

HOUSE FOREIGN AFFAIRS EUROPE SUBCOMMITTEE

THE FUTURE OF NAGORNO NAGORNO-KARABAKH

ARMENIAN ASSEMBLY OF AMERICA TESTIMONY

Chairman Kean, Ranking Member Keating, we commend the Subcommittee for holding this critically important hearing regarding the future of Nagorno-Karabakh (also known as Artsakh). The right of return and to live freely and safely in their ancestral homeland is of paramount importance not only for the 100,000 plus Armenians who fled Artsakh in September of 2023 as a result of Azerbaijan’s genocide policies and ethnic cleansing but also for the United States and the need to uphold fundamental human rights and dignity.

As you know, for over nine months, Azerbaijan blockaded the only roadway connecting Nagorno-Karabakh to Armenia and thus to the rest of the world. Known as the Lachin Corridor, it was blockaded from December 12, 2022, until September 19, 2023, when Azerbaijan launched a military attack, making a humanitarian crisis even worse – causing a mass exodus of over 100,000 Armenians from their historic homeland that in 2015 numbered 150,000. As part of the cease-fire terms that ended the war it started in Nagorno-Karabakh in the Fall of 2020, Azerbaijan agreed to “guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.” Despite its signed commitment and a ruling by the International Court of Justice to open the Lachin Corridor, Azerbaijan continued to starve the Armenian people living in Nagorno-Karabakh, going so far as to deny even access to the International Committee of the Red Cross (ICRC), as well as the governments of Armenia and France, all of which tried to deliver humanitarian supplies via the Lachin Corridor to the people of Artsakh. To further its genocide by-starvation policy, Azerbaijan disrupted agricultural production by targeting farmers harvesting their fields (see the Assembly’s Fact Sheet at: www.aaainc.org). Azerbaijan also disrupted the electricity and gas supplies to Nagorno-Karabakh, further exacerbating the crisis. Moreover, Azerbaijan even kidnapped an individual whom the ICRC was bringing through the corridor for medical treatment and unjustly sentenced him to a long prison sentence in a sham trial earlier this month. All of this had one goal: to ethnically cleanse the last remnants of Armenian people from Nagorno-Karabakh, a region that historically was predominately and ethnically Armenian.

As outlined above Azerbaijan has regularly violated the 2020 cease-fire terms and has consistently failed to adhere to fundamental norms, including repeated calls from the United States and the EU to refrain from the use of force to solve the Nagorno-Karabakh conflict. Azerbaijan should not be rewarded for their continued assault against the Armenian people, but rather sanctioned. The U.S. has many tools at its disposal to do so from the Global Magnitsky Human Rights Accountability Act and economic sanctions to trade restrictions and the enforcement of Section 907 of the FREEDOM Support Act. Section 907 states that U.S. funds “may not be provided to the Government of Azerbaijan until the President determines and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.” The ongoing and blatant attacks by Azerbaijan against Armenian civilians both in Armenia and Artsakh are exactly the opposite of ceasing offensive uses of force.

In addition to Section 907, the principles of the Humanitarian Aid Corridor Act can also be applied. Specifically, 22 USC 2378-1 states that “no assistance shall be furnished under this chapter or the Arms

Export Control Act [22 U.S.C. 2751 et seq.] to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.” It is abundantly clear that Azerbaijan is directly, and Turkey is indirectly, restricting the delivery of U.S. humanitarian aid to the people of Artsakh. We, therefore, call on the Administration to cease any and all aid accordingly. With Turkey also receiving U.S. assistance and considering the partnership between the Erdogan and Aliyev regimes in advancing genocidal policies against Armenians, enforcement of the Humanitarian Aid Corridor Act is another important tool that the Administration can utilize.

The Armenian people are now confronted with genocide and ethnic cleansing from their ancestral lands for the second time in little over a century. The Armenian American community sees recent events as a continuation of the 1915 Armenian Genocide. After all, it was Turkey’s President Recep Tayyip Erdoğan, who fully supported Azerbaijan’s reckless war in the Fall of 2020 against Nagorno-Karabakh and who stated that “we do not allow terrorist leftovers of the sword in our country.” The term “leftover of the sword” is one used pejoratively by Turkish authorities throughout the past century to stigmatize the Armenians in Turkey who survived the 1915 genocide. The Armenian Assembly warned at the time of Erdoğan’s remarks that his rhetoric was “both a fresh admission of the Armenian Genocide and an early warning sign of immediate threats to Armenians, Greeks, Christians, Kurds, as well as other minorities in the region,” and called “on the United States government and its NATO allies, and all other concerned governments to counteract these threats and safeguard innocent lives.”

Soon after these warnings, under the cover of a global health pandemic and with America distracted in the closing days of the 2020 Presidential election, Azerbaijan brazenly launched a 44-day war of aggression in the Fall of 2020, killing thousands of Armenians, including innocent civilians. Since then, genocidal threats emanating from Turkey and Azerbaijan have continued, including Turkish parliamentarian Mustafa Destici directly threatening Armenia at a press conference in September of 2022, stating “I remind you once again that the Turkish nation has the power to erase Armenia from history and geography, and that they stand at the limit of our patience.” Not to be outdone, Azerbaijan’s autocratic President Ilham Aliyev stated that “There is no Nagorno-Karabakh” and that “Western Azerbaijan (an expansionist term for the Republic of Armenia) is our historical land” while also making a point to remind the Armenian people that “The Iron Fist is in place; let no one forget about that.”

