

EXPOSING PUTIN'S CRIMES: EVIDENCE OF RUSSIAN WAR CRIMES AND OTHER ATROCITIES IN UKRAINE

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Wednesday, April 19, 2023

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:45 a.m., in room 210, House Visitor Center, Hon. Michael McCaul (chairman of the committee) presiding.

Chairman MCCAUL. Thank you for being here today. The purpose of this hearing is to expose Russian war crimes and other atrocities in Ukraine and to ensure that the world never forgets. I also hope to discuss efforts to ensure perpetrators up to the highest levels of the Kremlin face justice. I now recognize myself for an opening statement.

We just heard two horrific and heartbreaking stories from victims of Russia's ongoing war crimes in Ukraine. Sadly, those are just two examples of the more than 80,000 war crimes that the Prosecutor General's Office has recorded.

From the beginning of Russia's war of aggression in Ukraine, Russian troops have been engaging in unspeakable acts against the Ukrainian people. To break the will of the Ukrainian people, Russia has employed the use of terror through barbaric war crimes from sexual violence including the rape of children and the elderly to mass executions and torture, all targeted at innocent civilians.

Shortly after this unprovoked invasion, I introduced the Ukraine Invasion War Crimes Deterrence and Accountability Act which was signed into law. It requires the Administration to report to Congress on the U.S. response to war crimes being committed in Ukraine. Disappointingly, the Administration has failed to provide this report to date.

Over the last 14 months, what we have witnessed is bone chilling: the bombing of a maternity hospital, corpses littering the streets of Bucha, hands tied behind their backs, bullets in their head, some of them decapitated; mothers raped in front of their children, young girls in front of their families, the bodies of innocent Ukrainians half buried in mass graves, countless torture chambers throughout Russian-occupied territory, mobile crematoriums used to dispose the evidence of their indiscriminate killings, the bombardment of apartments and public buildings providing refuge to children and the elderly, including a theater in Mariupol that had the words children written outside so large in Russian you could see it from the satellites.

The head of the 1-year anniversary of the invasion, I led a congressional delegation to Ukraine including Representatives Issa and Self who sit on this committee. We met with the Prosecutor General Kostin who is before us here today. He personally escorted us to Bucha to see the site of the first mass grave discovered and we met some of the first victims of Russian war crimes. It was a sobering experience and one that I will never forget. And as this war rages on, these war crimes have only continued.

Following the liberation of Kherson which was under Russian occupation for 8 months, more horrors have been discovered. Russian soldiers had taken old detention centers and converted them into torture chambers. Those subject to these torture chambers included journalists, civil servants, teachers, and random citizens. They were subjected to electric shock, torture, ferocious beatings, suffocation, and water boarding. They even discovered a children's cell specifically used to torture and abuse children. These were not the actions of some rogue soldiers, but rather a planned and financed operation of terror sanctioned at the highest levels of the Kremlin.

The investigators who collected this evidence said this was "a calculated plan to terrorize, subjugate, and eliminate Ukrainian resistance and destroy Ukrainian identity." This is the reality for every single innocent Ukrainian who remains trapped enemy lines and under Russian occupation.

Recently, we have learned of Russian soldiers beheading Ukrainian POWs. Just this past Monday, the story broke outlining how Wagner commanders confessed to extensive war crimes including the execution of 20 children, along with blowing up a pit of more than 50 wounded captives. They admitted they were given orders to "shoot without words" at anyone over the age of 15. Russian soldiers and Wagner Group mercenaries, in horrific detail I have heard, have been reported carry Viagra with them to forcefully rape women and children.

I personally heard an account from a Ukrainian mother who saw her 5-year-old daughter gang raped to death by ten Wagner mercenaries who then threw her dead body on the side of the road. This is happening right now. They are monsters and they need to be brought to justice.

One would think the horrors of such acts would have been discarded into the ash heap of history as Ronald Reagan once said. But sadly, the depravity of Russia's invading forces knows no bounds. We have seen the mass deportation and relocation of Ukrainian children, tens of thousands of children have been kidnapped, handed over to Russian families, and forced into pro-Russian reeducation systems.

These are more than war crimes. These are more than crimes against humanity. What we are witnessing in Ukraine is genocide. By definition, genocide is "the intention to destroy a people in whole or in part, including by forcibly transferring children of the group to another group."

Putin and Kremlin's senior officials have made clear that their intent is to systematically wipe out Ukraine's existence. The free world cannot sit idly by and allow this to happen. It is beyond time that this Administration, along with our allies, provide Ukraine with the weapons they need to win.

We need to do more than just give Ukraine enough for survival. We urgently must give them longer-range systems such as ATACMS for victory. These are critical to not only destroy the Iranian drones in Crimea that have been devastating to Ukraine's civilian infrastructure, but also to enable Ukraine to push forward with this imminent counter offensive to recapture its territory and liberate its own people from the daily threat of this Russian terror.

History will judge this moment and ask what we did to stop this. No country can remain neutral in the face of such evil. Genocide must not be tolerated by the free world. And just as we held perpetrators of genocide to account in the Nuremberg trials following World War II, we must also hold Putin and his soldiers accountable for the Russian horrors inflicted on Ukraine. History will judge us by what we do here and now.

With that, the chair now recognizes the Ranking Member.

Mr. MEEKS. Thank you, Mr. Chairman. You cannot be human and not feel the evil that has been done to our witnesses, to the Ukrainian people. You cannot be human. It is devastation. You cannot be human and see as I have seen traveling to both Ukraine and Poland the torture, the devastation, the destruction of families. Never thought in the year 2023 you would see such devastation again.

The question is how can any leader, any human being—I thought that maybe we would have learned by now that we do not treat others in the manner of evil and destruction that we see. This and the way that the Ukrainians are suffering every day, every day that Russia's brutal war continues and I cannot help but even think that even when you look at the destruction, when the fighting stops, Ukrainians will have to deal with all of the consequences of this evil act, the scars.

