

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Hearing
on
Human Rights in Azerbaijan Since the Fall of Nagorno-Karabakh**

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2118 Rayburn House Office Building

Statement of Van Z. Krikorian
Co-Chair
Armenian Assembly of America

As this Congressional session winds down, we want to especially thank Co-Chairs Smith and McGovern, the entire Tom Lantos Human Rights Commission, and please allow me to single out retiring Armenian American Commission member Anna Eshoo who is leaving with a distinguished career. You have kept the focus on the ongoing genocide of indigenous Christian Armenians as well as the shameful trend of deteriorating human rights globally. During the Cold War, America's promotion of human and religious rights resonated with people living under authoritarian rule, gave us winning arguments against communist and far right ideologies alike, and represented the true values of the American people.

Today, we can say that the Post-Cold War period for human and religious rights is over, and we are in a new era of conflict between democracy and authoritarianism (usually associated with kleptocracy as here). The authoritarians' views and practices on extreme sovereignty licensing their will and diminishment of human rights are blighting more lives than before. This Commission's workload and record of hearings and briefings over the last two years reflects the new reality, which repeatedly shocks the conscience. The Commission's May 2024 hearing on Conflict and Hunger in Sudan illustrated just one example of the growing damage.

With my limited time this morning, I am going to focus primarily on short-, medium-, and longer-term public recommendations for actions to address the situation and hopefully contribute to reversing the downward spiral. Of course, we support the new draft legislation anticipated to be introduced around this hearing.

The record and ongoing pattern of deteriorating human rights in Azerbaijan and Turkey are well established, and I want to specifically reiterate our long-term support to all political prisoners and victims in those countries, regardless of ethnicity or religion. The pattern of sham elections in Azerbaijan, most recently this month, confirm that Azeri citizens deserve better¹. Through the work of this Commission and others the record establishing the Aliyev and Erdogan regimes' ethnic cleansing and genocide of Armenians from Nagorno-Karabakh with Russian complicity is also well established². We specifically commend the recent, authoritative Freedom House report "Why Are There No Armenians in Nagorno-Karabakh?".³ Other witnesses have spoken and will speak more to those facts, and I appreciate the opportunity to submit additional written materials for the record after the hearing.

Today, we have displayed a new poster exhibit here attesting to some of the atrocities and graphic evidence in the record. The posters have hidden victims' faces and other features out of respect to their families, but the Commission has notebooks with unmasked photos. Much of the best evidence comes from Turkish and Azeri sources, as they posted geo-tagged evidence as unabashed trophy postings. Sadly, sanctions targeting responsible individuals and their leaders have not been forthcoming despite the clear evidence. We attribute that to misplaced political calculations that by not applying even smart sanctions laws, there is a political calculation that the perpetrators will stop or sign a peace agreement. That thinking dangerously ignores the record of the key players and the cultural differences between American and their values. Continued failure to sanction those responsible for atrocities only enables further atrocities.

¹ <https://www.osce.org/odihr/elections/575509>; "Responding to the latest arrests of journalists and activists during the snap parliamentary election campaign in Azerbaijan that ended on Sunday, Natalia Nozadze, Amnesty International's South Caucasus Researcher, said: "The alarming new arrests and detentions targeting government critics must not be overlooked. The international community must condemn it in the strongest possible terms... The targeting of journalists and activists is nothing short of an attempt to silence dissent and suppress freedom of expression, particularly of those who are advocating for peace with Armenia.

<https://www.amnesty.org/en/latest/news/2024/09/azerbaijan-release-bahruz-samadov-and-other-government-critics-targeted-during-election-campaign/> ;
<https://www.washingtonpost.com/news/worldviews/wp/2013/10/09/oops-azerbaijan-released-election-results-before-voting-had-even-started/>

² <https://www.armenian-assembly.org/azerbaijangenocideintent>; <https://www.armenian-assembly.org/ethnic-cleansing-artsakh>; <https://www.armenian-assembly.org/artsakhblockade>

³ <https://freedomhouse.org/report/special-report/2024/why-are-there-no-armenians-nagorno-karabakh>

Similarly, the failure to defend democracy in Nagorno-Karabakh while vigorously defending democracy in Ukraine and other countries only helps bad actors. On September 14, 2023, the Senate Foreign Relations Committee held a hearing on Nagorno-Karabakh where Acting Assistant Secretary of State for European Affairs Yuri Kim stated, “the United States will not countenance any action or effort—short-term or long-term—to ethnically cleanse or commit other atrocities against the Armenian population of Nagorno-Karabakh. The current humanitarian situation is not acceptable.”⁴ The failure to follow up on that position had dire consequences. On September 19, 2023, Azerbaijan - with the support of Turkey and in coordination with Russia - launched a military offensive against Nagorno-Karabakh, resulting in the death and injury of innocent civilians and the forced displacement of some 120,000 indigenous Christian Armenians, including 30,000 children who fled to Armenia. This assault was the culmination of Azerbaijan’s genocidal campaign against the Armenian people that started with the illegal blockade of the Lachin Corridor in December 2022 and placed the entire Armenian population of Nagorno-Karabakh under siege and threat of starvation.

