

Tom Lantos Human Rights Commission

Hearing
Nagorno-Karabakh: update

September 6, 2023 - 1:00 p.m.
2360 Rayburn House Office Building

Statement of Luis Moreno Ocampo

Thank you, co-chairs Smith and McGovern and other Tom Lantos Human Rights Commission members and your staff, for holding this crucial hearing today on the situation in Nagorno-Karabakh.

I was honored by the request to testify before the Commission and am ready to assist. Let me summarize my experience investigating massive atrocities.

First, as a national Prosecutor, I was responsible for the investigation in the criminal trial conducted in Argentina in 1985 against nine members of the Military Junta that ruled my country. I was also involved in the same capacity in subsequent cases in 1986 and 1987 against other Argentinean officers implementing the members of the Junta's orders.

Second, as the Chief Prosecutor of the International Criminal Court between 2003 and 2012, my office analyzed alleged atrocity crimes committed in 17 different nations, opening investigations in seven countries. During my tenure, the ICC Office of the Prosecutor obtained arrest warrants for genocide committed in Darfur against then President of Sudan, Omar al Bashir.

Third, as part of my *pro bono* private practice, since 2012, I have been involved in different mass atrocity situations. In 2015, I accepted an invitation from Kerry Propper, and we assisted Yazidi victims of the Islamic State in identifying the crimes committed as genocide. In 2017, I advised the OAS Secretary General Luis Almagro on assessing the allegations of crimes against humanity committed in Venezuela. On August 7, 2023, at the request of Armenians in the diaspora and the President of Artsakh, I produced an expert opinion on the international legal characterization of the Lachin Corridor blockade.

Executive summary

I concluded on my August 7, 2023, expert opinion that there is a reasonable basis to believe that Azerbaijan's blockade of the Lachin Corridor constitutes genocide under Article II c) of the Convention.

There is no mass killing, but this type of genocide does not require actual destruction. The crime is committed when the conditions planned for physical destruction are created.

a) Genocide against Armenians in 2023.

On December 12, 2022, individuals without apparent ties with the Azerbaijan state apparatus blocked the Lachin Corridor, affecting the provision of food, medicines, oil, and all other essentials to Nagorno-Karabakh.

On January 23, 2023, Secretary of State Antony J. Blinken spoke with Azerbaijan's President Ilham Aliyev to urge an immediate reopening of the Lachin corridor to commercial traffic.¹

On February 22, 2023, the International Court of Justice considered that such a blockade produced a "real and imminent risk" to the "health and life" of an ethnic

¹ <https://www.state.gov/secretary-blinkens-call-with-azerbaijani-president-aliyev-10/>

group, “the Armenians living in Nagorno-Karabakh,” and unanimously ordered Azerbaijan to “ensure unimpeded movement” along the Lachin Corridor.²

Instead of complying with the International Court of Justice’s binding order and ignoring Secretary Blinken's demands, on April 23, 2023, Azerbaijan installed a checkpoint over the Hakari River bridge, replacing the non-state actors with security forces.

The material element of Article II c) genocide, “inflicting on the group conditions of life calculated to bring about its physical destruction,” was executed by security forces under President Aliyev, Azerbaijan *de facto* and *de jure* top authority.

Since June 14, 2023, Azerbaijan’s security forces have sealed Nagorno-Karabakh off. From that moment, the International Committee of the Red Cross (ICRC) and Russian peacekeeping forces were not able to deliver humanitarian relief.

The International Court of Justice reaffirmed on July 6, 2023, its binding order to “ensure unimpeded movement” in the Lachin Corridor, but Azerbaijan did not comply.

It is reasonable to believe that security forces operations were implementing President Aliyev's genocidal intentions. He voluntarily, knowingly, and willingly created conditions calculated to destroy 120,000 Armenians living in Nagorno-Karabakh, committing genocide under Article II, c) of the Convention.

He voluntarily authorized Azerbaijan security forces to establish the blockade, knowing the risk to the life of the group of Armenians living in Nagorno-Karabakh described by the International Court of Justice. He willingly ignored two binding orders of the Court and several calls by the UN Secretary-General, the French President, and the US Secretary of State.