We heard the representative talk—could you imagine the scars of that witness that we have in the back? They will last a lifetime, the scars, the trauma. The young children who as you see and I have seen on the streets, that trauma will be with them for a lifetime. The decimated towns and cities that Russia's illegal war has caused for what? For what?

We have had the opportunity to hear the first-hand accounts of the two victims who have lived through Russia's war. Right now, I would like to thank both for their presence today and I do sure wish that they did not have to be here, but I think that the world needs to hear their testimony. Tragically, the experiences that they have been forced to endure is happening all across Ukraine.

Mr. McCaul has listed several other events. I have seen and talked to other victims. And so what I want them to know we feel your pain. We hear your voices and the voices of all of your compatriots. And we cannot let your suffering be in vain. Thanks to your efforts, the world is aware of Putin's brutality from directing the abduction of children and the massacre of civilians from the targeting of hospitals and indiscriminate attacks in densely populated areas.

We are here today to examine the work that is being done to bring perpetrators of these war crimes to Ukraine to justice. The ICC has been laying legal groundwork for accountability since Russia's initial invasion in the spring of 2014 when Russia began to

kidnap children from Ukraine. And though this was at the time on a smaller scale because it is important to know that this did not just started, it started in 2014 in Crimea. It has been going on for too long. We show that we cannot just turn our head.

You know, we have to remember that Putin claims that Ukraine is run by fascists. Oh, my God. Have you looked in the mirror? Have you looked in the mirror?

We hear statements from Russian officials and from Russian disinformation outlets which seek to dehumanize

Ukrainians. How can one take—and turn it around? How can a human being look himself in the mirror? How can they try to create a false narrative when clearly the whole world sees who the aggressor and who is committing the criminal acts?

And so yes, the United States and our allies and partners must work diligently to ensure records and document ever piece of this criminal history beginning in 2014. And we must collect it so that all those who are responsible for war crimes and crimes against humanity and other human rights violations are held accountable. They cannot get away with it. They cannot think that just some kind of agreement can happen and then they walk from this crime, yes, from this genocide, that is being attempted. They must be held accountable.

And as the war grinds on, the wheels of justice have to move as well and I stand in strong support of U.S. assistance in this space and for the establishment of a special hybrid tribunal to address the crime of aggression and I applaud the formalization of cooperation between the United States and European States and our war crimes accountability teams. And I know the legal path of justice is precarious. But we in the U.S. Congress are determined to provide the support needed to secure justice for victims.

Ukrainians did not ask for this unjust war. They are only asking for our support as they defend their homes and their sovereignty. And it is in our national interest to provide the support to Ukraine so that it wins this war and it will. And after Ukraine wins, post-conflict justice and accountability must be central in any post-war reconstruction effort. I yield back.

Chairman McCAUL. The gentleman yields back. I want to you for your moral clarity as always envisioned. I will never forget being on the Polish border of Ukraine with you 2 weeks after the invasion and there were thousands and Mrs. Wagner was there was well, thousands of women and children, refugees, leaving their husbands and fathers behind to fight the war, thousands of them. It could have been in black and white and it would have looked like 1939 all over again. And every time I travel to Poland, they tell me that. This reminds us of 1939. We cannot let history repeat itself.

So with that, I am pleased to welcome the Prosecutor General of the Ukraine, Mr. Kostin, before us today. We have met several times and the last time I saw you, sir, was at the mass grave in Bucha, a very moving experience. I commend you for shining a light on this darkness and these Russian atrocities that have been committed in the Ukraine and I yield to you, sir, for your opening statement.

**STATEMENT OF ANDRIY KOSTIN, PROSECUTOR GENERAL OF
UKRAINE, OFFICE OF THE PROSECUTOR GENERAL**

Mr. KOSTIN. Thank you. Thank you, Chairman. Good morning, Chairman McCaul, Ranking Member Meeks, and the distinguished members of the committee.

Thank you very much for this opportunity to appear before you today and unmask war crimes and other atrocities that Russia is committing in Ukraine. At the outset, I wish to convey my sincere gratefulness to the United States, its government, and people for your unwavering and continued support to Ukraine.

Sadly, the heinous acts described in the statements of the two survivors that we have just heard during the briefing are not an anomaly or an exception from what is going on their battlefields. Rather, such a behavior is a feature of Russian military and political doctrine and modus operandi of Russian armed forces and their proxies.

The world has witnessed devastating effects of these policies not only in Ukraine, but repeatedly. As described by the Secretary of State Antony Blinken in his February 18th, 2023 announcement Russia has committed crimes against humanity in Ukraine and “these acts are not random or spontaneous. They are part of Kremlin’s widespread and systematic attacks against Ukraine’s citizen population.”

From February 24, 2022, we have observed and documented brutal and deliberate attacks of Russia on residential areas, hospitals, schools, kindergartens, and even theaters in different cities and towns of Ukraine. A tragedy and crime of bombing of Mariupol drama theater, which resulted in close to 600 deaths, is the most vulnerable civilian population trapped in Mariupol. It is a clear exemplification of the criminal strategy of the warfare of Russia.

Moreover, Russian forces regularly have been shelling evacuation routes and convoys marked as civilians; systematically practice torture and rape and engage in summary executions, after which mass graves are being discovered throughout the country. These actions have nothing to do with waging war under the rules of international humanitarian law.

Their objective, rather, is to sow fear and terror. As of today, we have registered close to 80,000 cases of war crimes. Evidence of these crimes, however, is growing exponentially. This is particularly connected to the occupation of the parts of Ukraine. As an example, when the Ukrainian military liberated Kherson in November 2022, the same pattern of barbaric crimes seen in Bucha and other cities in Kyiv region, Sumy, Chemihiv, and Izum was also uncovered there.

To date, only in Kherson, the region, over 13,000 criminal cases in relation to crimes committed by Russian forces have been launched. Nine hundred and eight civilians are registered dead, only in Kherson region.

