



Armenian National Committee of America

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ANCA Policy Brief: Azerbaijan and Section 502B(c) of the Foreign Assistance Act

Following Azerbaijan's blockade and genocide of the indigenous Armenian population of Nagorno Karabakh (Artsakh), Armenian Americans join with our allies in asking you to take immediate action to hold Azerbaijan accountable for its ethnic cleansing of Artsakh's Armenians.

Co-Sponsor S.Res.540 to Investigate Azerbaijan's Human Rights Abuses

Senators Ed Markey (D-MA) and Bill Cassidy (R-LA) introduced bipartisan resolution S.Res.540 requesting a report on Azerbaijan's human rights abuses pursuant to Section 502B(c) of the Foreign Assistance Act.

The resolution has been cosponsored by Senators Rubio (R-FL), Daines (R-MT), Peters (D-MI), Whitehouse (D-RI), Warren (D-MA), Welch (D-VT), Menendez (D-NJ), Fetterman (D-PA), Stabenow (D-MI), Sanders (I-VT), Reed (D-RI), Butler (D-CA) and Brown (D-OH).

This privileged resolution would reassert Congressional oversight over U.S. military assistance to Azerbaijan by requiring the State Department to provide a report on Azerbaijan's human rights violations – including the ongoing arbitrary detention and torture of Armenian POWs, civilian captives and political prisoners, the destruction of Armenian cultural heritage, the deliberate targeting of civilian populations and infrastructure, ethnic cleansing, and domestic repression and crackdowns on freedom of speech and assembly.

Pursuant to Section 502B(c), following the passage of a resolution the administration must deliver a report to Congress within 30 days detailing the human rights abuses of the target country, and an explanation as to whether extraordinary circumstances exist to justify the continuation of assistance. If this report isn't transmitted to Congress within the allotted time, security assistance is automatically suspended.

Azerbaijan has received U.S. military assistance in the absence of Congressional oversight through a presidential waiver authority that bypasses statutory prohibitions on military assistance to Azerbaijan pursuant to Section 907 of the FREEDOM Support Act, which was adopted in response to Azerbaijan's assault on Armenia and Nagorno-Karabakh following the collapse of the Soviet Union. In 2022, the U.S. Government Accountability Office (USGAO) found that successive administrations had failed to meet Congressional reporting requirements regarding the impact of military assistance on regional stability, balance of power and conflict resolution efforts.

The provision of military assistance to Azerbaijan emboldened and enabled its authoritarian regime's genocidal aggression against Nagorno-Karabakh – culminating in the forced displacement of the region's entire Armenian population of 100,000 people in September 2023, in what experts, including Freedom House, have defined as an act of ethnic cleansing. Despite this, Azerbaijan has faced no accountability for its aggression – as it continues to engage in the threats and use of force to impose demands on Armenia at the barrel of a gun.

Enforcing prohibitions on security assistance to Azerbaijan under 502B(c) would mark a long-overdue step towards restoring Congressional oversight and scrutiny over U.S. military aid to Baku's authoritarian regime – and deter further violence and aggression against Armenia to ensure a just, durable and dignified peace.