

117TH CONGRESS
2D SESSION

S. RES. 546

Expressing the sense of the Senate condemning the Russian Federation, President Vladimir Putin, members of the Russian Security Council, the Russian Armed Forces, and Russian military commanders for committing atrocities, including alleged war crimes, against the people of Ukraine and others.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2022

Mr. GRAHAM (for himself, Mr. COONS, Mr. CARDIN, Mr. KING, Ms. ERNST, Mr. TILLIS, Ms. BALDWIN, Mr. CORNYN, Mrs. FEINSTEIN, Mr. MORAN, Mr. RUBIO, Mr. GRASSLEY, Mr. BOOKER, Ms. COLLINS, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. HEINRICH, Mr. MARSHALL, Mr. WICKER, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. BRAUN, Mr. KELLY, Mrs. SHAHEEN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to

RESOLUTION

Expressing the sense of the Senate condemning the Russian Federation, President Vladimir Putin, members of the Russian Security Council, the Russian Armed Forces, and Russian military commanders for committing atrocities, including alleged war crimes, against the people of Ukraine and others.

Whereas the United States of America is a beacon for the values of freedom, democracy, and human rights across the globe;

Whereas there are several universal declarations and treaties promoting human rights, laws of war, and upholding the dignity of individuals;

Whereas the United Nations Charter Preamble states that member nations “reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person”;

Whereas the Universal Declaration of Human Rights Preamble states that “Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”;

Whereas the Russian Federation joined as an original member of the United Nations as the former Union of Soviet Socialist Republics on October 24, 1945, and as such has a duty to abide by the conditions of the United Nations Charter and pledges reflected in the Universal Declaration of Human Rights;

Whereas the International Criminal Court (ICC) is an international tribunal that seeks to uphold the rule of law, especially in areas where no rule of law exists, by investigating and trying individuals charged “with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression”;

Whereas grave breaches of the 1949 Geneva Conventions constitute war crimes, including “wil[l]ful killing, torture or inhuman treatment, including biological experiments, wil[l]fully causing great suffering or serious injury to body or health . . . and extensive destruction and appro-

priation of property, not justified by military necessity and carried out unlawfully and wantonly”;

Whereas other serious violations of the laws and customs applicable in international armed conflict can constitute war crimes, which can include intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities and intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

Whereas President Vladimir Putin, members of the Russian Security Council, and President Putin’s military commanders have severely undermined the international rule of law through their various actions;

Whereas, prior to the most recent invasion of Ukraine in February 2022, President Vladimir Putin and the Russian Federation has a long history of committing acts of aggression, human rights violations, and acts that constitute war crimes within the Russian Federation and around the globe, including in Chechnya, Georgia, Ukraine, and Syria;

Whereas, beginning in 1999, the Russian Federation engaged in the indiscriminate use of force against the people of Chechnya, including the use of cluster munitions against civilians, resulting in 50,000 Chechens, mostly civilians, dead or missing;

Whereas, during the Russian Federation’s invasion of Georgia in 2008, Russian Armed Forces engaged with cluster munitions in indiscriminate and disproportionate attacks that resulted in the death of civilians;

Whereas, since 2014, President Vladimir Putin has violated the sovereignty of Ukraine and used military force to

seize control and unlawfully occupy Crimea, and installed Russian separatist-backed forces in eastern Ukraine, resulting in the deaths of thousands of innocent civilians since 2014;

Whereas the Russian military was deemed responsible for shooting down Malaysia Airlines Flight 17 over eastern Ukraine on July 17, 2014, which resulted in the death of 298 civilians;

Whereas rebel forces supported by the Russian Federation were deemed responsible for a missile attack on January 24, 2015, in Mariupol, Ukraine that indiscriminately killed and injured civilians, resulting in the death of at least 30 and injuring many more;

Whereas, in 2016 and 2017, Russian aircraft deployed “bunker-busting” and incendiary bombs capable of destroying military installations on civilian structures in Aleppo, Syria, resulting in the death of hundreds of civilians;

