Azerbaijani policies and actions contribute to the systematic erasure of Armenian cultural heritage and memory in Nagorno-Karabakh?*

¹ Center for Truth and Justice, The Deliberate and Systematic Erasure of Armenian Cultural and Religious Sites by Azerbaijan in 2024 (1 February 2025) <<https://www.cftjustice.org/wpcontent/uploads/2025/03/The-Deliberate-and-Systematic-Erasure-of-Armenian-Cultural-and-Religious-Sites-by-Azerbaijan-in-2024.pdf>> accessed 15 April 2025.

Secondary Research Question:

- *Can existing international legal frameworks effectively address violence against Armenian cultural heritage in Nagorno-Karabakh?*

2. Structure of the Thesis

The thesis is organized into seven chapters:

Chapter I: Introduction – Outlines the context, research problem, and objectives of the study.

Chapter II: Framing Memoricide: Theoretical Foundations – Introduces the theoretical lens used throughout the thesis; reviews key scholarship on memoricide, memory politics, collective memory, and the formation of the international legal framework for the protection of cultural heritage.

Chapter III: Methodology – Describes the qualitative and interdisciplinary approach used to examine how state narratives and legal frameworks contribute to the erasure of Armenian cultural memory in Nagorno-Karabakh.

Chapter IV: Memoricide in Nagorno-Karabakh – Presents the mechanisms of cultural erasure employed by the Azerbaijani state, including physical destruction, historical revisionism, and digital suppression, supported by case studies.

Chapter V: Legal Framework, Enforcement, and Limitations – Evaluates the international legal instruments intended to protect cultural heritage, assessing their effectiveness and limitations in addressing cultural destruction in Nagorno-Karabakh.

Chapter VI: Broader Discussion – Situates memoricide within a wider framework of statecraft and post-conflict violence, using the SANE model (Sites, Agents, Narratives, Events). Explores the shortcomings of international law from a jus post bellum perspective, offers recommendations.

Chapter VII: Conclusion – Summarises the key findings, reflects on the limitations of current legal mechanisms, and offers recommendations for future research.

II. Framing Memoricide: Theoretical Foundations

This chapter explores memoricide as a foundational framework for this thesis. It situates its application within scholarly debates on cultural erasure, linking three intersecting fields: cultural heritage studies, memory studies and international law. The chapter contains four main parts. The first subchapter traces the conceptual development of memoricide, tracing its emergence and applications across different geopolitical contexts. The second looks into the foundational theories of collective memory, focusing on the ways cultural heritage acts as a mnemonic anchor and how its manipulation can serve political ends. The third part examines the politics of memory, focusing on how states and other actors engage in constructing or erasing memory as a strategic tool. Lastly, the fourth subchapter examines the formation of the international legal system for the protection of cultural heritage.

1. Development of the Concept of Memoricide

The term “memoricide” was first coined in 1992 by Croatian scholar and physician Mirko Dražen Grmek during the Yugoslav Wars. Grmek introduced the term to describe the systematic destruction of Croatian cultural heritage during the Croatian War of Independence (1991–1995). An example given by him was the shelling of Old Dubrovnik, a UNESCO World Heritage site, which stood out as a deliberate assault on cultural memory during the widespread devastation.² Moreover, other acts of cultural destruction during the broader Yugoslav conflicts further illustrated this strategy. The burning of Sarajevo’s Vijećnica Library during the Bosnian War (1992–1995) was seen as a calculated attempt to erase Bosnian Muslim cultural identity.³

Grmek conceptualized memoricide as the intentional erasure or “killing” of memory.⁴ This process could manifest in the destruction of monuments and cultural sites, or through the disruption of social practices that sustain communal memory. He highlighted the Latin root of the word “memoriae”, which refers to both memory and monuments,⁵ reflecting the interdependence of material culture and historical consciousness. For instance, the deliberate targeting of Sarajevo’s Oriental Institute during the

² Scott Webster, ‘Revisiting Memoricide: The Everyday Killing of Memory’ (2024) 17(6) *Memory Studies*, 1409.

³ Edgardo Civalero, ‘When Memory Is Turned into Ashes... Memoricide During the XX Century’ (2007) *Information for Social Change*, Summer issue, 2

⁴ Šejla Haračić, ‘Memoricide: A Punishable Behavior?’ in Vjeran Pavlaković, Davor Pauković and Višeslav Raos (eds), *Confronting the Past: European Experiences* (Political Science Research Centre Zagreb 2012) 237.

⁵ Mirko Dražen Grmek, ‘Eight. A Memoricide’ in Pierre-Olivier Méthot (ed), *Pathological Realities: Essays on Disease, Experiments, and History* (Fordham University Press 2018) 158.

War has been described as a case of trying “to erase the Bosnian Muslim imprint from the land”.⁶ Halilovich extended this argument by examining how the destruction of family archives and local records in Bosnia inflicted lasting psychological trauma, particularly for survivors of genocide.⁷

Building upon Grmek’s foundational work, Ilan Pappé applied the concept of memoricide to the Israeli-Palestinian conflict. In “The Ethnic Cleansing of Palestine” (2006), he argued that memoricide was a central element of the Nakba in 1948 and has historically persisted in various forms ever since. As a result, more than 530 Palestinian villages were destroyed and around 700,000 Palestinians were displaced⁹. Mechanisms of erasure included the renaming of towns, the planting of non-native vegetation by the Jewish National Fund, and the use of biblical narratives to overwrite Arab histories.¹⁰ These actions, while physical, also carried deep symbolic meaning. Through them, new cultural landscapes were designed to replace one population’s historical presence with another’s political vision.

Scholars such as Docker further expanded the idea by connecting memoricide to supersessionism - the belief that one culture or group is inherently entitled to replace another.¹¹ The symbolic geography of modern Israel is often cited as an example, particularly the positioning of the Yad Vashem Holocaust memorial near Deir Yassin - a massacre site of Palestinians that remains largely absent from official narratives.¹² This phase of conversation moved beyond the visible destruction of buildings to encompass long-term memory reconstruction.

More recently, the concept of memoricide was applied to contexts outside of war. Scott Webster’s concept of “everyday memoricide” highlighted how memory can be erased not solely through bombs, but through on surface neutral policies. For instance, the destruction of the Djab Wurrung Directions Tree in Australia, which was part of a highway construction project, was felt by Indigenous communities as cultural violence, even though the justification by the state was framed in terms of necessary

⁶ J Douglas Porteous and Sandra E Smith, *Domicide: The Global Destruction of Home* (McGill-Queen’s University Press 2001) 198.

⁷ Hariz Halilovich, ‘Re-imagining and Re-imagining the Past after “Memoricide”: Intimate Archives as Inscribed Memories of the Missing’ (2016) 16 *Archives and Museum Informatics* 1

⁸ Haifa Rashed, Damien Short and John Docker, ‘Nakba Memoricide: Genocide Studies and the Zionist/Israeli Genocide of Palestine’ (2014) 13(1) *Holy Land Studies* 6.

⁹ Webster (n 2) 1409.

¹⁰ Haračić (n 4) 249.

¹¹ Rashed (n 8) 6.

¹² Haračić (n 4) 249-249.

development.¹³ This reframing of memoricide emphasizes the hypocrisy of state actions that appear technocratic or apolitical, but in their essence function as acts of symbolic domination.

Despite these valuable contributions, the legal recognition of memoricide remains a question. Some scholars argue that memoricide should be acknowledged in international law as a distinct offense or as a subset of existing crimes, such as war crimes, crimes against humanity, or even genocide.¹⁴ Although there is some overlap, memoricide's emphasis on the destruction of both tangible and intangible memory sets it apart. Its ambiguity and different manifestations make it challenging to codify within existing legal categories. For instance, the symbolic renaming of streets or the dismantling of shrines may not meet the threshold of physical destruction, yet their impact on collective memory is profound.

There also remain significant gaps in the academic literature. Most studies focus on periods of active conflict where memoricide is visible and dramatic. Memoricide during times of active conflict, like the prolonged occupation recognized by international law in Palestine or the wartime devastation in the former Yugoslavia, has been the primary subject of studies. Far less attention has been given to how memory destruction unfolds in post-conflict settings - when the violence has officially ended, but the erasure continues in quieter, more systematic ways. These forms of memoricide are often embedded in policy, urban planning, or educational reforms. The case of Armenian cultural heritage in Nagorno-Karabakh provides a critical context for exploring this dimension.

2. Collective memory

The concept of memoricide cannot be fully understood without engaging with foundational theories of collective and cultural memory. Maurice Halbwachs, one of the earliest and most influential thinkers in this field, argued in "*Les Cadres sociaux de la mémoire*" (1925) that memory is a social phenomenon: "It is in society that people normally acquire their memories. It is also in society that they recall, recognise, and localise their memories".¹⁵ For Halbwachs, memory is structured through social frameworks such as family, class, religion and therefore it is not individually stored, but collectively

¹³ Webster (n 2) 1418.

¹⁴ Haračić (n 4)

¹⁵ Maurice Halbwachs, *On Collective Memory* (Lewis A Coser ed and trans, University of Chicago Press 1992) 38.

shaped. These social structures determine what is remembered and what is allowed to fade, making memory inherently selective and open to political manipulation.

This becomes especially significant in contexts of memoricide, where the destruction of cultural heritage such as monuments, libraries, homes severs communities from their mnemonic anchors. Halbwachs extended his argument in “*La Topographie légendaire des Évangiles en Terre Sainte*” (1941), showing that memory persists most powerfully when rooted in physical space.¹⁶ Monuments and topographical landmarks serve as “material anchors” that stabilize memory; their removal or alteration therefore constitutes not only material loss, but an epistemic and symbolic assault.

Later theorists expanded on Halbwachs’ work to address broader cultural and institutional dynamics. Jan Assmann introduced the crucial distinction between communicative memory, which is informal, short-lived, and rooted in lived experience, and cultural memory, which is institutionalized, codified, and preserved through media, monuments, and rituals.¹⁷ Aleida Assmann further elaborated on these ideas by distinguishing between *functional memory* (actively used and present in public discourse) and *storage memory* (archived but dormant).¹⁸ In situations of memoricide, both forms are threatened: not only are physical sites and texts erased, but the social processes that keep memories alive are interrupted or forcibly redirected.

Pierre Nora’s concept of *lieux de mémoire* (sites of memory) added another layer of understanding. He distinguished between memory, which is emotive and lived, and history, which is archival and detached. According to Nora, when societies lose their organic memory, they construct these sites of memory to preserve what has faded artificially. Yet these constructed sites are themselves vulnerable to ideological manipulation.¹⁹ Collective memory theory thus helps frame memoricide not only as cultural loss, but as an active reengineering of identity.

¹⁶ Can Bilsel, ‘Architecture and the Social Frameworks of Memory: A Postscript to Maurice Halbwachs’ “Collective Memory” (2017) 5(1) ICONARP 5.

¹⁷ Jan Assmann, ‘Communicative and Cultural Memory’ in Astrid Erll and Ansgar Nünning (eds), *Cultural Memory Studies: An International and Interdisciplinary Handbook* (De Gruyter 2008) 111.

¹⁸ Martin T Dinter, ‘Introduction: What is Cultural Memory?’ in Martin T Dinter and Charles Guérin (eds), *Cultural Memory in Republican and Augustan Rome* (CUP 2024) 11.

¹⁹ Pierre Nora, in Dinter and Guérin (eds), *Cultural Memory in Republican and Augustan Rome* (CUP 2024) 12.

3. Politics of memory or state-driven narratives

Memory politics refers to the ways political actors, especially states, shape and control collective memory to serve present-day goals.²⁰ This includes how societies remember or forget past events, which stories are told publicly and which are silenced. Memory politics is not just about reflecting on the past, but about controlling the meaning in the present and future. It plays a central role in forming national identity by legitimizing political authority.

A helpful way to understand how this process works is through the SANE framework, which identifies four key elements: Sites, Agents, Narratives, and Events.²¹ *Sites* are places where memory is anchored, such as monuments, cemeteries, museums, or ruins.²² *Agents* are the actors involved in shaping memory, including states, politicians, civil society, and international organizations.²³ *Narratives* are the stories and interpretations of the past - some are official, others challenge dominant views.²⁴ *Events* include commemorations, anniversaries, or moments of silence that bring memory into the public sphere²⁵. This framework emphasizes that memory is not static or preserved, but it is made, often strategically, and is always contested.

States frequently use memory to claim authority over the past. National holidays, place names, memorials, and school curricula all serve to support official narratives. Strategic forgetting, on the other hand, is the practice of excluding or denying unpleasant aspects of the past, such as colonial violence, war crimes, or minority histories. This type of omission is intentional as it preserves a certain image of unity or protects national myths. Additionally, individual and societal recollections interact, and people's memories frequently change over time to reflect larger social shifts.²⁶ Thus, memory problems can also arise simultaneously. Activists, diaspora communities, and victims may battle to recover or preserve suppressed memories.

²⁰ Jamie Ranger and Will Ranger, 'Towards a Resonant Theory of Memory Politics' (2022) 16(2) *Memory Studies* 123.

²¹ Annika Björkdahl and others, 'Memory Politics, Cultural Heritage and Peace: Introducing an Analytical Framework to Study Mnemonic Formations' (Research Cluster on Peace, Memory & Cultural Heritage Working Paper Series, No 1, October 2017) <<https://ssrn.com/abstract=3206571>> accessed 20 April 2025.

²² *Ibid* 6.

²³ *Ibid* 7-8.

²⁴ *Ibid* 9.

²⁵ *Ibid* 10-11.

²⁶ Katharine Hodgkin and Susannah Radstone, *Contested Pasts: The Politics of Memory* (Routledge 2003) 23–24.

The conflict between state narratives and individual experiences is another aspect of memory politics. In his work on the memory of wartime massacres in Italy, Alessandro Portelli demonstrates how people can sometimes misremember events in ways that reflect prevailing ideologies rather than the lived truth.²⁷ Moreover, memory politics does not always lead to reconciliation. In many post-conflict settings, it becomes a tool for reinforcing nationalist agendas, deepening divisions, or excluding minority voices. While memory can be mobilized for peacebuilding, it is often used to maintain political control. As Hirsch and Spitzer's work on postmemory shows, the trauma of historical violence can be passed down across generations, shaping political identity and collective belonging long after violence has ended.²⁸

Taken together, memory politics is not only about remembering, but it is about who gets to decide how the past is used. Through official narratives, silences, and symbolic acts, memory becomes a powerful tool of governance, resistance and identity-making.

4. Formation of the international legal system for the protection of cultural heritage

The emergence of the international legal system for the protection of cultural heritage reflects centuries of evolving norms, based in ethical, philosophical, and religious traditions. It can be argued that this system developed the formal codification of obligations by the 20th century. By the time of the 1954 Hague Convention, cultural property was no longer seen as passive wartime collateral damage, but as a legally protected manifestation of human identity and collective memory. Concerns over the destruction of cultural heritage in times of war are documented in several ancient legal and moral traditions. In Roman jurisprudence, Cicero asserted that sacred places were exempt from military necessity.²⁹ In Islamic legal thought, instructions from Caliph Abu Bakr (632–634) forbade soldiers from destroying religious sites, cutting down trees, or damaging civilian property. These teachings represented a form of religious obligation to respect both civilian life and the symbolic landscape of the enemy, echoing protections later found in modern humanitarian law.³⁰

Christian doctrines in the medieval period also condemned the desecration of churches and religious artifacts, as seen in knightly oaths or decrees signed by military leaders before entering battle.³¹

²⁷ Ibid 24.

²⁸ Ibid 27.

²⁹ Armine Tigranyan, 'The Armenian Cultural Heritage of Artsakh: Mechanisms for Protection in the International System for Preservation of Heritage' (2023) issue 6, Vem Series 243, 20.

³⁰ Ibid 21.

³¹ Christiane Johannot-Gradis, 'Protecting the Past for the Future: How Does Law Protect Tangible and Intangible Cultural Heritage in Armed Conflict?' (2015) 97(900) International Review of the Red Cross 1253, 1257–1258.

These traditions did not amount to enforceable legal frameworks, but they demonstrated that the principle of restraint in relation to cultural property had broad civilizational roots.

In addition, philosophical works from thinkers such as Sun Tzu (6th century BCE) and Von Clausewitz (19th century)³² reflected an ethical opposition to unnecessary destruction in war. The idea that cultural objects form part of a universal human heritage gradually took hold, influencing subsequent state behavior and military doctrines, even before formally established international agreements.