Allow me to draw your attention to a few examples of atrocities uncovered in this beautiful part of Ukraine. Torture chambers. We have discovered that approximately 20 such locations and even more unlawful detention facilities. Over 1,000 torture chamber survivors submitted their evidences. Survivors report that Russian

forces subjected them to different forms of abuse including beating with sticks and rubber batons, use of electric shocks, waterboarding, stripping them naked, threats of death or mutilation and others. Moreover, they were forced to shout Russian slogans and listen to Russian anthem. While during nights, they were hearing screams of others being beaten.

In the course of investigation, we have discovered evidence of financial records showing a direct linkage between the torture chambers and the Russian security agencies. This is a clear sign that the policy of torture is a part of criminal plan of Moscow to subjugate Ukrainians.

Another systemic and widespread crime we detected is enforced disappearance, that over 600 individuals whose whereabouts are currently unknown. This is also a pattern that is common to all territories that fell under Russian occupation.

Public officials and political active citizens who dissented from denouncing Ukrainians who disappeared or were executed. Occupant forces implemented the full-scale search for pro-Ukrainian or anti-Russian residents, journalists, Ukrainian patriots, and targeted them.

In Kherson, like other cities and towns, sexual violence has also been used as a political and military tactic by Russian forces. This was done to humiliate and break resistance of civilian populations. We have documented over 60 instances of rape only in Kherson region. I will bring three examples.

We have an on-going investigation into the fact of 4 months long forced deprivation of liberty, continuous rape, and humiliation of residents of Kherson region by Russian servicemen who enter into their house of the victims, stay there for a prolonged time, and together with rape, threatened the victim and her 9-year-old son this with physical violence.

We are also investigating cases of rape of minors. In one of the villages of Kherson region, a soldier of proxy forces abducted a minor from the house in the presence of mother and grandmother and raped the victim.

We also have a pattern of rape and torture, as well as sexual harassment, specifically against the family members of Ukrainian armed forces.

One of the most horrendous crimes Russia is committing is forced transfer. We see on a daily basis that from the part of Kherson region, which is still under Russian occupation, occupation Administration is carrying mass forced relocation of residents, including children, to other temporarily occupied territories or to the Russian Federation. This is the continuation of the strategy of separating Ukrainians and especially children from their parents and families with the objective of their quick assimilation into Russian society, Russia, even simply by the process of granting citizenship or to forcibly transfer children.

Russia shamelessly violates fundamental tenets of international law. It is committing core international crimes in Ukraine, even though what I manage to discuss is just a tip of an iceberg. It is, however, sufficient to demonstrate inherently criminal plan of the Russian leadership to spread fear and terror and eradicate resist-

ance among Ukrainians so that Russia could remove Ukrainian identity.

Moreover, crimes documented are systematic and widespread in nature. These are clear signs of a plan of persecution against Ukrainians as a national group, targeting Ukrainian identity and Ukrainian Statehood. These patterns are particular to the crime of genocide. Such evil cannot let be. It is our joint responsibility to do everything to uncover horrific crimes that Russia is committing in Ukraine, but exposure does not suffice.

To ensure that this never happens again and to provide justice for victims and survivors, all those who orchestrated and enabled the commission of core international crimes should be held accountable. Only with discovering and determining truth, bringing perpetrators to responsibility, and providing adequate reparation to victims and survivors, we could say that justice had been done.

For these reasons, it would be paramount for us to obtain your support on various legislative initiatives, such as condemning illegal abduction and kidnaping of children from Ukraine to Russia; designating the Russian-based mercenary Wagner Group as a foreign terrorist organization; Oligarch Assets for Ukrainian Victory Act authorizing the Department of Justice to transfer to the Department of State the proceeds of property seized pursuant to sanctions to be used to provide assistance to Ukraine, as well as supporting the creation of special tribunals for the punishment for the crime of aggression of Russia against Ukraine.

I understand that the U.S. Congress has considered further amendments to the penal code to include a new provision criminalizing crimes against humanity which would prevent impunity for such crimes when perpetrators appear on United States soil. When the U.S. takes the lead on this issue, the world watches and it emboldens our own efforts in obtaining international justice.

I am confident that Ukraine, hand in hand with the United States and other countries of the civilized world, will achieve this. Thank you and I stand ready to answer your questions.

[The prepared statement of Mr. Kostin follows:]

**Written Statement of Andriy Kostin – Prosecutor General of Ukraine
before the House Committee on Foreign Affairs on
“Exposing Putin’s Crimes: Evidence of Russian War Crimes and Other Atrocities in
Ukraine”**

April 19, 2023

Good morning Chairman McCaul, Ranking Member Meeks and the distinguished members of the Committee. Thank you very much for this opportunity to appear before you today and unmask war crimes and other atrocities that Russia is committing in Ukraine.

At the outset, I wish to convey my sincere gratefulness to the United States, its government and people for your unwavering and continuous support of Ukraine.

Sadly, the heinous facts described in the statements of the two survivors that we have just heard during the briefing are not anomaly or an exception from what is going on the battlefield. Rather such a behavior is a feature of Russian military and political doctrine and modus operandi of Russian armed forces and their proxies. The world has witnessed devastating effects of this policy not only in Ukraine but repeatably. As described by the Secretary of State Antony Blinken in his February 18, 2023, announcement, Russia has committed crimes against humanity in Ukraine; and *“[t]hese acts are not random or spontaneous; they are part of the Kremlin’s widespread and systematic attack against Ukraine’s civilian population”*.

From February 24, 2022, we have observed and documented brutal and deliberate attacks of Russia on residential areas, hospitals, schools, kindergartens and even theatres in different cities and towns of Ukraine. A tragedy and a crime of bombing of Mariupol Drama theatre, which resulted in close to 600 deaths of the most vulnerable civilian population trapped in Mariupol is a clear exemplification of the criminal strategy of warfare of Russia. Moreover, Russian forces regularly have been shelling evacuation routes and convoys marked as civilian, systematically practiced torture and rape and engaged in summary executions, after which mass graves are being discovered throughout the country. These actions have nothing to do with waging war under the rules of international humanitarian law. Their objective rather is to sow fear and terror.