The 2020 War, followed by the September 2023 offensive, upended decades of U.S. efforts and support for a peaceful resolution to the conflict on the basis of the Helsinki Principles through the agreed OSCE Minsk Group process co-chaired by the US, France, and Russia. American Enterprise Institute Senior Fellow Michael Rubin laid bare Azerbaijan’s public disdain for the United States in a May 9, 2024, article: “In December 2020, just a month after President Ilham Aliyev completed the first phase of Azerbaijan’s conquest of Nagorno-Karabakh, Andrew Schofer, the lead U.S. diplomat on the crisis, traveled to Yerevan and Baku. Aliyev humiliated Schofer on live television, bragging about how Azerbaijan’s military prowess achieved what American diplomacy did not and then asking, ““Why are you here?””⁵”

Former Ambassador Sam Brownback during a June 2023 hearing on “Safeguarding the people of Nagorno-Karabakh,” before this Commission put it this way: “This is a question of the rights of the Armenian Christians of Nagorno-

⁴ <https://www.civilnet.am/en/news/750248/us-will-not-tolerate-ethnic-cleansing-in-nagorno-karabakh-state-department-official-says/>; <https://www.aei.org/op-eds/ethnic-cleansing-cannot-be-the-price-for-lasting-armenia-azerbaijan-peace/>

⁵ <https://www.aei.org/op-eds/blinken-provides-case-study-in-how-not-to-do-diplomacy/>

Karabakh: does this religious minority have a right to survival in their ancestral homeland? The only just answer is yes, they have the right not to be driven out, starved out or blockaded by the government of Azerbaijan.”

As part of our work to prevent genocides, I am also announcing and incorporate by reference a new website from our academically oriented Armenian National Institute, <https://www.armenian-genocide.org/nagorno-karabakh.html> titled “The Ethnic Cleansing and Destruction of Nagorno-Karabakh: The Latest Chapter of the Armenian Genocide.” It documents the unfolding of the genocidal process that resulted in the destruction of the Armenian enclave of Nagorno-Karabakh and ongoing advances into the current Republic of Armenia.

The new site is based on formal records attesting to the genocidal nature of the events the resulted in the complete expulsion of the Armenian population of Nagorno-Karabakh, including thousands of pages and graphic evidence which place the events of the recent years into historic context. It also incorporates and references materials from sites such as the Columbia University documentation project on “Human Rights and Foreign Terrorist Activities in Artsakh (Nagorno-Karabakh)” led by Professor David L. Phillips who has testified twice before this Commission and the Caucasus Heritage project led by academics from Cornell and Purdue⁶, whose representative is testifying today and whose work is invaluable.

Turning to specific public recommendations, our view is that realism needs to be a prime imperative. First, a sustainable peace and prosperous future for Armenians, Turks, and Azeris will only be possible when the environment has changed substantially. Armenians need to be returned to their homes, churches, cemeteries, and other homeland attributes in freedom and security. When we hear about progress on a peace agreement or other aspirational, diplomatic goals, we look at the reality of how leaders are preparing their populations. We invite you to review

⁶ <https://caucasusheritage.cornell.edu/>

the education of Azeris on Armenians⁷. It represents a dictionary definition of racism, as did Aliyev's infamous Trophy theme park⁸.

We also invite you to pay more attention to what leaders say and do domestically and in their own language rather than pronouncements and disinformation in English for foreign audiences.

A review of the for hire/thinly veiled Azeri government submissions to this Commission such as the unsound Dixon legal opinion submitted as part of your September 6, 2023, hearing and the woefully deficient submissions to your June 2023 hearing is worthwhile. They were not worth the paper on which they were written then, and with the passage of time are only more offensive to the rational mind. The same is true for a small cast of "think tank" writers here in Washington who have been in the bag for an endemically corrupt Aliyev regime. Events subsequent to the Dixon opinion submitted to this Commission totally refuted his position and exposed a lack of ethical and moral responsibility; we doubt he will ever attempt to salvage his credibility here again. And yet, the corrupt Aliyev regime⁹ can always pay for such distortions. It is always worth remembering that "Ilham Aliyev, the President of Azerbaijan, has won the first ever Organized