It can be argued that the transition from moral obligations to actual legal norms began in the 19th century. The 1863 Lieber Code (General Orders No. 100) during the American Civil War was the first formal military regulation to protect cultural property. Article 35 mandated protection of “classical works of art, libraries, scientific collections, or precious instruments,” even in besieged areas.³³ Article 36 prohibited their seizure for personal use and required that ownership be resolved through peace treaties.³⁴

The Lieber Code became a model for European states and for subsequent conventions. The Brussels Declaration of 1874, though never actually ratified, represented the first collective international recognition of cultural property’s special status. It prohibited the seizure or destruction of institutions dedicated to religion, charity, education, or the arts.³⁵ Additionally, it called for their protection in bombardments, requiring advance notice and identification markers.³⁶

These sudden developments were also linked to the rising role of national museums, art collections, and universities, which then embodied national identity and pride. Cultural heritage began to take on symbolic functions far beyond its aesthetic or economic value (Vadi, 2023, p. 14).

The Hague Conventions of 1899 and 1907 institutionalized these protective norms within the broader framework of war regulations. Article 27 of the 1907 Regulations required parties to “spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes,”³⁷ while Article 56 prohibited their pillage or destruction.³⁸

³² Tigranyan (n 29) 20

³³ General Orders No 100: Instructions for the Government of Armies of the United States in the Field (24 April 1863) art 35.

³⁴ *Ibid* art 36.

³⁵ Brussels Declaration concerning the Laws and Customs of War (27 August 1874) art 8.

³⁶ *Ibid* art 17.

³⁷ Hague Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land (adopted 18 October 1907, entered into force 26 January 1910) arts 27.

³⁸ *Ibid* art 56.

These articles marked a major shift, framing cultural heritage as a subject of international law rather than domestic concern. Importantly, the Conventions applied to both state and military actors, expanding the moral duties of sovereigns to universal obligations of belligerents. They also introduced notions of accountability, alas, enforcement mechanisms were practically minimal. Still, during conflicts in the beginning of 20 century, such as the Balkan Wars or World War I, violations occurred without significant legal consequences, revealing the gap between principle and practice. The interwar years after World War I saw more targeted attempts to enhance cultural heritage protection within international law. The Roerich Pact of 1935, signed by the U.S. and Latin American nations, declared that historic monuments and scientific or cultural institutions must be protected as neutral in both war and peace. The Pact introduced a protective emblem, a red circle with three red spheres on a white background, to mark protected sites.³⁹

The interwar period also witnessed growing recognition of the symbolic power of cultural artifacts. Their protection was increasingly viewed as necessary for preserving not only historical memory, but also civilizational values, a viewpoint that would be foundational to post-WWII legal developments. The Nazi regime during WWII undertook systematic looting and destruction of art, religious artifacts, and monuments. In response, the Allied Powers issued the London Declaration (1943), declaring such transfers void and demanding restitution after the war. The Monuments, Fine Arts, and Archives Program (the “Monuments Men”) further worked to preserve and recover stolen or endangered objects. Remarkably, the Nuremberg trials established a legal precedent for the recognition of crimes against cultural heritage and affirmed the principle of individual criminal responsibility for such violations.⁴⁰ The devastation of World War II laid the groundwork for the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

5. Conceptual distinctions

5.1. Cultural Genocide

It is important to make distinctions between the different existing terms that cover the destruction the cultural and historical foundations of a group. Memoricide is closely related to the idea of cultural

³⁹ Roerich Pact (Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments) (signed 15 April 1935, entered into force 26 August 1935) arts I, III.

⁴⁰ Erez Roman, ‘The Journey of Cultural Heritage Protection as a Common Goal for Humankind: Rosenberg to Al-Mahdi’ (2019) 7 Groningen Journal of International Law 112, 119.

genocide (sometimes used interchangeably with ethnocide). The notion of cultural genocide holds a complex and often controversial place within genocide studies and international law. While the term “genocide” itself was coined by the Polish-Jewish lawyer Raphael Lemkin in 1944 in his landmark work “Axis Rule in Occupied Europe”, the idea that culture could be a target of genocidal processes was present from the beginning of his theorization. Lemkin derived the word “genocide” from the Greek *genos* (race or tribe) and the Latin *cide* (to kill), to denote the destruction of a group not solely through physical extermination, but as a “*coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups*”.⁴¹ As widely acknowledged, Raphael Lemkin’s development of the concept of genocide was rooted in his reflections on the Armenian massacres in the Ottoman Empire.⁴² In his 1944 text, Lemkin outlined eight techniques of genocide, one of which was cultural. He documented how, under Nazi occupation, the banning of native languages, destruction of libraries, closure of schools, erasure of monuments, and repression of artistic expression were integral parts of a genocidal agenda. However, Lemkin did not treat cultural genocide as a distinct or lesser form of genocide. Instead, he understood cultural destruction as a method by which genocide could be executed particularly when aimed at dissolving the social bonds, memory, and continuity of a national group.⁴³ He even proposed early on (in 1933) a separate international crime of “vandalism” to address the systematic destruction of cultural heritage, which he saw as an attack not only on a specific group’s identity but on the cultural wealth of all humanity.⁴⁴

Despite Lemkin’s expansive and sociological definition of genocide, his vision was not fully reflected in international law. During the drafting of the 1948 United Nations Convention on the

⁴¹ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government – Proposals for Redress* (Carnegie Endowment for International Peace 1944) 77.

⁴² Raphael Lemkin and the “Genocide” Word. Interview’ (YouTube, 11 April 2019)
<<https://www.youtube.com/watch?v=18m7K8s5A4s>> accessed 10 May 2025

⁴³ Lemkin (n 41) 84.

⁴⁴ Raphael Lemkin, ‘Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations’ (originally published 1933, tr Jim Fussell, Prevent Genocide International)
<<https://preventgenocide.org/lemkin/madrid1933-english.htm>> accessed 11 May 2025.

Prevention and Punishment of the Crime of Genocide, the concept of cultural genocide was explicitly excluded.⁴⁵ This was the result of political negotiations and pressure, notably from states like the United States, the Soviet Union, and the United Kingdom, which opposed the idea that attacks on cultural life could be criminalized under international law⁴⁶. In early drafts of the Convention, a distinction was made between “physical” and “cultural” genocide. However, under pressure to reach a consensus and ensure the Convention’s passage, Lemkin ultimately acquiesced to the removal of cultural genocide from the final text, prioritizing the inclusion of legal mechanisms for prosecution instead (ICC). This compromise created a significant gap between Lemkin’s original conception and the legal definition of genocide. The Convention came to define genocide primarily in terms of physical or biological destruction while excluding cultural attacks unless they accompanied these physical acts. As a result, many forms of violence aimed at erasing memory, language, and heritage, which Lemkin saw as genocidal in intent and effect, fell outside the scope of international criminal accountability.

Over the decades, the exclusion of cultural genocide from the Convention has been widely debated. Scholars such as Martin Shaw have argued that the very term "cultural genocide" becomes oxymoronic if the destruction of a group’s culture is already understood as intrinsic to the definition of genocide.⁴⁷ Others, however, have pushed to reclaim Lemkin’s broader framework, emphasizing the role of cultural erasure as a core component in the destruction of national, ethnic, or religious groups. Crucially, Lemkin distinguished between cultural change and cultural destruction. He believed that no group had an inherent or eternal right to exist, and that voluntary assimilation or natural disintegration of cultures over time was a normal and even beneficial part of human history.⁴⁸ What he condemned as genocidal was not change, but intentional acts aimed at destroying the social processes by which national groups reproduce themselves over time.

5.2. Ethnocide

Ethnocide is a term introduced by Lemkin as synonymous with genocide. While it is usually linked to genocide, the term came to form as a distinct concept to capture forms of cultural oppression and forced assimilation that fall outside the narrow legal definition of genocide. The term was largely

⁴⁵ Pablo Gavira Díaz, ‘The Physical, Biological and Cultural Dimensions of Genocide: An Expansive Interpretation of the Crime?’ (2022) 21(1) *Journal on Ethnopolitics and Minority Issues in Europe* 111.

⁴⁶ Jeff Bachman (ed), *Cultural Genocide: Law, Politics, and Global Manifestations* (1st edn, Routledge 2019)

⁴⁷ *Ibid* 22.

⁴⁸ *Ibid* 23.

forgotten until the late 1960s, when indigenous rights activists and critical anthropologists revived it to confront the destructive impacts of modernization, development, and national integration on cultural minorities, particularly indigenous groups.⁴⁹ But unlike genocide, which is legally defined by the intentional physical or biological destruction of a national, ethnic, racial, or religious group, ethnocide refers to the systematic destruction of a group's cultural identity, language, and ways of life, often without explicit violence. This makes ethnocide harder to prove in legal terms, but it is no less devastating in practice. In contrast to genocide's status as the "crime of crimes," ethnocide has struggled to receive legal recognition. Its exclusion from the Genocide Convention reflects a postwar international order reluctant to confront its own colonial and developmentalist legacies. Despite that, ethnocide has succeeded in replacing cultural genocide in wide range of literature, documents of human rights bodies and in international instruments, such as the UNESCO Declaration of San Jose.⁵⁰

5.3. Domicide

Domicide is the deliberate destruction of homes and dwellings – literally, the killing of the *domus*. Porteous and Smith, who coined the term, define domicile as "*the deliberate destruction of home by human agency in pursuit of specified goals, which causes suffering to the victims*".⁵¹ This concept emerged from analysis of urban warfare, forced evictions, slum clearances, and other scenarios where houses were razed en masse. The aim of domicile is often to displace people, inflict material and emotional suffering, or clear land for strategic or economic end – e.g. the leveling of villages to terrorize or expel an ethnic population.

Early theoretical developments linked memoricide with domicile - the destruction of the home as a site of memory.⁵² Nevertheless, the concepts are distinct in emphasis. Domicide focuses on the loss of home and shelter as an assault on human security and identity. Memoricide focuses on the broader erasure of heritage and history. One can commit domicile (destroy houses) without targeting culturally significant symbols. Bulldozing homes for a development project is domicile, but not necessarily memoricide, unless it intentionally targets a particular group's cultural presence. Similarly, one can

⁴⁹ Jaakko Heiskanen, 'In the Shadow of Genocide: Ethnocide, Ethnic Cleansing, and International Order' (2021) 1(4) Global Studies Quarterly 1.

⁵⁰ Haračić (n 4) 255.

⁵¹ J Douglas Porteous and Sandra E Smith, *Domicide: The Global Destruction of Home* (McGill-Queen's University Press 2001) 12.

⁵² Webster (n 2) 1410.

commit memoricide without widespread domicide – e.g. burning archives and monuments while leaving homes intact. Scholars have observed that while “domicide is not difficult” to committ, “memoricide proves a much more arduous task”.⁵³ Physical structures can be quickly reduced to rubble, but wiping out memory (the meanings, stories and identities attached to those structures) is harder – people may remember and transmit their history even after their homes are gone. This points to why perpetrators often pair domicide with memoricide: it’s not enough to destroy the shelter; one must also destroy the evidence and symbols of the people who lived there, so that it is as if they never existed. In summary, domicide is about destroying homes, memoricide about destroying homelands in the historical-memory sense.

5.4. Cultural Cleansing

The term cultural cleansing has gained popularity to describe campaigns that purge a group’s presence from a territory by destroying its culture. UNESCO’s former director-general Irina Bokova popularized “cultural cleansing” in response to ISIS’s actions, referring to “the deliberate destruction of heritage as a weapon of war, part of a broader strategy of cultural cleansing⁵⁴” It can be argued that cultural cleansing is to culture what ethnic cleansing is to populations: the intent is to achieve homogeneity by eliminating all cultural markers of the “other.”⁵⁵ This can include demolishing religious sites, looting artifacts, burning books, or banning traditions and anything that signifies the targeted group’s distinct identity. Both “memoricide” and “cultural cleansing” recognize that attacks on cultural heritage are not collateral damage, but are strategic, aimed at annihilating a group’s identity. Nevertheless, the author of this thesis avoids using cultural cleansing due to its linguistic and conceptual ties to ethnic cleansing, which is a euphemism coined by perpetrators during the Yugoslav wars to obscure genocidal actions. This language, later normalized by media and institutions, masked the violent reality behind such crimes. Using similar terms for cultural destruction risks reinforcing that same framing.

⁵³Smith and Porteous (n 50) 97.

⁵⁴ UNESCO, ‘State Secretary Kerry and Director-General Bokova Call for End to Cultural Destruction in Iraq and Syria’ (23 September 2014) <<https://www.unesco.org/en/articles/state-secretary-kerry-and-director-general-bokova-call-end-cultural-destruction-iraq-and-syria>> accessed 26 May 2025

⁵⁵ Noelle Higgins, *The Protection of Cultural Heritage during Armed Conflict: The Changing Paradigms*, 1st ed. (Abingdon: Routledge, 2020), 37.

III. Methodology

During the research process for this project, a qualitative methodology is used to understand how exactly state narratives and legal frameworks contribute to the erasure of Armenian cultural memory in Nagorno-Karabakh. Its primary goal is to deconstruct the multi-layered processes, existing discourses and legal structures that enable or fail to prevent this type of cultural erasure. The approach applied is rather interdisciplinary, drawing from cultural heritage studies, memory studies, international law and conflict studies.

The core theoretical lens is *memoricide* understood as the deliberate destruction, revision, and denial of a group's cultural memory. The study draws upon a variety of both primary and secondary sources.

Primary sources include official Azerbaijani government documents such as policy statements, speeches, and decrees. Legal instruments such as the 1954 Hague Convention, its protocols, UNESCO conventions and relevant articles of the Rome Statute will be examined to assess the existing international legal standards. The study also incorporates different sources of evidence documenting damage to heritage sites, including social media content and materials disseminated by Azerbaijani state actors. Secondary sources provide essential contextual and analytical depth. These include academic journal articles, history books, and legal commentaries addressing topics such as memoricide, cultural genocide and the limitations of international heritage law.

In addition, reports from NGOs and human rights organizations such as Caucasus Heritage Watch offer detailed documentation and expert analysis of heritage destruction and state narratives in Nagorno-Karabakh. The data used will be analyzed thematically and interpretively, with a focus on tracing patterns of cultural erasure across three key domains: physical destruction, historical revisionism, and digital manipulation. In addition, legal documents and treaties will be examined using doctrinal legal analysis, assessing both the text of the law and its application (or lack thereof) in the case of Nagorno-Karabakh.

IV. Memoricide in Nagorno-Karabakh

1. Historical background

Nagorno-Karabakh has been at the center of one of the most continuous violent conflicts in the South Caucasus. While the collapse of the Soviet Union is often seen as the starting point of the modern

phase of the conflict, its origins go much deeper. During the early 20th century, the diverse and multi-ethnic Russian Empire entered a phase of instability. One of the earliest outbreaks of violence between Armenians and Azerbaijanis occurred during the 1905 revolution, when initial alliances based on class gave way to growing ethnic and national tensions.⁵⁶ After the fall of the Tsarist regime in 1917, Armenia and Azerbaijan both declared independence and following a brief period of cooperation under the Transcaucasian Federation, engaged in armed conflict over territorial control.⁵⁷

In 1921, under the policy of managing nationalities within the newly formed Soviet Union, Joseph Stalin assigned the Nagorno-Karabakh, despite its overwhelming Armenian population, to Soviet Azerbaijan. A year later, in July 1923, the Soviet authorities established the Nagorno-Karabakh Autonomous Oblast (NKAO) within Azerbaijani Socialist Republic. This was done against the will of the local Armenian population that petitioned numerous times in the next decades to transfer the region to the Armenian Socialist Republic.⁵⁸ During that period, Armenians from the region experienced increasing discrimination. Armenian-language education and media were restricted, and infrastructure connecting the region to Armenia was intentionally underdeveloped.⁵⁹

With the onset of *perestroika* in the late 1980s, Nagorno-Karabakh's Armenian population petitioned to be transferred to Soviet Armenia, exercising the new civil liberties permitted under Gorbachev's reforms. However, these peaceful political efforts were met with brutal anti-Armenian pogroms in Azerbaijani cities such as Sumgait (February 1988), Kirovabad (November 1988), and Baku (January 1990). In 1992, following a referendum a month earlier, Nagorno-Karabakh Republic declared its independence.⁶⁰ The Azerbaijani SSR condemned the move as unlawful interference in its internal affairs and a violation of its territorial integrity, a position broadly echoed by the international community, which declined to recognize Nagorno-Karabakh as a sovereign state.