As for today, we have registered close to 78 thousand cases of war crimes. Evidence of these crimes however is growing exponentially. This is particularly connected to the deoccupation of the parts of Ukraine. As an example, when the Ukrainian military liberated Kherson in November 2022, the same pattern of barbaric crimes seen in Bucha and other cities in the Kyiv region, Sumy, Chernihiv and Izium was also uncovered there.

To date, only in Kherson and its region, over 13 thousand criminal cases in relation to crimes committed by Russian forces have been launched. 908 civilians are registered dead.

Allow me to draw your attention to a few examples of atrocities uncovered in this beautiful part of Ukraine:

Torture chambers: We have discovered approximately 20 such locations and even more unlawful detention facilities. Over 1,000 torture chamber survivors submitted evidence. Survivors report that Russian forces subjected them to different forms of abuse, including beatings with sticks and rubber batons, use of electric shocks, waterboarding, stripping them

naked, threats of death or mutilation etc. Moreover, they were forced to shout pro-Russian slogans and listen to Russian anthem. While during night, they were hearing screams of others being beaten.

In course of investigation we have discovered evidence of financial records showing a direct linkage between the torture chambers and Russian security agencies. This is a clear sign that policy of torture is a part of criminal plan of Moscow to subjugate Ukrainians.

Another systemic and widespread crime we detected is enforced disappearance. There are over 600 individuals whose whereabouts are currently unknown.

This is also a pattern that is common to all territories that fell under Russian occupation. Public officials and politically active citizens who dissented from denouncing Ukrainian-ness disappeared or were executed. Occupant forces implemented a full-scale search for pro-Ukrainian or anti-Russia residents, journalists, Ukrainian patriots and targeted them.

In Kherson, like other cities and towns, sexual violence has also been used as a political and military tactic by Russian forces. This was done to humiliate and break resistance of civilian population. We have documented over 60 instances of rape.

I will bring 3 examples:

- We have an ongoing investigation into the fact of 4 months-long forced deprivation of liberty, continued rape and humiliation of a resident of Kherson region by a Russian servicemen, who entered into a house of a victim, stayed there for a prolonged time and together with rape, threatened the victim and her 9-year-old son with physical violence.
- We also are investigating cases of rape of minors. In one of the villages of the Kherson region, a soldier of proxy forces abducted a minor from the house, in the presence of mother and grandmother and raped the victim.
- We also have a pattern of rape and torture, as well as sexual harassment specifically against the family members of Ukrainian Armed Forces.

One of the most horrendous crimes Russia is committing is forced transfer. We see on daily basis that from the part of Kherson region, which is still under Russian occupation, occupation administration is carrying mass forced relocation of residents, including children to other temporarily occupied territories or to the Russian Federation. This is the continuation of the strategy of separating Ukrainians and especially children from their parents and families, with the objective of their quick assimilation into Russian society. Russia even simplified the process of granting citizenship to forcibly transferred children.

Russia shamelessly violates fundamental tenants of international law. It is committing core international crimes in Ukraine. Even though what I managed to discuss is just a tip of an iceberg, it, however is sufficient to demonstrate inherently criminal plan of the Russian leadership to spread fear and terror and eradicate resistance among Ukrainians, so Russia could remove Ukrainian identity. Moreover, crimes documented are systematic and widespread in nature. These are clear signs of a plan of persecution against Ukrainians as a national group, targeting Ukrainian identity and Ukrainian statehood. These are patterns particular to the crime of genocide.

Such evil cannot let be. It is our responsibility to do everything to uncover horrific crimes that Russia is committing in Ukraine. But exposure does not suffice. To ensure that this never happen again and to provide justice for victims, all those who orchestrated and enabled commission of core international crimes should be held accountable. Only with discovering and determining truth, bringing perpetrators to responsibility and providing adequate reparation to victims, we could say that justice has been done.

I understand that the U.S. Congress has considered further amendments to the penal code to include a new provision criminalizing crimes against humanity, which would prevent impunity for such crimes when perpetrators appear on U.S. soil. When the U.S. takes the lead on these issues, the world watches. And it emboldens our own efforts in obtaining international justice.

I am confident that Ukraine, hand in hand with the United States and other courtiers of the civilized world will achieve this.

Thank you! I stand ready to answer your questions.

Chairman McCAUL. Thank you, sir. And from one prosecutor to another, I commend you for your courage, your bravery, and your—just a strong character to seek justice against these monsters.

I want to ask you about these children. I think about 20,000 now, and that is just the ones we know about, have been abducted and transferred into indoctrination camps in Russia.

Do we have any—is there any evidence of this? How high of a level do you think this comes from?

Mr. KOSTIN. One of the most challenging tasks for all of us is to identify not only the number of children who are forcibly deported, but also to identify where they are. You know that according to our information, we have information about up to 20,000 Ukrainian children who were forcibly deported. And only a small part of them returned home.

For this, we need strong, unified pressure over Russian leadership in order to return Ukrainian children back home. This is easy if they want to do it. There is a set of international legislation which could be used in order to return children via third countries, via international organizations to their families and to their country.

I always ask all the leaders I meet to raise this issue on a daily basis using all your influence on the international level that Russians will return our children home. It is also important, and I would say historic, that the first arrest warrant served, issued by the International Criminal Court, as a matter of war crime committed during this full-scale aggression, is issued against incumbent president of Russian Federation Putin and I would say Commissioner, in brackets, for children rights, Lvova-Belova, so that whole world now sees that Putin is suspect war criminal and the pressure over him and his government to return our children back should be worldwide including the countries of global south and some others who still try to be neutral or still try to shake hands with Putin and his regime. They also need to see that Putin is a suspect in war crimes which has forced deportation and abduction of Ukrainian children.