Genocide under Article II c) is already completed. Still, it is also creating the risk of causing “bodily or mental harm” to 120,000 Armenians living in Nagorno-Karabakh, a different genocidal method established by Art II b).

² See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Provisional Measures) February 22, 2023, paras 62, 67. See also *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Request for Modification of Provisional Measures) July 6, 2023, para 30.

b) Denial of genocide affects the US duty to prevent it and creates the risk of complicity in genocide.

On July 30, 2023, Secretary of State Blinken reiterated to President Aliyev the urgency to remove the blockade of the Lachin Corridor but without mentioning the commission of genocide. Six months after his first warning, and rightly perceiving the situation's urgency, Secretary Blinken limited to stress "the need for all parties to keep up positive momentum on peace negotiations."³

A few days ago, on August 31, 2023, the State Department's Spokesperson reiterated concerns "about deteriorating humanitarian conditions in Nagorno-Karabakh." He did not mention that Azerbaijan security forces are creating the problem. Instead, he called to "officials from Baku and representatives from Stepanakert" "to agree on the means of transporting critical provisions to the men, women, and children of Nagorno-Karabakh." ⁴

Samantha Power affirmed that U.S. policymakers did almost nothing to deter previous genocides.⁵ She described how, for political reasons, the US ignored genocide committed against Armenians in 1915, the Holocaust, the Khmer Rouge crimes, and the Srebrenica and Rwanda genocides.⁶ The denial affected the US's ability to prevent genocides.

This hearing is a crucial opportunity to recognize, stop, and prevent a genocide against Armenians committed in 2023.

³ 'Secretary Blinken's Call with Azerbaijani President Aliyev' (*U.S. Department of State*, July 30, 2023), <https://www.state.gov/secretary-blinkens-call-with-azerbaijani-president-aliyev-14/>.

⁴ <https://www.state.gov/the-humanitarian-situation-in-nagorno-karabakh/>

⁵ Power (n 16) 708.

⁶ See Samantha Power, *"A Problem From Hell": America and the Age of Genocide* (Basic Books 2002) 27; Taner Akçam, 'The Armenian Genocide' in Ben Kiernan et al. (eds), *The Cambridge World History of Genocide*, vol. III (Cambridge University Press 2023) 67, 83, 74, 179, 80.. Adam Jones, *Genocide: A Comprehensive Introduction* (Routledge 2006) 198; Ben Kiernan, 'The Genocides in Cambodia, 1975-1979' in Kiernan et al. (n 17) 518, 534. Markéta Slavková, 'Starving Srebrenica and the Recipes for Survival in the Bosnian War (1992-1995)' (2019) 106 *Český Lid* 297.

The US is a party to the Genocide Convention, and by Article I, undertook the duty “to prevent and to punish” and accepted that under Article III e) complicity in genocide is punishable.

Following your questions, I will comment first on the US’s international obligation to prevent genocide and second on the risk of the US involvement in a negotiation that includes a party, Azerbaijan, which is committing genocide could be characterized as complicity in genocide.

c) The prevention of genocide

In its 2007 Bosnia v. Serbia judgment, the International Court of Justice established the principle that the state's “obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.”⁷

The Court added: “This obviously does not mean that the obligation to prevent Genocide only comes into being when the perpetration of Genocide commences; that would be absurd since the whole point of the obligation is to prevent or attempt to prevent the occurrence of the act.”⁸

In the Nagorno-Karabakh situation, prevention should be the priority to protect 120,000 Armenians at risk of physical destruction. The first step toward such prevention is to *recognize* the genocidal situation.

Ignoring a genocide until a criminal court or the International Court of Justice decides that it was committed would defeat the purpose of the Convention to prevent the crime and facilitate the harm to 120,000 Armenians.

Genocide under Article II c) should be stopped while the 120,000 Armenians living in Nagorno-Karabakh are still alive, and the harm described by Article II b) is limited.

d) Can the US be considered an accomplice of genocide?

⁷ *Bosnian Genocide* Judgment (n 46) para 431.

