

**ASSESSING THE CRISIS IN NAGORNO-KARABAKH**

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**HEARING**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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SEPTEMBER 14, 2023  
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## **ASSESSING THE CRISIS IN NAGORNO-KARABAKH**

**THURSDAY, SEPTEMBER 14, 2023**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:06 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Murphy, Kaine, Van Hollen, Risch, and Ricketts.

### **OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY**

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

In the stores of Nagorno-Karabakh, the shelves are empty, ambulances do not have gas, miscarriages have nearly tripled, and the BBC reports that a third of all deaths there are now from malnutrition.

For months, Azerbaijan has blocked access to the Lachin corridor to Armenia, keeping out humanitarian aid to this ancient Armenian community that is starving to death.

Now, my understanding is that one truck went through the Aghdam corridor—one truck—for a population of 120,000 Armenians. Before the blockade, there were 120 trucks passing through each day. Let us not be fooled by the regime's attempt to muddy the waters.

President Aliyev says he is not organizing ethnic cleansing, but that is exactly what he is doing. By leveraging humanitarian aid, he aims to either coerce the people of Artsakh into political submission or starve them to death, and given that he is reportedly amassing forces along the border, we must be vigilant about military action.

As we sit here today with the lives of so many people hanging in the balance, time is of the essence. The former prosecutor at the International Criminal Court, Luis Moreno Ocampo, recently wrote, "Starvation is the invisible genocide weapon. Without immediate dramatic change this group of Armenians will be destroyed in a few weeks." A few weeks. That is how long we have.

I would ask our witness to speak to what the Department is doing, what the Biden administration is doing, and what the international community must do to avert this atrocity from being carried out before our own eyes.

I was pleased to see that Secretary Blinken has recently personally gotten involved, but let me be clear, our message from the highest levels must be unequivocal. Stop the blockade. Stop threatening the people of Nagorno-Karabakh. Stop threatening Armenia.

Open the Lachin corridor immediately. Uphold the commitments that Azerbaijan itself made in the November 2020 ceasefire.

Now, I understand the dynamics of the broader region are complicated, but the fundamental principles underlying our approach and this crisis should not be.

We must stand up for peace, security, and the defense of human rights, which is in stark contrast to Russia who is not only an unreliable and incapable partner, but is an obstacle to peace and security.

As Azerbaijan's forces moved in 2022, Putin's so-called peacekeepers were responsible for upholding the 2020 ceasefire. They stood idly by. Because of the implications for our own moral fortitude and broader stability throughout Europe, the United States and Europe have a responsibility.

Over the past year, the United States has been helping facilitate a longer, more durable agreement between Armenia and Azerbaijan. I support any efforts that provide for the lasting peace, security, and fundamental rights of all people in the region, but the reality is this: Talk is worthless when one participant in those talks is carrying out a campaign of ethnic cleansing.

I hope our witness will tell us what options she thinks we have to alleviate the immediate humanitarian crisis of Armenians in Nagorno-Karabakh. What options do we have to compel the government in Baku to finally open access to the Lachin corridor?

What are we doing to dissuade Aliyev from starting yet another conflict, and why are we not more publicly considering sanctions for activity that I think we can all agree is clearly sanctionable?

For too long we have hedged on Aliyev. I have repeatedly expressed my deep opposition about waiving Section 907 of the *Freedom Support Act*, allowing the United States to send assistance to his regime. This clearly alters the balance of military power between Azerbaijan and Armenia in Aliyev's favor.

I think Azerbaijan's actions over the past 3 years have vindicated my skepticism. I hope the international community is watching because when President Aliyev is tried for crimes against humanity, as I think he should be, the burden of proof will be very high.

Right now, the burden of proof is not about convicting him of a crime. It is about preventing this crime, and I would like to hear about how the Department is seeking to do that.

I have to be honest with you. I do not understand when we come together and we say never again, never again, and here we are before our plain eyes seeing history unfold in a way that defies our supposed commitment to never again.

Is it so important to us, despite Aliyev getting closer and closer to Russia, that we cozy up with someone who is in the process of creating ethnic cleansing? Is that the history the United States wants? Is that the side of history we want to stand on?

I hope not, but I fear, based upon what has happened to date, that this is the path we are headed on. To the extent whatever re-

sources I have to try to get the Department to act, I intend to use them and I look forward to your testimony today.

Let me turn to the distinguished ranking member for his remarks. Senator Risch.

**STATEMENT OF HON. JAMES E. RISCH,  
U.S. SENATOR FROM IDAHO**

Senator RISCH. Thank you, Mr. Chairman.

The ongoing instability in Europe and Eurasia has made clear the need for a strong U.S. policy on the Caucasus, a region that continues to grow in importance due to its proximity to regional problematic actors like Russia, Iran, and Turkey.

Tensions are rising again between Armenia and Azerbaijan over the Nagorno-Karabakh. The United States must push back on policies that disregard the best interests of Armenia and Azerbaijan and run counter to U.S. interest. We should be able to do both.

This morning, I hope to hear from our witness about the efforts the U.S. Government is taking to bring this conflict to a peaceful and sustainable resolution and to reassure our friends about the U.S. remaining engaged. I share the chairman's concerns in this regard.

Assistant Secretary Kim, I understand that you were involved last weekend in talks to help open the Lachin corridor and allow goods to flow again into the contested region.

I hope you will detail for us the specifics of what was agreed and whether an end to this humanitarian crisis is in sight. Ending this conflict would bring peace to a fractured region and remove one of Russia's key levers of influence in the region.

If we fail to form and implement an effective policy, we could see a return of Russian influence or even see China establishing a stronger foothold in the region.

The United States, along with our European allies, have an important role to play in the future of the Caucasus. Our action in response to the crisis in the Nagorno-Karabakh will be key to broader U.S. policy toward the region.

I look forward to hearing your assessments and, more importantly, your plans to face this challenge.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We will move to our witness.

Acting Assistant Secretary Kim is Principal Deputy Assistant Secretary in the Department of State's Bureau for Europe and Eurasian Affairs. She is a career diplomat most recently serving our country as Ambassador to Albania where she modeled best practices for proactive engagement with Congress on key issues.

Her work as director for Southeastern European Affairs, director of the Center for the Study of the Conduct of Diplomacy, director of the Office of European Security and Political Military Affairs have prepared her for the role she currently holds at a critical time for the South Caucasus and Eastern Europe.

Your full statement will be included in the record without objection. I would urge you to try to summarize it in about 5 minutes so the committee can have a conversation with you.

With that, you are recognized.

**STATEMENT OF YURI KIM, ACTING ASSISTANT SECRETARY,  
BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, UNITED  
STATES DEPARTMENT OF STATE, WASHINGTON, DC**

Ms. KIM. Thank you, Mr. Chairman, Mr. Ranking Member, and distinguished members of the committee.

This is an opportunity to review on the latest. We have been tracking very carefully the concerns that all of you have expressed on this issue.

We want to lay out for you the Administration's efforts in the South Caucasus, especially with respect to the humanitarian situation in Nagorno-Karabakh. I appreciate the opportunity to update you on our work and hear your perspectives on these pressing issues.

As you know, we have been working very intensely over the past few months to address the deteriorating humanitarian situation in Nagorno-Karabakh.

We share your sense of urgency. We are deeply concerned by the continued closure of the Lachin corridor and the impacts this closure is having on the people—the people of Nagorno-Karabakh.

I want to be clear that we view the status quo as completely unacceptable. We will not stop working until we have a resolution. We have consistently said that that corridor must be open to commercial, humanitarian, and private traffic.

We have conveyed that message both publicly and privately to all levels of the Government of Azerbaijan on numerous occasions. Access to food, medicine, baby formula, and energy should never be held hostage.

Secretary Blinken, senior advisor for Caucasus negotiations Lou Bono, colleagues at USAID, and many others including myself have been intensely engaged on this issue with a wide range of contacts at all levels to press for the immediate and simultaneous opening of the Lachin corridor as well as other routes to humanitarian, commercial, and private traffic to allow passage of urgently needed humanitarian supplies.

We welcome the news that one shipment carrying approximately 20 tons of humanitarian supplies passed through that Aghdam route into Nagorno-Karabakh on September 12, but as you said, Mr. Chairman, that is not enough.

Additional humanitarian supplies from the International Committee of the Red Cross have been positioned for weeks just outside the Lachin and Aghdam checkpoints.

Senior Adviser Bono is once again in the region—that is why he is not here with me today—to press for these supplies to be allowed into Nagorno-Karabakh immediately and simultaneously.

President Aliyev, as well as representatives of Nagorno-Karabakh, have publicly stated that they have agreed to this arrangement. There should be no more delay in implementing this agreement. No more delay.

It is essential for these supplies which have been, again, ready to move for weeks to finally be delivered to the people in Nagorno-Karabakh now.

It is also essential to achieve a more sustainable arrangement for the men, women, and children in Nagorno-Karabakh. In this context, we urge the Government of Azerbaijan to restore free transit



of commercial, humanitarian, and passenger vehicles both in and out of the Lachin corridor expeditiously while we recognize also the importance of additional routes.

One of the many challenges to a solution in this region is deep mistrust following decades of conflict and instability. We need to continue to encourage all sides to work constructively and to encourage those in Nagorno-Karabakh to accept humanitarian assistance from reputable international sources like the ICRC.

Whatever compromise is ultimately reached, the only path forward is through dialogue and compromise to build trust. The root causes of instability and conflict that have plagued this region for so long have to be addressed. The Administration continues to believe that peace in the South Caucasus has the potential to transform the region and advance U.S. interests.

We now have a strategic opportunity to combat malign influence in the region from actors like Russia, China, and Iran by achieving a durable peace that will expand our bilateral economic and security cooperation and provide greater energy security for European partners and allies.

Secretary Blinken has hosted three rounds of peace negotiations with the foreign ministers of Armenia and Azerbaijan since last November and his leadership has yielded results.

The sides have made progress on a peace agreement that could stabilize the region. Armenia and Azerbaijan's border commissions have begun discussions on the complicated issue of delimiting the border and we will continue to support progress on a peace agreement between the sides.

Progress will not come easily or quickly, but we are determined to do all we can to support a dignified—dignified and durable peace, an objective that is imperative in the broader regional context.

We have invested in this effort because we believe peace between Armenia and Azerbaijan would have cascading benefits for the region that are in the U.S. national interest.

A dignified and durable peace could facilitate regional energy security and boost regional transportation links, in turn improving economic prospects of all countries in the region and improving the lives of millions.

The United States could increase our security cooperation in the region and build the confidence and capacity of each country to preserve and protect its sovereignty and independence.

In the context of any peace discussions, we have made clear that the rights and security of the ethnic Armenians of Nagorno-Karabakh must be protected. This is an essential element of any durable and dignified peace agreement.

Azerbaijan must provide internationally verified assurances—verifiable assurances of respect for their rights and their ability to remain in their homes and live without fear.

In closing, I want to be clear about a critical issue. The United States will not countenance any effort or action, short term or long term, to ethnically cleanse or commit other atrocities against the Armenian people of Nagorno-Karabakh.

The current humanitarian situation is not acceptable. Humanitarian access through the Lachin corridor and other routes must be

available now. We will do everything possible to make that happen, and we look forward to continuing to work with you and the rest of this committee to make that happen.