The situation in the region escalated into full-scale war between Armenia/NKR and Azerbaijan lasting from 1991 to 1994, with shocking reports of massacres against Azerbaijanis in Khojaly and against Armenians in Maragha. Ultimately, the First Nagorno-Karabakh War ended with a ceasefire in May 1994, with Armenian forces maintaining control over most of the NKAO and seven surrounding Azerbaijani regions. The war resulted in an estimated 30,000 deaths and the displacement of hundreds

⁵⁶ Vicken Cheterian, 'A New Phase in the Karabakh Conflict' (2016) 84 *Caucasus Analytical Digest* 13, 14.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Suzanne Goldenberg, *Pride of Small Nations: The Caucasus and the Post-Soviet Disorder* (Zed Books 1994) 161.

⁶⁰ Declaration on State Independence of the Republic of Nagorno-Karabakh (6 January 1992)
<<http://www.nkr.am/en/declaration/10/>> accessed 11 May 2025.

of thousands of civilians.⁶¹ Despite ongoing negotiations facilitated by the OSCE Minsk Group, the conflict remained unresolved for over three decades. During that time, the conflict was considered “frozen”, with some serious escalations happening as the April War in 2016.

1.1. Renewed Warfare: 2020 and 2023

In September 2020, Azerbaijan launched a large-scale military offensive against Nagorno-Karabakh, breaking the decades-long ceasefire. The conflict resulted in significant civilian casualties and the destruction of infrastructure, including schools, hospitals, and cultural sites. By the time a ceasefire was brokered by Russia on November 9, 2020, Azerbaijan had regained control of about 30% of the former NKAO and surrounding territories, including 111 settlements in key districts populated by Armenians (Figure 2).

According to the agreement, Russian peacekeepers were deployed to ensure the security of the remaining Armenian population and to safeguard cultural sites located near or within the new lines of control. However, many Armenian monuments, now found themselves in contested or Azerbaijani-controlled areas. In September 2023, another offensive effectively brought the de facto Republic of Artsakh (Republic of Nagorno-Karabakh) to an end. The remaining Armenian population fled the region, ending centuries of continuous Armenian presence.



Figure 2 Map of the 2020 Ceasefire Lines⁶²

⁶¹ The Forced Deportation and Persecution of the Armenian Population of Nagorno-Karabakh: A Legal Analysis (Rerooted, April 2025) 19 <<https://www.rerooted.org/justice-reports/no-choice-but-to-flee>> accessed 8 May 2025.

⁶² AndeolusMuriel and Don-kun. 2020. Karabagh Ceasefire Agreement of November 10th 2020. Wikimedia Commons. <https://commons.wikimedia.org/wiki/File:2020_Karabagh_Ceasefire_en.svg> accessed 10 April 2025.

1.2. The cultural and symbolic significance of Nagorno-Karabakh

Nagorno-Karabakh holds a particularly significant place in Armenian national consciousness. Beyond the geopolitical and territorial dimensions, the region is viewed as a cornerstone of Armenian cultural heritage. With thousands of Armenian heritage sites in the wider region,⁶³ Nagorno-Karabakh has always represented an unbroken link to Armenian identity stretching back centuries. For many, the mountainous territory has symbolized one of the last places where they had maintained an uninterrupted presence physically, culturally, and spiritually. Moreover, the region, historically known as Artsakh to Armenians, has been home to a local dialect, distinctive architectural styles, and specific forms of art, forming a unique cultural identity that differs from that of Armenians from the Republic of Armenia.⁶⁴

After the 1990s war, the role of cultural destruction in the conflict evolved into a more deliberate strategy of control. While there were cases of partial and full destruction of Azerbaijani heritage sites in the territories under Armenian control during the post-1994 period, these were not part of a coordinated systematic campaign by the NKR authorities, and were mostly done by the local population. The same cannot be said of Azerbaijan's overall approach to Armenian heritage, particularly in areas like the Nakhichevan Autonomous Republic, where a systematic campaign of destruction has been well documented.⁶⁵ The elimination of thousands of Armenian khachkars and churches, especially the complete demolition of the medieval cemetery in Djulfa, has been described by many as one of the most extensive acts of cultural erasure in the 21st century.⁶⁶ When a group is detached from its historical memory, it loses not just its past, but also its sense of purpose and belonging. Therefore, the destruction of heritage becomes a tool of psychological warfare aimed at making a people's presence and legacy vanish. With the Armenian population now displaced, cultural monuments remain the only visible evidence of their history in the region. Their preservation, or erasure, will play a critical role in shaping

⁶³ Simon Maghakyan, 'Artsakh Heritage: What Is Happening to Nagorno-Karabakh's Armenian Monuments' (EVN Report, 27 November 2023) <<https://evnreport.com/politics/artsakh-heritage-what-is-happening-to-nagorno-karabakhs-armenian-monuments/>> accessed 15 April 2025.

⁶⁴ Ivaylo Dinev and Nadja Douglas, 'The Political and Cultural Fate of Karabakh Armenians in Armenia' (ZOiS Spotlight 16/2024, Centre for East European and International Studies, 4 September 2024) 6.

⁶⁵ Husik Ghulyan, Lori Khatchadourian, Adam T Smith and Ian Lindsay, *Between the Wars: A Satellite Investigation...* (Caucasus Heritage Watch 2023) 33.

⁶⁶ Simon Maghakyan and Sarah Pickman, 'A Regime Conceals Its Erasure of Indigenous Armenian Culture' (18 February 2019) Hyperallergic <<https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>> accessed 3 April 2025.

the future of existence of the memory of Armenians in the region and a probable obstacle to their right to return.

2. Mechanisms of memoricidal violence

This section explores the three principal mechanisms through which the Azerbaijani state has worked to erase Armenian cultural memory in Nagorno-Karabakh - physical destruction, misappropriation, and digital erasure. While distinct, these strategies function as fully interdependent tools. The first strategy involves the destruction or desecration of tangible heritage, including churches, monasteries, cemeteries, and khachkars (Armenian cross-stones). The second strategy concerns the symbolic manipulation and revisionism processes. Through state-sponsored narratives, many Armenian heritage sites are rebranded as “Caucasian Albanian” or attributed to other non-Armenian groups. The third strategy is a recent phenomenon in modern warfare targeting the informational infrastructure of memory. These mechanisms are not incidental at all. They reflect a deliberate policy of cultural erasure as a statecraft: by removing the foundations of one’s identity, the occupying power consolidates its authority not only over land, but over history itself.

In the following chapter a case study of each strategy will be presented, with specific micro examples that illustrate how memoricide operates across various forms.

2.1 Physical destruction of heritage

Historically, Armenian cultural monuments have been overwhelmingly subject to destruction and vandalism in regions under Azerbaijani control. One of the most devastating examples of this is the fate of Armenian heritage in Azerbaijan’s Nakhchivan exclave. Recent forensic evidence shows that silent and systematic cultural erasure has been a leading feature of Azerbaijan’s domestic ethnic policies in the exclave. As a result, between 1997 and 2011, Azerbaijan destroyed 108 out of 110 (98%) medieval and early modern Armenian monasteries, churches, cemeteries, and chapels. In most cases, after destroying an Armenian monument, the authorities left the land cleared, but in some cases they built mosques or other buildings atop the foundations of an erased Armenian site as acts of symbolic violence.⁶⁷ This

⁶⁷ Lori Khatchadourian and others, *Silent Erasure: A Satellite Investigation of the Destruction of Armenian Cultural Heritage in Nakhchivan, Azerbaijan* (Caucasus Heritage Watch, September 2022) <https://doi.org/10.13140/RG.2.2.18373.15846> accessed 17 May 2025.

erasure technique reminds of post-war Bosnia, where Orthodox churches were built on the ruins of mosques as a way to assert dominance over contested space.

While Armenian monuments in other regions under Azerbaijani control were largely neglected until the renewed hostilities in the region in 2020, in Nakhchivan, the destruction was systematic and total. This precedent led many cultural heritage experts to warn that the Armenian cultural heritage of Nagorno-Karabakh could face a similar fate if the region came under Azerbaijani control.⁶⁸

Following the forced displacement of the Armenian population, acts of cultural erasure intensified. According to Caucasus Heritage Watch, their Spring 2024 monitoring cycle has identified the highest number of impacted sites since they began tracking post-conflict heritage damage in 2021. Alarming trends include a 75% increase in destroyed sites between Fall 2023 and Spring 2024, along with a 29% rise in sites now classified as “threatened”.⁶⁹ Cultural heritage is rarely targeted in armed conflict because of its material form alone. Although some monuments may be damaged unintentionally or used for military purposes, such cases are not the leading cause. More often, these sites are deliberately attacked because of what their role in collective identity shaping represents, as evidenced in the following case studies:

2.1.1. Kanach Zham Church (Shushi)

The 19th-century Armenian Kanach Zham Church in Shushi, the cultural center of Nagorno-Karabakh, is the best manifestation of how Azerbaijan’s campaign against Armenian heritage operates in phases. In November 2020, shortly after Azerbaijan took control of the town of Shushi, images and videos circulated online showing the church’s dome and bell tower severely damaged.⁷⁰ In addition, satellite imagery from February 2021 confirmed the reports of destruction.⁷¹ Soon, Azerbaijani officials denied the deliberate destruction and the church’s Armenian origin. Instead, state-affiliated media started spreading that Kanach Zham was originally a Russian Orthodox church⁷², “Armenianized” in the 19th century. They framed visible changes on it as part of a “restoration” project, though no transparent conservation plans were provided as an explanation. The town of Shushi is not an accidental place to

⁶⁸ Ibid.

⁶⁹ Ian Lindsay, Adam T Smith, Husik Ghulyan and Lori Khatchadourian, Monitoring Report #7 (Caucasus Heritage Watch, June 2024) 8 <<https://caucasusheritage.cornell.edu/wp-content/uploads/2024/06/Report-2024-07Spread.pdf>> accessed 18 May 2025.

⁷⁰ UNGA and UNSC, ‘Letter dated 27 April 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General’ (28 April 2022) UN Doc A/76/822–S/2022/358, 8.

⁷¹ Ibid.

⁷² T Ganjaliyev, X 23 October 2020, <<https://x.com/TGanjaliyev/status/1319692451746095108>> accessed 18 May 2025.

target Armenian heritage. It is also considered by Azerbaijanis as their cultural capital, where numerous of their historical poets, musicians and artists originate from. Therefore, it is logical that in the official narrative of the regime, this town could be considered exclusively Azerbaijani and every Armenian cultural site be demolished or reconfigured.

In July 2021, Azerbaijan moved from the stage of denial to appropriation. A multi-faith ceremony was held at the church, attended by representatives of the Russian Orthodox Church, the Udi community of Azerbaijan, Catholic clergy, members of Azerbaijan's Parliament, and foreign diplomats⁷³. Moreover, Azerbaijani media reinforced the claim that Armenians had "falsified" the origins of churches like Kanach Zham and asserted Azerbaijan's intent to reclaim and redefine them based on "true" historical sources. Interestingly, in comparison with other monuments, this revisionist theory was spread overwhelmingly in Russian media platforms in order to give authenticity to the claim⁷⁴. Despite claims of restoration, the church's condition continued to deteriorate. In April 2024, researchers from Caucasus Heritage Watch confirmed through satellite imagery that Kanach Zham had been completely demolished (Figure 3). Since then, no official Azerbaijani announcement acknowledged this destruction, and no preservation or reconstruction work has been documented. What makes this case uniquely illustrative is the multi-layered process through which erasure was achieved. First came physical damage immediately after the end of the war. This was followed not just by silence or neglect, but by active historical revisionism - denying Armenian authorship, reframing the site as non-Armenian, and then staging

⁷³ Oxu.az, 'Glavy khristianskikh obshchin Azerbaidzhana posetili Russkuiu pravoslavnuuu tserkov' v Shushe' (Oxu.az, 18 May 2021) <<https://oxu.az/ru/obshestvo/glavy-hristianskih-obschin-azerbaydzhana-posetili-russkuyu-pravoslavnuuyu-tserkov-v-shushe>> accessed 18 May 2025.

⁷⁴ Провалилась попытка армян присвоить азербайджанскую историю ['An Armenian Attempt to Claim Azerbaijani History Fails'] (YouTube, 4 June 2020) <<https://www.youtube.com/watch?v=ucKSw0JoVng>> accessed 8 May 2025.

performative rituals to legitimize the new identity of the monument. Finally, the total demolition of the site occurred without any public notice or explanation.



Figure 3 St. Hovhannes Mkrtych Church (Kanach Zham), Shusha/Shushi⁷⁵

2.1.2. Erasure of ancestral presence through cemeteries

Destroying cemeteries is an especially radical way to shift a society from general tolerance to deep intolerance, because it is so irreversible. Unlike other cultural structures, cemeteries cannot be reconstructed. When the remains are removed or blown up, they are lost permanently and cannot be repaired.⁷⁶ The destruction of Armenian cemeteries in Nagorno-Karabakh is often excused by the current Azerbaijani regime under the pretext of infrastructure and development projects. Sites of significant historical and symbolic value, such as the 18th-century cemeteries in Shushi (Figure 4), the burial ground in Shosh community, the fraternal cemetery in Hadrut, and the military pantheon in Stepanakert, were completely demolished. Between May and November 2023, additional six Armenian cemeteries and burial sites of historical and cultural significance in Nagorno-Karabakh were reported damaged, desecrated, or completely destroyed. These sites held symbolic importance for the Armenian community and included graves dating back several centuries. Among these were the Old Cemetery of Shushi, noted

⁷⁵ Caucasus Heritage Watch. 2024. Destruction Alert: St. John the Baptist Church, Shusha/Shushi. Caucasus Heritage Watch. <<https://caucasusheritage.cornell.edu/wp-content/uploads/2024/04/SH.053-0KanachZhamDuo-2048x1152.jpg>> accessed 8 May 2025.

⁷⁶ Noa Krikler, 'Killing the Dead: The Logic of Cemetery Destruction during Genocidal Campaigns' (2023) 31 Nations and Nationalism 1, 12.

for its illustrated tombstones, and the Armenian-Greek cemetery, which housed 12th–13th century cross-stones (khachkars).⁷⁷

The Armenian cross-stones are of unique religious, artistic, and cultural significance and are far from incidental casualties. In 2010, UNESCO inscribed the art of khachkars on its “List of Intangible Cultural Heritage of Humanity”, recognizing their exceptional value. Azerbaijani state media and officials have repeatedly sought to delegitimize this specific Armenian heritage, casting doubt on their authenticity. For instance, a 2020 letter from Azerbaijan’s UN representative to the UN claimed Armenians had fabricated the presence of khachkars in the region Kalbajar, had artificially aged them, and buried them to fabricate historical claims.⁷⁸ Khachkars are especially vulnerable to destruction because they are distinctly Armenian and cannot be presented as belonging to different ethnic groups, unlike churches or monasteries. Recent developments continue to be worrying as in 2025 the Foundation for the Study of Armenian Architecture revealed the complete or near-total obliteration of cemeteries in several new settlements where tombstones had vanished and the surrounding landscapes had been cleared.⁷⁹ This campaign constitutes not only a material assault but a psychological one. Forcibly displaced Armenians have been left not just without homes, but without graves to return to. As a response to this threat, after the 2020 war ended, images emerged of Armenians exhuming the remains of loved ones and burning their own homes driven by a desperate desire to keep their personal and collective memory from being desecrated.⁸⁰ Moreover, cemetery destruction is a clear violation of international humanitarian and cultural law and UNESCO protocols for the protection of religious and cultural heritage.

⁷⁷ Armine Tigranyan, ‘Azerbaijan’s Policy of Destruction and Appropriation of the Cultural Heritage of the Armenians of Artsakh in the Context of Violation of Cultural Rights’ (April 2025) 210.

⁷⁸ Letter dated 27 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (28 May 2021) UN Doc A/75/899–S/2021/512, 4.

⁷⁹ ArtsakhOmbuds (@ArtsakhOmbuds), X (22 March 2025) <<https://x.com/ArtsakhOmbuds/status/1903391864637837714>> accessed 13 May 2025.

⁸⁰ Azerbaijan extends Armenian pullout deadline from Kalbajar after Putin’s mediation, France 24 (online, 15 November 2020) <<https://www.france24.com/en/europe/20201115-armenians-begin-mass-exodus-from-nagorno-karabakh-ahead-of-azerbaijan-handover>> accessed 13 May 2025.