Chairman McCAUL. Do you believe the orders to abduct and indoctrinate these 20,000 children that we know about, that order comes directly from Putin?

Mr. KOSTIN. This order comes, yes, directly from Mr. Putin and we have a set of legislature acts and a set of his even public statements which confirm that he ordered such policy. And this information is also in line with the findings of the team of Prosecutor of the International Criminal Court with whom we cooperate on constant scale.

Chairman McCAUL. I think it is important this abduction of children, transporting, and indoctrinating falls squarely within the definition of genocide.

Mr. KOSTIN. Absolutely. We follow our investigation for such war crimes in two dimensions, as war crimes and potential as a crime of genocide.

Chairman McCAUL. Can you describe your—this will be my last question—your relationship with our Department of Justice? Are they fully cooperating with your investigation?

Mr. KOSTIN. I am grateful for the Department of Justice, and personally the Attorney General Merrick Garland, for unprecedented support and coordination of our efforts. We are also cooperating with other—investigation of other war crimes, and we have a cooperation with regard also to the case of deportation of Ukrainian children, the details I will not disclose at the moment.

Chairman McCAUL. Thank you, sir. I now recognize the Ranking Member.

Mr. MEEKS. Thank you, Mr. Kostin, again, for joining us today. And picking up from where Chairman McCaul, I think that I understand that you have indeed had a meeting with your counterpart, Attorney General Garland recently, and that the DOJ is going to increase its support and send additional investigators to the Hague and to our embassy in Kyiv.

So let me ask for you to describe the needs of your office, the Office of the Prosecutor General going forward. What sort of forensic labs and equipment and personnel does the Office need so that you can continue to be effective and how are other international partners assisting your efforts and filling capacity gaps that may remain so that you can get and do everything you need so that we can make sure that justice is had?

Mr. KOSTIN. Thank you. Thank you for your question. We receive, continue to receive all necessary technical support from the U.S. Government which is needed to conduct proper investigation and documentation of the war crimes of this war of aggression.

We are grateful for technical support, from notebooks, cell phones, personal protective equipment, generators, power stations. You know, we have had very difficult winter and for many times some of my offices were cut of energy, were cutoff resources for several days. And we are grateful for supply of generators which helped us to not only to run our offices, but also to proceed our work documenting and investigating war crimes.

What we need now more within the course of our investigations, we collect huge amounts of data that needs to be stored and analyzed and it requires proper equipment and proper IT solutions. We are now, with the help of our partners in the United States, are in good contact with providers of the data—providers of IT solutions like Microsoft, like Palantir, who are granting us free access to their IT solutions. We need to analyze terabytes of photo, video, voice information to match them for a specific crime scene in order to—not to lose any evidence that we have collected. Because it is not only us who are collecting evidence, they are also collected by people. They are also collected by non-governmental organizations, by civil society organizations.

And I am also especially grateful for your assistance to our NGO's and civil society organizations who are really helping us not only with documenting of war crimes, but also helping us with the communications with witnesses and survivors. You know how sensitive it is in some as I mentioned. And I am also grateful and we will need more assistance and I believe we will get it.

We are now creating a coordination center for the victims, survivors, and witnesses of war crimes under the umbrella of the Office of Prosecutor General. We know that the interests of survivors

and witnesses of this war should be our center of our attention and efforts.

Mr. MEEKS. Let me also ask, I know that there are multiple efforts including those at the ICC and the U.N. that they contribute to build a legitimacy for the establishment of a special hybrid tribunal for the crime of aggression. So how can the United States better support efforts to broaden the legitimacy of international legal mechanisms so that everybody is going after these crimes against humanity like Putin and some other vicious individuals who are committing those crimes?

Mr. KOSTIN. Thank you. I think that the establishment of special tribunal for the crime of aggression is an extremely important element of our web of accountability because the crime of aggression which is a leadership crime and which led to all other war crimes committed should be prosecuted and punished on an international level. We have our own investigation for the crime of aggression, but we cannot reach troika, including President of Russian Federation, because of personal immunity and we need international mechanisms which should have a broad support of all the countries who know that act of aggression was committed and who believe that act of aggression should be punished on international level.

It is not only a war of Russia against Ukraine. It is a global war. I do not know any country which does not feel the consequences of this war of aggression in many layers, but everyone, this war touches every country in the world. This war touches any citizen, any person in the world, even if some of them do not understand this now, they will understand this in the future and it is our joint, it is our joint responsibility not only before the victims and survivors of this war of aggression to ensure their measure of justice for their crime of aggression committed by Russia. It goes to our obligation before future generations because you are absolutely right, both of you, that Nuremberg trials ensured long-lasting peace in Europe for decades.

Now we have a gap in international system of law and order. We need to fill in this gap and to ensure long-lasting peace for Europe and for global-global level after this war. And proper international tribunal for the crime of aggression will also play a deterrent factor for any future aggressor who could try to become an aggressor in any part of the world.

And I would also add, it is not only our obligation before the victims and survivors of this war. Not only our common obligation before the future generation, it is our obligation commemorating all victims of the previous wars and conflicts who did not receive their measure of justice. We do not need to forget about them. And only united we will reach this goal. I firmly believe in it. Thank you for your question.

Mr. MEEKS. Thank you very much.

Chairman McCAUL. Very powerful. I remember visiting with a Ukrainian soldier the last time I was in Ukraine. He said we are fighting for you. We are fighting for the free world. And they are.

The chair now recognizes Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, and thank you for convening this extraordinarily important hearing and Mr. Prosecutor General, thank you for your leadership, your testimony.

Seventy-eight thousand war crimes, I mean that is outrageous and the fact that the ICC only just a few weeks ago finally brought action against two individuals, as you said, the so-called Commission—children's issues and, of course, Putin, in a very, very narrow, but important area of focus to me speaks volumes of the lack of response by the international community when it comes to accountability.