While sounding the alarm about the specter of a second Armenian Genocide, in the Assembly’s testimony before the House Appropriations Committee earlier this year, we also highlighted the concerns raised by the Lemkin Institute for Genocide Prevention, which implored President Joe Biden and Secretary Antony Blinken “to fully consider the implications of ignoring existing early warning systems and genocide prevention protocols by rewarding Azerbaijani President Ilham Aliyev for his threats against Armenia,” as well as the “long-term catastrophic implications” for international peace and security beyond the region that will arise from “[r]ewarding a dictator who has publicly threatened genocide.”

In addition to the Lemkin Institute’s warning, Genocide Watch declared a “genocide emergency,” and the International Association of Genocide Scholars has warned about “the risk of genocide.” Further, the University Network for Human Rights in collaboration with lawyers, scholars and students from Harvard, Oxford, UCLA, Wesleyan, and Yale, and also representatives of UCLA School of Law’s Promise Institute for Human Rights, submitted a warning about a looming genocide in a report to the United Nations Special Adviser on the Prevention of Genocide titled: “Risk of Ethnic Cleansing and Possible Genocide in Nagorno-Karabakh – Results from Applying the Framework for Analysis of Atrocity Crimes.” Moreover,

Mr. Luis Moreno-Ocampo, who served as the first-ever chief prosecutor for the International Criminal Court, called the starvation of the Armenian people “the invisible genocide weapon” and invoked Article 2(c) of the UN Genocide Convention, making clear that starvation is an act of genocide: “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

Atrocities committed by Azerbaijan against Armenians in recent years have been well-documented by numerous credible sources. Columbia University’s David Phillips, as part of the Institute for the Study of Human Rights and its “Project on Atrocities in Artsakh,” who testified earlier this year before the Tom Lantos Human Rights Commission, named specific individuals responsible for atrocities in Nagorno-Karabakh. Given the wealth of evidence that atrocities are being carried out and the individuals responsible are identifiable, the Biden Administration should invoke the Global Magnitsky Human Rights Accountability Act and sanction those identified for carrying out gross human rights violations, along with their business associates and family members.

If this is not enough, Azerbaijan’s targeting of Armenian cultural and religious heritage sites has been thoroughly documented by the Caucasus Heritage Watch and condemned by the European Parliament. Similarly, well documented is Azerbaijan’s failure to abide by the cease-fire terms of the 2020 war and return “internally displaced persons and refugees...under the supervision of the United Nations High Commissioner for Refugees,” as well as “the exchange of prisoners of war, hostages and other detained persons, and dead bodies.” Meanwhile, inside Azerbaijan, the corruption and human rights abuses of the Aliyev regime have been widely reported in news stories about the “Azerbaijani laundromat” scheme and its \$2.9 billion slush fund meant to whitewash its human rights record. The groundbreaking Pandora Papers investigation into government corruption around the world further revealed breathtaking corruption in Azerbaijan. Any and all of these facts should spur action by the Biden Administration under the Global Magnitsky Human Rights Accountability Act.

Further, the Armenian Assembly remains deeply concerned about the Armenian POWs and Nagorno-Karabakh Armenian authorities who are presently in custody in Azerbaijan, including:

- Arkadi Ghukasyan, former President
- Arayik Harutyunyan, former President
- Bako Sahakyan, former President
- David Ishkhanyan, former Speaker of Parliament
- Ruben Vardanyan, former State Minister
- Davit Babayan, former Foreign Minister
- Levon Mnatsakanyan, former Defense Minister
- Davit Manukyan, former Deputy Commander of the Defense Army
- Vagif Khachatryan
- Madat Babayan

Their trials, without any independent international observers, have already begun. Given Ilham Aliyev's dictatorial rule, the probability they will receive a fair trial is close to zero. As a matter of fact, in an October 15, 2023 speech boasting of recent conquests, he publicly mocked the Armenian authorities of Nagorno-Karabakh as “clowns,” sending a strong signal that does not bode well for a free and fair trial. In light of the wars, siege, blockade, and ethnic cleansing it has waged against the Armenians of Nagorno-Karabakh, we hope that you agree that the Aliyev regime has no moral standing to conduct any sort of trial of captive

Armenians, let alone pretend any posture of legality in its proceedings. The Armenians named above as well as others unlawfully detained and imprisoned by Azerbaijan at a minimum should be designated as prisoners of conscience and have the presence of independent observers at their trials. The Armenian Assembly urges their immediate release and requests your assistance.

In conclusion, history has shown that appeasing dictators only serves to embolden them. President Biden has repeatedly said in his State of the Union addresses that the United States must stand in defense of democracies in the face of autocrats who want nothing more than to see democracy fail. The U.S. has taken a strong stand in support of democracy in Ukraine, Israel, and Taiwan and should do so for Artsakh and Armenia. The House, Senate and President Biden having recognized the Armenian Genocide, should use all the tools at its disposal to aid the Armenian people, including a substantial \$1 billion aid package to strengthen Armenia's democratic institutions, secure and defend its border, and address the humanitarian crisis caused by Azerbaijan's ethnic cleansing and the mass exodus of over 100,000 Armenians in September of this year.

The Assembly's position is clear: stand up for democracy and human rights and oppose genocide; ensure the ability of Artsakh Armenians to live freely and safely in their ancestral homeland, including the introduction of international mechanisms to safeguard the Armenian people; and assert America's leadership for the betterment of humanity by upholding the fundamental principles of democracy, the right to self-determination, and the universal human rights of the people of Artsakh.

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