

AMENDMENT TO RULES COMM. PRINT 117-13
OFFERED BY MR. CÁRDENAS OF CALIFORNIA

Add at the end of subtitle C of title XIII of division
A the following:

1 **SEC. 13 ____ . REPORT ON AZERBAIJAN.**

2 (a) SENSE OF CONGRESS ON AZERBAIJAN’S ILLEGAL
3 DETENTION OF ARMENIAN PRISONERS OF WAR.—

4 (1) FINDINGS.—Congress makes the following
5 findings:

6 (A) On September 27, 2020, Azerbaijan,
7 with support from Turkey and foreign militia
8 groups, launched a military assault on
9 Nagorno-Karabakh, also known as Artsakh, re-
10 sulting in the deaths of thousands and dis-
11 placing tens of thousands of ethnic Armenian
12 residents.

13 (B) On November 9, 2020, Azerbaijan, Ar-
14 menia, and Russia signed a tripartite statement
15 to end the conflict.

16 (C) In signing the November 9 statement,
17 all parties agreed that the “exchange of pris-
18 oners of war, hostages and other detainees as

1 well as the remains of the fatalities shall be car-
2 ried out.”.

3 (D) The Third Geneva Convention, of
4 which Azerbaijan is a signatory, and customary
5 international law require the release of pris-
6 oners of war and captured civilians upon the
7 cessation of hostilities and require that all de-
8 tainees be treated humanely.

9 (E) Despite Azerbaijan’s obligations under
10 the Geneva Conventions and their commitments
11 in signing the November 9 statement, long after
12 the end of the conflict, the Government of Azer-
13 baijan continues to detain an estimated 200 Ar-
14 menian prisoners of war, hostages, and detained
15 persons, misrepresenting their status in an at-
16 tempt to justify their continued captivity.

17 (F) Human Rights Watch reported in De-
18 cember 2020, that Azerbaijani military forces
19 had mistreated ethnic Armenian prisoners of
20 war and subjected them to “physical abuse and
21 humiliation”.

22 (G) Columbia University’s Institute for the
23 Study of Human Rights issued a report on the
24 conflict that “document[s] crimes against hu-
25 manity and other atrocities committed by Azer-

1 bajani armed forces and Turkish-backed
2 Islamist fighters against Armenians”, including
3 beheadings, summary executions, and the dese-
4 cration of human remains.

5 (H) There is limited reliable information
6 about the condition or treatment of prisoners of
7 war and captured civilians, and there is signifi-
8 cant concern that female detainees in particular
9 could be subject to sexual assaults and other
10 mistreatment.

11 (I) The continued detainment of prisoners
12 of war and captured civilians by Azerbaijan
13 calls into serious question their commitment to
14 human rights and negotiating an equitable,
15 lasting peace settlement.

16 (J) Armenia has fulfilled its obligations
17 under the November 9 statement and inter-
18 national law by returning Azerbaijani prisoners
19 of war.

20 (K) The United States is a co-chair, along
21 with France and Russia, of the Organization
22 for Security and Co-operation in Europe Minsk
23 Group, which was created to seek a durable and
24 peaceful solution to the Nagorno-Karabakh con-
25 flict.

1 (2) SENSE OF CONGRESS.—It is the sense of
2 Congress that—

3 (A) Azerbaijan must immediately and un-
4 conditionally return all Armenian prisoners of
5 war and captured civilians; and

6 (B) the Biden Administration should en-
7 gage at all levels with Azerbaijani authorities,
8 including through the Organization for Security
9 and Co-operation in Europe Minsk Group proc-
10 ess, to make clear the importance of adhering
11 to their obligations, under the November 9
12 statement and international law, to immediately
13 release all prisoners of war and captured civil-
14 ians.

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary of Defense,
17 in consultation with the Secretary of State, shall submit
18 to the relevant congressional committees a report on the
19 following:

20 (1) United States-origin parts and technology
21 discovered in Turkish Bayraktar unmanned aerial
22 vehicles deployed by Azerbaijan against Nagorno
23 Karabakh between September 27, 2020 and Novem-
24 ber 9, 2020, including an assessment of any poten-
25 tial violations of violations of the Arms Export Con-

1 trol Act or other applicable laws, sanctions policies,
2 or other provisions of United States law related to
3 the discovery of such parts and technology.

4 (2) Azerbaijan’s use of white phosphorous, clus-
5 ter bombs, and prohibited munitions deployed by
6 Azerbaijan against civilians and civilian infrastruc-
7 ture in Nagorno Karabakh between September 27,
8 2020, and November 9, 2020, including an assess-
9 ment of any potential violations of United States or
10 international law related to the use of such muni-
11 tions.

12 (3) Turkey’s and Azerbaijan’s recruitment of
13 foreign terrorist fighters to participate in Azer-
14 baijan’s offensive military operations against
15 Nagorno Karabakh between September 27, 2020,
16 and November 9, 2020, including an assessment of
17 any related potential violations of United States law,
18 the International Convention against the Recruit-
19 ment, Use, Financing and Training of Mercenaries,
20 or other international or multilateral treaties.

21 (c) RELEVANT CONGRESSIONAL COMMITTEES.—In
22 this section, the term “relevant congressional committees”
23 means the Committee on Foreign Affairs and Committee
24 on Armed Services of the House of Representatives and

1 the Committee on Foreign Relations and Committee on
2 Armed Services of the Senate.

3 (1) Azerbaijan must immediately and uncondi-
4 tionally return all Armenian prisoners of war and
5 captured civilians; and

6 (2) the Biden Administration should engage at
7 all levels with Azerbaijani authorities, including
8 through the Organization for Security and Co-oper-
9 ation in Europe Minsk Group process, to make clear
10 the importance of adhering to their obligations,
11 under the November 9 statement and international
12 law, to immediately release all prisoners of war and
13 captured civilians.

