

118TH CONGRESS
1ST SESSION

H. R. 5686

To prevent ethnic cleansing and atrocities against ethnic Armenians, promote accountability for the same, protect and provide humanitarian assistance to Armenians in Armenia and Nagorno-Karabakh impacted by actions taken by the Government of Azerbaijan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2023

Mr. SMITH of New Jersey (for himself, Mr. BILIRAKIS, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent ethnic cleansing and atrocities against ethnic Armenians, promote accountability for the same, protect and provide humanitarian assistance to Armenians in Armenia and Nagorno-Karabakh impacted by actions taken by the Government of Azerbaijan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Ethnic
3 Cleansing and Atrocities in Nagorno-Karabakh Act of
4 2023”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) In September 2020, Azerbaijan invaded
8 Nagorno-Karabakh, resulting in conflict in which
9 more than 6,500 people in Armenia, Azerbaijan, and
10 Nagorno-Karabakh were killed.

11 (2) According to the United Nations High Com-
12 missioner for Refugees (UNHCR), Azerbaijan’s
13 2020 invasion resulted in the displacement of more
14 than 91,000 individuals from Nagorno-Karabakh,
15 with the vast majority, primarily women and chil-
16 dren, living in a “refugee-like” situation in the war’s
17 aftermath.

18 (3) People displaced by Azerbaijan’s invasion of
19 Nagorno-Karabakh continue to have acute humani-
20 tarian needs, including access to drinking water and
21 health care.

22 (4) Human Rights Watch found that Azer-
23 baijani forces indiscriminately used cluster muni-
24 tions and artillery rockets against civilian targets
25 and destroyed civilian infrastructure, including hos-
26 pitals and schools during the 2020 war.

1 (5) In September 2022, Azerbaijan unleashed
2 another assault on Armenian territory, including the
3 cities of Vardenis, Sotk, Artanish, Ishkhanasar,
4 Goris, and Kapan, which killed almost 400 military
5 personnel.

6 (6) Azerbaijani forces shelled Armenian commu-
7 nities in September 2022, killing at least 4 civilians,
8 injuring 14, and displacing at least 7,600 people, in-
9 cluding almost 1,500 children and 100 people with
10 disabilities.

11 (7) In December 2022, Azerbaijan imposed a
12 blockade of the Lachin Corridor, a road by which 90
13 percent of food consumed by residents of Nagorno-
14 Karabakh previously entered the enclave.

15 (8) The International Court of Justice ordered
16 Azerbaijan in February 2023 to “ensure unimpeded
17 movement of persons, vehicles, and cargo along the
18 Lachin Corridor in both directions”, a ruling with
19 which it has failed to comply.

20 (9) Azerbaijan’s installation of a military check-
21 point in the Lachin Corridor in April 2023 further
22 threatened the supply of urgent humanitarian goods
23 to Nagorno-Karabakh.

24 (10) On August 6, 2023, the Armenian
25 Ombudsperson reported that no humanitarian aid

1 had entered Nagorno-Karabakh since June 15, and
2 that miscarriages had tripled.

3 (11) On August 7, 2023, a United Nations
4 group of experts stated that Azerbaijan’s ongoing
5 blockade of the Lachin Corridor “is a humanitarian
6 emergency that has created severe shortages of es-
7 sential food staples” and threatens medical reserves.

8 (12) On August 7, 2023, Luis Moreno Ocampo,
9 former Prosecutor of the International Criminal
10 Court (2003–2012) released an Expert Opinion that
11 the actions of the Government of Azerbaijan toward
12 ethnic Armenians in Nagorno-Karabakh constituted
13 the crime of genocide under the Genocide Conven-
14 tion, and urged that members of the United Nations
15 Security Council seek to refer the matter to the
16 International Criminal Court for investigation and
17 prosecution under the Genocide Convention.

18 (13) In certain instances, Azerbaijani authori-
19 ties have detained residents of Nagorno-Karabakh
20 traveling to Armenia through the Lachin Corridor,
21 leaving ethnic Armenians who choose to depart for
22 Armenia to avoid starvation to wonder if they can
23 depart safely.

24 (14) According to the International Committee
25 of the Red Cross, residents of Nagorno-Karabakh

1 lack life-saving medication, hygiene products, and
2 baby formula, and basic foodstuffs are increasingly
3 scarce.