[The prepared statement of Ms. Kim follows:]

**Prepared Statement of Ms. Yuri Kim**

Chairman Menendez, Ranking Member Risch, and distinguished members of the Committee: Thank you for your invitation to speak with you today about the Administration's efforts in the South Caucasus, especially with respect to the humanitarian situation in Nagorno-Karabakh. I appreciate the opportunity to update you on our work and hear your perspectives on these pressing issues.

We have been working intensely over the past months to address the deteriorating humanitarian situation in Nagorno-Karabakh. We are deeply concerned by the continued closure of the Lachin corridor and the impacts this closure is having on the residents of Nagorno-Karabakh. I want to be clear that we view the status quo as completely unacceptable. We will not stop working until we have a resolution. We have consistently said the corridor must be open to commercial, humanitarian, and private traffic. We have conveyed this message both publicly and privately to all levels of the Government of Azerbaijan on numerous occasions. Access to food, medicine, baby formula, and energy should never be held hostage.

Secretary Blinken, Senior Advisor for Caucasus Negotiations Lou Bono, colleagues at USAID, and many others, including me, have been intensely engaged on this issue with a wide range of contacts at all levels to press for the immediate and simultaneous opening of the Lachin corridor as well as other routes to humanitarian, commercial and private traffic to allow passage of urgently needed humanitarian supplies.

We welcomed the news that one shipment carrying approximately 20 tons of humanitarian supplies passed through the Aghdam route into Nagorno-Karabakh on September 12. Additional humanitarian supplies from the International Committee of the Red Cross have been positioned for weeks just outside both the Lachin and Aghdam checkpoints. Senior Advisor Bono is once again in the region to press for these supplies to be allowed into Nagorno-Karabakh immediately and simultaneously. President Aliyev as well as representatives of Nagorno-Karabakh have publicly stated that they have agreed to this arrangement. There should be no more delay in implementing this agreement. It is essential for these supplies—which have ready to move for weeks—to be delivered to the population in Nagorno-Karabakh now.

It is also essential to achieve a more sustainable arrangement for the men, women, and children in Nagorno-Karabakh. In this context, we urge the Government of Azerbaijan to restore free transit of commercial, humanitarian, and passenger vehicles both in and out of the Lachin corridor expeditiously, while recognizing the importance of additional routes.

One of the many challenges to a solution is deep mistrust in the region following decades of conflict and instability. We need to continue to encourage all sides to work constructively and to encourage those in Nagorno-Karabakh to accept humanitarian assistance from reputable international sources like the International Committee of the Red Cross. Whatever compromise is ultimately reached, the only path forward is through dialogue and compromise to build trust.

The root causes of instability and conflict that have plagued this region for so long must be addressed. The Administration continues to believe that peace in the South Caucasus has the potential to transform the region and advance U.S. interests. We now have a strategic opportunity to combat malign influence in the region from actors like Russia, China, and Iran by achieving a durable peace that will expand our bilateral economic and security cooperation and provide greater energy security for European partners and allies.

Secretary Blinken has hosted three rounds of peace negotiations with the foreign ministers of Armenia and Azerbaijan since last November, and his leadership has yielded results. The sides have made progress on a peace agreement that could stabilize the region. Armenia and Azerbaijan's border commissions have begun discussions on the complicated issue of delimiting the border. We will continue to support progress on a peace agreement between the sides.

Progress will not come easily or quickly, but we are determined to do all we can to support a dignified and durable peace—an objective that is imperative in the broader regional context. We have invested in this effort because we believe peace between Armenia and Azerbaijan would have cascading benefits for the region that are in the U.S. national security interest. A dignified and durable peace could facili-

tate regional energy security and boost regional transportation links, in turn improving economic prospects of all countries in the region and improving the lives of millions. The United States could increase our security cooperation in the region and build the confidence and capacity of each country to preserve and protect its sovereignty and independence.

In the context of any peace discussions, we have made clear that the rights and security of the ethnic Armenians of Nagorno-Karabakh must be protected. This is an essential element of any durable and dignified peace agreement. Azerbaijan must provide internationally verifiable assurances of respect for their rights and their ability to remain in their homes and live without fear.

In closing, I want to be clear about a critical issue: the United States will not countenance any action or effort—short-term or long-term—to ethnically cleanse or commit other atrocities against the Armenian population of Nagorno-Karabakh. The current humanitarian situation is not acceptable. Humanitarian access through the Lachin corridor and other routes must be made available now. We have also made it abundantly clear that the use of force is not acceptable. We give this committee our assurance that these principles will continue to guide our efforts in this region.

Thank you again for the opportunity to discuss our priorities and efforts to help build a just and lasting peace in the South Caucasus. I look forward to your questions.

The CHAIRMAN. Thank you. We will turn to a round of 5 minutes.

Four hundred tons of essential goods used to go through the Lachin corridor daily. On August 15, we saw the first reported death from starvation of a 40-year-old man and I fear he will not be the last.

Do you share my assessment as well as the ICJ's assessment that the blockade may represent a real and imminent risk to the health and life of Karabakh Armenians?

Ms. KIM. Yes, we do, Senator. We share your sense of urgency and that is why we are working this as hard as we are.

The CHAIRMAN. Well, can you explain to me then why the United States is not or cannot do more to get humanitarian assistance in, as well as what we are doing to support the International Committee on the Red Cross?

Ms. KIM. We have actually undertaken quite a lot of action on that front, Senator.

We have been working this nonstop in-person, over the phone, with all different actors—Baku, Yerevan, Stepanakert—to try to move this thing. We finally, I believe, were able to work with international partners to get a first truck through. That is a Russian truck, I would point out.

The point is that that traffic is now flowing. The agreement is that traffic through the Lachin corridor has to be open. While I think all of us welcome that one truck through Aghdam, I think all of us also agree it is not enough. It is not enough. Lachin has to be open. Other routes can be open too, but Lachin must be open. That is a—

The CHAIRMAN. One truck is—

Ms. KIM. Nonnegotiable.

The CHAIRMAN. One truck is not mercy.

Ms. KIM. Absolutely.

The CHAIRMAN. It is not even what is just. The reality is in addition to the blockade of Nagorno-Karabakh, President Aliyev is reportedly building up troop presence both around Nagorno-Karabakh and Armenia's border. Surely we cannot take anything he says about wanting to find a solution to the crisis seriously when he is withholding food and also threatening violence.

To me, that is pretty outrageous. I am concerned that we are—I hear your testimony, but I am concerned that we are not bringing urgency to this situation and taking a whole-of-government approach to pressure Aliyev.

How real are the fears of renewed war and what is the Department doing to avert an Azerbaijani attack on the people of Nagorno-Karabakh and Armenia? Has the State Department told him to stand down and threatened sanctions?

Has the White House and National Security Council told him to stand down? Has the Pentagon through contacts in the Azerbaijani military told him to stand down?

These are the problems that I have with the waivers of Section 907. I do not understand. If that is about having influence with the Azerbaijanis, it is not working very well and, if anything, it is giving them a qualitative edge over Armenia's defense.

Can you answer those questions for me?

Ms. KIM. Thank you, Mr. Chairman. Those are important, but complicated questions, but there is a simple answer to all of those.

I have got here a ream of paper listing all the various telephone calls, meetings, travel that we have had to send across a very, very clear message. Number one, Lachin corridor must be open now. Now. No more delay.

Number two, we will not tolerate any military action. We will not tolerate any attack on the people of Nagorno-Karabakh. That is very clear.

As we do this, we are mindful of the fact that, technically speaking, the war is not over between Armenia and Azerbaijan, which adds urgency to our commitment to try to support a durable and dignified peace agreement between Armenia and Azerbaijan that takes into account the security of the people of Nagorno-Karabakh.

The CHAIRMAN. Do you know if the Administration and the National Security Council—

Ms. KIM. Yes, they have.

The CHAIRMAN. —if the Pentagon—have they have all weighed in?

Ms. KIM. Yes, they have.

The CHAIRMAN. They have all weighed in?

Ms. KIM. Jake Sullivan hosted the foreign ministers of Nagorno-Karabakh—sorry, Armenia and Azerbaijan a few months ago for discussions here in Washington.

The Secretary has done several rounds of that. The Secretary has also had multiple phone calls with President Aliyev. I have had multiple phone calls with the foreign ministers of both countries over the last couple of weeks alone to drive home those messages.

I believe that we are beginning to see a little bit of movement, but we are not going to rest, Mr. Chairman, until we actually see real results.

The CHAIRMAN. All of this is just in pursuit of the 2020 agreement—the ceasefire agreement. Azerbaijan made agreements. We are just asking, even though we think there is much more to ask for—we are just asking for them to live up to their agreements.

Now, if the agreements that they made—the commitments that Azerbaijan made in the November 2020 ceasefire, if we—it is now

3 years after nearly and we are revisiting that which they had agreed to and that have violated.

I just hope you will tell the Secretary on my behalf that I would hate to see that this Administration stands by and allows ethnic cleansing to take place on their watch and under their eye.

We do not have to wait for reports of what happened a decade later. It is happening in real time. I have already raised this question at previous hearings months ago and I said people are dying, and I got a response, well, we are not sure about that.

People are dying. I do not know how many more have to die and I certainly expect that if this continues, even if this is abated tomorrow, that we are not going to keep waiving Section 907. We only embolden Aliyev. We give him a message that it is okay. That is the wrong message.

Senator Ricketts.

Senator RICKETTS. Thank you, Mr. Chairman.

Thank you, Assistant Secretary Kim.

Since the breakup of the Soviet Union, Armenia has been an important security partner for Russia and houses one of the few military bases the Kremlin maintains on foreign soil. It has also remained a member of the Collective Security Treaty Organization.

Armenia prioritizes its relationship with Russia mainly because it is the only game in town for security on Nagorno-Karabakh. However, given Russia's reluctance to intervene in the 2020 conflict and enforce the ceasefire agreement, since Armenia appears to have second—it appears Armenia has second thoughts about its longtime partnership with Russia and shifts toward the West.

Earlier this month, the Armenian Prime Minister said the country's reluctance on Russia—reliance on Russia, rather—was not paying off particularly as Moscow struggles to supply its own military, let alone partnering with other militaries.

He continued—dependence on just one partner in security matters is a strategic mistake. Armenia followed up by announcing its first ever tranche of humanitarian assistance to Ukraine and this week U.S. forces commenced 10 days of joint exercises with Armenian soldiers.

This is, clearly, an embarrassing setback for the Kremlin, which has summoned Armenia's Ambassador to complain about unfriendly steps the country was taking.

Does Armenia's recent actions represent a permanent shift away from Russia or simply a shot across the bow for Moscow to intervene more forcibly in Nagorno-Karabakh? Do you have thoughts on this? What direction is Armenia going?

Ms. KIM. Senator, thanks for that question.

I think after Russia took the action that it did against its neighbor Ukraine on February 24 last year, all of Russia's neighbors are sleeping with one eye open, as they should be.