⁸ *Ibid.*

Complicity of genocide “requires that some positive action has been taking to furnish aid or assistance to the perpetrators of genocide.”⁹

The US doesn't need to have the intention to destroy the group of Armenians living in Nagorno-Karabakh to be an accomplice of genocide. It would be enough for the US to assist, knowing that Azerbaijan has such intention. “An accomplice must have given support in perpetrating the genocide with full knowledge of the facts.”¹⁰

The risk of complicity is expanded by the US's active role in the negotiation between Armenia and Azerbaijan, while Azerbaijan is committing genocide against Armenians in Nagorno-Karabakh and demanding full sovereignty to do it.

There is a context of hatred and racist comments by Azerbaijan members of the government highlighted by the UN Committee on the Elimination of Racial Discrimination that should be taken into consideration.¹¹

Any assistance from the US to President Aliyev or Azerbaijan that could be deemed to “facilitate” genocide could be considered complicity in genocide.

A non-exhaustive list should include any US support to Azerbaijan: i) offering of alternative routes transforming the siege of Nagorno-Karabakh into a permanent situation, ii) refusal to consider the rights of the Armenians living in such region, iii) denial of the consequences of the blockade, iv) assumption of unlimited sovereignty to maintain the genocidal blockade.

e) The way forward.

The duty to prevent does not require the US to intervene militarily in Azerbaijan but rather to use all available means as circumstances permit to have a deterrent effect on Azerbaijan.

⁹ *Bosnian Genocide* Judgment (n 46) para 431.

¹⁰ *Bosnian Genocide* Judgment (n 46) para 431.

¹¹ UN Committee on the Elimination of Racial Discrimination, ‘Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan’ (September 22, 2022) UN Doc. CERD/C/AZE/CO/10-12, para. 4(c).

I will suggest a simple but critical and timely measure to stop genocide immediately and prevent future harm.

The US must publicly clarify that it does not allow and will not allow genocide, explicitly or implicitly.

The US should openly inform the Azerbaijan government that without the immediate and unconditional removal of the Lachin Corridor blockade, the US would consider Azerbaijan to be committing genocide.

Negotiation is needed to solve the differences between Azerbaijan and Armenians living in Armenia or Nagorno-Karabakh, but genocide is a limit impossible to ignore in a “constructive dialogue.”

Additional measures should be evaluated, including how to strengthen the role of peacekeeper forces in Nagorno-Karabakh, but time is a constraint. The coming winter will produce the physical destruction aimed by the perpetrators of the Armenian genocide in 2023.

f) The Commission could help operationalize President Biden and Secretary of State Blinken’s promises and strategies.

The US government is committed to the principles. President Biden became the first US President who labeled the 1915 events as the Armenian Genocide, affirming, “Let us renew our shared resolve to prevent future atrocities from occurring anywhere in the world.”¹²

Secretary of State Blinken pledged “to use all the tools at our disposal in a collective effort to prevent and respond to genocide and other atrocities.”¹³

Furthermore, the Biden Administration adopted the 2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities, affirming that “the White House-led Atrocity

¹² ‘Statement by President Joe Biden on Armenian Remembrance Day’ (*White House*, April 24, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/24/statement-by-president-joe-biden-on-armenian-remembrance-day/>.

¹³ Press statement by Antony Blinken, “A call to prevent genocide” December 9, 2021. <https://www.state.gov/a-call-to-prevent-genocide/>

Prevention Task Force (Task Force) coordinates government efforts.”¹⁴ The Strategy invokes President Obama’s Executive Order 13729, “A Comprehensive Approach to Atrocity Prevention and Response,” affirming that it “remains in effect.” It also recognizes that the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441) (the Elie Wiesel Act) states that atrocity prevention is in the U.S. national interest.

To make these personal commitments, strategies, executive orders, and the Elie Wiesel Act operational, this Commission should immediately share the information collected with President Biden, the Atrocity Prevention Task Force, and Secretary of State Blinken, who is responsible for determining if genocide is committed.¹⁵

This Commission has an opportunity to contribute to stopping the Armenian 2023 genocide under Article II c) and to prevent genocide under Article II b) to protect 120,000 Armenians targeted to be destroyed.