4 (15) The United States Commission on Inter-
5 national Religious Freedom’s 2023 Annual Report
6 noted the documented destruction of Armenian her-
7 itage sites in Nagorno-Karabakh, including St.
8 Sargis Church, while the European Parliament in
9 March 2023 condemned an Azerbaijani policy to
10 “erase and deny Armenian cultural heritage in and
11 around Nagorno-Karabakh”.

12 (16) In a September 2022 report, the United
13 Nations Committee on the Elimination of Racial
14 Discrimination expressed deep concern in Azerbaijan
15 regarding “[i]ncitement to racial hatred and the
16 propagation of racist stereotypes against persons of
17 Armenian national or ethnic origin, including on the
18 Internet and social media, as well as by public fig-
19 ures and government officials, and the lack of de-
20 tailed information on investigations, prosecutions,
21 convictions, and sanctions for such acts”.

22 (17) Any peace agreement between Armenia
23 and Azerbaijan will only be sustainable if its in-
24 cludes protections for the Armenian population of
25 Nagorno-Karabakh.

1 (18) On September 19, 2023, Azerbaijan
2 launched an assault on Nagorno-Karabakh, and in
3 the first days of that attack killed more than 200 ci-
4 vilians, including children, and wounding 400.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) long-standing U.S. policy not to recognize
8 changes to borders or political status that a party to
9 a conflict attempts to make by force or aggression
10 should be applied in relation to Azerbaijan,
11 Nagorno-Karabakh, and Armenia;

12 (2) long-standing U.S. policy has been and
13 should remain to facilitate a negotiated settlement of
14 Nagorno-Karabakh’s political status, neither recog-
15 nizing Azerbaijan’s claim to sovereign authority over
16 Nagorno-Karabakh, nor Nagorno-Karabakh’s claim
17 to independence, but to promote resolution of the
18 question of its status through negotiation within the
19 OSCE Minsk Group;

20 (3) the U.S. should not recognize any settle-
21 ment of Nagorno-Karabakh’s political status that is
22 achieved as a consequence of Azerbaijan’s military
23 invasion of Nagorno-Karabakh in 2020, its blockade
24 of Nagorno-Karabakh since December 12, 2022, or
25 the invasion that began on September 19, 2023, or

1 its threats and coercion of Armenian leaders in
2 Nagorno-Karabakh, including by creating an atmos-
3 phere of terror;

4 (4) numerous documented reports and evidences
5 of atrocities, war crimes, crimes against humanity,
6 and genocide committed by Azerbaijan in and
7 around Nagorno-Karabakh should be investigated
8 and those responsible should be held accountable,
9 and the U.S. should play a leading role in promoting
10 this process;

11 (5) due to credible reports of ongoing atrocities
12 against ethnic Armenians following the Azerbaijani
13 invasion of Artsakh that began on September 19,
14 2023, the U.S. should press for immediate access by
15 international observers, including U.S. diplomats, to
16 promote verification of these reports;

17 (6) the United States should direct the United
18 States Representative to the United Nations to use
19 the voice, vote, and influence of the United States to
20 refer the actions of the Government of Azerbaijan
21 toward ethnic Armenians in Nagorno-Karabakh to
22 the International Criminal Court for investigation
23 and prosecution under the Genocide Convention;

24 (7) Azerbaijan is conducting a campaign of eth-
25 nic cleansing against Armenians living in Nagorno-

1 Karabakh and the United States and the inter-
2 national community have a responsibility to provide
3 immediate humanitarian support;

4 (8) the Government of Azerbaijan must imme-
5 diately cease actions that undermine the mission of
6 the International Committee of the Red Cross and
7 restore unfettered humanitarian access to the region,
8 including by facilitating the transfer of food, fuel,
9 medicine, and hygiene products; and

10 (9) the Government of Azerbaijan should imme-
11 diately release all Armenian prisoners of war.

12 **SEC. 4. HUMANITARIAN ASSISTANCE FOR ARMENIANS IN**
13 **ARMENIA AND NAGORNO-KARABAKH.**

14 There is authorized to be appropriated to the United
15 States Agency for International Development, for fiscal
16 year 2024, \$30,000,000 to provide humanitarian assist-
17 ance to groups in Armenia and Nagorno-Karabakh im-
18 pacted by the 2020 Nagorno-Karabakh War, Azerbaijan's
19 September 2022 attack on Armenia, and Azerbaijan's
20 blockade of the Lachin Corridor.

