

117TH CONGRESS
2D SESSION

H. RES. 964

Expressing the sense of the House of Representatives that the United States condemns the Russian Government's gross violations of international law amounting to war crimes and crimes against humanity, stands in solidarity with the people of Ukraine, and supports the efforts of international organizations to help people displaced by war and conflict.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2022

Mr. ESPAILLAT (for himself, Mr. CICILLINE, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, and Mr. KAHELE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that the United States condemns the Russian Government's gross violations of international law amounting to war crimes and crimes against humanity, stands in solidarity with the people of Ukraine, and supports the efforts of international organizations to help people displaced by war and conflict.

Whereas the Government of Russia, led by Vladimir Putin, has engaged in a military invasion of Ukraine and gross violations of international law amounting to war crimes and crimes against humanity;

Whereas the law of armed conflict, also known as international humanitarian law, are a set of international rules regulating the conduct of armed conflict;

Whereas the Geneva Conventions and Additional Protocols are the core of international humanitarian law, and many rules contained in these treaties are considered customary international law, binding on all states, whether or not they have ratified the treaties;

Whereas Russia's military invasion of Ukraine constitutes an international armed conflict governed by international humanitarian law as well as customary international humanitarian law;

Whereas Article 51(2) of Additional Protocol I to the Geneva Conventions, prohibits the targeting of civilians, as well as "acts or threats of violence, the primary purpose of which is to spread terror among the civilian population";

Whereas Article 76 of Additional Protocol I to the Geneva Conventions, states that women "shall be protected in particular against rape, forced prostitution, and any other form of indecent assault";

Whereas Article 77 of Additional Protocol I to the Geneva Conventions expresses that "children shall be the object of special respect and shall be protected against any form of indecent assault";

Whereas, on June 19, 2008, the United Nations Security Council adopted Resolution 1820, noting that "rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide", and calls for "prosecuting persons responsible for such acts";

Whereas Article 7 of the Rome Statute of the International Criminal Court defines “crimes against humanity” as acts such as murder, extermination, rape, persecution, and all other inhumane acts of a similar character intentionally causing great suffering, which are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack;

Whereas, on March 1, 2022, a Russian airstrike hit Kyiv’s main television tower, damaging broadcasting infrastructure, killing at least 5 people, and injuring others;

Whereas, on March 1, 2022, a Russian airstrike targeted Freedom Square in Kharkiv, as cars were stopped at a traffic light on their morning commute;

Whereas Ukrainian President Volodymyr Zelenskyy characterized Russia’s airstrike on Freedom Square as a “war crime”;

Whereas, on March 1, 2022, at the United Nations Human Rights Council, Secretary of State Antony Blinken condemned Russia for killing civilians, striking “schools, hospitals and residential buildings” in Ukraine;

Whereas United States ambassador to the United Nations Linda Thomas-Greenfield expressed to the United Nations on March 2, 2022, that videos show Russian forces moving lethal weaponry into Ukraine, including cluster munitions and vacuum bombs, which are banned under the Geneva Conventions;

Whereas, on March 4, 2022, Ukraine’s Minister of Foreign Affairs accused Russian soldiers of raping women in Ukrainian cities;

Whereas, on March 6, 2022, Secretary of State Blinken stated that the United States has seen credible reports of Russia engaging in “deliberate attacks on civilians, which would constitute a war crime”;

Whereas Article 18 of the Fourth Geneva Convention, states that “civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict”;

Whereas Article 12 of Additional Protocol I to the Geneva Conventions provides that “medical units shall be respected and protected at all times and shall not be the object of attack”;

Whereas, on March 2, 2022, Ukraine’s foreign ministry reported that a Russian missile strike destroyed the Pavlusenko maternity hospital;

Whereas, on March 5, 2022, the World Health Organization confirmed several attacks on health care centers in Ukraine, causing multiple deaths and injuries;

Whereas, on March 6, 2022, the Director-General of the World Health Organization expressed that “attacks on healthcare facilities or workers breach medical neutrality and are violations of international humanitarian law”;

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

Whereas, on March 1, 2022, Andriy Yermak, head of the Office of the President of Ukraine, announced that a mis-

sile hit the location of the Babyn Yar Holocaust Memorial complex, a place where thousands of Jewish people were killed between 1941 and 1943;

Whereas, on March 1, 2022, a Russian missile hit Freedom Square in the center of Kharkiv, Ukraine, causing severe damage to an opera house, concert hall, and government offices;