Figure 4 Ghazanchetsots Cemetery⁸¹

2.2. Historical revisionism and misappropriation

“This is an ancient Albanian temple, an Albanian church. It is located in the village of Hunarli. The Armenians wanted to Armenianize this church and wrote inscriptions in Armenian here, but they failed.... All these inscriptions are fake, they were written later. They have created a false history for themselves in our ancient lands. But they failed because we exposed them[...].”⁸²

Historical revisionism is a powerful tool of cultural violence. Unlike physical destruction, it does not erase heritage outright, but reframes it to serve a dominant national narrative. The Azerbaijani state has strategically deployed the “Caucasian Albanian” narrative to overwrite Armenian cultural authorship, positioning itself not as a destroyer of history, but as its rightful heir. Since the mid-20th century, Azerbaijani state discourse has promoted the theory that many Armenian churches are, in fact, misappropriated Caucasian Albanian monuments. First formulated by historian Ziya Bunyatov in the 1950s, this narrative forwarded that the Azerbaijani nation descended directly from the ancient kingdom of Caucasian Albania which was part of the region between 2nd century BC and 8th century AD⁸³.

⁸¹ Caucasus Heritage Watch. 2024. Destruction Alert: Ghazanchetsots Cemetery, Shusha/Shushi. Caucasus Heritage Watch. <<https://caucasusheritage.cornell.edu/wp-content/uploads/2024/04/SH.103-0GhazanchetsotsCemDuo-2048x1150.jpg>> accessed 13 May 2025.

⁸² Ilham Aliyev, Speech by the President of the Republic of Azerbaijan at the ceremony in Fuzuli and Khojavand districts (President.az, 15 March 2021) <<https://president.az/en/articles/view/50893>> accessed 16 May 2025.

⁸³ Hratch Tchilingirian, '16 Reverse Engineering: A State-Created “Albanian Apostolic Church” in Jost Gippert and Jasmine Dum-Tragut (eds), *Caucasian Albania: An International Handbook* (De Gruyter Mouton 2023) 581.

According to this theory, the Armenians only settled in the region in significant numbers after the Russian Empire's 19th-century expansion and Armenian inscriptions on existing Christian monuments in the region are later additions to pre-existing Albanian structures. The "Albanization" theory gained momentum after the 2020 war, as Azerbaijan reasserted control over territories containing major Armenian religious sites. In February 2022, the Minister of Culture of Azerbaijan, Anar Karimov expressed that a working group consisting of "local and international experts" has been established which would be responsible for removing "the fictitious traces written by Armenians on Albanian religious temples."⁸⁴ Rebranding these monuments as Albanian serves to strip them of Armenian historical meaning and to recast them within a nationalized Azerbaijani framework. This strategy is further developed by the deployment of the small Udi Christian community of Azerbaijan, whose presence is used to legitimize state narratives denying the Armenian character of these structures.⁸⁵ While the Udis preserve some linguistic and cultural elements linked to the historical Caucasian Albanians, the claim that they represent an exclusive continuation of that population is widely disputed and heavily shaped by modern political discourse in Azerbaijan. In many ways, the Udis have become a political tool used by the Azerbaijani regime to reframe the cultural history in the region. In parallel, the destruction of Armenian heritage is seen not as cultural violence, but justified as removal of false historical claims. Though it is widely discredited by international scholars, this form of symbolic rewriting remains central to Azerbaijan's post-war cultural policy.

2.2.1. Dadivank Monastery

The fate of Dadivank Monastery is a textbook case of how these revisionist narratives work. The monastery, located in the Kelbajar region, is built between the 9th and 13th centuries and stands on a site believed to be the burial place of Saint Dadi, a disciple of Thaddeus the Apostle.⁸⁶ Because this monument is historically significant within the Armenian Apostolic Church, it has become a focal point in Azerbaijan's narrative-shaping. The condition of the monastery prior to Armenian restoration highlights the extent of this misappropriation. During the Soviet period and under Azerbaijani administration after the 1920s, the complex was neglected and repurposed as a residence and barn. Full

⁸⁴ Report.az, 'Working Group Set up to Restore Armenianized Albanian Temples' and 'Ermənillərin saxtalaşdırdıqları alban dini məbədlərinin bərpası üçün İşçi qrup yaradılıb' (3 February 2022) <<https://report.az/en/cultural-policy/working-group-set-up-to-restore-armenianized-albanian-temples>> accessed 17 May 2025.

⁸⁵ Tchilingirian (n 83) 593.

⁸⁶ Center for Truth and Justice (n 1)

restoration of the monastery led by Armenian clergy and scholars began only in 1997, after gaining control of the monastery.⁸⁷

Immediately after the 2020 ceasefire, when the monument came under semi-Azerbaijani control, the authorities began actively reinforcing the “Caucasian Albanian” narrative in relation to the site. On November 11, 2020, the day the ceasefire was announced, Minister Anar Karimov referred to the monastery on the social media platform X by its Turkified name, *Khudavang*, describing it as “one of the best testimonies of ancient Caucasian Albania civilization.”⁸⁸ This public reframing marked the beginning of a state-led campaign to symbolically reclassify the monument and distance it from its Armenian origins. Azerbaijani officials quickly escalated efforts to assert the site’s alleged Albanian identity. In the following month, representatives of Azerbaijan’s “Albanian-Udi Christian community” visited the monastery, portraying their presence as a return to a sacred Albanian site.⁸⁹ Azerbaijani state media framed the visit as historically significant, claiming that the Udis had long awaited the opportunity to worship in what they described as their ancestral churches. Udi leader Robert Mobili publicly declared that the monastery was architecturally and historically Albanian, despite the very well visible Armenian inscriptions on the monument, while accusing Armenians of fabricating these same inscriptions and symbols in an effort to misrepresent the site’s origins.⁹⁰ Besides, Azerbaijani media played a central role in reinforcing these same narratives. An article published by pro-government media *Report.az*, titled “The Major Azerbaijani Monastery Khudavang Subjected to Armenian Forgeries,” accused Armenians of manipulating the site’s history during the period of Armenian control between 1993 and 2020. The article claimed that Armenian clergy had installed crosses, altered symbols, fabricated inscriptions, and destroyed supposed Udi-Albanian graves - framing these actions as part of a deliberate attempt to “Armenianize” a supposedly non-Armenian site.⁹¹ Soon after, ceremonies began to be held at the monastery, often organized or sponsored by Azerbaijani institutions such as the Foundation for the

⁸⁷ Hayastan Martirosyan, ‘Azerbaijan’s Policy of Forced Cultural Appropriation after the Second Artsakh War: Case of Dadivank’ (2022) 7 International Journal of Armenian Genocide Studies 103.

⁸⁸ Anar Karimov (@Anar_Karim), X (11 November 2020) https://x.com/Anar_Karim/status/1326437397270310912?lang=bg accessed 19 May 2025

⁸⁹ Albano-Udi Orthodox community, ‘Armenians Destroyed All Historical, Religious Items in Churches of Azerbaijan’ (AzerNews, 5 December 2020) <<https://www.azernews.az/nation/173556.html> 2025>.

⁹⁰ ‘Vətən Müharibəsi Şəhidlərinin Əziz Dağlar Qoynunda Yerləşən Monastırda Ehtiramla Yad Olunub’ (Azərbaycan, 6 December 2020) <<http://anl.az/down/meqale/azerbaycan/2020/dekabr/730852.htm>> accessed 24 May 2025

⁹¹ ReportAz, ‘Largest Monastery in Azerbaijan, Khudavang, Subjected to Armenian Falsification’ (ReportAz, 25 November 2024) <<https://report.az/en/domestic-politics/largest-monastery-in-azerbaijan-khudavang-subjected-to-armenian-falsification/>> accessed 25 May 2025.

Promotion of Moral Values.⁹² It should be noted that during that period, every individual from the Azerbaijani side who had access to their newly acquired territories had to have an exclusive permission to enter there. Therefore, in no way can these actions be presented isolated from the Azerbaijani state actions as they were state-approved. Between the end of the Second Karabakh War in November 2020 and the Azerbaijani offensive in September 2023, Dadivank remained under the protection of the Russian peacekeeping mission, with the idea to safeguard the monastery and the visitors.⁹³ In practice, however, access was heavily restricted for Armenians. Pilgrimages by Karabakh Armenians were permitted only sporadically until May 2021, after which Armenian visitors were no longer allowed. Despite these restrictions, several Armenian clerics continued to serve at Dadivank voluntarily, effectively under siege, until the fall of Nagorno-Karabakh Republic in September 2023 and the following exodus of the Armenian population.⁹⁴

In September 2024, Azerbaijan arranged for accredited diplomats and members of various diplomatic missions to visit the monastery, accompanied by Hikmet Hajiyev, president Ilham Aliyev's assistant.⁹⁵ In addition to enforcing the same narratives targeting the Armenian historical background of the monument, Hajiyev stated that Dadivank and other monuments would be "restored" to their original condition, suggesting that Azerbaijan would put them back in their alleged "original historical shape.". In this context, Dadivank becomes emblematic of a broader post-conflict strategy in which cultural erasure is accomplished not through destruction, but through well-orchestrated appropriation.

2.3. Digital Erasure of Armenian Presence

The rise of digital technology has added new layers to the discourse on memoricide. On one hand, digital platforms offer opportunities for preserving memory through virtual reconstructions, online archives, and memory-based applications. On the other hand, these same technologies can be counter-weaponized. In this way, digital archives can be manipulated, deleted, or selectively curated, contributing to what can be considered a digital memoricide. Upon the success of the 2023 military actions, coordinated and systematic efforts emerged to erase the Armenian presence from the region's digital space through attacking campaigns directed at the information infrastructure. A central issue in this digital war has been the cartographic revisionism through digital mapping services, most

⁹² Martirosyan (n 87) 118.

⁹³ Armenpress, 'Dadivank under Protection of Russian Peacekeepers' (Armenpress, 14 November 2020) <<https://armenpress.am/en/article/1034897>> accessed 26 May 2025.

⁹⁴ Center for Truth and Justice (n 1)

⁹⁵ Ibid.

prominently Google Maps. Azerbaijan's Foreign Ministry has acknowledged using diplomatic channels to petition Google to change the names of towns, streets, and religious sites in the region to conform with the state's officially approved nomenclature.⁹⁶ In 2021 and in subsequent years, Azerbaijani officials submitted a list of over 4,500 "standardized" place names, requesting the removal of Armenian-language toponyms from the platform. This effort was framed as a response to the use of what Azerbaijani officials labeled "fake names" in Armenian, which they claimed distorted the territorial integrity and historical geography of Azerbaijan.

These requests were not informal as Azerbaijan submitted its standardized list to the UN Group of Experts on Geographical Names (UNGEGN) as part of a broader strategy to give international legitimacy to its cartographic revisions. Citing United Nations resolutions on geographical name standardization, Azerbaijani officials argued that unilateral name changes by foreign actors or platforms were illegitimate and that only Azerbaijani government-approved names should be recognized. Moreover, they urged the international community to drop the "Nagorno Karabakh" term when referring to the region, but use "Garabagh Economic Region" instead.⁹⁷ Such actions seem to be intended to facilitate consistency in global cartography, yet they are not working mechanisms for resolving historical or ethnic disputes.

A particularly illustrative example of this digital renaming campaign involves street names in Stepanakert, the former capital of NKR. Following Azerbaijan's takeover in 2023, a newly published digital map hosted on GoMap, a state-run platform managed by Azerbaijan's Ministry of Culture and Tourism, presented a fully revised street layouts.⁹⁸ On this map Armenian street names referencing cultural, historical, or military figures were thoroughly replaced. Most surprisingly, a street was renamed after Enver Pasha, the Ottoman military officer who played a central role in the Armenian Genocide of 1915 (Figure 5).

⁹⁶ AZERTAC, 'The Issue Has Been Raised Before Google Company Regarding the Fact That in Google Maps Application Along with Official Names of Karabakh Region of Azerbaijan in Azerbaijani Language, Fake Names in Armenian Language Are Also Indicated' (AZERTAC, 14 May 2024)

<https://azertag.az/en/xeber/the_issue_has_been_raised_before_google_company_regarding_the_fact_that_in_google_maps_application_along_with_official_names_of_karabakh_region_of_azerbaijan_in_azerbaijani_language_fake_names_in_armenian_language_are_also_indicated-1959874> accessed 27 May 2025.

⁹⁷ Republic of Azerbaijan, 'Report by the Republic of Azerbaijan' (GEGN.2/2023/140/CRP.140, United Nations Group of Experts on Geographical Names, 27 April 2023) <https://unstats.un.org/unsd/ungegn/sessions/2023-new-york/documents/GEGN.2_2023_140_CRP.140.pdf> accessed 26 May 2025.

⁹⁸ GoMap, 'Azərbaycanda məkan' (interactive map), <<https://gomap.az/maps/az/@/map>> accessed 26 May 2025.

Another street formerly named after Nelson Stepanyan, a Soviet Armenian war hero from NKR, was renamed “Nuri Pasha Street”, referencing an Ottoman commander associated with anti-Armenian violence during the 1918 Baku massacres⁹⁹. Not only are Armenian names erased, but they are in some cases replaced with names tied to individuals directly involved in historical violence against Armenians. The choice of such figures is surely not accidental, but a deliberate measure to glorify violence and assert psychological pressure. Moreover, the presence of these changes in official Azerbaijani cartographic services ensures their further usage in educational tools, tourist maps, and third-party platforms that draw on official government data, which is additionally alarming.

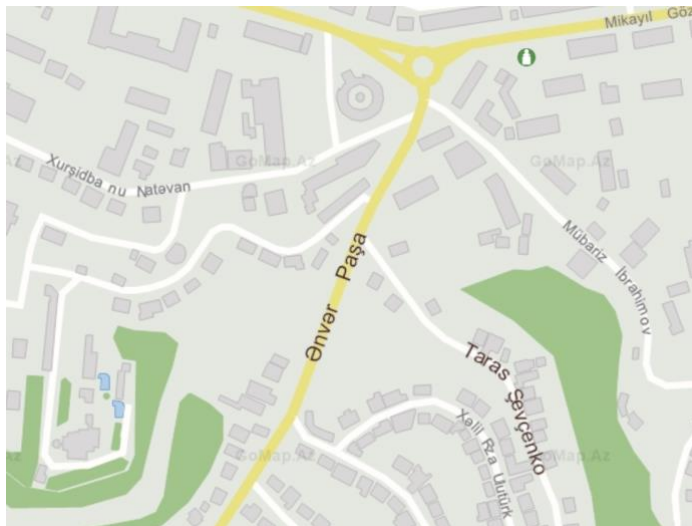


Figure 5 Enver Pasha Street¹⁰⁰

In addition to streets and towns, religious heritage sites have also been subjected to digital reclassification, but these actions are done unilaterally through diplomatic lobbying and mass reporting strategies. Given that many platforms such as Google Maps or Wikipedia rely on user-generated content and community moderation, Azerbaijan’s government has encouraged its citizens and non-governmental organizations to actively participate in these efforts by submitting correction requests and reporting Armenian names as violations of platform standards.¹⁰¹ A different case of digital erasure involved the removal of images of the “We Are Our Mountains” monument from Wikimedia Commons. The

⁹⁹ Faustine Vincent, Azerbaijan reissues Nagorno-Karabakh map with street named after Turkish leader of 1915 Armenian genocide (Le Monde, 4 October 2023) <https://www.lemonde.fr/en/international/article/2023/10/04/azerbaijan-reissues-map-of-nagorno-karabakh-with-street-named-after-turkish-leader-of-1915-armenian-genocide_6146889_4.html> accessed 26 May 2025.

