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Congress of the United States
House of Representatives

September 7, 2023

CHAIRMAN, CONGRESSIONAL EXECUTIVE
COMMISSION ON CHINA

CHAIRMAN, GLOBAL HEALTH, GLOBAL
HUMAN RIGHTS, AND INTERNATIONAL
ORGANIZATIONS SUBCOMMITTEE

CO-CHAIRMAN, TOM LANTOS HUMAN RIGHTS
COMMISSION

SENIOR MEMBER, HOUSE FOREIGN AFFAIRS
COMMITTEE

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The Honorable Joseph R. Biden
Office of the President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C 20500

Dear Mr. President:

Yesterday I chaired an emergency hearing on the ongoing genocide in Nagorno-Karabakh.

In light of the compelling and urgent expert testimony provided, I respectfully urge you to immediately clarify that the United States does not tolerate, facilitate, or participate in negotiations over genocide, and to publicly inform Azerbaijan that unless it immediately lifts its blockade of Nagorno-Karabakh, the U.S. will take action through the United Nations to refer the matter to the International Criminal Court for investigation and prosecution.

Of particular concern is the State Department's "Readout" of the conversation with Secretary Antony Blinken and President Aliyev of Azerbaijan on September 1, 2023 which states in part: "The Secretary underscored the need for a dialogue and compromise and the importance of building confidence between the parties."

Mr. President, there is little doubt that this humanitarian crisis was planned, tested, and imposed by President Ilham Aliyev, who rules Azerbaijan as a dictator. His record of human rights abuse is decades in the making as I met with him in Baku in 2013 and 2014 arguing then about both his mistreatment and jailing of Azerbaijani human rights activists and abusive treatment of Armenian Christians.

Thus, by encouraging "compromise," the Secretary appears to facilitate Azerbaijan's use of genocide as a negotiating tactic. Negotiation may be needed to solve the differences between Azerbaijan and the Armenians living in Nagorno-Karabakh, but genocide is an abuse impossible to ignore.

By contrast, consider the vital information provided at my hearing by Luis Moreno Ocampo, who served as the first Chief Prosecutor of the International Criminal Court from 2003-2012. He had responsibility to investigate, charge, and prosecute some of the worst international

Co-Chairman of the following: Task Force on Alzheimer's Disease • Bi-Partisan Taskforce for Combating Anti-Semitism • Lyme Disease Caucus
Coalition for Autism Research and Education • Congressional Pro-Life Caucus • Bosnia Caucus • Poland Caucus • Friends of Ireland Caucus
Congressional Caucus on Human Trafficking • Vietnam Caucus • Congressional Heart and Stroke Coalition • Fragile X Caucus • Spina Bifida Caucus • Hungarian Caucus
Malaria and Neglected Tropical Diseases Caucus • Hong Kong Caucus • Congressional Pediatric and Adult Hydrocephalus Caucus

criminals of that decade, including Muammar Gaddafi of Libya, Omar Al Bashir of Sudan, and Laurent Gbagbo of Ivory Coast.

In his testimony, Mr. Ocampo examined the Genocide Convention, particularly the duty to prevent genocide under Article I and “complicity in genocide” under Article III(e). Mr. Ocampo established that “the risk of complicity is expanded by the U.S. active role in the negotiation between Armenia and Azerbaijan, while Azerbaijan is committing genocide...” Further, “Any U.S. assistance to President Aliyev and Azerbaijan to ‘enable or facilitate’ the blockade of the Lachin Corridor or other forms of genocide could be considered complicity in genocide... The assistance could include the U.S. pressuring Armenia to accept the genocide as the cost of negotiation with Azerbaijan.”

Mr. Ocampo also shared an Expert Opinion he first released on August 7, 2023. In this document, he underscores that genocide means “deliberately inflicting on the group conditions of life calculated to bring about its destruction.” Mr. Ocampo concluded that “there is a reasonable basis to believe that a Genocide is being committed against Armenians living in Nagorno-Karabakh in 2023.” Mr. Ocampo’s Expert Opinion has been widely credited.

I enclose Mr. Ocampo’s August 7 Expert Opinion and his full written testimony from yesterday, as well as the testimony of David Phillips, Director of Columbia University’s Artsakh Atrocities Project. The United States must recognize this genocide and act accordingly to save as many lives as possible.

Sincerely,



CHRISTOPHER H. SMITH
Member of Congress

Enclosures:

Expert Opinion, Luis Moreno Ocampo, August 7, 2023
Testimony, Luis Moreno Ocampo, September 6, 2023
Testimony, David Phillips, September 6, 2023

Cc:

The Honorable Antony Blinken