I think all of them are understanding that as they watch this vivid, grotesque demonstration of Russia's disregard for the territorial integrity and sovereignty of their neighbors, they are beginning to have second thoughts about having invited Russian troops onto their territory, relying on Russia as their sole source of energy, hosting Russian military installations in their lands, and this

is a set of questions that deserve to come up. What it also does is it represents an opportunity for us to develop these relationships.

Senator, as you point out, our military is out there in Armenia to conduct our first ever bilateral military exercise with Armenia and we are going to continue to take advantage of this opening.

Senator RICKETTS. Okay. Specifically, you were very broad when you started off your remarks there. Specifically with regard to Armenia, is this—is Armenia—again, is this a shot across the bow to Moscow to get them to pay more attention to Nagorno-Karabakh, or is it more about they want to move away from Russia permanently and more toward the West? Do you have an opinion on that?

Ms. KIM. I think it is too early to tell.

Senator RICKETTS. Too early to tell?

Ms. KIM. It does not mean that we should not jump in there to turn it into exactly what we would like to see it be, which is a real decision to partner with us as opposed to Russia, but to get there, we need to be present, which is why our assistance to Armenia counts so much and our partnership counts so much.

Senator RICKETTS. Given Armenia's reliance economically, militarily, and so forth on Russia, are there concerns or is there a risk that Russia might respond more forcibly if they continue to see the Armenians move toward the West?

Ms. KIM. I think Russia has proven itself and Putin has proven himself to be vindictive to anyone who does not bend to his will. Yes, we are very much on the alert for that.

Senator RICKETTS. What is your thoughts on the strategy of how we walk that line then between continuing to develop relationships with Armenia and not triggering some sort of Russian response that would be more forceful?

Ms. KIM. I think we have got to keep a close watch on the situation. We need to increase the array of assistance that we provide to Armenia, whether it is developmental assistance, whether it is defense partnerships, the security activities, and expand those out as much as we can in a way that is acceptable for the Armenians themselves.

This cannot be a unilateral move so we got to do this in true partnership with Armenia and make sure that we are providing the support that they need to make the turn that they would like to make.

Senator RICKETTS. Russian sanctions evasion has been a particular cause—problem in the Caucasus, and Armenia has allowed Russia to access key microchips and electronics that Russia needs for its war on Ukraine.

Has Armenian enforcement of the sanctions improved or does it remain a country of concern for sanctions evasions?

Ms. KIM. I believe that they have been observing those sanctions.

Senator RICKETTS. They have been observing the sanctions. Have they have been shutting off Russia from getting microchips and so forth?

Ms. KIM. I believe so, but I am going to have to—yes, we will take that question back and get back to you, sir.

Senator RICKETTS. Great. Thank you very much.

Mr. Chairman, thanks.

Senator CARDIN [presiding]. Thank you.

Madam Secretary, thank you very much for your service. We appreciate it very much. We want to have a strong strategic relationship with both Azerbaijan and Armenia and I think we have an opportunity now with the relationship declining between Armenia and Russia to be able to achieve that.

It depends upon us standing by our values as we resolve the issues in the contested area. I agree with Senator Menendez. The humanity crisis is horrible and every day we wait, more people are dying, and the United States needs to take decisive action, and in doing that and bringing the parties together and enforcing the safe corridor for the humanitarian assistance and having a ceasefire and setting up the climate to resolve on a more permanent basis the governance of the region.

To do that, we have to be able to show that we are serious about this, and I just really want to underscore the point that Senator Menendez said. When you routinely give the waiver under Section 907, you are saying that Azerbaijan has demonstrated steps to cease all blockades and other offensive uses of force against Armenia, and that is just not the case.

We lose credibility when that happens, when we are not prepared to take decisive steps based upon our values. Yes, we want to have a strong relationship with Azerbaijan. They are an important country for us, but as President Biden has said frequently, our foreign policy will be wrapped within our values and it is difficult for some of us to understand that based upon the actions in that region.

I am going to mention one specific case that was brought to my attention in Azerbaijan, and that is the activist who was imprisoned, Gubad Ibadoghlu. I do not know if you are familiar with that case or not.

The United States does not stand by and let activists be imprisoned because of their speech, particularly with countries that we want to have a strategic relationship with, including a financial relationship with. We consider sanctions for those types of activities.

Tell me how the Administration is handling those types of activities within Azerbaijan and why the continuation of the waiver does not give the wrong signal in trying to resolve the conflict.

Ms. Kim. Thank you, Senator.

President Biden and Secretary Blinken have made very clear that human rights and our values are at the center of our foreign policy and we take every opportunity to drive that home with all of our partners, every country that we deal with, including with Azerbaijan.

As you rightly point out, we have an opportunity and an imperative to develop a strategic relationship with Armenia, as well as Azerbaijan.

In that context, when we look at requesting a waiver for 907, we want to make sure that we are doing two things—first of all, that none of the assistance that we provide could ever be used for offensive action against Armenia and, two, that it is in the U.S. national security interest to do that.

In the past when we have requested 907 waivers, we have used that assistance to help the Armenians beef up their border security, especially with Iran, and that has rendered concrete results in

terms of stopping counter—in terms of stopping narco trafficking, which is used to finance the IRGC.

There are real results from that, but we hear you on needing to be very serious and to be very thorough as we deliberate on whether or not to request a 907 waiver. We take that responsibility very seriously.

I would note that the last 907 waiver expired in June. We have not submitted a new waiver request yet because we are reviewing the situation very carefully.

I also want to assure you, Senator, that we look at the wide range of tools that are available to us to influence the behavior, to persuade others along, and we will not rule anything out.

Senator CARDIN. Let me just interrupt at that point because I have a limited amount of time. I hope you will get back to me in regards to the specific case I mentioned.

Ms. KIM. Okay. I sure will.

Senator CARDIN. Thank you.

Let me just—if you read the language of the waiver, it is not the way Congress wrote it. I think you have to follow the waiver language, and it is not the use of the funds—it is the activities on the ground. That, to me, is not carrying out the directive from Congress.

Then, lastly, let me just point this out. I have been in Congress—the House and the Senate—for a long time and this conflict predates my service in the House of Representatives, let alone the United States Senate.

I serve on the Helsinki Commission, chaired it many years. I know the OSCE Minsk Group. That group started in the nineties and has been declared dead by some, but certainly has not been effective in ending this.

We know about the violations of the cease fires over and over and over again. This conflict has gone on way too long. We saw that when we have had long-standing conflicts, U.S. leadership has been instrumental in ending those conflicts. We have seen that in our hemisphere. U.S. leadership is needed desperately to end this humanitarian crisis and give us a path towards a resolution of the conflict.

Ms. KIM. Senator, we agree with you fully. That is why we have got the special adviser—the senior adviser out in the region. We have been engaged for weeks, months, years. That is also why the Secretary of State has personally been engaged in these peace discussions and we will continue to do that.

The CHAIRMAN [presiding]. Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Thanks for convening this hearing. Thank you for your testimony today.

Let me first just associate myself with the remarks of the chairman and Senator Cardin and others. This is, obviously, a crisis; one that requires active U.S. leadership.

I understand the difficult question regarding the pressure points on Azerbaijan, but at this point I think you have to put all possible tools on the table because gentle diplomacy does not seem to be working.

I guess I want to ask you a question about the state of the Russia-Azerbaijan relationship because we have been hard at work



along with our European colleagues over the course of the last decade trying to help Europe slowly wean itself off of dependence on Russian gas and oil, and part of that strategy has been to deliver more Azerbaijani gas and oil to Europe.

We think that that is a more responsible choice. I think we now have to question whether or not that premise stands and it is interesting that Russia is making these new overtures to Azerbaijan because it sees that their energy products are going to matter more to Europe, and to the extent that Russia and Azerbaijan can link up on national security policy, then the leverage that Russia is losing it, perhaps, could gain back.

What are the implications for the U.S. and for Europe as Azerbaijan and Russia draw closer? What is the nature of that relationship and did we perhaps make the wrong bet by moving more Azerbaijani resources into Europe? Could we come back and could Europe come back to ultimately regret that decision?

Ms. KIM. Thank you for that question.

The relationship between Azerbaijan, Armenia, Georgia, everybody else in the region, with Russia is dictated by geography and history and it is not just the history of a few years in the Soviet years. It is generations and centuries here.

We are working hard to rebalance that in our favor. What we also notice is that this agreement that Armenia and Azerbaijan reached in November of 2020, we are not a party to it, and that agreement calls for the Russians to provide peacekeepers to enforce the terms of that agreement.

I think it is fair to say that the Russians have not delivered and that is part of the reason why you are seeing the Armenians beginning to question that relationship.

On the broader issue of energy, that is an urgent need. All of the countries in Europe and around the world, I would say, have concluded that it is not a good idea to be sole-sourced to Russia for their energy needs.

We have had an effective period of work with the Azerbaijanis in helping them to bring—to double the amount of gas that they will be bringing to Europe by the year 2027 from about 10 to about 20 BCM.

That southern gas corridor is extremely important for ensuring that there is energy diversity for Turkey, Greece, Bulgaria, potentially Albania and definitely Italy and possibly into the Western Balkans. We cannot underestimate how important that is.

There is also the oil pipeline that runs from Baku, Tbilisi, to Ceyhan and we need that to keep functioning. The main task here is to enable our friends, partners, allies to break free of the stranglehold that Russian energy has had on them over the last few generations.

Senator MURPHY. Listen, I—right, but our alternative is turning from dependence on one dictatorship to a different dictatorship and the question now becomes are we funding Azerbaijan's efforts to impose a brutal blockade on the Armenian people.

Again, I think it underscores the importance of the ultimate goal which is to break the United States and Europe free of dependence on oil and gas, period stop, because there seem to be no great choices in the region.

I do appreciate the leadership that Secretary Blinken has shown here. I think it is important that we are playing a central role here and I am glad to have this update. We hope to stay in close touch.

Thank you, Mr. Chairman.

Ms. KIM. Senator, I would like to just foot stomp one point that you made about energy diversity source routes and that means that we do not want our friends, allies, and partners to be single-sourced to any country or to any type or any route.

That is not in their interest. We want our friends, allies, and partners to have multiple ways to get energy so that nobody can hold them hostage based on energy needs.

Senator MURPHY. Right, but we are just—we are seeing a remarkable amount of coordination between countries that are part of that system of multiple supports, most recently the Saudis and the Russians essentially colluding to keep the price high enough in order to continue to fund the war.

This strategy of being dependent on a system and series of dictatorships, again, may not necessarily bear the strategic gain that we think it does.

Thank you.

The CHAIRMAN. Senator Kaine.

Senator KAINE. Thank you, Mr. Chair.

Secretary Kim, I associate myself with many of the questions that have been asked. I want to offer an observation and then a question that is a follow-up from something that Senator Cardin was asking you about.

The observation is this. Following the Azerbaijani incursion into Armenia in 2020, Russia, who is a treaty-bound security partner of Armenia in the Collective Security Treaty Organization, took no action to defend its CSTO member.

Now, contrast that with NATO, NATO linking arms because of American leadership and the leadership of others to battle against—to help Ukraine battle against the illegal war—the illegal invasion by Russia, Sweden and Finland coming into NATO. Sweden's accession is still pending, but just this week they committed to increase their own defense spending by 28 percent to reach the 2 percent commitment of NATO members.