21 **SEC. 5. FREEDOM SUPPORT ACT SECTION 907 WAIVER RE-**
22 **PEAL.**

23 Title II of the Foreign Operations, Export Financing,
24 and Related Programs Appropriations Act, 2002 (Public
25 Law 107–115) (22 U.S.C. 5812 note) is amended, under

1 the heading “ASSISTANCE FOR THE INDEPENDENT
2 STATES OF THE FORMER SOVIET UNION”, by striking
3 paragraphs (2) through (6) of subsection (g).

4 **SEC. 6. FOREIGN MILITARY FINANCING.**

5 (a) AUTHORIZATION.—There is authorized to be ap-
6 propriated \$12,000,000 for the Department of State for
7 fiscal year 2024 for Foreign Military Financing program
8 assistance for the Republic of Armenia.

9 (b) PURPOSES.—The Foreign Military Financing
10 program assistance authorized by subsection (a) shall be
11 used to—

12 (1) support Armenia’s sovereign independence;

13 (2) support joint training and exercises with the
14 United States;

15 (3) enhance United States-Armenia interoper-
16 ability; and

17 (4) train Armenian forces for future inter-
18 national peacekeeping operations.

19 **SEC. 7. STRATEGY TO PROTECT THE RIGHTS OF PEOPLE IN**
20 **NAGORNO-KARABAKH.**

21 (a) STRATEGY REQUIRED.—Not later than 45 days
22 after the date of the enactment of this Act, the Secretary
23 of State shall submit to the appropriate congressional
24 committees a detailed strategy to ensure the durable secu-
25 rity for the people of Nagorno-Karabakh.

1 (b) ELEMENTS.—The strategy required by subsection

2 (a) shall include—

3 (1) incorporating the rights and security of the
4 people in Nagorno-Karabakh into any and all efforts
5 to facilitate peace talks between Armenia and Azer-
6 baijan, including the right of the ethnic Armenians
7 to live safely in Nagorno-Karabakh; and

8 (2) a plan to work with leaders of Nagorno-
9 Karabakh and the international community to en-
10 sure—

11 (A) the establishment of accountability
12 measures to ensure the rights and security of
13 the population of Nagorno-Karabakh in the
14 event that the Governments of Armenia and
15 Azerbaijan reach a peace agreement;

16 (B) the stationing of U.S. diplomats in
17 Nagorno-Karabakh in order that they can ob-
18 serve, interact with and receive reports from in-
19 habitants;

20 (C) support for the protection of Armenian
21 cultural heritage sites in Nagorno-Karabakh,
22 including the 24-hour video monitoring of those
23 sites;

24 (D) Armenians in Nagorno-Karabakh are
25 able maintain their right to study according to

1 a curriculum designed by local representatives,
2 worship according to their chosen religious be-
3 liefs, and speak their preferred language; and

4 (E) the survival of Armenian cultural her-
5 itage in Nagorno-Karabakh, including mon-
6 asteries, churches, and cemeteries.

7 **SEC. 8. ACCOUNTABILITY FOR ALLEGED AZERBAIJANI**
8 **ATROCITIES DURING SEPTEMBER 2022 AT-**
9 **TACK ON ARMENIA.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of State
12 shall submit to the appropriate congressional committees
13 a detailed report regarding evidence that Azerbaijan and
14 its proxies violated international humanitarian law and
15 committed atrocities and war crimes during its attacks on
16 Armenia in September 2022 and on Nagorno-Karabakh
17 in September 2023.

18 (b) ELEMENTS.—The report required under sub-
19 section (a) shall include the following elements:

20 (1) A description of the status of efforts to in-
21 vestigate, verify, and promote accountability for al-
22 leged atrocities, including war crimes and crimes
23 against humanity that Azerbaijani forces committed
24 during the course of Azerbaijan’s attacks on Arme-
25 nia in September 2022 and on Nagorno-Karabakh in

1 September 2023, and a description of any docu-
2 mented atrocities to date.

3 (2) A description of United States support for
4 efforts to investigate, verify, and promote account-
5 ability for alleged atrocities, including war crimes
6 and crimes against humanity that Azerbaijani forces
7 committed during the course of attacks on Armenia
8 in September 2022 and on Nagorno-Karabakh in
9 September 2023.

10 (3) A description of efforts to promote justice
11 for victims of alleged atrocities, including statements
12 by civilians who were victimized.