¹⁰⁰ GoMap (n 98)

¹⁰¹ AZERTAC (n 96)

monument, located on a hill above the NKR capital Stepanakert, was created in 1967 by Armenian sculptor Sargis Baghdasaryan and featured prominently in Armenian iconography, including the coat of arms of the Republic of Artsakh. It represents an Armenian grandmother and grandfather, whose roots are deep rooted in the ground – quite literally and symbolically.¹⁰²

In the months following Azerbaijan’s assertion of control over the region, multiple images of the monument were deleted from Wikimedia under the platform’s “precautionary principle,” which holds that if the legal status of a file is in doubt, it should be removed. The removal was justified based on Azerbaijan’s copyright laws, which reportedly do not permit prominent public depictions of certain monuments unless specific conditions are met.¹⁰³ These include limitations on commercial use and requirements that the artwork not be the central subject of the image. While such restrictions are not uncommon globally, their application in this context is certainly politically charged. The monument predates the Republic of Azerbaijan and was created under the NKAO. Its copyright status is arguably not governed by Azerbaijani law.¹⁰⁴ Nonetheless, its removal from a widely used open-source repository like Wikimedia Commons has the effect of limiting visual access to one of the region’s most iconic Armenian symbols. The digital erasure of Armenians from Nagorno-Karabakh has implications beyond the immediate conflict. It demonstrates how authoritarian regimes can exploit platform governance and copyright loopholes to shape worldwide understandings of heritage and identity. It also raises urgent questions for the custodians of digital knowledge: To what extent should companies and platforms defer to state actors in naming disputes? What mechanisms exist to protect displaced communities from losing their digital footprint? For the Karabakh Armenians, it means that the process of dispossession is not solely confined to a geography they once were habitating, but extends into the systems through which people access and share information.

2.4. Impact on displaced Karabakh Armenians

The displacement of 120,000 Karabakh Armenians has resulted in not only them losing access to their homeland, but cutting them off from the spiritual and cultural sites that once grounded their sense

¹⁰² Monument Watch, ‘We Are Our Mountains Monument: A Symbol of Azerbaijan’s National-Religious Tolerance?’ (Monument Watch, 2024) <<https://monumentwatch.org/en/alerts/we-are-our-mountains-monument-a-symbol-of-azerbajjans-national-religious-tolerance/>> accessed 27 May 2025.

¹⁰³ Yelena Ambartsumian, ‘When Copyright Transforms the Right to Remember’ *Hyperallergic* (online, 8 January 2025) <<https://hyperallergic.com/964746/when-copyright-transforms-the-right-to-remember-we-are-our-mountains-artsakh/>> accessed 29 May 2025

¹⁰⁴ Ibid.

of identity, leaving deep psychological scars. When talking about the loss of heritage, one displaced woman from Nagorno-Karabakh recalls: “It was my last birthday... in August 2020, my daughter and son-in-law took me to the Gandzasar Monastery for my birthday. It was the last birthday I ever celebrated... After Gandzasar was lost, I forbade anyone to congratulate me on my birthday”.¹⁰⁵ Another woman testifies that her memories are closely connected to the Surb Mariam Church. With its loss it felt as though her childhood has been taken away from her.¹⁰⁶ In addition, important pilgrimage practices which once tied people to the landscape, like in the case of Kataro Monastery, can no longer be practiced. For the people of Hadrut, ascending Kataro was seen as a sacred duty, a tradition that cannot simply be relocated or replaced.¹⁰⁷ Not only that, but for many the loss of access to their homeland is compounded by the inability to fulfill spiritual obligations to their dead. For them leaving ancestral graves unattended symbolized the forced abandonment not only of loved ones, but of the right to mourn and remember.¹⁰⁸

Similarly, the desecration and repurposing of sacred places has further deepened this rupture. “Our green church was completely destroyed,” one witness recalls about Kanach Zham, the church in which she was baptized in 1997. Another refers to Ghazanchetsots Cathedral in Shushi as “so beautiful, it looked like a white bride... Whenever I entered that church, I felt so calm... purified”¹⁰⁹, only to later watch it targeted and altered beyond recognition. The destruction of cultural property serves to produce negative psychological impact, breaking not only structures but the social and spiritual ecosystems they supported.¹¹⁰ For the displaced Armenians of Artsakh, what remains is a fractured cultural existence in exile, one in which the rituals, landmarks, and physical reminders of identity have been turned into inaccessible memories. As one Karabakh woman reflects about the church in her native village of Tumi, “I would spend hours inside the church, light candles and pray, and eventually leave so relieved... and now I am not able to go to that church”.¹¹¹

¹⁰⁵ Center for Truth and Justice (n 1)

¹⁰⁶ Tigranyan (n 77) 215.

¹⁰⁷ Ibid 216.

¹⁰⁸ Ibid.

¹⁰⁹ Center for Truth and Justice (n 1)

¹¹⁰ Sarah Michie, Cultural Genocide in International Law: A Case Study of Artsakh (Nagorno Karabakh) (Helsinki Citizens’ Assembly–Vanadzor 2021) 8 <<https://hcav.am/wp-content/uploads/2021/08/Cultural-Genocide-in-International-Law-Artsakh-20-August-2021.pdf>> accessed 2 June 2025.

¹¹¹ Center for Truth and Justice (n 1)

V. Legal Framework, enforcement and limitations

Modern international law has developed a wide range of norms for the protection of cultural heritage. However, can these existing legal mechanisms effectively address both physical and symbolic violence? Can they be used in post-conflict contexts where the impacted populations cannot safeguard their heritage and the protection of the cultural memory depends on the good faith of the governing states, who in many cases are the perpetrators?

1. Hague Framework

1.1. 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was the first comprehensive international treaty to safeguard cultural heritage during armed conflict. The Convention defines “cultural property” broadly, encompassing monuments, works of art, historic buildings, archaeological sites, and centers that house cultural materials. It emphasizes that damage to cultural property belonging to any people constitutes damage to the cultural heritage of all mankind.¹¹² While this reflects a strong moral and symbolic commitment, the Convention does not define such damage as a crime under international law. Furthermore, the convention’s protections given to the cultural properties may be waived in case of military necessity.¹¹³

However, the protection of cultural property under the 1954 Convention does not cover only the respect of cultural property during an armed conflict, but also the safeguarding of such property in time of peace in several provisions.¹¹⁴ Parties to the Convention “undertake to prepare in times of peace the safeguarding of cultural property within their own territory”,¹¹⁵ “to respect cultural property situated both on their own territory as well as within the territory of other High Contracting Parties [...] and by

¹¹² Convention for the Protection of Cultural Property in the Event of Armed Conflict (adopted 14 May 1954, entered into force 7 August 1956) 249 UNTS 240, art 1(a), Preamble.

¹¹³ Ibid art 4.

¹¹⁴ Roger O’Keefe, ‘World Cultural Heritage: Obligations to the International Community as a Whole’ (2004) 53(1) International and Comparative Law Quarterly.

¹¹⁵ Convention 1954 (n 112) art 3.

refraining from any act of hostility, directed against such property.”¹¹⁶ In addition, parties have “to introduce [...] and to foster in the members of their armed forces [in time of peace] a spirit of respect for the culture and cultural property of all peoples. [...] to plan or establish in peacetime, 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 it”¹¹⁷

In theory, this means the Hague Convention imposes duties both during hostilities and in times of peace. In practice, it can be argued that although it imposes certain positive obligations during peacetime, such as documenting heritage sites, training personnel, and fortifying cultural landmarks, these duties are framed as preventive measures, and the Convention lacks concrete enforcement mechanisms to ensure compliance.

1.2. 1999 Second Protocol to the Hague Convention

The 1999 Second Protocol to the Hague Convention was adopted to strengthen the 1954 Convention’s efficacy. It refines the Convention’s rules and introduces an “enhanced protection” status for cultural sites of greatest importance to humanity.¹¹⁸ Moreover, it gives the incentive to States Parties to nominate sites for inscription on an international list, committing not to use them for military purposes or target them.¹¹⁹ The Second Protocol also defines clearly and restrictively the limits of “military necessity”¹²⁰, defines serious violations (such as intentionally attacking protected sites)¹²¹ and obligates States to criminalize and punish these acts.

These measures seem to better the enforcement methods, but one might argue that they remain heavily state dependent. Enhanced protection is granted by an international committee, but only if the state controlling the site requests or consents to it, and the duty to prosecute offenders lies primarily with state authorities. This was not a surprising decision by the drafters of the Protocol, as the concept of

¹¹⁶ Ibid art 4.

¹¹⁷ Ibid art 7.

¹¹⁸ Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (adopted 26 March 1999, entered into force 9 March 2004) art 10.

¹¹⁹ Ibid art 11.

¹²⁰ Ibid art 6.

¹²¹ Ibid art 14.

territorial sovereignty is firmly embedded in international politics, and thus in international law.¹²² That is why it was decided to add some clarifying paragraphs to the Protocol. Art. 22(3) stipulates that nothing in the Second Protocol “shall be invoked for the purpose of affecting the sovereignty of a state or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the state.” According to Art. 22(5) nothing in the Protocol “shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.” Furthermore, in the Hague Convention and its two protocols, the emphasis is put on the “artistic” and “historic” importance of sites. Religious property with less or no historic or artistic importance is thus not fully protected.¹²³ Moreover, if a cultural site does not meet the threshold of “the greatest importance for humanity” as outlined in paragraphs 32–37 of the Guidelines of the Protocol, it cannot be granted enhanced protection.¹²⁴ This high threshold ensures that enhanced protection is reserved only for those sites with the most exceptional cultural significance, which can be considered problematic. In Nagorno-Karabakh the probability of “enhanced protection” status of Armenian monuments under the Second Protocol is highly unlikely to be applicable as the responsible party (Azerbaijani state itself) is not likely to request it. Even if a site is listed, the deterrent is only as effective as the state’s willingness to abide by the law. The Second Protocol does empower States Parties to prosecute serious violations (and requires either prosecution or extradition of offenders),¹²⁵ but as noted, “serious violation” cases are only be tried in the offender’s own jurisdiction in the absence of an international court’s involvement. In sum, the tools added in the 1999 Protocol enhance the scope of protection in comparison with the 1954 Convention, but rely on good-faith, which is precisely what is missing when cultural destruction is state-driven.

2. UNESCO Frameworks

2.1 UNESCO Convention of 1972

The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972 (the World Heritage Convention - WHC) is one of the most important pillars of

¹²² Sigrid Van der Auwera, ‘International Law and the Protection of Cultural Property in the Event of Armed Conflict: Actual Problems and Challenges’ (2013) 43(4) *Journal of Arts Management, Law, and Society* 175, 182.

¹²³ *Ibid* 179.

¹²⁴ Jan Hladík, ‘How the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 Contribute to Better Protection of Cultural Property’ (2022) 104 *International Review of the Red Cross* 1.

¹²⁵ Second Protocol 1999 (n 118), arts 15-18.

international heritage law. The WHC is the world's most widely ratified cultural heritage treaty, with near-universal participation. As such, it is the main source of reference for heritage regulation by both international and domestic law, and the fundamental legal instrument related to heritage in peacetime.¹²⁶ The WHC sets up a system for identifying and safeguarding sites of “Outstanding Universal Value” through the World Heritage List and for fostering international cooperation in preservation. The convention replaces “property” with “heritage” and also accepts the sites with aesthetic, ethnological, and anthropological values as a part of cultural heritage.¹²⁷ A positive development in the practice of the Committee is that modification or reconstruction of heritage can be treated as a form of destruction under international law.¹²⁸ Under this treaty, it is the responsibility of states to nominate sites within their territory for World Heritage status and, as such they are primarily responsible for their protection. Neither the World Heritage Committee nor the Member States can, under the Convention, force a State Party to nominate a site, regardless of the need for preservation.¹²⁹ But there is no enforcement mechanism to prevent a state from willfully neglecting or even destroying its own cultural sites. At most, the World Heritage Committee can issue warnings, place a site on the “List of World Heritage in Danger,” or, in extreme cases, delist a site from the World Heritage List. These measures are diplomatic and reputational and they are not legal sanctions that create compliance effect. In post-war areas, this framework has proven ineffective.

Many Armenian churches and monuments in the Karabakh region are of great historical significance, but none are yet included in the World Heritage List (due in part to the disputed status of the territory and lack of state cooperation in nominations). Even if they had been on the List, once Azerbaijan asserted partial-sovereignty after 2020 and a full one after 2023, UNESCO and the international community could do little beyond urging preservation and announcing concerns. UNESCO's cultural treaties generally do not provide clear substantive rights to cultural heritage for individuals and communities¹³⁰ and impose no penalties on states that destroy these heritages. The Convention manifests this shortcoming: it proclaims that certain cultural sites form part of the “heritage

¹²⁶ Lucas Lixinski, ‘Destruction of Cultural Heritage in Peacetime and International Law’ (UNSW Law Research Paper No 65, 10 August 2023) 4 <<https://ssrn.com/abstract=4681655> accessed> 7 June 2025.

¹²⁷ Peter Schneider (ed), *Catastrophe and Challenge: Cultural Heritage in Post-Conflict Recovery* (Proceedings of the Fourth International Conference on Heritage Conservation and Site Management, BTU Cottbus, 5–7 December 2016) 39.

¹²⁸ *Ibid* 6.

¹²⁹ Elizabeth Betsy Keough, ‘Heritage in Peril: A Critique of UNESCO's World Heritage Program’ (2011) 10 *Washington University Global Studies Law Review* 593, 601.

¹³⁰ Marc-André Renold and Alessandro Chechi, ‘International Human Rights Law and Cultural Heritage’ in James Cuno and Thomas G Weiss (eds), *Cultural Heritage and Mass Atrocities* (Getty Publications 2022) 405.

of all humanity,” yet ultimately it defers to national authorities to care for or to potentially neglect and even obliterate those sites.

2.2. UNESCO’s 2003 Convention on the Safeguarding of Intangible Cultural Heritage

Notably, intangible heritage also lies outside the scope of the 1972 Convention. That gap was only later addressed by UNESCO’s 2003 Convention on the Safeguarding of Intangible Cultural Heritage. While the cultural heritage represents the physical manifestations of a culture, the intangible heritage includes living practices, languages, rituals, oral traditions that are passed down from one generation to another and.¹³¹ The unique aspect of the intangible heritage regime is that it protects cultural expressions not for their inherent value, but because they are connected to a community that views preserving its living culture as a human right, in order to sustain its collective identity beyond the lifespan of individual members.¹³² But the 2003 Convention, much like the 1972 World Heritage Convention, is premised on state-led practices of identification and safeguarding of traditions.¹³³ In light of the implication of intangible cultural heritage as strictly interrelated with the cultural identity of its creators and bearers, it is logical that proper safeguarding of the heritage can be achieved only through ensuring the deepest possible involvement of such communities, groups, and individuals in the process. Unfortunately, during the drafting of the Convention for the Safeguarding of the Intangible Cultural Heritage community participation was given only a very limited role by states. Although a few references to community involvement were included in the final text, they did not impose strong legal obligations on states to actually involve these communities. For example, Article 11(b) states that countries should identify and define intangible cultural heritage within their territory with the participation of communities, groups, and relevant NGOs. Likewise, Article 15 encourages states to try to ensure broad participation by communities, groups, and individuals in maintaining and managing such heritage - but the used language is weak and does not require concrete action.¹³⁴ As demonstrated in Chapter II, the destruction of khachkars continues to be a threat, despite their UNESCO-recognized status as intangible heritage.

¹³¹ Convention for the Safeguarding of the Intangible Cultural Heritage (adopted 17 October 2003, entered into force 20 April 2006) art 2 <<https://ich.unesco.org/en/convention>> accessed 18 June 2025.

¹³² *Ibid* 399.

¹³³ *Ibid*.

¹³⁴ Federico Lenzerini, ‘Intangible Cultural Heritage: The Living Culture of Peoples’ (2011) 22(1) EJIL 101, 111–112.

2.3. UNESCO Declaration 2003

The UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage (Declaration) was adopted in 2003 by the General Conference to condemn the shocking demolition of the monumental statues of the Buddhas of Bamiyan committed by the Taliban in 2001.¹³⁵ The 2003 Declaration is adopted as a soft law with a broad definition of the scope of heritage. It includes heritage both in peacetime and wartime, but has a focus on “particularly odious acts and not [...] all acts of destruction of cultural heritage”, meaning the Declaration “does not refer to the destruction of cultural heritage in peacetime when it is done during “lawful activities”.”¹³⁶ Furthermore, the Declaration stresses that the deliberate destruction of cultural sites of special importance to humanity constitutes a violation of customary international law.¹³⁷ Moreover, such acts give rise to both state responsibility and individual criminal liability, whether for the destruction itself or for the failure to comply with the obligation to take appropriate measures for its protection. In relation to state responsibility, the original draft of the Declaration made explicit reference to “cultural heritage which is of special interest for the community directly affected by such destruction”, but eventually it was excluded. The exclusion of the language on community was partly to do with an imagined higher threshold for heritage that is the object of this Declaration. Thus, only heritage of a particular international importance falls under the protection of the Declaration.¹³⁸

3. The Rome Statute of the International Criminal Court

In recent years, the International Criminal Court (ICC) has recognized intentional destruction of cultural heritage as part of serious international crimes. The ICC's interest in cultural destruction stems from the Rome Statute, particularly Article 8, which classifies certain acts as war crimes. The 2021 Policy published by ICC builds on the existing provisions by interpreting cultural heritage more broadly than

¹³⁵ Lixinski (n 126) 2.