Look at a NATO that is getting stronger, that is making more investments, that is demonstrating its mettle, and then a CSTO where Russia will not even take action to support somebody that it is treaty bound to. I think that speaks volumes.

The question I wanted to return to is the question about Dr. Gubad Ibadoghlu, who was a National Endowment for Democracy fellow in 2015. He has lived in New Jersey and Virginia and more—most recently, North Carolina. He is tied with American universities, especially the University of North Carolina.

He is a prominent Azerbaijani scholar and he has written about the very issue that Senator Murphy was asking about this, the fact that oil revenues often go hand-in-hand with corruption and poor governance.

As a scholar, he has written about that, and because those writings are unpopular with the rulers of Azerbaijan, he and his wife were arrested in July with no due process. He remains impris-

oned in very poor conditions and he has numerous health issues. He celebrated his birthday on Tuesday.

What can you share about the Department's interaction with the Government of Azerbaijan regarding Dr. Ibadoghlu?

Ms. KIM. We have raised this case and we will continue to do so. If and when the Senate confirms the next nominee to be our Ambassador to Azerbaijan, I can assure you that this gentleman's case will be at the top of his agenda when it comes to pursuing these types of issues.

Senator Kaine. We would like to also reach out to you periodically to find out about the status of this case—

Ms. KIM. Absolutely.

Senator Kaine. —and even before a confirmation, I just hope that we raise it again and again and again—

Ms. KIM. Absolutely.

Senator Kaine. —because I think the unjust imprisonment of a NED fellow with ties to many of our states is something that needs to be top priority and I would appreciate you taking that back.

Thank you, Mr. Chair.

The Chairman. Senator Van Hollen.

Senator Van Hollen. Thank you. Thank you, Mr. Chairman, and thank you for your testimony here today.

I want to follow up on a couple of questions that have been posed by my colleagues and I want to second the remarks made by the chairman in his opening statement, as well, on Section 907 because, as you know, the Administration did make the certification. I believe it was in July of last year. Is that correct? The waiver? June of last year.

I am looking for the report that accompanied that—I saw the certification itself—because the statute does require that the State Department provide information on the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.

We will be checking to see exactly what the finding was then, but you would agree today that the provision of U.S. assistance did not have a positive impact on the negotiations. Is that not the case today?

Ms. Kim. Senator, respectfully, I am not sure that I would agree with that statement. We make sure through a very thorough process that has gotten even more thorough. I understand that the GAO report—

Senator Van Hollen. No. Just so I understand, I am not talking about the process. I am asking today—if today you had to present this report to Congress—if you exercise the waiver and had to present the report to Congress, could you conclude that the assistance—U.S. assistance—was having a positive impact on the negotiation?

Ms. Kim. We are going through those issues very thoroughly, which is why you have not seen the waiver come through yet.

Senator Van Hollen. Let me just state a—read a statement that the State Department made on April 23 of this year in response to Azerbaijan's establishment of the blockade of the Lachin corridor.

It reads—this is the State Department saying, "The United States is deeply concerned that Azerbaijan's establishment of a

checkpoint on the Lachin corridor undermines efforts to establish confidence in the peace process.”

That was in April. Do you agree with the State Department’s statement?

Ms. KIM. Yes, that is correct.

Senator VAN HOLLEN. Okay.

Ms. KIM. Any 907 assistance that has gone through is targeted towards counterterrorism and border security mostly along the border with Iran.

Senator VAN HOLLEN. Right, so you stand by the State Department’s statement, I hope, from April, which was—

Ms. KIM. Yes, of course.

Senator VAN HOLLEN. —that the actions by Azerbaijan undermined efforts to establish confidence in the peace process, right?

Ms. KIM. Yes.

Senator VAN HOLLEN. Okay. Has anything happened between April 23 and today that would lead you to believe that providing assistance by exercising the waiver would improve the prospects for peace?

Ms. KIM. That is—those are, in some ways, a little bit separated because as I said earlier, the—any 907 assistance that has gone through is directed at counterterrorism objectives that are in our interest, along with border security and counternarcotics activities that are also in our interests. That has produced real results in terms of addressing our concerns about our IRGC funding.

With respect to the blockage of the Lachin corridor, we share your sense of urgency on this. Nobody is sitting still on this. I want to assure you that we work night and day on this issue.

Senator VAN HOLLEN. I appreciate your testimony.

Ms. KIM. I do not know what else to tell you.

Senator VAN HOLLEN. I am just going to be interested in reading if you exercise the waiver this time around, which I hope you will not because I do not think the conditions on the ground merit it, but if you do, it will be interesting to see what the State Department puts in its required report on the question of whether or not—the impact of U.S. assistance on the negotiations.

I know you are arguing that the assistance helps advance counterterrorism objectives. The report requires an assessment about whether any of this assistance also helps—what its impact on the peace process is.

Ms. KIM. Understood.

Senator VAN HOLLEN. I think, based on your statements from April—the State Department’s statements from April—it is pretty clear that at least as of then, in your own words—State Department’s own words—it was undermining confidence in the peace process, and I do not see anything that has changed from that day to this.

Look, I have got other questions to submit for the record. One of my concerns has been the impact on our demining efforts in Nagorno-Karabakh. Many of us have been very active in providing funds to demine that area and all the reports we are getting from people on the ground who are involved in the demining effort is that the blockade is having a significant harmful impact—

Ms. KIM. Correct.

Senator VAN HOLLEN. —on their efforts. Would you agree with that?

Ms. KIM. I would totally agree with that and that is why we are working hard to get the Lachin corridor and other routes open as soon as possible.

Senator VAN HOLLEN. All right. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Madam Secretary, you just said in response to Senator Van Hollen that Section 907 and our waivers is about border security and counternarcotics and their performance in that regard. Did I understand you correctly?

Ms. KIM. Yes, sir. There is a number of objectives related to our assistance to—any security assistance that we have with Azerbaijan.

The CHAIRMAN. Those are?

Ms. KIM. Those are to strengthen the interoperability of Azerbaijani forces with the U.S. and NATO because that is in our interest, to provide opportunities for Western indoctrination and education, to help secure the 475-mile-long border with Iran, and to secure energy sources and routes that are critical to our European friends and allies.

The CHAIRMAN. Okay. That is the limited universe under which, I guess, the Department looks at Section 907. Is it in our national interest to stop ethnic cleansing?

Ms. KIM. Absolutely, sir.

The CHAIRMAN. Well, I do not hear that in the list and I do not hear that in the process of determining whether Section 907 should be waived.

If we allow for whatever reasons, whatever security—border security, counternarcotics—for ethnic cleansing to take place and we look the other way, we send a global message of what our priorities are. We say to others in the world, you can do that as long as you work with us on counternarcotics, border security, and other such things.

That would be a horrific, horrific result of a policy that would be blindsided to the fundamental proposition that if there is a country in the world that stands for human rights, it is the United States of America.

I have listened to our President, who both when I sat over there when he was the chairman of this committee, and when he was Vice President, and, of course, as President, has spoken about the importance as part of the fabric of our foreign policy in terms of human rights, but speaking of it is meaningless. It is a hollow promise without action. I do not know how we can see a positive result under Section 907 when we have the violations of the 2020 cease fire.

I do not see how we can have a positive result when we have the amassing of troops by Azerbaijan. I do not see how we can have a positive result when Azerbaijan kills in cold blood unarmed Armenian soldiers and sexually abuses and mutilates a female Armenian soldier.

I do not understand how Section 907 leads to a more peaceful resolution when they are in the verge of ethnically cleansing 120,000 Armenians in Karabakh. I do not understand it.

I do not understand how one can stretch the proposition of what Congress meant in Section 907 that way, and so when I hear you dictate what are the elements, well, those elements do not cover the dire consequences that are happening right now.

Senator SHAHEEN.

Senator SHAHEEN. Well, thank you, Mr. Chair. Thank you for being here, Secretary Kim.

I have to say I share the concerns that have been expressed about Azerbaijan's continued obstruction of the Lachin corridor. In New Hampshire, we have a large Armenian diaspora and we hear consistently from them about their concerns that Azerbaijan's blockade has resulted in severe humanitarian suffering, that it should be lifted immediately, and as probably one of the few members of Congress who has actually spent some time in Armenia, I have to say this is a problem that we ought to be able to help resolve.

One of the things that I know would be helpful would be for the Senate to confirm the Ambassador to Azerbaijan. I think it would really be helpful for us to have an Ambassador there who can make the case for why we need to address what is happening in Nagorno-Karabakh.

I hope that the Senate will be able to get that done. I understand that the nominee is on the business meeting for next week so, hopefully, we can move that, Mr. Chairman.

Can you speak to what role Russia is currently playing in Nagorno-Karabakh and any negotiations that are happening?

Ms. KIM. Thank you, Senator, and we agree with you on the need to get an Ambassador out to Azerbaijan as soon as possible.

On the role of Russia, as you know, Russia is the one that brokered the cease fire between Armenia and Azerbaijan after the horrific violence in 2020, and they put themselves forward as peacekeepers and guarantors for the terms of the that agreement.

The United States was not at all involved and in our assessment, and I think I am safe to say in the assessment of Armenia and Azerbaijan, the Russians have not done what they were supposed to do.

Just a few months ago, at exactly a year ago, we saw violence flare up again on the Russian watch. I think it is reasonable to demand that the Russians do their job to prevent further violence.

I think it is also incumbent on the Russians to make sure that that Lachin corridor is opened again. That is their responsibility as peacekeepers. We are doing our level best. We are not a party to that agreement, but we are doing our level best and we will do more than our level best because we think it is absolutely urgent to get food in to the people of Nagorno-Karabakh.

Food, medical supplies should not be held hostage to political disputes and we are going to continue to do that. I think the whole world should be asking what is Russia doing in Nagorno-Karabakh to help the situation.

Senator SHAHEEN. Well, thank you. I very much appreciate that statement.

Do they still have 2,000 peacekeepers on the ground and are they actually doing anything—the people who are supposed to be the peacekeepers?

Ms. KIM. We believe that they do have about that number of peacekeepers. We understand that their troops get supplies air dropped in by helicopter. We do note that that one truck, the one truck that went in a couple of days ago, is a Russian Red Cross truck.

Again, that is not enough. That is not enough. That is not what the Russians took on as a responsibility to secure the people of Nagorno-Karabakh and it is not what both the representatives of Nagorno-Karabakh and President Aliyev agreed to in principle, which was that they would open Lachin and other corridors immediately and simultaneously without delay.

Senator SHAHEEN. Thank you.

I do not have much time left, but I did want to raise the role of Georgia because Georgia has previously played a constructive role in trying to facilitate negotiations between Armenia and Azerbaijan, and as we know, the domestic political situation there is very challenging.

I appreciate the response I received to a letter to Secretary Blinken and Administrator Power to the—with respect to a long-term election mission. Can you talk about why that might be helpful?

Ms. KIM. Georgia used to be the poster child for recovery and resilience and flourishing after the breakup of the Soviet Union. We have been discouraged to see democratic backsliding in recent years.

We want to make sure that we keep democratic institutions and practices front and center so that we are able to ensure that the Georgian Government delivers on the will of the Georgian people, 85 percent of whom want to see their country in the EU.