⁷ https://www.researchgate.net/publication/359862169_Anti-Armenian_propaganda_in_Azerbaijani_schools_textbooks_and_resulting_sadistic_manifestations_by_Azeris_in_21st_century "Azerbaijan's systematic hate propaganda towards Armenians appears to be adopted from policies which Nazi Germany used against Jews...Photo of Internationally Convicted killer Ramil Safarov who was made a national hero by Azerbaijani government for murdering an Armenian serviceman in his sleep. One of the examples of anti-Armenian propaganda that is preached to school children in Azerbaijan is a story entitled "The Thief". This story is included in 5th grade textbook of Azerbaijani schools. This story describes an Armenian "thief" and how the Armenians stole Azerbaijan's culture,... in the story "The Last Bullet" in the 7th grade textbook. This fictional story tells how the Armenians allegedly massacred the civilian population of the Azerbaijani city, how the small Azeri detachments sacrificed themselves and saved a part of the civilian population. The story "Revenge" has already been included in the 9th grade textbook. The image of the "genocidal Armenian" is re-developed in the story, according to which the main goal of the Armenians is the extermination of the Azerbaijanis. Based on that, a propaganda of revenge is carried out by Azerbaijani government to destroy the Armenian [race]."

⁸ <https://www.rferl.org/a/azerbaijan-karabakh-theme-park-armenia-ethnic-hatred-aliyev/31217971.html> "A few days after the park's opening, the creators of the mannequins gave an interview removing all doubt as to their intentions, stating that they had "tried to create the most freakish depictions" of Armenians possible. Anush, a 26-year old fashion designer in Yerevan, was similarly disgusted. "They brought their kids here to pretend to kill Armenians," she said "I was shocked, but I can't say I was really surprised," said Arzu Geybulla, an Azerbaijani journalist. "The [anti-Armenian] rhetoric from Baku hasn't really changed [since the war]. From a broader perspective, I thought it was disrespectful to the lives lost even on the Azerbaijani side."

⁹ <https://www.theguardian.com/business/2022/jan/31/azerbaijan-laundromat-court-orders-family-to-hand-over-56m-brought-into-uk>; <https://www.occrp.org/en/project/the-azerbaijani-laundromat>; <https://www.occrp.org/en/news/german-parliamentarian-implicated-in-azerbaijan-laundromat-dies>;

Crime and Corruption Person of the Year bestowed by the Organized Crime and Corruption Reporting Project.¹⁰”

The reality is that the Aliyev government persists in outright racism and destruction of churches and the Armenian Christian presence¹¹ rather than respecting basic human rights, advancing mutual respect, or acting democratically. Turkish civil society was more advanced, but the trend has gone in sharp reverse for some time, exacerbating domestic and international threats and propelling further destruction.

At our best, America does not whitewash human rights violations, and our first request is that the co-chairs of this Commission go on record officially to recognize and call for the reversal of the genocidal ethnic cleansing of Christian Armenians, specifically stating that Armenians need to be returned to their homes, churches, cemeteries, and other homeland attributes in freedom and security. For decades, Nagorno Karabakh was internationally recognized as disputed territory and subject to peaceful resolution, namely through the OSCE Minsk Group process, with the Nagorno Karabakh government represented. We appreciate the different Congressional Resolutions that are pending but are aware that their progress to passage is unrelated to their merits in today’s Congress. A joint statement with the imprimatur of this Commission is a simple but achievable and powerful act.

As exhibited in the US Holocaust Memorial Museum and quoted by many in Congress and around the world, Hitler’s 1939 rationale of “Who, after all, speaks today of the annihilation of the Armenians?” is the same frame of mind which animates much of the troubles this Commission has been working on recently. To be specific, for today’s subject matter, it animates the thinking of President Aliyev and his regime. Despite having signed the November 2020 document establishing armistice lines (with Russian peacekeepers and Turkish monitors) beyond which forces would not cross, they proceeded to brutally attack and depopulate the Armenian civilian population and expect people to believe that it was a justifiable anti-terrorism action. The litany of denial narratives is too great to review here but is regularly refuted by the facts and needs public exposure.

¹⁰ <https://www.occrp.org/en/person-of-the-year/ilham-aliyev>; <https://www.bushcenter.org/publications/the-struggle-for-freedom-an-azerbaijani-economist-who-stands-up-to-aliyevs-kleptocracy>

¹¹ <https://www.uscirf.gov/countries/azerbaijan>; <https://www.hrw.org/world-report/2024/country-chapters/azerbaijan>

You will note that I have been referring to the Azeri and Turkish ethnic cleansing and genocidal acts. Objective analysts have always recognized that it was not just Turkish UAVs and equipment along with operational command and control during the unprovoked 2020 invasion and 44 Day War, but also its military training and ongoing presence that made the difference.

