AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. SCHIFF OF CALIFORNIA

At the end of subtitle B of title XIII, add the following:

SEC. 13. SENSE OF CONGRESS ON AZERBAIJAN’S ILLEGAL DETENTION OF ARMENIAN PRISONERS OF WAR.

(a) FINDINGS.—Congress finds the following:

(1) On September 27, 2020, Azerbaijan launched a military assault on Artsakh (Nagorno-Karabakh), resulting in thousands of deaths, the displacement of tens of thousands of ethnic Armenian residents, and the detention of more than 100 Armenian prisoners of war by Azerbaijan.

(2) On November 9, 2020, Azerbaijan, Armenia, and Russia signed a tripartite ceasefire statement, in which all parties agreed that the “exchange of prisoners of war, hostages and other detainees as well as the remains of the fatalities shall be carried out”.

(3) The Third Geneva Convention, of which Azerbaijan is a signatory, and customary inter-
national law require the release of prisoners of war and captured civilians upon the cessation of hostilities.

(4) Despite Azerbaijan’s international legal obligations, more than two years after signing the November 2020 statement, it has not released all relevant persons and instead continues to detain new prisoners of war, hostages, and captured civilians.

(5) In September 2022, Azerbaijan launched another unprovoked assault on sovereign Armenian territory, resulting in the deaths of at least 49 soldiers and additional prisoners of war taken hostage.

(6) In just one of the latest examples, on May 27, 2023, an Azerbaijani armed group crossed into sovereign Armenian territory and abducted two Armenian soldiers delivering food in Syunik province, who are now imprisoned by Azerbaijani authorities and face unsubstantiated terrorism charges.

(7) At least 33 and up to 131 prisoners of war are still detained, though the true number is unknown given the limited reliable information about the condition or treatment of prisoners of war and captured civilians in Azerbaijan and the government’s misrepresentations of their status in an attempt to justify their continued captivity.
(8) Azerbaijan is bound by the International Covenant on Civil and Political Rights and the European Convention on Human Rights, to which it is a party, as well as the Third Geneva Convention, to treat those in custody humanely in all circumstances.

(9) Human Rights Watch reported in March 2021 that Azerbaijani forces had abused ethnic Armenian prisoners of war and subjected them to “cruel and degrading treatment and torture either when they were captured, during their transfer, or while in custody at various detention facilities”, including electrical shocks, prolonged and repeated beatings, and prodding with sharp metal rods.

(10) A December 2021 International Court of Justice ruling ordered Azerbaijan to protect from violence and bodily harm Armenians detained during or since the 2020 fighting and provide for their security and equality before the law.

(11) A September 2022 United Nations Committee on the Elimination of Racial Discrimination report highlighted deep concern over “Allegations of severe and grave human rights violations committed during the 2020 hostilities and beyond by Azerbaijani military forces against prisoners of war and
other protected persons of Armenian ethnic or na-
tional origin—including extrajudicial killings, torture
and other ill-treatment and arbitrary detention.”.

(12) A video authenticated by Human Rights
Watch showed the extrajudicial execution of at least
7 Armenian prisoners of war, apparently by Azer-
baijani forces in September 2022, “a war crime for
which there needs to be accountability”.

(13) There is significant concern that female
detainees in particular could be subject to sexual as-
saults and other mistreatment, with video footage
from September 2022 showing one horrific example
of a female Armenian soldier who was dismembered,
stripped, and mutilated by Azerbaijani troops.

(14) The Department of State’s Human Rights
Reports released March 2023 document “credible re-
ports of unlawful killings involving summary execu-
tions of Armenian soldiers in Azerbaijani custody”
and concerns regarding lack of due process in Azer-
baijani trials of Armenian civilians and servicemen.

(15) Armenia has fulfilled its obligations under
the November 9 statement and international law by
returning Azerbaijani prisoners of war.

(16) Azerbaijan’s continued detainment, tor-
ture, and extrajudicial execution of prisoners of war
and captured civilians calls into serious question their commitment to human rights and negotiating an equitable, lasting peace settlement.

(17) The United States, along with France and Russia, is a cochair of the Organization for Security and Co-operation in Europe (OSCE) Minsk Group which was created to seek a durable and peaceful solution to the conflict.

(18) In the context of ongoing peace talks involving Armenia, Azerbaijan, the United States, the European Union, and Russia, there have been calls for the release of prisoners of war as soon as possible, and a decision by Azerbaijan to release all remaining prisoners of war in its custody could represent an important confidence-building measure.

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

(1) Azerbaijan must immediately return all Armenian prisoners of war and captured civilians, and provide information on the whereabouts of service-men and civilians who were last seen in Azerbaijani custody but whose status is unknown;

(2) Azerbaijan must conduct prompt and transparent investigations into allegations of torture, extrajudicial killings, and other abuses against pris-
oners of war and hold accountable those responsible;

and

(3) the Biden administration should engage at all levels with Azerbaijani authorities, including through the OSCE Minsk Group process, to make clear the importance of adhering to their obligations under the November 9 statement and international law to immediately release all prisoners of war and captured civilians and treat them humanely.