

118TH CONGRESS
2D SESSION

S. RES. 540

Requesting information on Azerbaijan’s human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2024

Mr. MARKEY (for himself, Mr. CASSIDY, Mr. PETERS, Mr. RUBIO, Mr. WHITEHOUSE, Ms. WARREN, Mr. WELCH, Mr. MENENDEZ, and Mr. FETTERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Requesting information on Azerbaijan’s human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961.

1 *Resolved,*

2 **SECTION 1. REQUEST FOR INFORMATION ON AZER-**
3 **BAIJAN’S HUMAN RIGHTS PRACTICES.**

4 (a) STATEMENT REQUESTED.—The Senate requests
5 that the Secretary of State, not later than 30 days after
6 the date of the adoption of this resolution, transmit to the
7 Committee on Foreign Affairs of the House of Representa-
8 tives and the Committee on Foreign Relations of the Sen-
9 ate, pursuant to section 502B(c) of the Foreign Assistance

1 Act of 1961 (22 U.S.C. 2304(c)), a statement, prepared
2 in collaboration with the Assistant Secretary of State for
3 Democracy, Human Rights, and Labor and the Office of
4 the Legal Adviser, regarding Azerbaijan's human rights
5 practices.

6 (b) ELEMENTS.—The statement submitted under
7 subsection (a) shall include the following elements:

8 (1) All available information about the observ-
9 ance and respect for human rights and fundamental
10 freedoms in Azerbaijan, including information con-
11 cerning alleged violations of internationally recog-
12 nized human rights by the Government of Azer-
13 baijan, including—

14 (A) unlawful or arbitrary killings;

15 (B) torture;

16 (C) cruel, inhuman, or degrading treat-
17 ment or punishment of detainees;

18 (D) political prisoners;

19 (E) arbitrary arrest or detention;

20 (F) the displacement of ethnic Armenians
21 from Nagorno Karabakh;

22 (G) restrictions on freedom of assembly,
23 association, and movement;

24 (H) pervasive problems with the independ-
25 ence of the judiciary;

1 (I) forced disappearances;

2 (J) serious restrictions on freedom of
3 speech, expression, and the media;

4 (K) severe restrictions on political partici-
5 pation;

6 (L) discrimination against women and gen-
7 der-based violence;

8 (M) restrictions on religious freedom;

9 (N) serious restrictions on internet free-
10 dom;

11 (O) existence of the worst forms of child
12 labor; and

13 (P) destruction of religious and cultural
14 sites.

15 (2) A description of the steps that the United
16 States Government has taken—

17 (A) to promote respect for and observance
18 of human rights in Azerbaijan and by the Gov-
19 ernment of Azerbaijan, including in the context
20 of the conflict with Armenia and Artsakh
21 (Nagorno-Karabakh);

22 (B) to discourage any practices in Azer-
23 baidjan that are inimical to internationally recog-
24 nized human rights; and

1 (C) to publicly or privately call attention
2 to, and disassociate the United States and any
3 security assistance provided for the Government
4 of Azerbaijan from, any practices described in
5 subparagraph (B).

6 (3) An assessment from the Secretary of State,
7 notwithstanding any practices described in para-
8 graph (2)(B), whether extraordinary circumstances
9 exist that necessitate a continuation of security as-
10 sistance for Azerbaijan.

11 (4) If such circumstances exist, a description of
12 the circumstances and the extent to which security
13 assistance should be continued (subject to such con-
14 ditions as Congress may impose under section 502B
15 of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2304)).

17 (5) Other information, including—

18 (A) an assessment from the Secretary of
19 State of the likelihood that United States secu-
20 rity assistance (as defined in section 502B(d) of
21 the Foreign Assistance Act of 1961 (22 U.S.C.
22 2304(d))) has or will be used in support of Az-
23 erbaijani activities related to the conflict with
24 Armenia, aggression against Nagorno-Karabakh

1 (Artsakh), and the blockade of the Lachin Cor-
2 ridor;

3 (B) a description and assessment of the
4 actions that the United States Government is
5 taking to ensure end use monitoring protocols
6 for all weapons sold or transferred to Azer-
7 baijan;

8 (C) an assessment of the impact of United
9 States assistance provided to Azerbaijan over
10 the past 10 years has had on the balance of
11 power between Azerbaijan and Armenia, and on
12 efforts to negotiate a durable and lasting peace
13 settlement between Armenia and Azerbaijan;

14 (D) a description of the United States
15 Government's efforts in Azerbaijan to adhere to
16 the prohibitions in section 620M of the Foreign
17 Assistance Act of 1961 (22 U.S.C. 2378d) and
18 section 362 of title 10, United States Code,
19 against the provision of foreign assistance to se-
20 curity units against which there are credible al-
21 legations of human rights violations (commonly
22 referred to as the "Leahy laws") and to ensure
23 that no units implicated in gross violations of
24 human rights receive United States assistance,

1 including information on which units have been
2 rejected in the Leahy vetting process;

3 (E) an assessment from the Secretary of
4 State of whether ethnic cleansing or genocidal
5 acts have taken or are taking place in Nagorno-
6 Karabakh; and

7 (F) a determination, within 30 days of
8 passage of this resolution, as to whether Azer-
9 baijani officials found to be responsible for or
10 complicit in, or to have directly or indirectly en-
11 gaged in, human rights abuses listed in para-
12 graph (1) meet the criteria for sanctions and—

13 (i) a description of any actions that
14 the United States Government is taking to
15 implement sanctions, including sanctions
16 under the Global Magnitsky Human
17 Rights Accountability Act (22 U.S.C.
18 10101 et seq.) and section 7031(c) of the
19 Department of State, Foreign Operations,
20 and Related Programs Appropriations Act,
21 2020 (division G of Public Law 116–94;
22 133 Stat. 2864), to hold accountable Azer-
23 baijani officials responsible for gross viola-
24 tions of human rights or significant cor-
25 ruption; or

1 (ii) a justification for why sanctions
2 have not been imposed on individuals
3 found to meet the criteria for sanctions
4 under existing law.

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