Until recently, Turkey tried to maintain the façade that it was not the military driver, but speaking in Turkish to his own party members earlier this year, President Erdogan lifted that façade declaring in July of this year “‘Just like we entered Karabakh, just like we entered Libya, we might do similar to them [Israel],’ he told a meeting of his ruling AK Party in his hometown of Rize.¹²” Later this year, “Despite Baku’s official objections, Turkish President Recep Tayyip Erdogan continues to claim Turkey’s involvement in the Second Nagorno-Karabakh War in 2020,... Most recently, on August 31, during a speech at the Turkish Air Force Academy graduation ceremony, President Erdogan once again referenced the Nagorno-Karabakh War, stating, “In Azerbaijan’s Karabakh, together with our Azerbaijani brothers, we completely eliminated the enemy forces.¹³”

With due credit to Maya Angelou, “When someone tells you who they are, believe them.”

As part of this first recommendation accordingly, we ask that Turkey be explicitly included as responsible for the genocidal situation – it is hard to see how they could complain since Erdogan is bragging about it when he thinks the outside world is not listening.

At least four additional considerations support an official statement from the leadership of this Congressional Human Rights Commission. At least twice, the Russian Foreign Ministry spokesperson has taunted victims by stating there is no international support for ethnic cleansing claims, for example “I would like some facts to be provided regarding the alleged ethnic cleansing in Nagorno-Karabakh. If there is at least some document from any international organization that is

¹² <https://www.azatutyun.am/a/33055076.html>

¹³ <https://nordicmonitor.com/2024/09/erdogan-still-ignores-azerbajjans-discomfort-in-nagorno-karabakh-war-remarks/> Note the same article, refers to Aliyev’s gratitude to Pakistani forces as well. See also <https://www.jpost.com/israel-news/article-820411>

considered authoritative in Yerevan (for example, the UN or some other), or a statement indicating that such ethnic cleansing did take place, please give us references to this document.” Your statement would stand in contrast to such taunts.

On October 5, 2023, the European Parliament adopted a resolution explicitly finding that “ whereas ethnic cleansing is described by the UN Security Council as rendering an area ethnically homogeneous by using force or intimidation to remove from a given area persons of another ethnic or religious group and is contrary to international law; whereas there is a pressing need to stop and reverse the ongoing forced exodus of the local Armenian population, which amounts to ethnic cleansing, and to ensure the conditions for their safe return to Nagorno-Karabakh; whereas Nagorno-Karabakh Armenians have the right to live in their homes in dignity and security; whereas the Azerbaijani authorities have announced the registration of all Armenian residents of Nagorno-Karabakh;¹⁴” Your statement would align the US with other democracies.

That famous 1939 Hitler quote is preceded by another line of Hitler’s which is also instructive here - “I have issued the command—and I’ll have anybody who utters but one word of criticism executed by firing squad—that our war aim does not consist of reaching certain lines, but in the physical destruction of the enemy.” The force feeding of false Turkish and Azeri narratives are reminiscent of the same thinking. Washington and the world are well aware of the repression in Turkey and Azerbaijan. Your statement would help break the silence in the face of repression and not acquiesce to perpetrators’ goal of not uttering a word of criticism.

And if further rationale were needed, I would note the growing United States support for Armenia in the face of the existential threats it faces. Back in December of 2022, Prime Minister Nikol Pashinyan issued this public warning of genocide: “[t]oday we see consistent actions that make the fears that Azerbaijan is really organizing and preparing genocide in Nagorno-Karabakh more and more objective. And in this regard, I must emphasize the provocations that are taking place, in particular, in Lachin corridor. Some try to draw parallels between the

¹⁴ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0356_EN.html?fbclid=IwAR3ZhQZfYULBZUnvk8BNWqziWb0-R0mzcMaHmFOpcN5cZYF_xqwkA6Sxbfk

Lachin Corridor with other existing communications in the region or communications that may be restored or built, but I must emphasize that the Lachin Corridor is a corridor of genocide prevention, because to close this corridor, to stop the operation of this corridor, means, in fact, sentencing the Armenians of Nagorno Karabakh to genocide.¹⁵”

When the leader of a friendly country makes such a public warning and the perpetrators are clearly taking genocidal actions, we would hope the United States would do more, not just because of obligations under the Genocide Convention but because that is what Americans stand for- again, your statement can show America at its best.

A second, hopefully non-controversial, recommendation is to increase the number and frequency of Congressional visits to Armenia and its border regions. 2024 has seen an increase in Executive branch visits and visits by parliamentarians from other democracies. Each Congressional delegation which has made the trip has returned with a new appreciation for the risks Christian Armenians face. But, those visits also create a chilling effect on more attacks and atrocities. Then Speaker Pelosi’s visit from September 17-19, 2022¹⁶ was a prime example of the good such visits provide¹⁷.