Sadly, vice president of the European Council, Josep Borrell, was just in Georgia and made clear that thus far the Georgian Government has only met three of the 12 conditions to open up negotiations for EU membership and that is a responsibility that the Georgian Government has to bear.

We want to see the Georgian Government be more responsive to their people and we would like to be in a position to work with them, to help the country of Georgia and the people of Georgia take firm steps forward on their Euro-Atlantic path.

Senator SHAHEEN. Thank you. Mr. Chairman, if I could have just another minute or two.

The letter that I received has the State Department pointing out that plans for a long-term election observation mission will be finalized in the coming months, but that timetable does not give us much time to actually prepare for what needs to happen in order to ensure a free and fair election.

Can you tell me has the Government of Georgia agreed to a long-term election observation mission and what happens to Georgia's accession agenda if next year's elections do not accurately reflect the will of the people?

Ms. KIM. Senator, if you will allow, I will get back to you on the specific timetable.

Senator SHAHEEN. That would be great. I would really appreciate it.

I think this is a place where, as you point out, we know that the people of Georgia are looking towards the EU. They want to assimilate with the West and they want their government to move in that direction, and I think it is an imperative for us to take every opportunity that we can to help them make that transition.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. I would ask unanimous consent to include for the record testimony from the executive director of the Armenian Assembly of America. Without objection, so ordered.

[EDITOR'S NOTE.—The information referred to above can be found in the "Additional Material Submitted for the Record" section at the end of this hearing.]

The CHAIRMAN. One final question, Assistant Secretary.

Let me ask you, why do you think, despite its signed commitments and a ruling by the International Court of Justice to open the Lachin corridor, that Aliyev is not opening the corridor?

Ms. KIM. We could probably have that discussion in a different setting, sir.

The CHAIRMAN. What would be classified about a simple answer to a question as to why is he not keeping—we have discussed that there was a cease fire. There was an agreement. There has been a judgment by the International Court of Justice.

There has been attempts by the Administration. There is an EU effort that he has not been cooperative with. Why would such a conversation need to be classified?

Ms. KIM. I think that there are elements, Mr. Chairman, that I would like to be able to discuss with you in a more—in a different setting.

The CHAIRMAN. I will give you an unclassified answer. He does not want to open the corridor because he is in the process of trying to subjugate these people by starvation or by the threat of starvation, at the end of the day, and subject them to his will.

That does not have to be classified. I am amazed sometimes. I have been doing this for 31 years. I am amazed sometimes at what the Department comes before this committee and says.

I have other questions. I will submit them for the record. There is a vote going on on the Senate floor. With that, the record for this hearing will remain open until the close of business on Friday, September 15.

With the thanks of the committee for your appearance, the hearing is adjourned.

[Whereupon, at 11:10 a.m., the hearing was adjourned.]

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#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

##### RESPONSES OF MS. YURI KIM TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question. Food as a political weapon:* Aliyev has made abundantly clear that he is willing to starve the ethnic Armenian population in Nagorno-Karabakh into either death or political submission to Azerbaijani control. These are acts of ethnic cleansing and certainly bear the hallmarks of a campaign of genocide. Last weekend, there were some press reports that President Aliyev said he would allow food into Nagorno-Karabakh if it came from Azerbaijan. So far, I have seen reports of possibly one Russian truck delivering some supplies. At any point over the past few



months, he could have stopped this campaign of ethnic cleansing. Why should we trust him now?

*Answer.* We take allegations of ethnic cleansing and genocide seriously and are in touch with contacts on the ground about the situation. We are deeply concerned by the deteriorating humanitarian conditions in Nagorno-Karabakh resulting from the continued blockage of food and other essential goods. Basic humanitarian assistance should never be held hostage to political disagreements. We are pressing Azerbaijani authorities, beginning with President Aliyev, to take actions—including immediately re-opening the Lachin corridor and other routes—to alleviate humanitarian conditions for the men, women, and children of Nagorno-Karabakh.

*Question.* What is the United States—and indeed the international community who also has a responsibility here—doing to stop the use of food and humanitarian supplies as political weapons?

*Answer.* In every engagement with the Azerbaijani Government since December, including multiple engagements by the Secretary and the National Security Advisor, we have pressed Azerbaijan to immediately reopen the Lachin Corridor to humanitarian and commercial traffic, noting the possibility of other routes. Blockage of the Lachin Corridor has cut off access to essential goods from Armenia and exacerbated the humanitarian situation in Nagorno-Karabakh. The Secretary reiterated this in calls with President Aliyev on September 1 and September 10.

*Question. Russia:* Russia has clearly failed in attempts to be a security partner to Armenia and is completely feckless in enforcing the terms of the 2020 ceasefire agreement. I would like to hear the Department's perspective on how we are seizing this opportunity for the United States and Europe to deepen relations with Armenia and play a more assertive and positive role to help promote peace and security.

*Answer.* A strong, democratic Armenia will be in a better position to freely choose its own partners and allies. We support Armenia's efforts to negotiate a durable peace agreement with Azerbaijan and normalization with Türkiye—the combination of which would broaden Armenia's options for economic growth and energy diversification. We regularly discuss security, democratic development, and other issues with Armenia as part of the U.S.-Armenia Strategic Dialogue mechanism, focusing on areas where we can help Armenia improve capacity and resilience to chart a more independent course. The United States provides assistance to support civil society, electoral processes, energy security, anti-corruption reforms, and trade expansion, which will all contribute to a stronger Armenia. Our assistance also fosters interoperability with U.S. and NATO forces, bolsters Armenia's international peacekeeping contributions, supports Armenia's Individual Partnership Action Plan with NATO, and assists with defense reforms. We recently successfully completed the Eagle Partner exercise with Armenia—another example of our deepening, practical cooperation.

*Question.* In what ways is Russia responsible for the current blockade of assistance? What should Russia be doing to facilitate access of humanitarian assistance and facilitating people entering and leaving Nagorno-Karabakh?

*Answer.* Russian “peacekeepers” are present in Nagorno-Karabakh under the terms of the November 2020 ceasefire agreement brokered by Russia. The United States was not involved in the development of this agreement and is not party to it. Armenia and Azerbaijan have both complained publicly that the Russian “peacekeepers” have failed to play their role, including responding effectively to developments in and around Nagorno-Karabakh.

*Question.* I think the establishment of an EU Monitoring Mission is a positive first step. Azerbaijan's refusal to cooperate with the mission only further highlights that they are the threat to peace and stability. Why hasn't the U.S. sent personnel to support the mission? When can we expect that Americans will be assigned?

*Answer.* A 40-person EU Monitoring Capacity mission began monitoring the Armenia-Azerbaijan border from the Armenian side on October 27, 2022. This mission, meant to support confidence building between the sides and inform the work of their border delimitation commissions, lasted 2 months and was reinitiated in a slightly different form in early 2023. This mission increases visibility for the international community and confidence for the parties. We continue to press Azerbaijan and Armenia to maintain momentum for negotiations and do so in close coordination with the EU and other partners. We do not plan to send personnel to support the EU Monitoring Mission at this time.

*Question.* The United States and Armenia are conducting “Eagle Partner”—our first major joint military exercise to increase interoperability and training for inter-

national peacekeeping. I want to applaud the Administration for this historic step forward. What more can we do to enhance this partnership?

*Answer.* In addition to “Eagle Partner”, we regularly discuss security issues with Armenia as part of the U.S.-Armenia Strategic Dialogue mechanism, focusing on areas where we can help Armenia improve capacity and resilience to chart a more independent course. Our assistance fosters interoperability with U.S. and NATO forces, bolsters Armenia’s international peacekeeping contributions, supports Armenia’s Individual Partnership Action Plan with NATO, and assists with defense reforms. Under the State Partnership Program, the Kansas National Guard works closely with the Armenian military to build capabilities and interoperability with the United States.

*Question.* Beyond military cooperation, I want to know what specific measures the Department is considering to enhance our bilateral relations with both Armenia and Nagorno-Karabakh?

*Answer.* The United States maintains an annual Strategic Dialogue with Armenia focused on three areas: Security, Economic Reform, and Democratic and rule of law/anti-corruption reform. Pursuant to the May 2015 Trade and Investment Framework Agreement with the United States, there is a United States-Armenia Council on Trade and Investment to discuss bilateral trade and investment and related issues.

The U.S. supports ongoing anti-corruption efforts to encourage a transparent, fair, and predictable business climate. Facilitating regional integration is a particular priority for the United States. We work steadfastly to achieve this goal both by seeking a durable and dignified resolution to the Armenia-Azerbaijan conflict and by promoting normalization of relations between Armenia and Türkiye. With respect to Nagorno-Karabakh, Armenia does not claim that Nagorno-Karabakh is part of Armenia and does not recognize any independent status for the region. Nagorno-Karabakh is internationally recognized as part of Azerbaijan.

*Question. Peace Talks:* While the State Department works to facilitate dialogue between Armenia and Azerbaijan for a more durable solution, I don’t see how we can broker any talks while one side conducts a campaign of ethnic cleansing. If these talks are to continue, the rights, security, and dignity of ethnic Armenians must be prioritized. I believe there is no real, verifiable prospect for ethnic Armenians in Nagorno-Karabakh to live safely and securely under any kind of Azerbaijani control. Do you agree that the rights, security, and dignity of Armenians living in Nagorno-Karabakh is a priority?

*Answer.* The ethnic Armenian population of Nagorno-Karabakh is entitled to rights and fundamental freedoms, and to security. The State Department continues to press Azerbaijan to explain and clarify to this population and the international community, in a way that is transparent and verifiable, how this population will be protected. The State Department continues to underscore that any durable peace agreement must include guarantees for rights and security for the population of Nagorno-Karabakh.

*Question.* Do you commit to including the rights, security, and dignity of Karabakhis in any discussions you have related to the ongoing peace talks and with Azerbaijan directly?

*Answer.* The State Department continues to raise the need for rights and security for the population of Nagorno-Karabakh in every engagement—including with President Aliyev.

*Question.* In your opinion, what is the best way to ensure the rights, security, and dignity of Armenians living in Nagorno-Karabakh?

*Answer.* As Armenian Prime Minister Pashinyan has said, a final resolution to the conflict over Nagorno-Karabakh must include discussions between the ethnic Armenians of Nagorno-Karabakh and Baku, while also developing a mechanism that can verify the rights and security of ethnic Armenians in Nagorno-Karabakh are being protected. The United States and our international partners would, even if an agreement is reached, continue to be closely involved in ensuring rights and securities of the population of Nagorno-Karabakh are respected. We appreciate that the discussion will be difficult and take time, but we know that there can be no lasting resolution without direct dialogue between the parties and guarantees for the rights and securities of all residents of Nagorno-Karabakh.

*Question.* What are you doing to help facilitate direct talks between political leaders in Stepanakert and Baku?

Answer. The Department has encouraged all sides to engage in direct talks, including between representatives of the population in Nagorno-Karabakh and officials in Baku, either inside Azerbaijan, on the “border” between Nagorno-Karabakh and territory controlled by Azerbaijan, or in a third country. We have offered our good offices to facilitate if useful.