A year ago on March 8th, I chaired a hearing of the Tom Lantos Human Rights Commission, talking about the need for accountability and bringing a resolution to the United Nations that would do what? Not at the Security Council, but in the General Assembly, to have a tribunal on the war—of crime of aggression. I asked and I introduced resolution within a couple of days of that, asking that the Administration use his voice and vote at the U.N. And any country in the U.N. can bring such a resolution to bring this war of aggression, tribunal, into existence.

I had David Drane, a man who prosecuted war crimes against Charles Taylor at a hearing a year ago and he said the General Assembly could create this. It could do it immediately. You are not going to get it in the Security Council. It would be vetoed by China and by Russia, but it can happen in the General Assembly.

So I think especially based on your incredible work that you are doing, the world has to unite behind such a tribunal that, in fact, only two people, they are not the only two responsible. You know, even Lukashenko perhaps should be included in that list, but certainly all of these generals and the people that are on the ground committing these horrific war crimes need to be named, indicted, and then brought to trial, like you said, with the War Crimes Tribunal at Nuremberg. So I would ask you again, all of us, to redouble our efforts to create such an ad hoc tribunal.

You know, you look at the ICC, 20 years of existence, over 20 years, they have had ten convictions. They do not have a stellar track record. I am glad they have done what they have done, but they do not have a great track record and they do it very narrowly. They should have done this immediately. We were calling for that. I was calling for that. That is the reason I had the hearing and the resolution, so I just would call on all of us and I know you are doing the hard work. You know, it shouldn't be the country that is being so horribly and cruelly mistreated, fall to you to be the accountability mechanism and yet you are doing it.

So following your inspiration, we need an ad hoc tribunal and we need it now and I hope the Administration, ours, or any other country that is concerned, would table a resolution at the General Assembly to establish such a tribunal. And your thoughts on that.

Mr. KOSTIN. Thank you so much. Thank you for your absolute commitment to ensure full accountability for the aggressor, including for the crime of aggression and thank you for your understanding that it should be done internationally with wide range of countries supporting this tribunal.

We absolutely agree that one of the ways of establishment of this tribunal could be the resolution of General Assembly of United Na-

tions which will give the right to the Secretary General of the United Nations to sign an agreement with Ukraine and to establish an international tribunal. We are standing for these positions and we will proceed our communication with all our partners, friends, and allies, in order to reach this proper solution for the international tribunal.

Coming back to the work with the ICC, I will tell you, frankly, that the speed of reaction of the Prosecutor of the ICC, in these cases, in the war crimes committed in Ukraine is unbelievable. It was nothing before. This case which was filed by the Prosecutor Karim Khan to the ICC and where ICC issued an arrest warrant, I will tell you, it took us 5 months to prepare this case. This is very speedy manner of work. Because we prosecutors, we need to prepare the case—we have no right to lose this case. No one can imagine that it could happen. That is why we need to be very careful.

We have other cases under our consideration and it is important that in our situation, Ukraine fully cooperated with the International Criminal Court. In some cases before in the history of the ICC, they tried to overcome the resistance of national authority and even the ICC was created for the cases where national government is unwilling or unable to prosecute war crimes committed in their country. We are willing and we are able and we are grateful for the ICC that first case they filed before the—I mean we are grateful for Prosecutor Khan, that first case they filed before the ICC has been fully complementary in this nature because we cannot prosecute Putin because of his immunity and this first case includes Putin and Lvova-Belova and other cases will follow. Be sure.

Mr. SMITH. I appreciate that. Thank you.

Mr. WILSON [presiding]. Thank you very much, Congressman Chris Smith of New Jersey.

We now proceed to Congressman Bill Keating of Massachusetts.

Mr. KEATING. Thank you, Mr. Chairman. At the outset, first and foremost, I want to thank and acknowledge the courage of those witnesses and the representatives who shared their stories this morning. They are commonplace. Last year I was at the border of Ukraine and met with people on the ground that are assisting these victims and I would like to acknowledge the work that they are doing, risking their lives to help these victims as citizens of Ukraine, as nonprofit citizens of Ukraine working together.

As a former district attorney, I have listened to stories of so many victims, the most heinous crimes. And I know the scars and the trauma that they leave behind. And I also know the importance of obtaining justice for those going forward on these unthinkable crimes and also the importance of swift action while this is taking place.

And I commend you for the terrific job that you are doing in this regard, a hard job of doing this so quickly with urgency, because that serves as a deterrence while this war continues. For other people committing these acts of atrocity for our witnesses earlier this morning, for the thousands of individuals living in Ukraine who have been victims of these atrocities, we must hold the Russians—Russia war criminals, that is what they are, we must hold them accountable.

Prosecutor Kostin, thank you for being here again today and September of last year. As chair of the subcommittee, you were a witness again. I had the privilege of hearing you testify and to help us better understand the atrocities that are occurring, the human rights abuses that have been committed by Russia. And we have met several times, including yesterday, talking about what we can do going forward. And I thank you for this special relationship that I will continue to work with you on this.

One of the issues that we have worked on together is what has been spoken about this morning, the crime of aggression. Based on these discussions that we have had, I have introduced House Res. 81, calling on the President to support the creation of a special tribunal for the punishment of crimes of aggression against Ukraine.

Today, as you have heard in previous hearings, you again demonstrate a clear foundation of evidence that you have established in showing atrocity of these crimes and for the crime of aggression and I strongly urge this committee to take up this piece of legislation quickly because of its urgent nature.

In addition, we have also discussed in detail the situation of child abductions in Ukraine and the atrocities that surround them, just disappearing, taking them away from their families.

As I mentioned to you yesterday, together with my colleagues in the Ukraine Caucus, I recently introduced legislation, House Res. 304 supporting the International Criminal Court's issuance of arrest warrants for Vladimir Putin and Maria Lvova-Belova, Russia's Children's Rights Commissioner. What an ironic and sad title that is when you consider her war crimes that she is committing along with Putin himself.