¹³⁶ Jan Hladík, ‘The UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage’ (2004) 9(3) Art Antiquity and Law 215, 225.

¹³⁷ UNESCO, ‘Declaration Concerning the Intentional Destruction of Cultural Heritage’ (adopted 17 October 2003) Preamble.

¹³⁸ Lixinski (n 126) 9.

previous definitions. It recognizes both tangible and intangible cultural expressions, including traditions, rituals, knowledge systems, and even natural heritage sites that carry cultural value.¹³⁹

3.1. Legal Pathways for Prosecuting Cultural Destruction

3.1.1. War crimes: These include direct attacks on protected objects¹⁴⁰ indiscriminate attacks causing cultural damage¹⁴¹ and unlawful appropriation¹⁴² or pillaging of cultural property.¹⁴³ These provisions are important for addressing looting of museums, archives, and other repositories of cultural memory. They also enable the prosecution of actors involved in the illicit antiquities trade, especially in cases where cultural property is commodified during conflict. Specifically, Article 8(2)(b)(ix) (international conflicts) and 8(2)(e)(iv) (non-international conflicts) criminalize intentional attacks against buildings dedicated to religion, education, art, science, or charitable purposes, and historic monuments, when they are not military objectives. Additionally, these provisions prohibit the destruction or seizure of an adversary's property not justified by military necessity. The ICC's interpretation, informed by case law from ad hoc tribunals like the ICTY, confirms that it is not necessary for such objects to be of "outstanding universal value" (in comparison with the UNESCO convention), their designation as cultural heritage is sufficient¹⁴⁴. Additionally, attacks that cause incidental damage to cultural sites may be prosecuted if they are deemed disproportionate in relation to the anticipated military advantage.¹⁴⁵ The Court also considers the degree of cultural significance and the harm inflicted when evaluating gravity and admissibility.¹⁴⁶

However, the eventual application of these provision in the Nagorno-Karabakh context raises complex jurisdictional questions. Azerbaijan is not a party to the Rome Statute, whereas Armenia became a State Party in February 2024. Thus the ICC does not have territorial jurisdiction over crimes committed in Nagorno-Karabakh unless Azerbaijan consents or the UN Security Council refers the situation. However, the ICC may gather evidence for future admissibility if jurisdiction becomes available through

¹³⁹ ICC Office of the Prosecutor, Policy on Cultural Heritage: Article 3 Executive Summary (June 2021) Executive Summary <<https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>> accessed 23 June 2025.

¹⁴⁰ Rome Statute of the International Criminal Court 1998, arts. 8(2)(b)(ix), 8(2)(e)(iv).

¹⁴¹ Ibid arts 8(2)(b)(ii), 8(2)(b)(iv).

¹⁴² Ibid arts 8(2)(a)(iv), 8(2)(b)(xiii), 8(2)(e)(xii).

¹⁴³ Ibid arts 8(2)(b)(xvi), 8(2)(e)(v).

¹⁴⁴ ICC Office of the Prosecutor (n 144) 15.

¹⁴⁵ Rome Statute (n 145) art 8(2)(b)(iv).

¹⁴⁶ Ibid art 17(1)(d).

future declarations or state referrals. Therefore, if the destruction is proven to be intentional, not justified by military necessity, and directed at sites of cultural and historical importance, it could fall under Article 8(2)(b)(ix)¹⁴⁷ as a war crime. The Office of the Prosecutor could also assess whether incidents qualify under other provisions if linked to broader patterns of abuse.

3.1.2. Crimes Against Humanity:

Cultural destruction can also form part of broader attacks on civilian populations, particularly under the crime of persecution (Art. 7). If destruction of Armenian churches, cemeteries, and monuments is found to be part of a systematic campaign to target civilians or erase their cultural presence due to their national, ethnic, or religious identity, such acts could be prosecuted under Article 7(1)(h). The Rome Statute requires that the acts be committed as part of a widespread or systematic attack directed against a civilian population, and that they be committed with discriminatory intent.¹⁴⁸

Crimes against or affecting cultural heritage, when part of a wider scheme, can cause such duress or fear of violence, qualifying as coercive acts causing forced displacement.¹⁴⁹ For example, a concerted effort to suppress the culture of a community under occupation can lead to a deep sense of insecurity and repression, causing some members of the community to flee elsewhere to practise their culture freely. Moreover, the destruction or appropriation of cultural can dissuade the displaced population from returning.¹⁵⁰

In turn, forced displacement also has devastating effects on a group's cultural heritage. Lack of access to sacred sites and the population's inability to perform traditional rituals can make it impossible for some communities to keep their religion alive. As a result, the destruction of family and social structures, which often accompany forced displacement, can make it impossible to carry on with certain traditions and to pass them on to future generations. The policy explicitly states that the removal of certain persons from a community can have a disastrous effect on that community's cultural heritage - for example, in the case of religious or spiritual leaders.¹⁵¹ In addition, sacred or otherwise heritage sites abandoned by forcibly displaced populations may be exposed to further destruction. While the ICC has

¹⁴⁷ Ibid art 8(2)(b)(ix).

¹⁴⁸ Ibid art 7.

¹⁴⁹ Al Mahdi Reparations Order, para. 85

¹⁵⁰ ICC Office of the Prosecutor (n 144) art 70.

¹⁵¹ Ibid.

not yet secured a conviction for cultural destruction under Article 7 of the Rome Statute, it has acknowledged in pre-trial proceedings (*Al Hassan case*)¹⁵² that such acts can support charges of persecution. The existence of this legal pathway is significant and should be utilized, particularly when cultural targeting accompanies forced displacement, killings, or other serious human rights violations.

3.1.3. Genocide and Aggression: While not yet invoked, cultural destruction can serve as evidence of genocidal intent or as a component of broader aggression under Article 6 and Article 8. But the issue here is that the legal threshold for genocide is high as it must be proven that acts were committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. The destruction of cultural heritage alone is insufficient, but when paired with acts like killing, causing serious bodily or mental harm, or imposing measures to prevent births, it may serve as sufficient evidence of genocidal intent. Despite the obvious links between persecution and genocide and increasing discussion of the shortcomings of the definition of genocide in both the 1948 Convention and the Rome Statute, there are no indications among the international community to develop the law in relation to this crime so as to encompass cultural genocide.¹⁵³

In Nagorno-Karabakh, it is possible to argue that as Armenian cultural destruction is accompanied by displacement, denial of return, and other acts affecting the survival of the community as a group, genocide charges could be considered. However this is a very complex legal pathway - there is currently no ICC precedent for convicting cultural destruction as genocide, and proving genocidal intent in general remains the most significant challenge.

3.2. The Prosecutor v Ahmad Al Faqi Al Mahdi

The ICC's first and so far only conviction for cultural destruction remains *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (2016), in which the accused pleaded guilty to attacking nine mausoleums and a mosque in Timbuktu, Mali. Prosecuted under Article 8(2)(e)(iv), this case set a precedent for treating cultural destruction as a standalone war crime. Ahmad Al Mahdi pled guilty to the war crime of intentionally attacking historic and religious monuments (the mausoleums of Timbuktu), and the ICC sentenced him to nine years' imprisonment. The Al Mahdi case was hailed as a precedent affirming that

¹⁵² The Prosecutor v Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (ICC-01/12-01/18) International Criminal Court.

¹⁵³ Samuel White, 'Heritage in War: International Criminal Responsibility for the Destruction of Cultural Heritage in Armed Conflict' in Gianluigi Mastandrea Bonaviri and Mirosław Sadowski (eds), *Heritage in War and Peace: Legal and Political Perspectives for Future Protection* (Springer 2024) 12-13.

cultural destruction as such is a grave offense. Furthermore, the ICC even acknowledged that the “symbolic and emotional value” of the destroyed mausoleums for the local community and humanity at large when assessing the gravity of the crime¹⁵⁴. Yet, crucially, the ICC’s jurisdiction over such crimes is bounded by the Statute’s limits. It applies only to conduct during armed conflict (the charges in Al Mahdi were war crimes), or conceivably as crimes against humanity if the destruction is part of a widespread or systematic attack on a civilian population (as an element of persecution). Despite its symbolic and legal significance, the case left certain issues unresolved. The plea agreement avoided litigation on contested points such as the definition of “attack” or the necessary level of harm. Neither the Statute itself nor the Elements of Crimes, adopted pursuant to article 9 to supplement the Statute, indicate a definition of the word “attacks.”¹⁵⁵

Subsequent cases after that (*The Prosecutor v. Bosco Ntaganda*), have highlighted the challenges of prosecuting cultural destruction, particularly when the targeted sites are under the control of the perpetrator’s own forces. It is noteworthy that the International Criminal Court (ICC) shifted its language by recognizing that the destruction of cultural property affects not only local communities, but also has broader implications for the international community. The International Committee of the Red Cross described this as a “bold and notable move,” highlighting its global significance.¹⁵⁶ Interestingly, the decision to prosecute only war crimes in this case has been widely debated. Some scholars argue that this legal approach was flawed, as there appears to be evidence that may justify a more substantial analysis of the application of crimes against humanity to the destruction of cultural property in Mali.¹⁵⁷

4. Case Study – Armenia v. Azerbaijan at the ICJ:

A significant milestone in addressing the destruction of Armenian cultural heritage on international level has come through a surprising avenue at the International Court of Justice. In September 2021, Armenia initiated a case against Azerbaijan under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Azerbaijan subsequently filed a reciprocal case against Armenia under the same treaty. In the case against Azerbaijan, the argument for the cultural

¹⁵⁴ The Prosecutor v Ahmad Al Faqi Al Mahdi (Judgment and Sentence) ICC-01/12-01/15-171

¹⁵⁵ William Schabas, ‘Al Mahdi Has Been Convicted of a Crime He Did Not Commit’ (2017) 49 Case Western Reserve Journal of International Law 75.

¹⁵⁶ Michie (n 110) 29.

¹⁵⁷ White (n 153) 11.

heritage protection was based primarily on Azerbaijan's violation of Article 2¹⁵⁸, which requires states to pursue by all appropriate means a policy of eliminating racial discrimination in all its forms, as well as Articles 5(d)(vii) and 5(e)(vi), which impose an obligation to guarantee to everyone, without racial discrimination, the enjoyment of freedom of religion and the right to equal participation in cultural activities. In Armenia's view, these provisions require, inter alia, the protection and preservation of the Armenian historical, cultural, and religious heritage by Azerbaijan.

According to Armenia, the Azerbaijani authorities violated the right of persons of Armenian ethnic or national origin to enjoy their cultural heritage, including by "systematically destroying and falsifying Armenian cultural sites and heritage".¹⁵⁹ In the provisional measures phase of the case, the ICJ made a landmark order. On 7 December 2021, the Court indicated a provisional measure that "Azerbaijan shall take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries, and artifacts". This was a striking recognition by the World Court that the protection of tangible cultural heritage can fall under the scope of CERD. It marked the *first time* that rights related to cultural heritage per se were explicitly safeguarded by an ICJ order through a human rights convention. Article 5(e)(vi) of the CERD is strongly linked to Article 27 of the Universal Declaration of Human Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights. By interpreting Azerbaijan's actions through the lens of Article 5(e)(vi) (which guarantees equal participation in cultural life), the International Court of Justice effectively paved the way for the recognition of a human right to cultural heritage, a position that has been consistently supported by UN special rapporteurs on cultural rights¹⁶⁰. In essence, the ICJ acknowledged prima facie that Armenia's allegation that destroying Armenian monuments because they are Armenian is a form of ethnic discrimination. The Court found there was a "real and imminent risk" of irreparable harm to the right of Armenians to their cultural heritage, warranting an urgent order.

¹⁵⁸ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195, art 2.

¹⁵⁹ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v Azerbaijan) (Application Instituting Proceedings and Request for Provisional Measures) [2021] ICJ Rep (filed 16 September 2021).

¹⁶⁰ Lando Kirchmair, 'Cultural Heritage and the International Court of Justice: Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021' (2022) International Journal of Cultural Property 571.

Despite the issued provisional measures in regard the protection, enforcement had been a serious concern. Between the ICJ's December 2021 order and early 2024, evidence emerged that Azerbaijan did not fully comply with the order as official authorities or associated actors continued to carry out or permit acts of cultural destruction. Following Azerbaijan's military offensive in September 2023, Armenia urged the Court to uphold the obligations it had imposed on Azerbaijan in its December 2021 judgement. Additionally, a request was made to the Court to specifically prohibit Azerbaijani authorities from altering or destroying monuments commemorating the 1915 Armenian Genocide, as well as other Armenian cultural sites and artifacts located in Nagorno-Karabakh. Armenia argued that the risk of destruction or desecration had increased as a greater number of cultural sites had come under Azerbaijani control post-2023.¹⁶¹

Despite that, the ICJ decided not to issue any new binding measures in response. Instead, it accepted a declaration made by Azerbaijan during the public hearings, in which it committed to protect and not damage or destroy cultural monuments, artifacts and sites in Karabakh. The Court simply requested that Azerbaijan reports on the steps taken to implement this commitment in its periodic updates on the implementation of the provisional measures. In a November 2024 judgment on preliminary objections, the ICJ completely dismissed Azerbaijan's challenges to jurisdiction, meaning the case would proceed to a full examination on the merits.¹⁶² The Court underscored its willingness to engage with the substance of Armenia's claims, which included the destruction of cultural heritage as one component of alleged ethnic discrimination. Thus, at least in principle, the highest judicial organ of the UN is now poised to assess whether Azerbaijan's treatment of Armenian cultural sites violates an international treaty.

In its application for provisional measures, Armenia requested a comprehensive and proactive set of obligations from the ICJ to safeguard Armenian cultural heritage in territories under Azerbaijani control. This included not only preventing and punishing acts of vandalism and destruction, but also prohibiting alterations, allowing Armenians to access and enjoy their heritage sites, and actively

¹⁶¹ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v Azerbaijan), Request for the Indication of Provisional Measures, Order of 28 September 2023, International Court of Justice.

¹⁶² ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v Azerbaijan), Judgment, 12 November 2024.

facilitating preservation efforts.¹⁶³ Armenia aimed to secure both protection and participation rights under CERD, particularly in light of ongoing concerns about cultural erasure. However, the ICJ's order was more limited in scope. The Court did not fully adopt Armenia's formulation as it did *not* explicitly mention these more symbolic and narrative-related concerns of alteration (specifically listed in Armenia's application) or access-related harms concerning Armenian clergy/pilgrims entry to holy sites. That said, the Court instructed Azerbaijan to "take all necessary measures to prevent and punish acts of vandalism and desecration" affecting Armenian cultural heritage.¹⁶⁴ The Court narrowed its response to the most immediate and clearly justifiable threats. This indicates the Court's careful approach at the provisional measures stage, focusing on preventing irreparable harm while leaving broader claims for the full merits phase of the case.

The decision to include cultural heritage destruction into Article 5(e)(vi) of the CERD was criticised by two of the 15 judges - Judge Yusuf and judge Keith. According to Judge Yusuf, the provisions of the CERD are intended to protect fundamental human rights and freedoms, and not the cultural heritage of mankind, the protection of which is provided in other international instruments such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict¹⁶⁵. According to him and other critics this judgement would open a Pandora box to use CERD for purposes outside of the scope of the Convention. Furthermore, the order has little relevance to the cases of destruction of cultural heritage by non-state actors, such as the Islamic State who targeted the cultural heritage in Mali, Iraq, or Syria. Regardless, this judgement is an important milestone in international law as it opens new opportunities for preventing collective cultural harm to vulnerable communities and seeking accountability. While the ICJ's recognition of cultural heritage under CERD was groundbreaking, it also highlighted a persistent problem: the lack of meaningful enforcement and on-the-ground monitoring. As the following sections show, even landmark legal rulings remain largely symbolic when institutions like UNESCO are constrained by the very states they are meant to monitor.

¹⁶³ Ibid.

¹⁶⁴ ICJ, Application (n 167).