Whereas President Vladimir Putin is complicit in war crimes and human rights violations in Syria through his continuing political, financial, and military support for President Bashar al-Assad;

Whereas intelligence assessments have concluded Vladimir Putin and his regime have destroyed the rule of law in Russia and engaged in countless atrocities, including ordering the poisoning of Alexei Navalny, the poisoning of Sergei and Yulia Skripal, and the false imprisonment and torture ultimately leading to the death of Sergei Magnitsky;

Whereas President Vladimir Putin, in February 2022, initiated a premeditated, unprovoked, unjustified, and unlawful war against the sovereign nation of Ukraine;

Whereas, since February 24, 2022, President Vladimir Putin and Russian Federation forces reportedly killed more than 500 civilians, to include children, while invading Ukrainian urban centers, causing chaos and fear among Ukrainian citizens;

Whereas, on February 28, 2022, the Ukrainian Ambassador to the United States, Oksana Markarova, claimed President Vladimir Putin ordered the deployment of thermobaric weapons and cluster munitions to be used in the northeastern towns of Okhtyrka and Karkhiv, in populated, urban areas;

Whereas Ukraine has twice submitted to the jurisdiction of the ICC for the purposes of investigating alleged war crimes and crimes against humanity committed within its territory related to the Russian occupation of Ukraine;

Whereas Lithuania and Canada, members to the authorizing treaty of the ICC, have called on the ICC to open an investigation into alleged war crimes and crimes against humanity committed by Russia;

Whereas, on February 28, 2022, the Prosecutor of the ICC, Karim A.A. Khan QC stated that the ICC would open a third investigation against Russia for alleged war crimes and crimes against humanity committed during the Russian invasion into Ukraine, which began on February 24, 2022;

Whereas Ukraine has also filed a claim in the International Court of Justice (ICJ) instituting proceedings against the

Russian Federation related to genocide under the Genocide Convention; and

Whereas the United States Government should use its voice, vote, and influence to pursue war crimes and crimes against humanity allegations against Vladimir Putin and his military commanders in international institutions of which it is a member and encourage other allies and partners to express the same: Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. SENSE OF THE SENATE.**

3 The Senate—

4 (1) strongly condemns the ongoing violence, in-
5 cluding war crimes, crimes against humanity, and
6 systematic human rights abuses being carried out by
7 the Russian Armed Forces and their proxies and
8 President Putin’s military commanders, at the direc-
9 tion of President Vladimir Putin;

10 (2) encourages member states to petition the
11 ICC or other appropriate international tribunal to
12 take any appropriate steps to investigate war crimes
13 and crimes against humanity committed by the Rus-
14 sian Armed Forces and their proxies and President
15 Putin’s military commanders, at the direction of
16 President Vladimir Putin;

17 (3) supports any investigation into war crimes,
18 crimes against humanity, and systematic human
19 rights abuses levied by President Vladimir Putin, the

1 Russian Security Council, the Russian Armed
 2 Forces and their proxies, and President Putin's mili-
 3 tary commanders;

4 (4) encourages the United States Government
 5 and partner nations to use their voice, vote, and in-
 6 fluence in international institutions in which they
 7 are members to hold President Vladimir Putin, the
 8 Russian Security Council, the Russian Armed
 9 Forces and their proxies, and President Putin's mili-
 10 tary commanders accountable for their sponsorship
 11 of ongoing violence, including war crimes, crimes
 12 against humanity, and systematic human rights
 13 abuses; and

14 (5) stands with the people of Ukraine who have
 15 been affected by the brutality of the Putin regime.

16 **SEC. 2. RULE OF CONSTRUCTION.**

17 Nothing in this resolution may be construed as—

18 (1) a declaration of war or an authorization for
 19 the use of military force against the Russian Fed-
 20 eration; or

21 (2) authorization for the introduction of the
 22 United States Armed Forces into Ukraine.

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