Third, in February 2023, the EU began a monitoring mission from the Armenian side of some potential conflict zones¹⁸. It has been remarkably successful in cutting violence. In October 2023, Canada announced that it would join the mission and has done so¹⁹. Adding an American presence is long overdue and would deliver far more real benefits than costs. We are aware that US AID is planning more

¹⁵ <https://www.primeminister.am/en/press-release/item/2022/12/12/Nikol-Pashinyan-Global-Forum/>

¹⁶ <https://statemag.state.gov/2022/11/1122itn05/>; <https://www.nytimes.com/2022/09/17/world/europe/nancy-pelosi-armenia.html>

¹⁷ A related recommendation is that the error of US Ambassador in Baku Mark Libby’s 2024 visit to occupied Shushi or other indigenous Armenian lands not be repeated. In April of this year, Ambassador Libby correctly responded that he had no political reason to visit Nagorno Karabakh. <https://news.am/eng/news/821477.html> By May, he had not only visited but also submitted to the regime with comments such as his being extremely impressed, omitting the destruction of churches he had to have observed and the obvious depopulation of Christian Armenians. <https://news.am/eng/news/821477.html>

¹⁸ https://www.eeas.europa.eu/euma/about-european-union-mission-armenia_en?s=410283;

¹⁹ <https://armenpress.am/en/article/1122846>; <https://armenpress.am/en/article/1134816>

work in the south and we commend Ambassadors Kvien and Tracy for their public visits there, but much more is needed²⁰.

Fourth, beyond the illegal blockades, existential threats and blackmailing tactics against Nagorno-Karabakh, the Aliyev regime continues to officially hold 23 prisoners and unofficially scores more, if they were not already killed in captivity like so many others. Among the 23 are high profile former presidents of Nagorno Karabakh, former State Minister Ruben Vardanyan, as well as civilians, all identified in one of the posters we have created. In June of this year, Ruben Vardanyan's US based lawyer has outlined torture issues to the UN Special Rapporteur on Torture and Other Cruel and Degrading Treatment, which of course is a concern. But the record is clear that these people are being held as negotiating leverage, which is out of bounds by any modern standard.

Ruben and many of these prisoners are personal friends and are valued by all Armenians – history will view their imprisonment as more of an indictment of Aliyev, Erdogan, and interestingly the first lady of Turkey, Emine Erdogan, who was recorded urging Aliyev not to release prisoners after the 2020 war despite the agreement to release all prisoners²¹. I could speak about many of them, and their efforts and openness to peace over the years. Several have been to Washington and spoke here, meeting members and engaging in open discussions. Their release and safely returning Armenians to Nagorno-Karabakh in freedom and security are especially foremost in the minds and work of the President, Foreign Minister and other government officials of Artsakh, who are not only fellow Armenian, co-religionists but friends.

The case of Vagif Khachatryan is notable. Almost 70 now, last year he was convicted and sentenced to 15 years on phony charges of genocide and war crimes even though he only worked in supply operations²². He pled not guilty and denied participation in alleged events, but the court translator deliberately switched his testimony. Vagif “apologized in Armenian, literally saying that he was not there: ‘I

²⁰ <https://www.azatutyun.am/a/33002463.html>

²¹ https://www.duvarenglish.com/turkish-first-lady-and-aliyevs-cheerful-discussion-on-prisoners-of-war-caught-on-camera-news-57842#google_vignette “Turkish first lady and Azeri President Ilham Aliyev's cheerful discussion on Armenian prisoners of war was caught on camera. In the footage, Emine Erdoğan asks Aliyev whether there are prisoners of war and responds happily when the president says, ‘Yes.’”

²² <https://eurasianet.org/first-karabakh-armenian-convicted-in-azerbaijan>

wasn't there, I apologize to everyone, I wasn't there' said Khachatryan. However, the translator conveyed that Khachatryan is apologizing to the Azerbaijani people for all the incidents committed by Armenians misinterpreting Vagif's words.²³

The other case I would mention is that of a former Nagorno-Karabakh Defense Minister, Levon Mnatsakanyan who was the army commander from 2015-2018. I met him in 2016, after Azerbaijan had yet again broken the cease fire more significantly than before and engaged in gruesome atrocities. I visited the sites then and gathered some horrific evidence. What is completely perverse about Azerbaijan holding Levon hostage on false charges is that when he was the commander he (like other Armenian leaders) was very direct that no Armenian could retaliate by committing atrocities, no matter their personal losses and their military discipline dealt with those who even came close to violating the rules of war. Levon Mnatsakanyan ensured the rules of war were observed and prevented civilian casualties and atrocities. The contrast with the leaders of Azerbaijan and Turkey could not be more stark.