1. The blockade of the Lachin Corridor as genocide under Article II c) of the Genocide Convention.

“Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” is genocide under Article II, c) of the Genocide Convention.

There is a reasonable basis to believe that the blockade of the Lachin Corridor constitutes an ongoing genocide under Article II c) against 120,000 Armenians living in Nagorno-Karabakh.

There is no mass killing in Nagorno-Karabakh, but this type of genocide does not require actual destruction. The crime is committed when the conditions planned for physical destruction are created. Genocide has already been committed.

a) When did genocide start?

¹⁴ <https://www.state.gov/2022-united-states-strategy-to-anticipate-prevent-and-respond-to-atrocities/>

¹⁵ ‘Secretary Antony J. Blinken on the Genocide and Crimes Against Humanity in Burma’ (*U.S. Department of State*, March 21, 2022), <https://www.state.gov/secretary-antony-j-blinken-at-the-united-states-holocaust-memorial-museum/>.

The starting moment of this genocide under Article II c) could be established on December 12, 2022, when individuals without apparent ties with the Azerbaijan state apparatus blocked the Lachin Corridor, affecting the provision of food, medicines, oil, and all other essentials to Nagorno-Karabakh. Additional evidence would be needed to confirm the informal relationship between those individuals and Azerbaijan authorities.

A more conservative approach would be to consider that the genocide started on April 23, 2023, when Azerbaijan installed a checkpoint over the Hakari River bridge using security forces. After that moment, it is unequivocal that President Aliyev authorized to block the Lachin corridor, knowing the consequences for the lives of the Armenians living in Nagorno-Karabakh.

Since June 14, 2023, Azerbaijan security forces completely sealed off the Lachin Corridor, the lifeline of Nagorno-Karabakh. Undoubtedly, Azerbaijan has been “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.”

b) Material elements

There are reasonable grounds to believe that the elements of genocide exist. The International Court of Justice’s decision adopted by consensus by fifteen international judges after hearing Armenia’s and Azerbaijan’s representatives and the statements by the International Committee of the Red Cross (ICRC) about the full blockade since June is enough evidence at this stage.

The International Court of Justice assessed the Lachin Corridor blockade at the request of Armenia in a case against Azerbaijan for alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

The Court’s preliminary findings considered “plausible” that the Lachin corridor blockade produced “a real and imminent risk” to the “health and life” of an ethnic group, “the Armenians living in Nagorno-Karabakh.”¹⁶

¹⁶ See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Provisional Measures) February 22, 2023, paras 62, 67. See also *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Request for Modification of Provisional Measures) July 6, 2023, para 30.

As a result, on February 22, 2023, the International Court of Justice unanimously ordered Azerbaijan to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions.”¹⁷

Instead of complying with the International Court of Justice’s binding order, on April 23, 2023, Azerbaijan installed a checkpoint over the Hakari River bridge using security forces.

Since June 14, 2023, Azerbaijan’s security forces doubled down, strengthening the blockade and sealing Nagorno-Karabakh off, preventing even the transfer of any food, medical supplies, and other life essentials.

Since then, the International Committee of the Red Cross (ICRC) and Russian peacekeeping forces have been banned from delivering humanitarian relief.

The International Committee of the Red Cross (ICRC) said on July 26, 2023, that despite their “persistent efforts,” they are currently unable “to bring humanitarian assistance to the civilian population through the Lachin corridor or through any other routes.”¹⁸

Analyzing the Srebrenica case, the International Court of Justice ruled that “deprivation of food, medical care, shelter or clothing” constitutes Genocide within the meaning of Article II(c) of the Genocide Convention.

According to the “Elements of the Crimes” adopted by the International Criminal Court, the term “conditions of life” calculated to bring about the physical destruction of a group “may include, but is not necessarily restricted to, deliberate

¹⁷ See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Provisional Measures) February 22, 2023, paras 62, 67. See also *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (Order on Request for Modification of Provisional Measures) July 6, 2023, para 30.

¹⁸ <https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering#:~:text=Despite%20persistent%20efforts%2C%20the%20International,any%20other%20routes%2C%20including%20Aghdam.>

deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.”¹⁹

c) Genocidal intention.

