

117TH CONGRESS
2^D SESSION

H. RES. 1400

Condemning atrocities committed by the Republic of Azerbaijan.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2022

Ms. SPEIER (for herself, Mr. SCHIFF, Ms. ESHOO, and Mr. PALLONE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning atrocities committed by the Republic of Azerbaijan.

Whereas the Universal Declaration of Human Rights Preamble states that “Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”;

Whereas Article 2 of the United Nations Charter directs all Member States to “refrain . . . from the threat or use of force against the territorial integrity or political independence of any State”;

Whereas the Republic of Azerbaijan joined the United Nations on March 2, 1992, and thus has a duty to abide by the conditions of the United Nations Charter and

pledges reflected in the Universal Declaration of Human Rights;

Whereas the Republic of Azerbaijan ratified the Geneva Conventions in 1993, which establish international legal standards on the treatment of civilians, prisoners of war (POWs) and soldiers who are otherwise rendered incapable of fighting;

Whereas Common Article 3 of the Geneva Conventions prohibits, among other violations, “mutilation, cruel treatment and torture . . . [and] outrages upon personal dignity, in particular, humiliating and degrading treatment”;

Whereas grave breaches of the 1949 Geneva Conventions constitute war crimes under both United States law and the Rome Statute, including willful killing and extrajudicial executions, torture, inhumane treatment, causing great suffering or serious injury to body or health, unlawful deportation or confinement, and hostage taking;

Whereas on September 13, 2022, the Republic of Azerbaijan launched an unprovoked and illegal attack against the sovereign territory of the Republic of Armenia;

Whereas this attack followed a large-scale, unprovoked invasion of the Nagorno-Karabakh region by Azerbaijan in October 2020;

Whereas on September 28, 2020, Azerbaijani forces conducted a targeted attack on an Armenian military ambulance in which assailants shot and killed a military doctor;

Whereas on October 14, 2020, Azerbaijani rocket artillery struck the Martakert Military Hospital in an “apparently deliberate” attack, according to Human Rights Watch, in which the nearest military target was over 1.5 kilometers

away and the rocket's satellite guidance capability ensures accuracy within 10 meters;

Whereas on October 28, 2020, an Azerbaijani artillery rocket struck the maternity ward of the Republican Medical Center, causing extensive damage;

Whereas the targeting of both military and civilian medical facilities and workers is a violation of international humanitarian law;

Whereas in October 2020 video footage authenticated by non-governmental organizations including Amnesty International showed Azerbaijani soldiers decapitating two civilians on two separate occasions while they were bound or pinned to the ground;

Whereas in October 2020 Azerbaijan's Armed Forces used white phosphorus munitions, prohibited under the Geneva Conventions, causing severe burns and the deaths of civilians;

Whereas firsthand accounts have confirmed the torture and extrajudicial killing of Armenian POWs and captured civilians held illegally under Azerbaijani detention;

Whereas since October 2020 Azerbaijan has illegally detained over 100 prisoners of war and captured civilians in violation of the November 9, 2020, tripartite agreement, in which Azerbaijan committed to repatriating all prisoners of war and captured civilians;

Whereas as of September 20, 2022, Azerbaijani forces have captured at least 20 additional serviceman and 3 civilian prisoners of war;

Whereas Article 15 of the first Geneva Convention of 1949 directs parties to a conflict to "take all possible measures to search for and collect the wounded and sick, to protect

them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled”;

Whereas on September 16, 2022, Armenia’s Chief of Staff of the Army verified disturbing video footage showing the mutilation and desecration a female servicemember’s body by Azerbaijani soldiers;

Whereas video footage recorded in September 2022 depicted a captured Armenian soldier receiving treatment for a shoulder wound, whose body was later returned to the Armenian Government, suggesting that he was killed in captivity;

Whereas Azerbaijan has directly targeted Armenian cultural sites as a means of further disenfranchising the Armenian people by eliminating their cultural existence;

Whereas Armenia and Azerbaijan are States parties to the Second Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted in 1991, which reads, “the Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.”

Whereas Article 53 of Additional Protocol I to the Geneva Conventions, prohibits committing any “acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples”;

Whereas on October 8, 2020 Azerbaijan’s forces twice shelled the 19th-century Ghazanchetsots Holy Saviour Cathedral

in Shushi, a culturally and religiously significant building of the Armenian Apostolic Church, causing extensive damage;

Whereas a report issued by Human Rights Watch on December 16, 2020, found that the attack “appear[ed] to be a deliberate targeting in violation of the laws of war,” and its analysis of weapon remnants found at the scene of the strike were “consistent with a munition capable of being accurately directed at a specific target”;

Whereas a report issued on May 12, 2021, by the United States Commission on International Religious Freedom (USCIRF) recommended placing Azerbaijan on U.S. Department of State’s Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA), in part due to “recent violations committed amid renewed conflict over Nagorno-Karabakh and surrounding territories” and raised serious concerns over the preservation of Armenian places of worship, cemeteries, and other religious and cultural heritage sites in the region;

Whereas on September 16, 2021, the Republic of Armenia initiated proceedings before the International Court of Justice alleging violations of the International Convention on the Elimination of Racial Discrimination, to which both the Republic of Armenia and the Republic of Azerbaijan are party;

Whereas international humanitarian law requires parties to a conflict to distinguish between civilian and military objects and violations of the laws of war committed with criminal intent, either intentionally or through reckless action, can constitute war crimes;

Whereas the United States serves as a Co-Chair of the Organization for Security and Co-operation in Europe Minsk Group, along with France and Russia, and is committed to sustainable, long-term peace in the region; and

Whereas both Azerbaijan and Armenia are NATO Partnership for Peace countries, and have committed to increase stability, diminish threats to peace, and build strengthened security relationships among NATO and non-member countries in the Euro-Atlantic area: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns Azerbaijan’s destabilizing actions,
3 including violations of the 1949 Geneva Conventions,
4 which have severely undermine the international rule
5 of law;

6 (2) encourages the United States Government
7 and international community to petition the Inter-
8 national Court of Justice, European Court of
9 Human Rights, or other appropriate international
10 tribunals to take appropriate steps to investigate any
11 and all war crimes committed by the Azerbaijani
12 forces at the direction of President Ilham Aliyev;

13 (3) calls on Azerbaijan to immediately inves-
14 tigate all grave violations of the Geneva Conventions
15 perpetrated by Azerbaijani servicemembers against
16 Armenian servicemembers and civilians;

1 (4) condemns the intentional or reckless de-
2 struction, vandalization, or desecration of all Arme-
3 nian cultural and religious heritage sites;

4 (5) reaffirms the United States strong support
5 for Common Article 3 of the 1949 Geneva Conven-
6 tion, to which the United States is party, as well as
7 the non-treaty based law and longstanding norms
8 outlined in the Geneva Protocol I and 1899 and
9 1907 Hague Conventions;

10 (6) encourages the President of the United
11 States to explore the applicability of sanctions on
12 Azerbaijan in response to its aggression and poten-
13 tial war crimes; and

14 (7) reaffirms its support of Armenia's sov-
15 ereignty and territorial integrity, as well as that of
16 the Republic of Artsakh, against Azerbaijan's mili-
17 tary aggression and blatant violations of inter-
18 national laws and norms.

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