*Question. Gubad Ibadoghlu:* In addition to the aggressive approach that Azerbaijan takes toward ethnic Armenians in Nagorno Karabakh and in Armenia, it also continues a campaign of repression and human rights violations domestically. Azerbaijani opposition leader Gubad Ibadoghlu remains imprisoned with limited access to medicine necessary to manage his health conditions. Ibadoghlu is a valued member of communities in New Jersey, including at both Rutgers University and Princeton University. Has the Administration prioritized raising Dr. Ibadoghlu’s case in interactions with the Azerbaijani Government, and will the Department commit to raising his case in all future interactions with the Azerbaijani Government?

Answer. We have raised Dr. Ibadoghlu’s case continually with Azerbaijan and have called on the Azerbaijani Government to respect his rights and fundamental freedoms. We will continue to urge Azerbaijan to protect the human rights and fundamental freedoms of all, consistent with its own constitution and international obligations and commitments.

*Question.* Does the Administration view Dr. Ibadoghlu’s imprisonment as life threatening, and how is it working to make sure that Dr. Ibadoghlu has access to food and medication?

Answer. We remain troubled by the arrest and detention of Gubad Ibadoghlu and by reports of his deteriorating health. We have been in regular contact with Dr. Ibadoghlu’s family members and Azerbaijani authorities regarding his access to needed medicines and food. We are taking this issue very seriously and working closely with likeminded partners toward an expeditious resolution.

*Question.* How can the United States leverage its relationship with Azerbaijan, including in terms of assistance, to pressure the regime to free Ibadoghlu and improve its domestic human rights record?

Answer. The United States remains strongly committed to advancing respect for human rights and fundamental freedoms. We continue to press Azerbaijan’s authorities at the highest levels to respect the rights of all, including Gubad Ibadoghlu.

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RESPONSES OF MS. YURI KIM TO QUESTIONS  
SUBMITTED BY SENATOR BENJAMIN L. CARDIN

*Question. Gubad Ibadoghlu:* I am concerned about the case of Azerbaijani activist Gubad Ibadoghlu, whose arrest on fabricated charges is yet another example of the Azerbaijani authorities’ misuse of the criminal justice system to target peaceful criticism and dissent. It is especially troubling to hear reports that he and his wife were severely beaten during their arrest and that he continues to be denied essential care in prison. Is the State Department currently considering sanctions on Azerbaijani officials in response to his unfair arrest?

Answer. We remain troubled by the arrest and detention of Gubad Ibadoghlu and by reports of his deteriorating health. We have also publicly and privately urged the Azerbaijani Government to ensure that it respects Mr. Ibadoghlu’s human rights and fundamental freedoms. We never rule out the use of any of the tools at our disposal to achieve our foreign policy goals.

*Question.* Why has the State Department not yet called publicly for his release?

Answer. We have regularly and publicly raised our concerns regarding Dr. Ibadoghlu since his arrest in July. We called for his release publicly on September 14. Furthermore, we urge Azerbaijan to protect the human rights and fundamental freedoms of all, consistent with its own constitution and international obligations and commitments.

*Question.* How has the State Department worked to support independent media, civil society, and democratic governance within Azerbaijan?

Answer. The United States continues to urge Azerbaijan’s authorities to respect the rights of all. Respect for fundamental freedoms is essential for promoting the sort of dialogue between citizens and their governments that forms the basis for positive change and the development of a culture of democracy in any society. The United States continues to raise these concerns privately and publicly, including

through our embassy's work at all levels, to meet with those outside of the government, such as human rights defenders, NGO representatives, and independent journalists, to demonstrate our support for pluralism and fundamental freedoms.

*Question. Ongoing Lachin Corridor Blockade:* Azerbaijan's blockade of food, fuel, and medicine into Nagorno-Karabakh is very concerning – and has been for the past nine months. While I was pleased to see one truckload of aid enter Nagorno-Karabakh via the Aghdam route on September 12, the region would see hundreds of trucks enter daily prior to the blockade. It was also disappointing that reports earlier this month about the Lachin Corridor's opening proved to be premature. What is the Administration's strategy for ensuring the Lachin Corridor re-opens as soon as possible?

Answer. We are working relentlessly to prevent the situation from worsening. We continue to press Azerbaijani authorities to take actions—including immediately reopening the Lachin Corridor to both humanitarian and commercial traffic—to alleviate humanitarian conditions for the men, women, and children of Nagorno-Karabakh—while recognizing the importance of additional routes. As UN Ambassador Linda Thomas-Greenfield said on August 16 when this issue was raised in the UN Security Council, basic humanitarian assistance should never be held hostage to political disagreements.

*Question. Humanitarian Aid:* While I understand that reporting is scarce, it is clear that the residents of Nagorno-Karabakh are in desperate need of food, fuel, and medicine. Government officials have estimated that 95 percent of the population is suffering from malnutrition and miscarriages have increased fourfold. This crisis will only worsen as winter sets in. Has the U.S. engaged with UN agencies to explore alternative means of accessing Nagorno-Karabakh, for example by means of a humanitarian airlift coordinated through the World Food Programme's Humanitarian Air Service? Would you support such an effort?

Answer. We're trying to find practical actions to resolve this situation and get assistance to those who need it most. Any durable solution must be one that is agreed to by all parties involved. The Nagorno-Karabakh "authorities" have said publicly they are open to receiving supplies from routes other than Lachin, as long as Lachin is also opened. We were encouraged that on September 12, a Russian Red Cross truck with approximately 20 tons of food and humanitarian supplies was delivered to NK residents through the Aghdam route.

*Question. Genocide Allegations:* I am sure you have seen the alarming August report from Luis Moreno Ocampo, former chief prosecutor of the International Criminal Court, who posits that Azerbaijan's blockade could rise to the level of "genocide." What do you make of Ocampo's analysis and assertion?

Answer. We take allegations of genocide or other atrocities seriously and continuously review facts, as appropriate. I recently met with Luis Moreno Ocampo to discuss his recent report. We will continue to place our focus on resolving the situation on the ground to get humanitarian assistance to the people who need it and promote respect for human rights.

*Question. Russia-Azerbaijan Ties:* In the last 2 years, Azerbaijan has signed a comprehensive partnership agreement with Russia, purchased 1 billion cubic meters of Russian gas, agreed to serve as a conduit for gas transmission between Russia and Iran, and allowed Russia to expand its ownership stake of the Shah Deniz natural gas field (that supplies Europe) to 20 percent—in addition to the 10 percent stake owned by Iran's National Oil Company. President Aliyev has gone as far as to label this a full "alliance." How would you view the aims of Russia and Azerbaijan in establishing this partnership?

Answer. Azerbaijan occupies a difficult, strategically important geographic space between Russia and Iran. Russia pursues its own geostrategic interests in the South Caucasus and benefits from regional destabilization that creates the conditions for its continued military presence in neighboring countries. Azerbaijan has refused to join the Eurasian Economic Union or rejoin the Collective Security Treaty Organization. It has offered humanitarian and energy support to Ukraine following Russia's further invasion.

*Question.* Do you believe Azerbaijan's energy ties with Russia and Iran undermine U.S. security interests in the region?

Answer. Azerbaijan clearly recognizes the value of having multiple routes to markets for the region's oil and gas. The Baku-Tbilisi-Ceyhan oil pipeline, which carries over 650,000 barrels of oil a day to Türkiye, was an early success for European energy diversification diplomacy and U.S.-Azerbaijan cooperation. Azerbaijan's energy

resources and long-term interest in integration with the West bolster its ability and willingness to maintain independence from Russia. Azerbaijan signed a deal with the European Union to double its natural gas exports to the EU by 2027, which the United States strongly supports. We recognize Azerbaijan's difficult geographic position vis-à-vis Iran and have consistently encouraged it to assess Iran's intentions in the region comprehensively, and to proceed with caution in all dealings involving the Iranian regime.

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RESPONSES OF MS. YURI KIM TO QUESTIONS  
SUBMITTED BY SENATOR CHRIS VAN HOLLEN

*Question. On Section 907 Waiver:* What kind of assistance has been provided to the Government of Azerbaijan, pursuant to the Section 907 waiver, since the extension was last issued on June 21, 2022?

*Answer.* Our assistance to Azerbaijan is in our own national interest—securing its border with Iran, countering terrorism, combatting illicit trafficking, enhancing military professionalization and strengthening NATO interoperability, and enforcing sanctions. Since the last Section 907 waiver of June 2022, the Department of State notified Congress of its intent to provide \$600,000 for Azerbaijan's FY 2023 International Military Education & Training program to support United States Professional Military Education for Azerbaijani military officers, but the funding was held by the SFRC and eventually reallocated. The Department of State obligated \$675,000 in FY 2022 AEECA to support the International Monetary Fund's (IMF) Caucasus, Central Asia, and Mongolia Technical Assistance Center based in Almaty, one of 17 IMF regional capacity development centers, which aim to increase transparency in economic institutions and policies, which was the second tranche of \$2,000,000 that the Department intends to provide over three fiscal years (FY 2021–FY 2023).

*Question.* The Biden administration last issued a waiver for Section 907 on June 21, 2022. When does that waiver authority expire?

*Answer.* We are firmly committed to implementing the letter and spirit of the *FREEDOM Support Act*. The current waiver expired June 21, 2023. The Administration is closely reviewing the Section 907 waiver extension as part of its annual process. Since 2002, successive administrations have extended the waiver for assistance to the Government of Azerbaijan under Section 907 on an annual basis, allowing security cooperation and assistance programs reliant on the waiver to continue. However, each year the waiver extension undergoes a comprehensive review.

*Question.* On August 31, 2023, the State Department said that “basic assistance should never be held hostage to political disagreements.” Is it this Administration's assessment that Azerbaijan is continuing to withhold critical humanitarian assistance, and refusing to re-open the Lachin corridor, for political gains? If not, what is the Administration's understanding of Azerbaijan's justification for continuing to keep the Lachin corridor closed?

*Answer.* The Administration has consistently called for a re-opening of the Lachin Corridor to humanitarian and commercial traffic. USAID conducted humanitarian assessments in Armenia and Azerbaijan and is continuing to closely monitor the situation in close coordination with the State Department, including through contacts inside Nagorno-Karabakh. Since September 2020, the U.S. Government has provided more than \$23 million in humanitarian assistance to aid vulnerable populations adversely affected by the ongoing situation in Nagorno-Karabakh. Our assistance supports a range of activities, including the provision of emergency food, health, and water, sanitation, and hygiene services, as well as winterization activities. It is not currently possible for U.S. Government personnel to access Nagorno-Karabakh, and our programs are carried out through international organizations and NGOs. We assess that Azerbaijan is refusing to reopen the Lachin corridor in order to encourage the Nagorno-Karabakh “government” to consider additional routes into the region.

*Question. On Demining Efforts in Nagorno-Karabakh:* How is the Biden administration supporting USG implementing partners engaged in demining efforts in Nagorno-Karabakh?

*Answer.* The United States has provided \$3.5 million for humanitarian demining operations in areas affected by the fall 2020 intensive fighting and intends to provide an additional \$1 million by November 2023.

*Question.* What impact has the blockade of the Lachin Corridor had, in your assessment, on the estimated timeframe and cost for clearing contamination in Nagorno-Karabakh?