How to prove the intention to destroy a group required by the Genocide Convention?

The International Court of Justice did not analyze Azerbaijan’s or President Aliyev’s genocidal intention because the matter under consideration in the case presented by Armenia is the International Convention on the Elimination of All Forms of Racial Discrimination.

The responsibility of the State could be established quite separately from the question of individual criminal responsibility. But even in criminal cases, the International Criminal Tribunals for Rwanda and for the former Yugoslavia considered that intent “must usually be inferred.”²⁰ Therefore, Azerbaijan and President Aliyev’s genocidal intention would be deduced “from relevant facts and circumstances.”²¹

There is a context of hatred and racist comments by the Azerbaijan government’s members that should be considered. In September 2022, the UN Committee on the Elimination of Racial Discrimination articulated deep concern over Azerbaijan government officials expressing hatred and racist comments against persons of Armenian origin.²²

Genocidal intent refers to the person’s state of mind at the time of committing the crime.²³ The following facts and circumstances of the Lachin Corridor blockade allow us to infer President Aliyev’s intention to destroy the Armenians living in Nagorno-Karabakh.

¹⁹ ICC Elements of Crimes (2013) art 6(c)(4), fn 4.

²⁰ *Prosecutor v. Gacumbitsi* (Appeal Judgment) ICTR-2001-64-A (July 7, 2006) para 40.

²¹ *Prosecutor v. Rutaganda* (Trial Judgment) ICTR-97-20-T (December 6, 1999) para 525.

²² UN Committee on the Elimination of Racial Discrimination, ‘Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan’ (September 22, 2022) UN Doc. CERD/C/AZE/CO/10-12, para. 4(c).

²³ <https://www.icj.org/wp-content/uploads/2018/08/Universal-Genocide-Q-A-FINAL-Advocacy-analysis-brief-2018-ENG.pdf>

- 1) Since April 23, 2023, President Aliyev has voluntarily authorized Azerbaijan security forces to block the Lachin Corridor.
- 2) President Aliyev knows the consequences of the blockade. Having been put on notice by the International Court of Justice on February 22, 2023, regarding the “real and imminent risk” to the “health and life” of an ethnic group, “the Armenians living in Nagorno-Karabakh” produced by the blockade of the Lachin Corridor by non-state actors, the Azerbaijan President authorized security forces to consolidate the blockade establishing a checkpoint with cement blocks.
- 3) President Aliyev wants the consequence of the blockade. He authorized security forces to seal off the Lachin Corridor, worsening the conditions since June 14, 2023.
- 4) President Aliyev wants the consequence of the blockade. He willingly refused to comply with the International Court of Justice’s binding orders, at least since February 23, 2023.
- 5) President Aliyev wants the consequence of the blockade. He ignored calls from the UN Secretary-General, the French President, and the US Secretary of State to comply with the Court’s order.

To safeguard my accuracy and impartiality, before producing my August 7, 2023, expert analysis, I wrote to President Aliyev explaining the consequences of the blockade and offering him an opportunity to clarify his position. My letter also put President Aliyev on notice of the commission of genocide. I received no answer, and the blockade continued.

President Aliyev has voluntarily, knowingly, and willingly established a complete blockade of the Lachin Corridor, “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.”

In a fair trial to establish his individual criminal responsibility, President Aliyev would have the opportunity to provide a different interpretation of the indicia. In the meantime, all the facts indicate a reasonable basis to believe that the Azerbaijan head of

state intends to destroy the group of Armenians living in Nagorno-Karabakh. At least, there is a “danger” that he has genocidal intentions.

“The physical or biological destruction of a group is not limited only to the ultimate death of group members. Indeed, the destruction of the group could also be conceived through the purposeful eradication of its culture and identity, resulting in the extinction of the group as an entity distinct from the remainder of the community. The physical or biological destruction of the group, therefore, might also encompass other acts distinct from those causing death, extending, for instance, to forced displacement or sexual violence, where the acts lead to the material destruction of the group, since the group ceases to exist as a group.”²⁴

In the words of the International Court of Justice, President Aliyev denies “the right of existence of entire human groups.”²⁵

2. The risk of genocide under Article II b) of the Genocide Convention

Genocide under Article II c) is committed by Azerbaijan at least since April 23, 2023, and is ongoing, creating conditions of life to cause Armenians living in Nagorno-Karabakh “serious bodily or mental harm,” a different genocidal method established by Art II b).