This resolution is bipartisan. And I believe it has a strong message to the international community. It is not just about U.S. It is not about Ukraine. It is for the international community so that we demonstrate the seriousness which the United States takes these investigations.

Given the testimony we have heard today, I hope that that legislation is taken very swiftly up by this committee and move forward.

I also, with your consultation over this time, introduced the Atrocity Crimes Relief and Accountability Act. A portion of this legislation was included in the omnibus last year. The Ukrainian refugees living in the United States on humanitarian parole can share their stories and support ICC investigations related to war crimes.

The omnibus also included a provision encouraging U.S. Government's efforts to share evidence related to the atrocity of crimes in Ukraine and I urge all of us to take up that mandate. I realize these things are just small steps to going forward, but I will continue to work with you in that regard.

In just the brief time we have, could you share with us, and you did so very forcefully about the need for acting together on establishing a special tribunal or working with holding Putin and Lvova-Belova accountable, the importance of doing it as a deterrence for current actions on the ground. How can these actions that we do here and the actions that you are doing prosecuting save future victims of this because it will deter people and soldiers on the ground now?

Mr. KOSTIN. Thank you, Congressman Keating and thank you for your constant support during these months of our joint work.

I will start with the special tribunal. You know, I think that for the survivors who witnessed today in this hall, it will be a great signal of action, support by action, if Congress will support your resolution on establishment of special tribunal because this is—this is the needs of Ukrainian nation. They all understand, we all understand that if act of aggression would not have been committed, it would have saved the lives of hundreds of thousands of people who were killed in course of this war of aggression.

Let's not forget about our servicemen. Their lives are not protected by the international humanitarian law because they fight protecting their country, but who is responsible for the deaths of our servicemen, those who started aggression? Let's not forget about our servicemen, about their families, their mothers, wives, children, their husbands. We have a lot of servicemen, women, who also were killed and the only measure of justice for them is to hold aggressor accountable for the crime of aggression.

And establishment of this tribunal is not only to ensure a measure of justice for them, but also it will be a strong signal to Putin and also to his surroundings, people who support him, but who maybe do not want to die with him. It could help to obtain changes within Russia because everyone in Russia including should understand that Putin will be forever war criminal, not only for war crimes, not only potentially for the crimes against humanity and for genocide, but also for the crime of aggression. And this should deter any future aggressor in any other part of the world who starts aggression. Only if they will see that all countries are united and ready to punish aggressor for the act of aggression.

Mr. WILSON. Thank you very much, Congressman Keating. I now recognize myself. And I am so grateful for the leadership of Chairman Mike McCaul and Ranking Member Greg Meeks.

You can see this is bipartisan support by our leadership to expose to the American people, to the Russian people the murders, atrocities of war criminal Putin. Additionally, indeed it is unprecedented really how bipartisan this is with Congressman Keating and myself and the others who are here today in support of the people of Ukraine for victory. To the survivors of war criminal Putin's mass murderer and Prosecutor General, thank you for being here today.

Also, I want to thank Ambassador Oksana Markarova who has been so effective to the people of Ukraine here in Washington. Your testimony is critical to exposing the heinous acts of war criminal Putin. As Chairman of the Helsinki Commission, I was grateful to lead House Resolution 154, recognizing Putin atrocities in Ukraine as genocide with Ranking Member Steve Cohen.

The litany of war crimes, including the forced kidnaping, raping, murdering of Ukrainian children dictates that we call these actions what they are, genocide. This war, General, is being recorded as no other war has been before. Through video, cell phones, drones, open source intelligence, satellites, and other digital sources, photographs and reporting are being disseminated through social media, including Telegram.

Additionally, with barcode on military equipment for the courageous people of Ukraine, American taxpayers can be assured that there is a tracking of the equipment so that it is not diverted. Intentional diversion can be avoided. International organizations and NGO's are collecting information and evidence and using also artificial intelligence using facial recognition software for the military who are committing atrocities. What opportunities and challenges do these technologies pose? How can evidence be restored to ensure that it is not corrupted or altered?

Mr. KOSTIN. Thank you. Thank you, Congressman Wilson, for your strong support and thank you for your question. We return to the issue of how to use all the evidence which are collected electronically. And we just store it in different places at the moment, how to use them as a matter of evidence, and how not to lose the cases where we have evidence which are collected electronically.

We have procedures that allow us to use the electronically collected evidence as a matter of evidence in criminal cases. Of course, it usually should be supported by other evidence collected. We have the cases where only because they wear cameras still operating we have identified perpetrators of the war crimes committed.

When Chairman McCaul was in Bucha, we showed the video of the case where people tried to evacuate on 25 of February. And because of the camera still operating, we identified all of the perpetrators, all of the servicemen of Russian army. It was not easy because you couldn't just use this camera which is not with a very high quality. But when we try to use other elements of open source intelligence information, when we looked through their internet—

Mr. WILSON. And General, I want to point out too, with the facial recognition, you can identify the soldiers. And then you will be able to identify the chain of command.

Mr. KOSTIN. Yes.

Mr. WILSON. The chain of command and the Russian military needs to know that they will be prosecuted. A final question from me, Putin's shameful disinformation claims that reports of crimes are fake. The mass murder and rape of Ukrainian women and children by Putin troops is well documented as you said.

What more can be done for the international community to counter Putin's disgusting narrative? Do you think that the Russian public will ever believe that the crimes were created and carried by Russian forces? And on my many visits to Russia, I was so impressed by the people I met there.

They are so talented, and I just had such high hopes for the people of Russia. Sadly, though, this week, I joined with the Washington Post supporting the Russian patriot Vladimir Kara-Murza for fighting for a free Russia. How can we communicate with the people of the world but particularly maybe the people of Russia?

Mr. KOSTIN. First, I will answer the first question about the evidence of atrocious war crimes. What we did starting from the appearance in Bucha, we immediately invited and ask all world known media to join our first police and special forces when they entered the city. We did the same when we liberated Kharkiv region.