Publicly identifying the farcical charges against the Armenian prisoners, obtaining the immediate unconditional release of those held officially and unofficially, and consequences targeted against those responsible for arranging and promoting false genocide and other ludicrous allegations just to feed a corrupt leader's false narrative are where this Commission and the United States should be.

Fifth, a gross and improper imbalance in U.S. military assistance to Azerbaijan prior to the 2020 war helped greenlight that travesty. The United States has been repaid with Azerbaijan's gross imbalance in assisting the circumvention in letter and spirit of sanctions and acting at sharp odds with bipartisan US foreign policy²⁴. Denying Armenia balancing military assistance is a recipe for future disaster. France is a good model here, and regrettably we are trailing by miles.

Sixth, on a related issue, the Department of Commerce continues to categorize Armenia as a schedule D country for licensing purposes under the Export Administration Regulations. That prevents Armenia from even buying military equipment to defend civilians. Without going into more detail in public, that

²³ <https://armenpress.am/en/article/1122740>

²⁴ <https://www.politico.eu/article/west-funding-vladimir-putin-soldier-russia-fuel-oil-ukraine-war/>;

should change with special licenses granted and the necessary upgrade from Schedule D. There are multiple other trade related and diplomatic actions which the US can adopt to also help prevent the massive arms expenditures, again aimed at Armenia.

Seventh, this Commission is well aware that there are existing US laws on the books to deliver smart, targeted sanctions and which have not been and are not being applied as intended or even as written. After the September 2023 ethnic cleansing of the Nagorno-Karabakh population, the State Department finally announced that it would not waive Section 907 of the Freedom Support Act. We do not expect that to change and hope everyone appreciates that announcement was years too late and the cost in lives, culture, and American credibility far too dear²⁵. A joint independent report this week titled “Sanctions hypocrisy: G7+ imports EUR 1.8 bn of Turkish oil products made from Russian crude” also identified Azerbaijan’s deep complicity. “The Azeri owned STAR refinery is 98% dependent on Russian crude, with 73% of its crude imports supplied by the US sanctioned company Lukoil. 87% of its seaborne exports of oil products are directed to G7+ countries.²⁶” The report also includes recommendations which we endorse both because these funds perpetuate genocide and make sense as sound policy.

Section 620I of the Foreign Assistance Act, the Humanitarian Aid Corridors Act was designed to deal with Turkey’s blockade of Armenia²⁷. (Azerbaijan’s blockade and attacks on Armenia and Nagorno Karabakh were specifically covered by Section 907 but also subject to the Humanitarian Corridors Act.) As noted in the Commission’s June 21, 2023 hearing by Micheal Rubin, “ During his June 13, 2023 confirmation hearing, Mark Libby, the U.S. ambassador-designate to Azerbaijan, acknowledged that Azerbaijan had blocked U.S. assistance to Nagorno-Karabakh, making it subject to Humanitarian Aid Corridors Act

²⁵ <https://www.gao.gov/products/gao-22-104619>

²⁶ <https://energyandcleanair.org/publication/sanctions-hypocrisy-g7-imports-eur-1-8-bn-of-turkish-oil-products-made-from-russian-crude/>

²⁷ <https://www.justsecurity.org/93589/no-military-assistance-to-states-restricting-aid/>

sanctions.²⁸” Initially, during the Clinton Administration, the required waivers with analyses were completed, but over time the Executive simply ignored the law. That should stop.

Global Magnitsky and other sanctions have also been ignored, and this Commission’s record includes points on that. But, I would like to bring two specific examples of the absurd situation created by the refusal to impose sanctions on those involved in barbaric atrocities. In 2016, there is graphic Azeri generated evidence of an Azeri beheading an Armenian. As one of our posters illustrates there is also Azeri generated evidence of President Aliyev awarding that soldier a medal. This would not be the only similar case, as many of you recall the Safarov case and other examples.

In the more recent round of incontrovertible atrocities, the Aliyev regime pleaded for understanding as they themselves would deal with perpetrators. Among the most repulsive trophy videos posted by Azeris was their murder, desecration and mutilation of a captive female Armenian soldier. Their Ministry of Defense announced an investigation and charges against 4 of the perpetrators from the video. Thinking that much of announcement would be enough to curb future criticism, they let it go with no further action reported – but later at least two were awarded for “protecting the borders of the Republic of Azerbaijan.”

In these and many other cases, there is no question of identity or authoritative evidence – it is sourced from the perpetrators. There can also be no excuse for not sanctioning the perpetrators or their commanders including the chief architects and executors. Honest Azeris and Turks would thank the US for it.