Whereas Article 15 of Additional Protocol II to the Geneva Conventions, establishes that installations containing dangerous forces, including nuclear electrical generating stations, “shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population”;

Whereas, on March 3, 2022, Ukrainian President Zelenskyy accused Russian forces of “nuclear terror” because “Russian tanks are shooting at the nuclear blocks” in the Zaporizhzhia nuclear power station, Europe’s largest nuclear power station;

Whereas, on March 3, 2022, the United States embassy in Ukraine called the Russian attack on the Ukrainian nuclear plant in Zaporizhzhia a “war crime”;

Whereas, on March 1, 2022, President Zelenskyy expressed to the European Parliament, “we are fighting for our rights, for our freedoms, for life, for our life, and now we are fighting for survival”;

Whereas, on March 2, 2022, the United Nations General Assembly overwhelmingly voted to condemn Russia for its military invasion of Ukraine and demanded that the Russian Federation immediately, completely, and uncondi-

tionally withdraw all its military forces from the territory of Ukraine within its internationally recognized borders;

Whereas, on March 4, 2022, the United Nations Human Rights Council adopted a resolution establishing an independent international commission of inquiry to investigate any violations of human rights resulting from the Russian Federation's military invasion of Ukraine;

Whereas, on February 25, 2022, the Russian Federation threatened Sweden and Finland with military and political repercussions if they join the North Atlantic Treaty Organization, a military alliance committed to the collective defense of members against attacks;

Whereas, on March 6, 2022, the United Nations High Commissioner for Refugees stated that 1,500,000 refugees have fled Ukraine, making this the fastest growing refugee crisis since World War II;

Whereas the North Atlantic Treaty Organization is helping to coordinate Ukraine's requests for assistance and is supporting Allies in the delivery of humanitarian and non-lethal aid;

Whereas, on February 28, 2022, the United Nations World Food Programme launched an emergency operation to provide food assistance for people fleeing Ukraine to neighboring countries;

Whereas, on March 1, 2022, the United Nations High Commissioner for Refugees (UNHCR) spokesperson, Shabia Mantoo, announced that the UNHCR is coordinating the refugee response with other United Nations agencies and nongovernmental organization partners, in support of national authorities helping people fleeing Ukraine;

Whereas, on March 1, 2022, the United Nations and humanitarian partners launched coordinated emergency appeals for a combined \$1,700,000,000 to urgently deliver humanitarian support to people in Ukraine and refugees in neighboring countries;

Whereas, on March 6, 2022, Secretary of State Blinken stated that energy independence and energy security is “critical to maintaining one’s sovereignty and independence”; and

Whereas, on March 4, 2022, international law experts, including an American lawyer who served as a prosecutor during the Nuremberg trials, Benjamin Ferencz, called for the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine, similar to the International Military Tribunal set up by the Nuremberg Charter in 1945: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) forcefully condemns the continued use of
3 unlawful and indiscriminate violence against civilian
4 populations by the Government of Russia, its allies,
5 and any other parties to the conflict;

6 (2) urges that the global community hold Vladimir
7 Putin and the Russian Government accountable
8 for war crimes committed during the military invasion
9 of Ukraine;

10 (3) urges the United States and its allies to
11 continue providing defense security assistance and

1 humanitarian aid to Ukraine as Ukrainians valiantly
2 defend themselves against Russia’s military invasion;

3 (4) supports the continued use of sanctions
4 against Russia and its allies until Russia ends its
5 military invasion and unequivocally recognizes
6 Ukraine’s internationally recognized borders and po-
7 litical independence;

8 (5) urges the United States to increase support
9 for international organizations, such as the United
10 Nations High Commissioner for Refugees, helping
11 Ukrainians fleeing conflict and more than
12 82,000,000 people around the world forcibly dis-
13 placed due to persecution, conflict, violence, and
14 human rights violations;

15 (6) urges the United States to treat all forcibly
16 displaced people with dignity and abide by the Pro-
17 tocol Related to the Status of Refugees, ratified by
18 the Senate in 1968, and thereafter considered the
19 “supreme Law of the Land” under article VI, sec-
20 tion 2 of the Constitution;

21 (7) urges the United States and members of the
22 North Atlantic Treaty Organization (NATO) to
23 meet NATO’s funding needs to ensure the ability to
24 provide collective defense and innovation;

1 (8) urges NATO to maintain its commitment to
2 innovating and work toward solving and dealing with
3 emerging and disruptive technologies; and

4 (9) stands in solidarity with the people of
5 Ukraine who are fighting for their freedom and de-
6 mocracy, Slava Ukraini, glory to Ukraine.

○