

AMENDMENT TO RULES COMM. PRINT 118–36

OFFERED BY MR. SCHIFF OF CALIFORNIA

At the end of subtitle C of title XVII, insert the following new section:

1 **SEC. 17 ____. SENSE OF CONGRESS ON AZERBAIJAN’S ILLE-**
2 **GAL DETENTION OF ARMENIAN PRISONERS**
3 **OF WAR.**

4 (a) **FINDINGS.**—Congress finds the following:

5 (1) On September 27, 2020, Azerbaijan
6 launched a military assault on Artsakh (Nagorno-
7 Karabakh), resulting in thousands of deaths, the dis-
8 placement of tens of thousands of ethnic Armenian
9 residents, and the detention of more than 100 Arme-
10 nian prisoners of war by Azerbaijan.

11 (2) On November 9, 2020, Azerbaijan, Arme-
12 nia, and Russia signed a tripartite ceasefire state-
13 ment, in which all parties agreed that the “exchange
14 of prisoners of war, hostages and other detainees as
15 well as the remains of the fatalities shall be carried
16 out”.

17 (3) The Third Geneva Convention, of which
18 Azerbaijan is a signatory, and customary inter-
19 national law require the release of prisoners of war

1 and captured civilians upon the cessation of hos-
2 tilities.

3 (4) Despite Azerbaijan's international legal obli-
4 gations, more than two years after signing the No-
5 vember 2020 statement, it has not released all rel-
6 evant persons and instead continues to detain new
7 prisoners of war, hostages, and captured civilians.

8 (5) In September 2022, Azerbaijan launched
9 another unprovoked assault on sovereign Armenian
10 territory, resulting in the deaths of at least 49 sol-
11 diers and additional prisoners of war taken hostage.

12 (6) In just one of the latest examples, on May
13 27, 2023, an Azerbaijani armed group crossed into
14 sovereign Armenian territory and abducted two Ar-
15 menian soldiers delivering food in Syunik province,
16 who are now imprisoned by Azerbaijani authorities
17 and face unsubstantiated terrorism charges.

18 (7) At least 33 and up to 131 prisoners of war
19 are still detained, though the true number is un-
20 known given the limited reliable information about
21 the condition or treatment of prisoners of war and
22 captured civilians in Azerbaijan and the govern-
23 ment's misrepresentations of their status in an at-
24 tempt to justify their continued captivity.

1 (8) Azerbaijan is bound by the International
2 Covenant on Civil and Political Rights and the Eu-
3 ropean Convention on Human Rights, to which it is
4 a party, as well as the Third Geneva Convention, to
5 treat those in custody humanely in all cir-
6 cumstances.

7 (9) Human Rights Watch reported in March
8 2021 that Azerbaijani forces had abused ethnic Ar-
9 menian prisoners of war and subjected them to
10 “cruel and degrading treatment and torture either
11 when they were captured, during their transfer, or
12 while in custody at various detention facilities”, in-
13 cluding electrical shocks, prolonged and repeated
14 beatings, and prodding with sharp metal rods.

15 (10) A December 2021 International Court of
16 Justice ruling ordered Azerbaijan to protect from vi-
17 olence and bodily harm Armenians detained during
18 or since the 2020 fighting and provide for their se-
19 curity and equality before the law.

20 (11) A September 2022 United Nations Com-
21 mittee on the Elimination of Racial Discrimination
22 report highlighted deep concern over “Allegations of
23 severe and grave human rights violations committed
24 during the 2020 hostilities and beyond by Azer-
25 baijani military forces against prisoners of war and

1 other protected persons of Armenian ethnic or na-
2 tional origin—including extrajudicial killings, torture
3 and other ill-treatment and arbitrary detention.”.

4 (12) A video authenticated by Human Rights
5 Watch showed the extrajudicial execution of at least
6 7 Armenian prisoners of war, apparently by Azer-
7 baijani forces in September 2022, “a war crime for
8 which there needs to be accountability”.

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

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

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

24 (16) Azerbaijan’s continued detainment, tor-
25 ture, and extrajudicial execution of prisoners of war

1 and captured civilians calls into serious question
2 their commitment to human rights and negotiating
3 an equitable, lasting peace settlement.

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

9 (18) In the context of ongoing peace talks in-
10 volving Armenia, Azerbaijan, the United States, the
11 European Union, and Russia, there have been calls
12 for the release of prisoners of war as soon as pos-
13 sible, and a decision by Azerbaijan to release all re-
14 maining prisoners of war in its custody could rep-
15 resent an important confidence-building measure.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

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

23 (2) Azerbaijan must conduct prompt and trans-
24 parent investigations into allegations of torture,
25 extrajudicial killings, and other abuses against pris-

1 oners of war and hold accountable those responsible;
2 and
3 (3) the Biden administration should engage at
4 all levels with Azerbaijani authorities, including
5 through the OSCE Minsk Group process, to make
6 clear the importance of adhering to their obligations
7 under the November 9 statement and international
8 law to immediately release all prisoners of war and
9 captured civilians and treat them humanely.