Eighth, as we move to October and then November, Baku’s controversial hosting of COP 29 will be increasingly in the news. As a witness at your June hearing has since written, “To participate in the festivities absent sustained advocacy risks transforming COP29 into a new Berlin 1936. Nazi Germany’s worst aggression, of course, followed the Berlin Olympics. The question now is whether Aliyev too may leverage the legitimacy he hopes to derive from COP29 into outright aggression after his VIP visitors return home.²⁹”

²⁸ <https://humanrightscommission.house.gov/events/hearings/safeguarding-people-nagorno-karabakh>

²⁹ <https://www.aei.org/op-eds/is-cop29-berlin-1936/>

There has already been academic discussion on the interplay between human rights and environmentalism related to COP 29³⁰, as well as multiple other concerns. Before turning to our own recommendations for participants, let me note three developments. In its material on COP 29, the UN assures that “The COP 28 Presidency and the COP 29 incoming Presidency are committed to ensuring a transparent and inclusive process in the lead-up to COP 29.³¹” Yet in June 2024, “Western journalists were refused entry to an energy industry conference in Azerbaijan earlier this month [June], reigniting concerns over the state’s crackdown on the media ahead of crucial UN climate talks in Baku later this year... The conference was held shortly before research by Human Rights Watch revealed at least 25 instances of the arrest of sentencing of journalists and activists in Azerbaijan over the past year, almost all of whom remain in custody.³²”

And earlier this year after the Parliamentary Assembly of the Council of Europe voted not to ratify Azerbaijan’s delegates for democracy and human rights reasons, the regime responded by banning 76 European PACE delegates from travelling to Baku. Like so many other facets of this hearing’s subject matter, the UN statement is impossible to reconcile with reality.

The other remarkable twist is the attempted greenwashing by the Aliyev regime. As you recall, the strangling blockade of food and utilities prior to the military action of the final ethnic cleansing began by so-called environmentalists who were in fact government agents. And after the depopulation, Aliyev set about attempting to claim he was building a green zone in and around Nagorno-Karabakh, to curry favor with environmentalists and certain business interests. In this regard, the role of BP and other energy giants in financing and supporting genocide is at sharp odds with their avowed principles³³.

But this headline really summarizes the regime’s cynical view US and Western gullibility the best: “Azerbaijan accused of hypocrisy after calling for Cop29

³⁰ <https://calendar.gwu.edu/event/cop29-azerbaijan-and-environmental-and-human-rights>

³¹ <https://unfccc.int/cop29/the-road-to-baku>

³² <https://www.theguardian.com/world/article/2024/jun/28/journalists-refused-entry-to-azerbaijan-energy-conference-ahead-of-cop29>

³³ <https://www.theguardian.com/business/2023/nov/08/bp-projects-have-helped-fund-azerbaijan-military-aggression-say-campaigners>; https://actionnetwork.org/petitions/bp-stop-funding-genocide-against-armenians-in-azerbaijan?link_id=5&can_id=b45ba00cae7f841d4c52bf072adbe8fc&source=email-together-lets-end-corporate-complicity-in-genocide-2&email_referrer=email_2218035&email_subject=together-lets-end-corporate-complicity-in-genocide

global truce-- Climate summit host positioning itself as peacemaker but is accused of ethnic cleansing and imprisoning opponents.³⁴” During the Covid pandemic, as the UN³⁵ and others called for cease fires, Aliyev and Erdogan themselves took advantage of the war in Ukraine to launch the September 27, 2020 offensive and begin the major ethnic cleansing.³⁶

In terms of initial recommendations related to COP 29, we believe that as during Soviet times, delegations should publicly read the names of all political prisoners as parts of their presentations and call for their release. They should also call for out the names of those involved in war crimes and atrocities. Delegations should only visit Nagorno Karabakh if they can freely visit and report on the desecration of Armenian Churches and Christian presence. They should ask why the Armenian church and Christians have been divested of their properties. They should call for the re-establishment in freedom and security of the indigenous Armenian population and not acquiesce to ethnic cleansing. No delegation should stay at a property that was formerly Armenian, Christian. Each delegation should note that foreign political figures and journalists who are critical of the regime have been banned which discredits the entire conference. BP and the others who tout corporate social responsibility should be both held to account and forced to present plans to reverse the ethnic cleansing. Aliyev’s plans to greenwash Nagorno-Karabakh can also be addressed by a code of conduct or principles such as the Sullivan Principles for South Africa. If such principles were raised and work begun, then COP 29 might have a chance at some meritorious value.

There is a bicameral letter to Secretary Blinken currently circulating concerning the US position at COP 29. We support this effort and urge Members to sign on.