*Answer.* The United States has repeatedly called for the re-opening of the Lachin Corridor in order to deliver needed supplies to the people in Nagorno-Karabakh and facilitate normal administrative and commercial operations in the region. Every aspect of the economy in Nagorno-Karabakh, including the workforce necessary for projects like clearing landmines and unexploded ordnance, has been affected by the lack of resources associated with this closure. The main impacts of the corridor's closure on U.S.-funded demining operations have been the fuel shortages that have limited operations in Nagorno-Karabakh, and the inadequate food supplies, which have required demining teams to deploy every other day to conserve strength.

**Testimony of Bryan Ardouny, Executive Director,  
Armenian Assembly of America**

*Submitted by Senator Robert Menendez*

SENATE FOREIGN RELATIONS COMMITTEE

ASSESSING THE CRISIS IN NAGORNO-KARABAKH

TESTIMONY BY BRYAN ARDOUNY

EXECUTIVE DIRECTOR, ARMENIAN ASSEMBLY OF AMERICA

Chairman Menendez, Ranking Member Risch and Members of the Committee, in the face of ongoing existential threats, intimidation, and blockade of Nagorno-Karabakh, the Armenian Assembly of America commends you for convening this timely hearing. We also welcome the remarks made by the Chairman earlier this week on the floor on the United States Senate urging action to prevent genocide in Nagorno-Karabakh.

The only roadway connecting Nagorno-Karabakh (also known as Artsakh) to Armenia and thus to the rest of the world, known as the Lachin Corridor, has been blockaded by Azerbaijan since December 12, 2022, causing a man-made humanitarian crisis. As part of the cease-fire terms\* that ended the war it started in Nagorno-Karabakh in the Fall of 2020, Azerbaijan agreed to “guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.” Today, Azerbaijan openly defies this agreement using genocide as a bargaining chip.

Despite its signed commitment and a ruling by the International Court of Justice to open the Lachin Corridor, Azerbaijan is starving the Armenian people living in Nagorno-Karabakh, going so far as to deny even access to the International Committee of the Red Cross (ICRC), as well as the governments of Armenia and France, all of which have tried to deliver humanitarian supplies via the Lachin Corridor to the people of Artsakh. To further its genocide by starvation policy, Azerbaijan is disrupting agricultural production by targeting farmers harvesting their fields (see Assembly’s Fact Sheet at: [www.aaainc.org](http://www.aaainc.org)). Azerbaijan has also disrupted the electricity and gas supplies to Nagorno-Karabakh, further exacerbating the crisis. Moreover, Azerbaijan has even kidnapped an individual who the ICRC was attempting to bring through the corridor for medical treatment. It also unjustly detained and beat a university student traveling to Armenia from Artsakh to attend classes. All of this has one goal: to ethnically cleanse the last remnants of Armenian people from Nagorno-Karabakh, a region that historically was predominately and ethnically Armenian.

Today’s hearing, therefore, comes at a critical time. The Armenian people are now confronted with genocide and ethnic cleansing from their ancestral lands for the second time in little over a century. The Armenian American community sees recent events as a continuation of the 1915 Armenian Genocide. After all, it was Turkey’s President Recep Tayyip Erdoğan, who fully supported Azerbaijan’s reckless war in the Fall of 2020 against Nagorno-Karabakh and who stated that “we do not allow terrorist leftovers of the sword in our country.” The term “leftover of the sword” is one used pejoratively by Turkish authorities throughout the past century to stigmatize the Armenians in Turkey who survived the 1915 genocide. The Armenian Assembly warned at the time of Erdoğan’s remarks that his rhetoric was “both a fresh admission of the Armenian Genocide and an early warning sign of immediate threats to Armenians, Greeks, Christians, Kurds, as well as other minorities in the region,” and called “on the United States government and its NATO allies, and all other concerned governments to counteract these threats and safeguard innocent lives.”

Soon after these warnings, under the cover of a global health pandemic and with America distracted in the closing days of the 2020 Presidential election, Azerbaijan brazenly launched a 44-day war of aggression in the Fall of 2020, killing thousands of Armenians, including innocent civilians. Since then, genocidal threats emanating from Turkey and Azerbaijan have continued, including Turkish parliamentarian Mustafa Destici directly threatening Armenia at a press conference in September of 2022, stating "I remind you once again that the Turkish nation has the power to erase Armenia from history and geography, and that they stand at the limit of our patience." Not to be outdone, Azerbaijan's autocratic President Ilham Aliyev stated that "There is no Nagorno-Karabakh" and that "Western Azerbaijan (an expansionist term for the Republic of Armenia) is our historical land" while also making a point to remind the Armenian people that "The Iron Fist is in place; let no one forget about that."

While sounding the alarm about the specter of a second Armenian Genocide, in the Assembly's testimony before the Senate Appropriations Committee earlier this year, we also highlighted the concerns raised by the Lemkin Institute for Genocide Prevention, which implored President Joe Biden and Secretary Antony Blinken "to fully consider the implications of ignoring existing early warning systems and genocide prevention protocols by rewarding Azerbaijani President Ilham Aliyev for his threats against Armenia," as well as the "long-term catastrophic implications" for international peace and security beyond the region that will arise from "[r]ewarding a dictator who has publicly threatened genocide."

In addition to the Lemkin Institute's warning, Genocide Watch has declared a "genocide emergency," and the International Association of Genocide Scholars has warned about "the risk of genocide." Further, the University Network for Human Rights in collaboration with lawyers, scholars and students from Harvard, Oxford, UCLA, Wesleyan, and Yale, and also representatives of UCLA School of Law's Promise Institute for Human Rights, submitted a warning about a looming genocide in a report to the United Nations Special Adviser on the Prevention of Genocide titled: "Risk of Ethnic Cleansing and Possible Genocide in Nagorno-Karabakh – Results from Applying the Framework for Analysis of Atrocity Crimes." Moreover, Mr. Luis Moreno-Ocampo, who served as the first-ever chief prosecutor for the International Criminal Court, has rightly warned of a looming genocide by starvation in Nagorno-Karabakh, calling starvation "the invisible genocide weapon." Indeed, Article 2(c) of the UN Genocide Convention makes clear that starvation is an act of genocide: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

In addition, promoting alternative routes to the Lachin corridor instead of holding Azerbaijan to its commitment to "guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions," only emboldens Azerbaijan. They should not be allowed to successfully use the threat of genocide to renegotiate agreements that will increase costs of delivering humanitarian aid and make it even easier for them to starve the Armenian population the next time they want to seek an advantage. The Assembly reiterates its call for USAID to deliver aid directly to Stepanakert.

Rather than promoting the opening of alternative routes that would originate in, and pass through, territory entirely controlled by Azerbaijan, making it extremely likely such routes will be used to smuggle weapons and fighters into Nagorno-Karabakh instead of humanitarian supplies, much as it disguised its agents as eco-activists in order to prepare the blockade of the Lachin Corridor, we



urge the Administration to use the considerable tools at its disposal not only to end the humanitarian crisis, but also help stop a genocide. To start, the Administration can enforce Section 907 of the FREEDOM Support Act, which Congress adopted in 1992 in a principled stand against Azerbaijani aggression. Section 907 states that U.S. funds "may not be provided to the Government of Azerbaijan until the President determines and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." The ongoing and blatant attacks by Azerbaijan against Armenian civilians both in Armenia and Artsakh are exactly the opposite of ceasing offensive uses of force.

In the aftermath of the September 11, 2001, terrorist attack on American soil, a national security waiver was added to Section 907 that has allowed the U.S. government to provide funding to the government of Azerbaijan in spite of the potential for abuses against Armenians. This waiver is valid so long as it "will not undermine or hamper ongoing efforts to negotiate a peaceful settlement" to the Nagorno Karabakh conflict or "be used for offensive purposes against Armenia," as is now being done. Once again, Azerbaijan has demonstrated it believes agreements it signs with America mean nothing.

It is time to revoke this waiver and enforce Section 907. If Azerbaijan's recent actions are not enough reason for doing so, consider the fact that when it first exercised the waiver, Congress required a report from the State Department within 60 days "specifying in detail the following: (A) the nature and quantity of all training and assistance provided to the Government of Azerbaijan [pursuant to the waiver]; B) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and (C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations." Yet a 2022 U.S. Government Accountability Office Report requested by Senate Foreign Relations Committee Chairman Bob Menendez found that the State Department did not "provide Congress with all required information – such as the impact of aid on the military balance between Azerbaijan and Armenia." Again, this waiver, granted on the basis of incomplete information and whose conditions have been violated by Azerbaijan, must go.

In addition to Section 907, the principles of the Humanitarian Aid Corridor Act can also be applied. Specifically, 22 USC 2378-1 states that "no assistance shall be furnished under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance." It is abundantly clear that Azerbaijan is directly, and Turkey is indirectly, restricting the delivery of U.S. humanitarian aid to the people of Artsakh. We, therefore, call on the Administration to cease any and all aid accordingly. With Turkey also receiving U.S. assistance and considering the partnership between the Erdogan and Aliyev regimes in advancing genocidal policies against Armenians, enforcement of Section 2378-1 is critically important.

Atrocities committed by Azerbaijan against Armenians in recent years have been well-documented by numerous credible sources. Columbia University's David Phillips, as part of the Institute for the Study of Human Rights and its "Project on Atrocities in Artsakh," who testified last week before the Tom Lantos Human Rights Commission, named specific individuals responsible for atrocities in Nagorno-Karabakh. Given the wealth of evidence that atrocities are

being carried out and the individuals responsible are identifiable, the Biden Administration should invoke the Global Magnitsky Human Rights Accountability Act and sanction those identified for carrying out gross human rights violations, along with their business associates and family members.

If this is not enough, Azerbaijan's targeting of Armenian cultural and religious heritage sites has been thoroughly documented by the Caucasus Heritage Watch and condemned by the European Parliament. Similarly, well documented is Azerbaijan's failure to abide by the cease-fire terms of the 2020 war and return "internally displaced persons and refugees...under the supervision of the United Nations High Commissioner for Refugees," as well as "the exchange of prisoners of war, hostages and other detained persons, and dead bodies." Meanwhile, inside Azerbaijan, the corruption and human rights abuses of the Aliyev regime have been widely reported in news stories about the "Azerbaijani laundromat" scheme and its \$2.9 billion slush fund meant to whitewash its human rights record. The ground breaking Pandora Papers investigation into government corruption around the world further revealed breathtaking corruption in Azerbaijan. Any and all of these facts should spur action by the Biden Administration under the auspices of the Magnitsky Act.

In conclusion, history has shown that appeasing dictators only serves to embolden them. President Biden has repeatedly said in his State of the Union addresses that the United States must stand in defense of democracies in the face of autocrats who want nothing more than to see democracy fail. The U.S. has taken a strong stand in support of democracy in Ukraine and should do so for Artsakh and Armenia. Last month, at a United Nations Security Council discussion on Famine and Conflict-Induced Global Food Insecurity, Secretary of State Antony Blinken reiterated the importance of providing food for our families and children, and quoted President Biden: "In every country in the world...if parents cannot feed their children, nothing else matters." To paraphrase another U.S. president, we say: President Biden, tear down this blockade. Having recognized the Armenian Genocide, it is incumbent that the Administration use all tools at its disposal to safeguard the Armenian people and not allow another genocide on its watch.