¹⁶⁵ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v Azerbaijan), Dissenting Opinion of Judge Yusuf, Order on Provisional Measures, 17 November 2023, ICJ, Document No 180-20231117-ORD-01-01-EN.

5. UNESCO and the limits of protection in Nagorno-Karabakh

The UNESCO framework elevates the idea that certain cultural sites/heritage belong to all humanity, but in reality, humanity has to politely ask the sovereign's permission to save them. This exposes a fundamental tension in international cultural heritage law: the ideal of *common heritage* versus the reality of state sovereignty. When those clash in international law, as they have in this instance, sovereignty usually wins - to the detriment of the heritage and the community for whom it bears meaning. Moreover, UNESCO's ability to do its duties of safeguarding heritage has often been undermined by political constraints, structural limitations, and what can be described as a habitual "neutrality" that often obscures existing asymmetries on the ground. The aftermath of the 44-Day War offers a clear illustration of these institutional blind spots.

After the 2020 war, UNESCO publicly recognized the need to monitor the situation in and around Nagorno-Karabakh, proposing to send an independent expert mission to evaluate Armenian heritage sites under Azerbaijani control.¹⁶⁶ Armenia gave agreement to this idea, but there was no indication for approval by the Azerbaijani side. But as it was already established, under the terms of the 1954 Hague Convention's protocols, such a mission could only proceed with the formal consent of both parties. That consent never fully materialized. By December 2020, UNESCO diplomatically reported that "only the response of Azerbaijan is still awaited for UNESCO to proceed" with the mission. Azerbaijani authorities were approached several times without success, eventually refusing access for any impartial assessment on the ground¹⁶⁷. To date, no UNESCO mission has been allowed to visit the Armenian cultural sites in the areas that were ceded to Azerbaijan. This exposes a structural weakness: UNESCO's deference to state sovereignty means that a state determined to exclude international observers can do so, even if that state is credibly accused of violating the very conventions UNESCO oversees. Moreover, in late 2024, a senior UNESCO official stated that they had been monitoring reports of alleged destruction with concern.

¹⁶⁶ 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://en.unesco.org/news/nagorno-karabakh-reaffirming-obligation-protect-cultural-goods-unesco-proposes-sending-mission>> accessed 17 April 2025.

¹⁶⁷ UNESCO's press release, UNESCO is awaiting Azerbaijan's Response regarding Nagorno-Karabakh mission (21 December 2020), <<https://en.unesco.org/news/unesco-awaiting-azerbaijans-response-regarding-nagorno-karabakh-mission>>, accessed on 12 April, 2023.

However, the planned mission to be dispatched to the region could no longer proceed under the framework of the 1954 Hague Convention, as the circumstances on the ground had changed.¹⁶⁸

Furthermore, throughout the renewed military tensions in NKR in 2020, UNESCO largely refrained from assigning blame or even describing the situation in frank terms. It initially adopted a firm neutral stance – calling on “all parties” to protect cultural heritage – despite the fact that the threat was overwhelmingly one-sided (Armenian heritage under Azerbaijani control).¹⁶⁹ This balanced rhetoric, while consistent with UNESCO’s diplomatic style, created a false equivalence. It failed to name the perpetrator of documented acts of destruction and thus emboldened further cultural violence. Months after the war, as evidence mounted of Azerbaijan’s removal of Armenian monuments, UNESCO would simply say it was concerned by “reports” of heritage vandalism, while reminding Azerbaijan of its obligations. Azerbaijani officials, for their part, denied any wrongdoing and applied a mirroring narrative blaming Armenians of widespread destruction of Azerbaijani heritage in Armenia while asking UNESCO to assess these reports.¹⁷⁰

Indeed, UNESCO’s own history with Azerbaijan raises questions about too many political considerations. In fact, Azerbaijan has carefully courted UNESCO in the past: for instance, the country’s First Vice-President (and First Lady) Mehriban Aliyeva was made a UNESCO Goodwill Ambassador in 2004, for her work on oral and musical traditions. In 2013, UNESCO’s Paris headquarters hosted an exhibition titled “*Azerbaijan – A Land of Tolerance*,” showcasing the country’s multicultural heritage.¹⁷¹ In many ways this a classic case of “art-washing” a reputation through an international institution, projecting a facade of tolerance and culture while continuing xenophobic policies on the ground. Whether due to realpolitik or bureaucratic reasons, UNESCO’s public diplomacy mostly muted its response to Azerbaijan’s behavior. There was no strong “naming and shaming” as we have seen in other cases (for

¹⁶⁸ Davit Mamyán, ‘UNESCO concerned about reports of cultural heritage destruction in Nagorno-Karabakh’ (Armenpress, 30 October 2024) <<https://armenpress.am/en/article/1193031>> accessed 24 May 2025.

¹⁶⁹ UNESCO Statement on the Situation in Nagorno-Karabakh” (UNESCO) <<https://www.unesco.org/en/articles/nagorno-karabakh-reaffirming-obligation-protect-cultural-goods-unesco-proposes-sending-mission>> accessed 24 May 2025.

¹⁷⁰ Ministry of Foreign Affairs of the Republic of Azerbaijan, ‘No:479/20, Commentary of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan to the UNESCO Press Release on Sending of a Mission to Azerbaijan’ (20 November 2020) <<https://mfa.gov.az/en/news/no47920-commentary-of-the-press-service-department-of-the-ministry-of-foreign-affairs-of-the-republic-of-azerbaijan-to-the-unesco-press-release-on-sending-of-a-mission-to-azerbaijan>> accessed 24 May 2025.

¹⁷¹ Heydar Aliyev Foundation, ‘A Photo Exhibition Entitled “Azerbaijan – A Land of Tolerance” in Paris’ (Heydar Aliyev Foundation, undated) <<https://heydar-aliyev-foundation.org/en/content/view/139/2932/A-photo-exhibition-entitled-“Azerbaijan—A-Land-of-Tolerance”-in-Paris>> accessed 24 May 2025.

example, UNESCO's outspoken condemnation of ISIS's destruction in Palmyra, Syria). Instead, UNESCO's tone remained polite and grounded.

5.1. Alternative routes to monitoring:

Because UNESCO was blocked from accessing Karabakh, the task of monitoring Armenian heritage fell to other institutions such as Caucasus Heritage Watch (CHW) - a research initiative led by scholars at Cornell and Purdue Universities. CHW began using high-resolution satellite imagery to remotely monitor hundreds of Armenian cultural sites under Azerbaijani control. Through periodic reports, CHW documents alarming changes: churches that suddenly vanish or are defaced, graveyards that are bulldozed or are in particular danger. Another independent academic platform is the "Monument Watch" which describes its mission as one "that registers and presents the state of the cultural heritage of Artsakh, its changes, giving comments based on professional knowledge and within the academic ethical framework."¹⁷² In essence, CHW and similar organisations are doing what UNESCO could not do due to the limitations imposed by their own regime. In many ways due to collective advocacy efforts of these organisations, they enabled regional political action: prompted the European institutions to pay attention. In March 2022, the European Parliament overwhelmingly adopted a resolution condemning Azerbaijan's "policy of erasing and denying Armenian cultural heritage" in and around Nagorno-Karabakh.¹⁷³ This resolution was a landmark document – it not only condemned the acts, but also situated them in the context of a broader state-sponsored campaign of Anti-Armenian sentiment and historical revisionism. It stressed that cultural heritage has a "universal dimension as evidence of history inseparable from the identity of peoples,"¹⁷⁴ and it asserted that protecting such heritage should be integral to resolving the conflict.

On a regional level, this acknowledgement is a big achievement for bringing awareness to the issue, but as it is only a declaration, it lacks any other effect than symbolic one. One can compare the overall treatment of the urgency of this question with how heritage crimes were handled in wartime Bosnia or Croatia in the 1990s. There, international outrage plus the existence of the ICTY led to several

¹⁷² Monument Watch, 'Who We Are' (Monument Watch) <<https://monumentwatch.org/en/who-we-are/>> accessed 26 May 2025.

¹⁷³ European Parliament, Resolution on the destruction and appropriation of cultural heritage in Nagorno-Karabakh (22 February 2022) [2022] TA 9-0080 EN <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0080_EN.html> accessed 20 May 2025.

¹⁷⁴ Ibid art 3.

prosecutions, and in some cases even reconstruction of destroyed landmarks.¹⁷⁵ In Nagorno-Karabakh's case, by contrast, the only international tribunal as of now involved in holding accountability for cultural destruction came at ICJ under CERD.

VI. Broader Discussion

1. Memoricide as Statecraft: A SANE Model Analysis of Cultural Erasure in Nagorno-Karabakh

As illustrated in Chapter IV, the destruction of Armenian cultural heritage in Nagorno-Karabakh constitutes a clear case of memoricide - not as a singular or spontaneous act of wartime vandalism, but as a carefully curated process of cultural erasure. This erasure is a multi-layered, led and operated through coordinated state policies. Building on the SANE model introduced earlier, this chapter contends that memoricidal policies in this context operate as a mode of governance, actively obstructing the return of Armenians by erasing their cultural memory. This type of memory is not abstract. As Halbwachs observes, groups engrave their form upon the landscape ("soil") and it is within these spatial frameworks that collective memory is formed, sustained, and retrieved. When these places are changed or destroyed, the ability to remember is disrupted.¹⁷⁶ Remarkably, the tools generally used in post-conflict normalization processes, namely restoration, mapping, documentation, are used in this case not to preserve memory, but to suppress it. In Nagorno-Karabakh, this targeting of spatial anchoring extends further through historical revisionism as a means to enforce legitimacy. To see how this process unfolds in practice, the following analysis will apply each component of the SANE framework. While memory politics is often understood as a space of competing narratives, in post-2023 Nagorno-Karabakh it is characterized by asymmetry, where one actor (the Azerbaijani state) uses its control over the territory, institutions, and cultural sites to erase and replace the collective memory of the exiled Armenian population. This constitutes a form of memory politics rooted not in dialogue, but in discourse domination.

¹⁷⁵ Helen Walasek, 'Cultural Heritage and Memory after Ethnic Cleansing in Post-Conflict Bosnia-Herzegovina' (2019) 101(1) *International Review of the Red Cross* 273.

¹⁷⁶ Halbwachs (n 15).

1.1. Sites

In the context of memory politics, *sites* are embodiment of physical places where collective memory is anchored and expressed. These places include cemeteries, monuments, museums, artefacts any space or object that has been imbued with material representations of memory¹⁷⁷. They help tie historical narratives to specific locations, making memory tangible and spatial. This proces of *place-making* include different social, political, and emotional practices that transform a location into a meaningful "site of memory."¹⁷⁸ It should be noted that these sites are not neutral or static as they are often interpreted differently by various groups. In Nagorno-Karabakh sites of memory have always been involved in war over historical legitimacy. Often they can be manifested through “everyday” and “extreme” level of memory killing.¹⁷⁹ On one side, the “*We Are Our Mountains*” monument for Karabakh Armenians is an iconic symbolic representation of their historical roots to these lands. Yet, its meaning has been completely shifted in Azerbaijani control. Namely, they have attempted to co-opt the monument into a narrative of a proof of multiethnic toleranc or to frame it as a neutral Soviet-era artefact with no particular ethno-national significance. Furthermore, the monument has been used by the Azerbaijani public as a mockery place to write inscriptions on it and attach Azerbaijani flags on it as a form of authority assertion.¹⁸⁰ In this way, *the monument* becomes a site of domination masked as preservation.

Similarly, khachkar memorials unique to Armenian culture, represent not only sacred artistry, but also forms of testimonies of historic presence. Their targeting by the Azerbaijani state is not accidental as these structures are culturally distinct and can be found all over settlements near cemeteries, monasteries, hills. Thus their destruction constitutes a direct assault on the mnemonic infrastructure of Armenian identity. Typically, is is accompanied by desecretion of cemeteries, which is a particulary violent act in its implications. Indeed, as cemeteries bear the memory of the past, they reflect the historical

¹⁷⁷ Johanna Mannergren and others (eds), *Peace and the Politics of Memory* (Manchester University Press 2024) 21.

¹⁷⁸ *Ibid* 22.

¹⁷⁹ Webster (n 2) 1418.

¹⁸⁰ MonumentWatch, “‘We Are Our Mountains’ Monument: A Symbol of Azerbaijan’s National-Religious Tolerance?”, MonumentWatch (25 March 2024) <<https://monumentwatch.org/en/alerts/we-are-our-mountains-monument-a-symbol-of-azerbajjans-national-religious-tolerance/>> accessed 20 June 2025.

trajectory between territory and ethnic groups. Because of that, this form of violence often accompanies cases of genocidal campaigns.

1.2. Agents

1.2.1. *Azerbaijani Agents*

The SANE model stresses that memory politics is shaped by a diversity of agents - “formal or informal, elite or grassroots, individual or collective”.¹⁸¹ In the post-2023 context, the agents shaping memory are significantly reconfigured, with Azerbaijani state actors dominating the memoryscape. Most evidently, the Azerbaijani state in the face of the president Ilham Aliyev plays the most powerful and visible role. Key state institutions, including the Ministry of Culture, local government bodies, and affiliated historians and state-affiliated media, act as memory shapers who seek to reconstruct the landscape in line with the state’s national narratives. In addition, Azerbaijani historians and academics aligned with state ideology contribute to this process by parroting these narratives in the international sphere.

1.2.2. *Armenian Agents*

In contrast, The Armenian Apostolic Church, which once played a prominent role in preserving religious memory and identity, now has no presence in the region. Its leadership (Artsakh Diocese) is now completely cut off from its religious institutions functioning under its the jurisdiction. Moreover, the displacement of Armenians has resulted in the loss of access to their homes and cultural heritage sites, which carries a profound emotional and psychological toll. This loss is especially devastating given that many of those affected are descendants of survivors of pogroms and genocide. For them, displacement is not a singular event but part of a continuing chain of intergenerational trauma that began over a century ago and shows no sign of ending. In light of this, the inability for them to reconnect with ancestral spaces means that this historical wound remains open, and the process of healing and remembrance continues to be disrupted. The Armenian government, which until 2023 served as the main security guarantor for Nagorno-Karabakh, now prioritizes securing a peace treaty with Azerbaijan, often at the expense of acknowledging the lived experiences and grievances of Karabakh Armenians¹⁸². Its

¹⁸¹ Mannergren (n 177) 32.

¹⁸² Sossi Tatikyan, ‘Armenia and Azerbaijan at Odds Over Peace Process’ (26 February 2025) vol 22 Eurasia Daily Monitor <<https://jamestown.org/program/armenia-and-azerbaijan-at-odds-over-peace-process/>> accessed 2 June 2025.

current role is largely limited to providing refuge and representing Karabakh Armenians in international legal forums. This shift has led to tensions with the NKR government-in-exile, which criticizes Yerevan for marginalizing its voice. This issue will be addressed further, as the inability of Karabakh Armenians to legally assert their collective rights presents a significant obstacle to achieving justice and accountability.

While Armenian memory agents are excluded from physical engagement, new forms of agency have emerged in the diaspora and digital spheres. Diaspora Armenians, different NGOs, scholars, and activists have become key actors in resisting cultural erasure by documenting destruction, preserving oral traditions, and advocating on international and digital platforms. Digital memory archives, such as satellite imagery of heritage destruction, heritage-mapping initiatives, oral interviews and online exhibitions, can play a critical role in preserving evidence and maintaining a counter-narrative. Reconstructing memory is of utmost importance also for future generations to correctly remember and reflect their history. These agents engage in what could be termed *remote resistance* - sustaining cultural memory in exile. This reconfiguration of agents illustrates a memoryscape marked not only by the absence of the dispossessed, but also by the aggressive assertion of a new hegemonic memory regime.

1.3. Narratives

In memory politics, narratives are generally structured accounts that give meaning and coherence to events. But usually, they do not function as a reflection of reality, but as a “meaning-making instrument”.¹⁸³ These narratives are often used to construct collective identity by establishing boundaries between “us” and “them.”¹⁸⁴ They simplify complex historical relationships into concrete oppositions, reinforcing a sense of unity within the in-group while simultaneously excluding or demonizing the out-group. Narratives are not neutral recollections, but identity-making devices that shape how communities distinguish themselves from others. In the Azerbaijani current state narrative, Armenians are portrayed as historically illegitimate “alien” occupiers, while Azerbaijanis are cast as rightful restorers of territorial integrity. By this method of “othering” Armenians are positioned outside the collective “we” of Azerbaijani society. Narratives do not emerge spontaneously - they are curated, institutionalized and tied to power. According to Fernandes (2017), dominant narratives are mediated through processes of

¹⁸³ Mannergren (n 177) 26.

