



Armenian National Committee of America

1711 N Street NW | Washington DC 20036 | Tel: (202) 775-1918 | Fax: (202) 223-7964 | anca@anca.org | www.anca.org

ANCA Policy Paper: Azerbaijani Violations of the Leahy Law

The ANCA encourages the U.S. Department of State to undertake a renewed Leahy Law vetting of Azerbaijani military and security units receiving U.S. assistance to ensure that these forces were not involved in gross violations of human rights committed during Baku's April 2-6, 2016 offensive against Nagorno Karabakh.

Below find frequently asked questions (FAQs) about Azerbaijani violations of the Leahy Law.

What is the Leahy Law?

The Leahy Law, first spearheaded by Sen. Patrick Leahy (D-VT) in the late 1990s, prohibits the provision of certain types of U.S. military aid to any foreign military or security force unit credibly determined to have committed a gross violation of human rights.

[A detailed Congressional Research Service report on the Leahy Law is available here.](#)

What is the Purpose of the Leahy Law?

The aim of this law is to ensure that U.S. tax dollars do not fund foreign military units that are involved in human rights violations. It was enacted in response to Congressional concern regarding reports that U.S.-backed foreign military units had committed human rights abuses.

What Constitutes Gross Violations of Human Rights?

The law states that "the term 'gross violations of internationally recognized human rights' includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person." According to the State Department, extrajudicial killings are encompassed by this definition, and Leahy vetting also screens for politically motivated rape.

What Types of Assistance are Subject to the Leahy Law?

Security assistance subject to the Leahy Law includes authorizations under the Foreign Assistance Act and the Arms Export Control Act. This includes (but is not limited to) Foreign Military Sales (FMS) and Foreign Military Financing (FMF), as well as International Military Education and Training (IMET). Azerbaijan receives both FMF and IMET assistance.

Who is in Charge of Ensuring Compliance with the Leahy Law?

The Department of State is the lead agency charged with ensuring compliance with the Leahy Law, with input from other parts of the U.S. government. Within the State Department, the Bureau of Democracy, Human Rights, and Labor (DRL) takes the lead in investigating potential violations, with the support of regional bureaus.

How does the Process Work?

The State Department has a multi-stage process in place for vetting recipients of U.S. military aid to ensure that they do not include those found to have committed gross violations of human rights.

What Happens when the Leahy Law is Violated?

If determined to be true by the Department of State, violations of the Leahy Law would result in the termination of U.S. military aid to the unit(s) found to have engaged in these abuses.

Why is the Leahy Law Relevant to Azerbaijan?

There are credible reports that units of the Azerbaijani military committed gross violations of human rights during Baku's April 2-6, 2016 offensive against Nagorno Karabakh. [The Nagorno Karabakh Republic Ombudsman has prepared a detailed report, available here.](#)

It is a matter of public record that the Azerbaijani military has been a longstanding recipient of U.S. assistance subject to the Leahy Law, including Foreign Military Financing (FMF), as well as International Military Education and Training (IMET).

Given this fact pattern, there is sufficient cause to investigate whether the anti-Armenian atrocities committed in April were undertaken by any units of the Azerbaijani military that have received U.S. assistance covered by the Leahy Law.

What is the ANCA's request?

Based on credible allegations that units of the Azerbaijani military committed gross violations of human rights during Baku's April 2-6, 2016 offensive against Nagorno Karabakh, the ANCA believes that the U.S. State Department should initiate a renewed Leahy Law vetting of all units of the Azerbaijani military and security forces that receive U.S. assistance under the jurisdiction of this statute.

The U.S. Department of State Bureau of Democracy, Human Rights, and Labor (DRL) and Bureau of European and Eurasian Affairs should immediately initiate a thorough vetting of any and all Azerbaijani forces involved in anti-Armenian atrocities, with a special focus on any U.S. funding that may have reached those units connected to these human rights violations.

The Department of State should provide the relevant Congressional oversight committees with detailed description of the policies that would govern such an investigation as well as the specific procedures that would be followed by those conducting this inquiry.

How Can U.S. Citizens Take Action?

Concerned Americans can call on their Members of Congress to request that the State Department initiate a renewed vetting of Azerbaijani units that receive U.S. assistance, to ensure that they were not involved in gross violation of human rights during Baku's April 2016 anti-Artsakh offensive, or at any other time. For more information, visit:

www.anca.org/WarCrimes