The Assembly's position is clear: stand up for democracy and human rights and oppose genocide; end the blockade of Artsakh by taking action that starts with enforcing of Section 907 of the FREEDOM Support Act, and if needed, apply the principles of the Humanitarian Aid Corridor Act and use power of the Global Magnitsky Human Rights Accountability Act to sanction those who are committing atrocities against Armenians in Nagorno-Karabakh.

It is also clear that Russia has not fulfilled its obligations to maintain open transit along the Lachin Corridor, nor prevented Azerbaijani atrocities. In these circumstances, we are sure Americans would strongly support the United States providing Armenians with the means to defend themselves to prevent another Armenian Genocide.

Finally, we welcome the introduction of international mechanisms and legislation to hold human rights violators and corrupt leaders accountable, to safeguard and protect vulnerable populations, to assert America's leadership for the betterment of humanity, and uphold the fundamental principles of democracy, the right to self-determination, and the universal human rights of the people of Artsakh.

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\* We, President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, state the following:

1. A complete ceasefire and termination of all hostilities in the area of the Nagorno-Karabakh conflict is declared starting 12:00 am (midnight) Moscow time on November 10, 2020. The Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the "Parties," shall stop in their current positions.
  2. The Agdam District shall be returned to the Republic of Azerbaijan by November 20, 2020.
  3. The peacemaking forces of the Russian Federation, namely, 1,960 troops armed with firearms, 90 armoured vehicles and 380 motor vehicles and units of special equipment, shall be deployed along the contact line in Nagorno-Karabakh and along the Lachin Corridor.
  4. The peacemaking forces of the Russian Federation shall be deployed concurrently with the withdrawal of the Armenian troops. The peacemaking forces of the Russian Federation will be deployed for five years, a term to be automatically extended for subsequent five-year terms unless either Party notifies about its intention to terminate this clause six months before the expiration of the current term.
  5. For more efficient monitoring of the Parties' fulfilment of the agreements, a peacemaking centre shall be established to oversee the ceasefire.
  6. The Republic of Armenia shall return the Kalbajar District to the Republic of Azerbaijan by November 15, 2020, and the Lachin District by December 1, 2020. The Lachin Corridor (5 km wide), which will provide a connection between Nagorno-Karabakh and Armenia while not passing through the territory of Shusha, shall remain under the control of the Russian Federation peacemaking forces.
- As agreed by the Parties, within the next three years, a plan will be outlined for the construction of a new route via the Lachin Corridor, to provide a connection between Nagorno-Karabakh and Armenia, and the Russian peacemaking forces shall be subsequently relocated to protect the route.

The Republic of Azerbaijan shall guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.

7. Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh and adjacent areas under the supervision of the United Nations High Commissioner for Refugees.

8. The Parties shall exchange prisoners of war, hostages and other detained persons, and dead bodies.

9. All economic and transport connections in the region shall be unblocked. The Republic of Armenia shall guarantee the security of transport connections between the western regions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic in order to arrange unobstructed movement of persons, vehicles and cargo in both directions. The Border Guard Service of the Russian Federal Security Service shall be responsible for overseeing the transport connections.

Subject to agreement between the Parties, the construction of new transport communications to link the Nakhchivan Autonomous Republic with the western regions of Azerbaijan will be ensured.

— *President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, "The Statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation" (source: Wikipedia).*

**Testimony of Tereza Yerimyan, Government Affairs  
Director, Armenian National Committee of America**

*Submitted by Senator Robert Menendez*

The Armenian American Community and  
U.S. Policy Priorities in the Caucasus

presented by

Tereza Yerimyan, Government Affairs Director  
Armenian National Committee of America

U.S. Senate Foreign Relations Committee Hearing  
"Assessing the Crisis in Nagorno Karabakh"

Thursday, September 14, 2023 – 10:00 AM

Thank you, Chairman Menendez and Ranking Member Risch. The Armenian National Committee of America (ANCA) appreciates this Committee's strong leadership in scrutinizing the U.S. Government's response to this unfolding humanitarian crisis, and in promoting efforts to open the Lachin corridor, to ensure vital humanitarian supplies reach the Armenian population in Artsakh (Nagorno-Karabakh).

Since December 12, 2022 Azerbaijan has blockaded the only humanitarian lifeline connecting Artsakh's indigenous Armenian population with Armenia. For over nine months, the population has been deprived access to food, fuel, medicine and faced the routine interruption of gas, electricity and faces significant water security challenges. Today, the lives of 120,000 people are at stake.

As Azerbaijan continues to flout international law and impose its will on the Armenians of Artsakh through starvation and force, the reputation of the United States as a global leader in democracy is at risk.

As has been made clear in the expert opinions of former International Criminal Court (ICC) Chief Prosecutor Luis Moreno Ocampo and former United Nations Special Advisor on Genocide Prevention Juan Mendez – we are witnessing the unfolding of a second genocide against the Armenian people.

The U.S. has consistently pursued a reckless policy of false parity and appeasement rather than directly and unequivocally condemning Azerbaijan's aggression. Even in the wake of the numerous human rights violations during and since Azerbaijan's invasion and ethnic cleansing of Artsakh in 2020, the ongoing occupation of sovereign Armenian territory since September 2020, and amid this ongoing blockade – we urge the Committee to press the Biden Administration to act decisively to hold Azerbaijan accountable for its ongoing acts of aggression.

While we have seen statements from Department of State officials and countless calls, both private and public, with Azerbaijani officials – the Aliyev regime has refused to comply with the binding order issued by the International Court of Justice (ICJ) to immediately and unconditionally end its blockade of the Lachin Corridor. Despite this, the U.S. appears reluctant to take tangible action to compel Azerbaijan to open the Lachin corridor, ensure the safety of the Armenian population in

Artsakh, and send a resolute message to dictators like Aliyev that the U.S. will not stand idly by in the face of war crimes, ethnic cleansing and genocide.

Given the critical situation in Artsakh, we respectfully submit the following policy recommendations to the Senate Foreign Relations Committee in the hope that they will inform and guide the panel's constructive discussion on U.S. interests in the region.

First, we call on the Committee to cease U.S. military aid to Azerbaijan, including but not limited to Section 333 (Capacity Building), Foreign Military Financing (FMF), and International Military Education and Training (IMET) assistance through statutory prohibitions – including by repealing the Presidential waiver authority to ensure the full enforcement of Section 907 of the FREEDOM Support Act. Additionally, we ask that the Committee immediately request the Departments of State and Defense to meet their statutory reporting requirements, as mandated under Section 907 of the FREEDOM Support Act, regarding the Biden Administration's decisions to waive this law. In light of Azerbaijan's attempted genocide of Artsakh, its occupation of sovereign Armenian territory and its ongoing illegal detention and torture of Armenian prisoners of war – reauthorizing military assistance to Azerbaijan would not only send a dangerous signal to President Aliyev, but defy the writ of Section 907 by emboldening behavior that undermines prospects for a durable peace in the region. This was attested to in a recent U.S. Government Accountability Office (USGAO) report that emphasized military assistance to Azerbaijan had produced outcomes that were "...inconsistent with other U.S. objectives. For example, [the State Department] noted that a Section 333 project in Azerbaijan had created an apparent imbalance between the amounts of assistance provided to Azerbaijan and Armenia, resulting in political and diplomatic challenges."

Second, we also request that the Committee inquire into the Administration's decision not to provide urgently needed direct U.S. humanitarian assistance to Artsakh. Artsakh's vulnerable Armenian population has faced chronic water, energy, healthcare, and food insecurity since Azerbaijan's assault on the region in 2020. This has been exacerbated by the ongoing blockade which has already taken countless lives due to starvation, malnutrition, lack of medication and preventable health crisis – most notable, a three-fold increase in miscarriages in the past month due to inadequate medical care. The region's most vulnerable face the most acute risks, including over 30,000 children, 20,000 elderly, 9,000 disabled and 2,000 pregnant women. Additionally, fuel shortages as a result of Azerbaijan cutting gas and electricity to the region has caused the disruption of vital services, and disrupted patient transport in the region. The United States must explore options to provide humanitarian assistance by leading and coordinating international relief operations – including through the United Nations' World Food Program to deliver assistance by means of humanitarian airlift so as to mitigate this humanitarian crisis and put an end to Azerbaijan's use of starvation as a negotiating tool.

Finally, we urge the Committee to pressure the Administration to condition the resumption of negotiations on the immediate and unconditional reopening of the Lachin Corridor – and the inclusion of the Artsakh government and its people in the negotiation process for the region's future. The United States must not allow negotiations to continue while starvation and genocide is being used as a tool of negotiation by Azerbaijan. Additionally, the people and government of Artsakh have

the right to self-determination and therefore must participate in these negotiations facilitated by the U.S. and others because their fate and livelihoods are at stake. It is clear through Azerbaijan's policy of starvation, its systematic dehumanization of Armenians, and its own egregious domestic human rights record that the Armenians of Artsakh will never be able to live freely under Azerbaijan's rule. There is also little reason to believe based on Azerbaijan's disregard for the November 9th, 2020 ceasefire agreement, refusal to comply with the order of the International Court of Justice, and constant recourse to aggression that President Aliyev will actually abide by any agreements – especially in a climate of impunity, and in the absence of enforcement and accountability.

The United States should not continue to allow Aliyev to dictate the terms by which he is willing to sit at the negotiations table – and it should not allow Azerbaijan to continue using starvation and genocide as a negotiation tactic. The United States must make it clear to Azerbaijan that there is no alternative to reopening the Lachin Corridor – and insist that the Lachin Corridor be opened immediately and without preconditions.

In light of the U.S. recognition of the Armenian Genocide, we implore this Committee to unequivocally communicate to the Administration that it cannot acknowledge past genocides while allowing another to unfold under its leadership.

We encourage the Committee to support critical legislative initiatives, including S.Res 244, condemning Azerbaijan's blockade and calling for an end to U.S. military aid to Azerbaijan. We also urge the Committee to support efforts to promote accountability for Azerbaijan's human rights abuses and blockade through the FY24 National Defense Authorization Act, and to ensure emergency humanitarian assistance is allocated to meet the needs of Artsakh's Armenian population in the FY24 Department of State, Foreign Operations and Related Programs Appropriations Act.

As the Committee evaluates President Biden's nominees for U.S. Ambassador to Azerbaijan, we strongly recommend focusing on holding Azerbaijan accountable during the confirmation process. U.S. policy towards Armenia must prioritize the security and viability of Armenia and Artsakh in the face of genocide, while policy towards Azerbaijan should emphasize accountability for its past and ongoing crimes. The current flawed U.S. policy in the Caucasus sends U.S. taxpayer-funded military aid to dictatorial Azerbaijan while providing no assistance to at-risk Artsakh. This must change. We urge the Committee to use all tools at its disposal to reverse this policy of complicity in Azerbaijan's unrepentant disregard for human rights and international law.

Thank you for your kind consideration of our testimony. We are always ready to support the Senate Foreign Relations Committee in strengthening the enduring friendship between the American and Armenian peoples.