Ninth, Armenians cannot change their neighborhood. There are close to as many Armenians living in Russia now than in Armenia. For decades, Armenia was not a

³⁴ <https://www.theguardian.com/environment/2024/sep/17/azerbaijan-accused-of-hypocrisy-after-calling-for-cop29-global-truce>

³⁵ <https://www.un.org/en/globalceasefire>

³⁶ <https://insights.grcglobalgroup.com/human-rights-abuses-from-the-2020-nagorno-karabakh-war-2/> “From the beginning of the war, Azerbaijan consistently bombed several Artsakh cities, inhabited mainly by civilians with no significant defense infrastructure. Azerbaijan regularly used unmanned aerial vehicles (UAVs) in these bombings. Striking UAVs are weapons with extremely high accuracy, so their use in civilian areas proves that Azerbaijan purposely targeted the civilian population. Such regular intimidation of civilian areas with UAVs is prohibited by international humanitarian law. Videos captured by UAVs depicting buildings and armored vehicles being obliterated with dead accuracy from hundreds of feet up, with shrapnel exploding in all directions.”

zone of competition between Russia and the West. That is changing and considerable thought needs to go into preventing another catastrophe, which may be upon us sooner than we would like. Yesterday, the Armenian Prime Minister publicly warned that “We have suspended our membership in the CSTO not only because the CSTO does not fulfill its security obligations towards Armenia but also because, in our opinion, the CSTO creates threats to Armenia’s security and Armenia’s continued existence, sovereignty and statehood.³⁷”

After World War I, the US made a strategic mistake which cost us dearly when the Senate did not vote to accept the mandate for the emerging independent Armenia. Today, the current Armenia is less than one tenth the territory it was and shrinking under further pressure. Turkey regularly complains about being excluded from the Christian club of Europe, while its own history of Christian presence was eliminated during the Armenian Genocide.

The now Azeri territory of Nakhichevan was also Armenian populated. In 1977, Congressman Sisk put in the Congressional Record: ““ In the Armenian [SSR] Republic itself, that policy of preservation appears to be honored... But neighboring Azerbaijan, which has a large Turkish population, has presented a problem. Regions of Armenia not even bordering on the Azerbaijan Republic have been turned over to Azerbaijan and designated as autonomous regions with that republic. Thus, Azerbaijan’s territory leapfrogs over parts of Armenia, separating parts of it from the motherland to which it is bound by religion, culture, and history. These two regions, Nakhichevan and Gharabagh, once overwhelmingly Armenian are having their populations supplanted by alien populations and cultures which apparently strong contempt for the Armenians. Nakhichevan’s Armenian population has been reduced to a minority status when it was almost totally Armenian. Gharabagh fast is being reduced to a non-Armenian area. In the process, the new alien population is running roughshod over the religious and cultural sites, chopping highly revered properties khachkars into building blocks. Khachkars are intricate monuments which embellish churches or stand in “forests” of religious monuments. There is an unmistakable sacred value attached to them by Armenian Christians. A group of Italian architectural experts, who recently traveled into Azerbaijani territory, said the government has imposed strict

³⁷ <https://www.azatutyun.am/a/33124969.html>

prohibitions against the Armenians even visiting the 16th and 18th Century monuments near the ancient city of Hin Dchouga in Nakichevan....³⁸” The trend of genocide and ethnic cleansing against Armenians and other Christians is clear and extends for a very long time. The recommendation here is that while the US is increasing its relations and support for Armenia, locking that in for the long term is critical. We have seen yet again what happens when there is abandonment.

Tenth, and also looking to the longer-term, it has been clear for some time that the Genocide Convention and US implementing legislation are not sufficient to fulfill their purposes. I am sure that democracies can agree about the need to do more to prevent ethnic cleansing and genocide. I am equally sure that authoritarian governments will oppose such efforts. It would be worth the effort among democracies on an international level and in the Congress for purposes of US legislation to begin work on updating the laws to prevent the evils we have seen and can say are likely to grow. Any group which loses its homeland and people will be traumatized. Looking toward new ways to prevent that is not new to Congress or others of good will. This testimony began by noting the increasingly divergent worlds of democracies and autocracies – just as trade and other diplomatic relations are following these new divisions, democracies setting the new, higher standards makes sense.

Let me close on that last recommendation as it also relates to the future of Nagorno-Karabakh and a better future for the region. The status quo is unsustainable. Atrocities, desecration of churches, corruption and rest of the current characteristics Aliyev and Erdogan have chosen are the curses of Pandora’s box –

Again, we deeply thank you all for working on that last item in Pandora’s box – that truly shows us at our best.

³⁸ https://www.armenian-genocide.org/News.454/current_category.186/press_detail.html