13 (4) A strategy for diplomatic engagement to
14 build support multilaterally for widespread account-
15 ability for these atrocities, including multilateral en-
16 gagements, economic sanctions, and visa restrictions,
17 and freezing of foreign assets by the perpetrators
18 and their family members.

19 (5) Plans to deter future Azerbaijani attacks
20 against Armenia by expanding U.S.-Armenia joint
21 exercises and other forms of security cooperation.

1 **SEC. 9. ENHANCED REPORTING RE INCITEMENT TO ETH-**
2 **NIC HATRED AND VIOLENCE, HUMAN RIGHTS**
3 **VIOLATIONS, ATROCITIES, WAR CRIMES,**
4 **CRIMES AGAINST HUMANITY AND GENOCIDE.**

5 The State Department shall assess incitement of eth-
6 nic hatred and violence, human rights violations, atroc-
7 ities, war crimes, violations of international humanitarian
8 law, crimes against humanity, and genocide, including ele-
9 ments of these crimes committed in Nagorno-Karabakh
10 and surrounding areas of Azerbaijan in relation to the
11 conflict over Nagorno-Karabakh since January 1, 2020.
12 Such enhanced reporting shall include gathering and eval-
13 uating evidence, including that which is publicly available
14 on Columbia University's Artsakh Atrocities website, and
15 including a description of documented atrocities, and
16 should also include information on perpetrators in Azer-
17 baijan's Armed Forces, as well as militias including
18 Islamist armed groups engaged on the ground.

19 (1) Such enhanced reporting shall be made available
20 on the website of the State Department.

21 (2) Evidence gathered pursuant to subsection (a)
22 shall be available to appropriate law enforcement or judi-
23 cial authorities, including appropriate national, regional or
24 international justice mechanisms for use as evidence to
25 support the indictment and trial of any persons respon-
26 sible for human rights abuses including incitement to ha-

1 tred, violence, atrocities, ethnic cleansing, war crimes,
2 crimes against humanity and genocide.

3 **SEC. 10. IMPOSITION OF SANCTIONS WITH RESPECT TO OF-**
4 **FICIALS OF THE GOVERNMENT OF AZER-**
5 **BAIJAN RELATED TO ETHNIC CLEANSING IN**
6 **NAGORNO-KARABAKH.**

7 (a) IN GENERAL.—Not later than 30 days after the
8 date of the enactment of this Act, and after making the
9 determination required by subsection (c), the President
10 shall impose sanctions described in subsection (d) with re-
11 spect to each official of the Government of Azerbaijan—

12 (1) specified in subsection (b); or

13 (2) determined by the President under sub-
14 section (c) to have directed an attack or the block-
15 ade described in that subsection.

16 (b) OFFICIALS SPECIFIED.—The officials specified in
17 this subsection are the following:

18 (1) The President of Azerbaijan.

19 (2) The Minister of Defense of Azerbaijan.

20 (3) The Minister of Defense Industry of Azer-
21 baijan.

22 (4) The Chief of the State Border Service of
23 Azerbaijan.

24 (5) The Chief of the State Security Service of
25 Azerbaijan.

1 (6) The Chief of the Foreign Intelligence Serv-
2 ice of Azerbaijan.

3 (c) IDENTIFICATION OF ADDITIONAL OFFICIALS.—

4 Not later than 30 days after the date of the enactment
5 of this Act, the President shall determine whether any offi-
6 cials of the Government of Azerbaijan, in addition to the
7 officials specified in subsection (b), directed—

8 (1) operations that instigated the 2020
9 Nagorno-Karabakh War;

10 (2) attacks on Armenia in September 2022;

11 (3) the blockade of the Lachin Corridor begin-
12 ning in December 2022; or

13 (4) attacks on Nagorno-Karabakh in September
14 2023.

15 (d) SANCTIONS DESCRIBED.—The sanctions to be
16 imposed under subsection (a) with respect to an official
17 described in that subsection include any of the sanctions
18 authorized under the International Emergency Economic
19 Powers Act (50 U.S.C. 1701 et seq.), the Global
20 Magnitsky Human Rights Accountability Act (22 U.S.C.
21 2656), or any other provision of law.

22 (e) NATIONAL SECURITY WAIVER.—The President
23 may waive the imposition of sanctions under this section
24 with respect to an official described in subsection (a) if
25 the President—