¹⁸⁴ Ibid 27.

translation and interpretation, they are rarely presented in pure form.¹⁸⁵ What is remembered and how it is framed depends on selective storytelling that aligns with political objectives. These narratives gain power not through their factual accuracy, but through repetition, visibility, and institutional endorsement. Usually states hold unparalleled resources for shaping collective memory through textbooks, media, monuments, and state rituals. This institutional power allows dominant groups to completely overwrite their version of history into public consciousness while marginalizing others. Azerbaijani-controlled institutions and media carefully curate a post-conflict narrative that emphasizes reconstruction, multiculturalism, and sovereignty. But as evidenced, state-led restoration projects are actually used to erase Armenian history and present the region's past in exclusionary way.

1.4. Events

Events refer to memory as a public, performative, and embodied practice, often expressed through rituals, protests, burials or parades.¹⁸⁶ In the context of Karabakh, events take two opposing forms. On one hand, state-sponsored ceremonies function as rituals of legitimization intended to assert a one-sided historical narrative. This sort of memory disruption can be found in the unveiling of “restored” monuments or national holidays used to celebrate military victory. Beginning in 2021, Azerbaijani authorities framed the term “*iron fist*” as a symbol of the victory during the 2020 War. At first glance, it appeared to be merely a figure of speech¹⁸⁷. However, this symbol soon materialized physically through statues erected in captured and ethnically cleansed towns like Hadrut¹⁸⁸. It was further ritualized in public events where President Aliyev repeatedly raised his fist during speeches displaying state power and punitive dominance over Armenians. A particularly provocative event occurred in Stepanakert, where, following the demolition of key state buildings of the NKR, Aliyev lit a Novruz bonfire, describing it as doing a “final cleaning.”¹⁸⁹ On the other hand, the denial of commemorative events such as the barring of Armenian mourning and pilgrimages practices, constitutes a form of anti-event: a deliberate

¹⁸⁵ Sujatha Fernandes, *Curated Stories: The Uses and Misuses of Storytelling* (Oxford University Press 2017).

¹⁸⁶ Mannergren (n 177) 29.

¹⁸⁷ Ilham Aliyev, ‘Address to the Nation’ (20 September 2023) <<https://president.az/en/articles/view/61113>> accessed 18 June 2025.

¹⁸⁸ “Iron Fist” monument erected in Azerbaijan’s Hadrut (en.azvision.az, 26 June 2021)

<<https://en.azvision.az/news/146245/-%E2%80%9Ciron-fist%E2%80%9D-monument-erected-in-azerbajians-hadrut--photos--.html>> accessed 5 May

¹⁸⁹ President of the Republic of Azerbaijan, ‘Ilham Aliyev lit Novruz Bonfire in the City of Khankendi’ (18 March 2024) <<https://president.az/en/articles/view/65376>> accessed 5 May 2025.

interruption of memory performance. Events “can also hinder transformation as they keep reinforcing the past and its significance for the present,” or inversely, erase avenues for continuity.¹⁹⁰

The use of the SANE model helps uncover the dynamics through which sites, agents, narratives, and events work in tandem to erase, rewrite, and replace cultural memory. By recognizing these interconnected layers of violence, this chapter reframes the destruction of Armenian heritage in Karabakh as more than cultural loss, but as a condition of exclusion that directly challenges the inherent cultural rights of Armenians.

2. Where International Law Falls Short in Nagorno-Karabakh: A *Jus Post Bellum* Perspective

Usually in the aftermath of a conflict, the transition process to peace is assumed to be legally straightforward – war starts, hostilities end, peace is established. Yet, as the case of Nagorno-Karabakh demonstrates, peace can mask new forms of structural violence. Existing international legal frameworks tend to focus on regulating the conduct of war (*jus in bello*) or justifying its initiation (*jus ad bellum*), but they offer limited guidance on what justice should look like once the fighting has stopped. This has led to the rise of the concept of *jus post bellum* (Latin for "justice after war"): body of principles and proposed legal norms designed to regulate the period following armed conflict.¹⁹¹ It aims to ensure a just, sustainable, and accountable transition to peace which includes restitution, institutional reform, transitional justice, and cultural restoration. Unlike putting the focus solely on achieving ceasefires or territorial settlements, *jus post bellum* is concerned with the broader normative tasks of legitimacy, and preventing future violence.¹⁹² Despite growing academic interest, *just post bellum* operates more as a moral imperative or interpretive framework than a codified set of rules. Scholars such as Jens Iverson argue that *jus post bellum* must be recognized as a “distinct phase of legal and normative regulation” that complements international humanitarian law (IHL), especially where post-conflict harms arise outside traditional battlefield conduct.¹⁹³

¹⁹⁰ Mannergren (n 177) 31.

¹⁹¹ Colleen Murphy, ‘Political Reconciliation, Jus post Bellum, and Asymmetric Conflict’ (2015) 62 *Theoria* 5.

¹⁹² Carsten Stahn, Jennifer S Easterday and Jens Iverson (eds), *Jus Post Bellum: Mapping the Normative Foundations* (Oxford University Press 2014) 2.

¹⁹³ *Ibid* 56.

In Nagorno-Karabakh, while military operations may have stopped after the 2023 ceasefire, the post-conflict environment has remained hostile to Armenian cultural heritage and identity. By applying the principles of *jus post bellum*, we can confront the inadequacy of the current legal frameworks to meaningfully respond to this post-conflict harm. But this issue goes deeper than just transitional phases as it exposes how sovereignty and legal ambiguity legitimize heritage destruction, not only during war, but especially during peacetime.

2.1. Post-Conflict Destruction as Structural Violence

Post-conflict destruction usually does not take the form of bombs or shelling but manifests through zoning policies, infrastructure projects, religious reclassification, and demolition for economic development. In this way, *jus post bellum* challenges us to expand our understanding of violence to include non-kinetic, bureaucratically enacted harm, which nonetheless serves the same purpose to eradicate memory. But this brings us to a foundational legal dilemma: when does war actually end? The issue of temporal ambiguity is central to the challenge of applying post-conflict protections. International humanitarian law (IHL) does not offer a clear threshold for the legal termination of conflict. Does it end when hostilities end? Or upon signing a peace treaty? What if there is a continuous episode of relative peace without signing a treaty? Does this matter at all? Although some IHL obligations persist after active hostilities, they do not provide a coherent answer for what follows.¹⁹⁴

Here, *jus post bellum* offers a partial solution - not by fixing the endpoint of conflict, but by reframing the legal and ethical focus. In this sense, *jus post bellum* doesn't solve the temporal ambiguity but helps navigate it by shifting legal attention to post-war actions that are structurally violent. For example, Azerbaijan's post-ceasefire actions directed at Armenian cultural heritage are currently taking place in a grey zone where "there is no issue of Nagorno-Karabakh", yet conflict in different form clearly exists. There is an urgent need to better define the legal framework applicable during the transition from conflict to peace.¹⁹⁵ *Jus post bellum* should operate as a "normative bridge" that spans the space between war and peace, emphasizing how justice should be achieved, rather than when exactly peace begins.

¹⁹⁴ Noël Mfuranzima, 'Jus Post Bellum: Scope and Assessment of the Applicable Legal Framework' (2025) 107(927) *International Review of the Red Cross* 1256.

¹⁹⁵ *Ibid* 1263.

2.2. Sovereignty as a Legal and Political Shield

States commonly resist international monitoring or their cultural preservation obligations by appealing to non-interference principles and the rights of states to regulate development, land use, and national heritage. International law continues to defer to sovereignty to a degree that leads to unenforceable cultural protection in practice. This means that even when cultural destruction is documented, states can present it as an issue of domestic policy. For example, governments may destroy historic sites in the name of economic development - clearing cultural landscapes to make room for roads, shopping centers, or energy projects. These acts are often legal under domestic law, framed not as erasure but as progress. In Bosnia, ethnically motivated “reconstruction” efforts often involved intentional neglect or repurposing of heritage sites tied to minorities.¹⁹⁶ Similarly, in Palestine, the Israeli state has long leveraged archaeology, zoning laws, and “development plans” to transform or marginalize Islamic and Christian heritage,¹⁹⁷ all while maintaining a formal commitment to international heritage norms. Unfortunately, this issue continues today in Nagorno-Karabakh. By allowing Ilham Aliyev to solve a conflict by military means using “the principle of territorial integrity”, the international community gave him a green light to continue the violence against Armenians, masking it as an “internal matter”. What legal guarantees exist to effectively protect the future the region’s cultural heritage in the coming decades? In light of the extensive destruction already suffered, it is hard to envision a secure future for the culture. However, there remains hope that Nagorno-Karabakh will not suffer the same fate as Nakhichevan, and that stronger international mechanisms can emerge to safeguard its heritage from complete erasure.

3. Recommendations:

This subchapter outlines four broader recommendations aimed at building a just future for Karabakh Armenians where their cultural heritage is not treated as collateral damage, and displaced communities like them are empowered as legal actors in their own right.

¹⁹⁶ Walasek (n 175) 295.

¹⁹⁷ United Nations Economic and Social Commission for Western Asia (ESCWA), Palestine Under Occupation III: Mapping Israel’s Policies and Practices and Their Economic Repercussions in the Occupied Palestinian Territory (UNESCWA 2022) <https://www.unescwa.org/sites/default/files/pubs/pdf/mapping-israel-policies-economic-repercussions-occupied-palestinian-territory-english_2.pdf> accessed 10 June 2025, 55.

1) Establish independent international monitoring and registration mechanisms

A foundational reform would be the establishment of international cultural heritage monitoring missions that are not activated solely upon state consent. The current framework, reliant on bilateral cooperation or permission, is structurally inadequate, particularly when the state in question is the perpetrator of destruction. As demonstrated, Azerbaijan has both denied access to international observers and refused to acknowledge destruction of Armenian heritage sites. This has enabled de facto impunity and allowed cultural erasure to proceed under the cover of sovereignty. To resolve this issue, international community should further support:

- The creation of a permanent international heritage monitoring body with the authority to act in post-conflict zones without explicit state invitation, possibly under a UN mandate;
- Additional international documentation/registration initiatives where displaced communities (e.g. Armenians from Karabakh) are recognized as co-stewards of cultural sites. These initiatives should include the participation of Armenian cultural experts in order to correctly assess the cultural landscape in the region. These initiatives can include legal registration of churches, cemeteries, inscriptions on-site with UNESCO or other cultural bodies. Such mechanisms enforced globally not only can preserve evidence, but assert the continuing existence and value of endangered cultures.

2) Grant legal standing to stateless and displaced communities:

The destruction and displacement experienced by Armenians from Nagorno-Karabakh reveal a deeper structural flaw: international law offers no formal legal standing to stateless or unrecognized communities. In practice, initiating international criminal liability typically requires state action, UN involvement, or institutional mechanisms beyond the reach of affected communities themselves. Armenia's case against Azerbaijan at the ICJ demonstrates the fragility of this system as it is entirely contingent upon state will. Should Armenia choose, or be pressured, to withdraw from the case, Karabakh Armenians would have no independent standing to assert their rights. This risk is not hypothetical, it reminds the situation of the Yazidis, Rohingya, and Indigenous groups in occupied or unrecognized territories.

- To fill this void, the author recommends the development of a special mechanism, possibly as an addition to existing human rights or cultural protection instruments, that would recognize stateless, displaced, or unrecognized communities as collective legal actors under international law. This would

shift international law from a purely state-centric model to a more inclusive one that recognizes communities as legal agents of memory and identity, rather than just victims with no agencies.

- Furthermore, affected communities should have legal standing to claim ownership of cultural/religious artifacts or archives that were looted or lost.

3) Develop legal tools to address symbolic and memoricidal violence

- Existing legal frameworks lack the scope to cover the full range of actions or the systemic nature of cultural memory destruction. While UNESCO protects tangible and intangible heritage, there is no effective legal mechanism for challenging historical revisionism or naming erasure as distinct human rights violations. To address this, equal weight should be put to address both physical violence and systematic denial/rewriting of cultural memory.

- Furthermore, legal systems must find ways to address the destruction of collective memory, especially when it serves broader goals like ethnic cleansing, forced assimilation or genocide. Memoricidal intent could be treated as an aggravating factor in criminal prosecutions. These tools would not only enhance accountability, but also signal that culture is not only what is built, but what is remembered.

4) Transitional solidarity

- Finally, legal mechanisms must be complemented by civil society support and transnational solidarity. NGOs such as Caucasus Heritage Watch and Monument Watch have played a vital role in documenting post-conflict heritage destruction through OSINT techniques. International community (states, international donors, regional institutions from EU, and heritage organizations) should engage in long-term funding to the efforts taken by the NGOs.

- In addition, condemnations and sanctions should be directed by the international community at any state not adhering to international law principles, including going against ICJ provisional measures. This “transitional solidarity” must also work to embed cultural clauses in any future peace agreements between Armenia and Azerbaijan in order to protect the affected heritage.

VII. Conclusion:

This thesis has studied how Azerbaijani policies and actions contribute to the systematic erasure of Armenian cultural heritage and memory in Nagorno-Karabakh, framing this destruction as an act of *memoricide*. Through qualitative analysis of historical patterns and legal frameworks, it has demonstrated that the Armenian presence in Nagorno-Karabakh has been subjected not only to physical displacement, but also to calculated attempt at cultural annihilation. Three key forms of memoricidal violence have been identified: (1) physical destruction of churches, cemeteries, and khachkars; (2) historical revisionism that misappropriates Armenian monuments; and (3) digital rewriting of history, including the erasure or manipulation of online records. This violence presents an assault on collective memory and heritage, undermining Armenians' cultural rights. The analysis of existing international legal frameworks reveals substantial gaps. Treaties such as the Hague Convention offer normative guidance for cultural protection during armed conflicts, but lack effective enforcement mechanisms. The reliance on state cooperation makes them poorly suited to address scenarios where the state is itself the perpetrator. Furthermore, international law struggles to recognize or act upon symbolic and long-term dimensions of cultural erasure. This exposes a critical blind spot in existing accountability systems. To address this, the application of *jus post bellum* highlights both the promise and limitations of post-conflict justice. The practical implementation of it in Nagorno-Karabakh is further limited by the absence of representation for Karabakh Armenians in international legal stage. Without mechanisms for collective legal agency, these communities could be left without any recourse to justice and the ability to safeguard their heritage.

Limitations and Future Research:

This study has several limitations that should be acknowledged. First, the research was based on a desk-based, qualitative methodology. While this approach allowed for a broad analysis of existing materials, it limited the inclusion of on-the-ground perspectives. Second, the research drew on sources translated from Azerbaijani by third parties, as the author does not have proficiency in the Azerbaijani language. This reliance on translated or mediated texts, despite mostly being done by authors fluent in Azerbaijani, may affect the nuance of the interpretation of discourse.

Third, the study does not include first-hand done interviews with displaced Armenians or other directly affected individuals. While this limits the ability to analyze the personal and lived experiences

of memoricidal violence, the research instead focused on how state narratives and policies function symbolically and institutionally to erase cultural memory. Future work could usefully complement this approach with ethnographic methods to explore the emotional, psychological, and social impacts of such violence on communities.

Fourth, although an initial objective of this thesis was to examine forms of Armenian resistance to cultural erasure such as preservation activism, digital archiving, or symbolic acts of remembrance, this area was only briefly addressed. Further research could more fully investigate how targeted communities mobilize to counter memoricidal processes and sustain cultural identity in exile or under threat. Additionally, comparative studies on the destruction (or preservation) of Armenian heritage across the broader South Caucasus region could provide valuable insights. Such research could investigate whether overlapping narratives or state-led mechanisms exist across different national contexts (in Azerbaijan, Turkiye, Georgia and Iran). Furthermore, a broader examination of historical revisionism as a form of cultural violence would be beneficial, particularly how it has been addressed historically and legally globally.

Ultimately, if post-conflict justice remains limited to recognized territorial borders and ceasefire lines, then it will fail to cover the deeper issues of modern warfare. As long as the protection of heritage depends on the cooperation of those who erase it, memoricidal practices will remain an unpunished crime and a human rights loophole. What this study ultimately shows is that the destruction of cultural memory is not simply a violation of the past – it is a calculated denial of the right of a people to assert their own future.

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