Juan Mendez, the first UN Adviser on Genocide, issued a report this month determining that there were “early warnings” of the commission of this type of genocide. Indeed, there are already reported cases of bodily and mental harm. Starvation is the invisible genocide weapon.

²⁴ <https://www.icj.org/wp-content/uploads/2018/08/Universal-Genocide-Q-A-FINAL-Advocacy-analysis-brief-2018-ENG.pdf>

²⁵ *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion* (1951) ICJ Reports, p.23.

Other institutions alerted to the commission of genocide against Armenians in 2023.

On February 1, 2023, the International Association of Genocide Scholars Executive and Advisory Boards stated: “Significant genocide risk factors exist in the Nagorno-Karabakh situation concerning the Armenian population.”²⁶

On February 24, 2023, Genocide Watch issued a Genocide Emergency for Azerbaijan’s ongoing blockade against the Armenian populated region of Artsakh.²⁷

On June 22, 2023, the Lemkin Institute for Genocide Prevention issued a Red Flag Alert for Genocide.²⁸

3. The duty to prevent and the crime of complicity under the Genocide Convention.

In its 2007 *Bosnia v. Serbia* judgment, the International Court of Justice established the principle that the states’ “obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.”²⁹

The Court added: “This obviously does not mean that the obligation to prevent Genocide only comes into being when the perpetration of Genocide commences; that would be absurd since the whole point of the obligation is to prevent or attempt to prevent the occurrence of the act.”³⁰

In assessing whether there is a “risk” of genocide, applying the “reasonable basis to believe” standard of evaluating the evidence should suffice. The International Court of Justice considered that the duty of prevention requires to act on those “reasonably suspected of harboring specific intent (*dolus specialis*).”

²⁶ Available at: <https://genocidescholars.org/wp-content/uploads/2023/02/IAGS-EB-AB-Statement-on-Azeri-Blockade-of-Artsakh.pdf>.

²⁷ <https://www.genocidewatch.com/single-post/genocide-emergency-azerbaijan-s-blockade-of-artsakh>

²⁸ see Lemkin Institute for Genocide, ‘Azerbaijan Update #8’ (June 22, 2023), https://www.lemkininstitute.com/_files/ugd/391abe_2bdcf33e1e0d4acf95e82292efed03c8.pdf.

²⁹ *Bosnian Genocide Judgment* (n 46) para 431.

³⁰ *Ibid.*

Therefore, the standard of evidence to trigger a state party obligation to prevent a possible genocide is lower than the standard “beyond any doubt” required to establish individual criminal responsibility for genocide.

But, if the US is fully aware that “genocide was about to be committed or was underway” and provides aid or assistance to Azerbaijan, it could be an accomplice of genocide. Genocide complicity “requires that some positive action has been taking to furnish aid or assistance to the perpetrators of genocide.”

The US doesn't need to have the intention to destroy the group of Armenians living in Nagorno-Karabakh to be an accomplice of genocide. It would be enough for the US to assist, knowing that Azerbaijan has such intention. “An accomplice must have given support in perpetrating the genocide with full knowledge of the facts.”

Any US assistance to President Aliyev and Azerbaijan to “enable or facilitate” the blockade of the Lachin Corridor or other forms of genocide could be considered complicity in genocide. “Complicity always requires that some positive action has been taken to furnish aid or assistance to the perpetrators of the genocide.”

The assistance could include the US pressuring Armenia to accept the genocide as the cost of negotiation with Azerbaijan or help Azerbaijan deny the genocide.

As mentioned in the summary, a non-exhaustive list of examples should include any US support to a) Azerbaijan’s offer of alternative routes transforming into permanent a siege of Nagorno-Karabakh, b) the refusal to consider the rights of the Armenians living in such region, c) the denial of the consequences of the blockade, d) the assumption of an unlimited sovereignty to maintain the genocidal blockade.