And as soon as we get information about mass grave in Izium, we did not dig these mass graves before all journalists who wanted to be present come. And this was done in presence. So this is the best evidence for the world that everything which we are telling is true. For the second question, I am sorry. It was about——

Mr. WILSON. How can we appeal to the people of Russia the truth? And you just answered it. And so with that, I am actually happy to now recognize the distinguished Congressperson from Rhode Island, Congressman David Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman. Thank you, Prosecutor General Kostin. It is good to see you again, and thank you for your testimony and most importantly for the important work that you are doing and your colleagues to ensure that both the Ukrainian government and the international community seek and obtain accountability for the horrific war crimes that Russia has carried out in Ukraine. And we have all watched as well as the entire international community has witnesses Russia launch air strikes and missile attacks on apartment buildings, a maternity ward, schools, train stations, and other civilian targets.

In Bucha, journalists and forensic doctors have meticulously documented the horrors carried about by Russian forces, including as you said the rape, torture, and execution of civilians. And throughout Ukraine, we have seen Russian forces forcibly deport Ukrainians, including thousands of young children to Russian controlled areas. These heinous acts are war crimes plain and simple. And both the United States and the entire international community have a critical role to play in supporting the Ukrainians government and the international institutions as they work to pursue justice and accountability for all the victims of these horrific atrocities.

And so my first question, Mr. Kostin, is according to UNESCO, more than 240 Ukrainian Heritage Sites are estimated to have been damaged since the Russian invasion last year, including the Kharkiv State Academic Opera Theater and Mariupol's Museum of Local Lore. Putin has terrifyingly made culture both a justification and an object of war with Ukraine with deliberate aims to destroy what it means to be Ukrainian. So my first question is, how can the international community and particularly the United States support your efforts with respect this particular pernicious effort by the Russian government and Russian forces?

Mr. KOSTIN. Thank you for your question. We, of course, treat these actions as an element of intentional and potentially genocidal policy of Russian Federation. Our team, we have a special team of war crimes prosecutors who are now concentrated on our structural case of the crime of genocide.

And we are collecting evidence together with our State institutions in order to not only to fix the number of cultural heritage destroyed by Russian forces but also to establish the links between this destroying and some other actions. Like, for instance, we are now establishing and talking about different story, establishing the links between cyber and kinetic attacks on objects of critical civil infrastructure, trying to establish the case of cyber crime as a war crime.

So coming back to the heritage, of course, we will need more expert support because the issue of cultural prosecution and punishment for the cultural genocide is not very well established on the world level. So I will be grateful for expert support in this field in order to check the evidence and to prepare a strong case. And I fully agree with you that this is an act of genocide.

Mr. CICILLINE. Thank you. And we passed in the last Congress a piece of legislation called Justice for Victims of War Crimes that Senator Grassley and Senator Durbin and Representative Spartz and I worked on which would allow us to prosecute people for war crimes if they are in the United States for war crimes they have committed anywhere in the world which I think will give us an additional tool. But as Mr. Keating was saying, it is so important for the Russian military to see evidence that they will be held accountable if they continue to engage in this really horrific conduct.

What can we do right now as members of the U.S. Congress to support your work and make certain that you are successful as the chief prosecutor in holding both Vladimir Putin and all of the Russian military accountable for their conduct? What can we be doing to be helpful?

Mr. KOSTIN. I will not repeat the issue of supporting of special tribunal. I have already pointed out this. I would say that the extension or expending of the corporation with the International Criminal Court in cases related to the war crimes committed in Ukraine would be also helpful because we are, as I mentioned, in very good cooperation with the ICC.

And they could need some piece of evidence which could be collected here. And third, of course, we are asking for sharing with us more intelligence information. There are cases of war crimes known globally, worldwide, where we need some information which we cannot receive by any other sources. So if we will have more support on sharing of intelligence information for the purpose of making Russia accountable, this, I believe, will be very helpful for the matter of justice.

Mr. CICILLINE. Thank you so much. I yield back, Mr. Chairman.

Mr. WILSON. Thank you, Congressman Cicilline. We now proceed to Congressman Scott Perry of Pennsylvania.

Mr. PERRY. Thank you very much, Mr. Chairman. And thank you, Prosecutor General, for being here. It is going to be hard for any of us to hold the sovereign nation of Russia or its leader accountable. We need to try and do that.

In the meaning, what we can do is make sure that we are on our best behavior. And as you probably know in America yesterday was tax day. Americans are forced to send in their hard earned dollars oftentimes for things they do not agree with.

It is in total about 30 billion dollars in humanitarian aid that we have sent to Ukraine. And I just want to run through a series of dates and reports for you. In 2011, a report by the Atlantic said that citizens of Ukraine thought that bribes were customary and expected.

In 2011, the president of Ukraine Stated that bribes and corruption cost the country about two and a half billion or 10 to 15 percent of the country's budget. In 2016, a report indicated that between 38 and 42 percent reported paying a bribe to access basic

public services. In 2022, the former head of the Asset Recovery and Management Agency was charged with embezzling 10.6 million dollars in funds.

And in 2022, the National Corruption Bureau of Ukraine observed and noted corruption remained common at all levels in the executive, legislative, and judicial branches. Sir, we want to make sure that all our money is safeguarded and that we are not involved not only in losing that money that the American taxpayer works hard for but in the corruption itself. And I want to bring another series of events to you.

The U.K. Serious Fraud Office froze 23 million dollars of a guy named Zlochevsky's assets. He was in charge of Burisma. On April 13 of 2014, Hunter Biden said the contract should start now, not after the upcoming visit of my guy, his guy being the Vice President of the United States.

On April 22 of the same year, Hunter and Archer said that Ukraine must understand the value of Burisma. And on May 12 of 2014, Hunter Biden said, started working for the Burisma board at 83,000 dollars in change per month. On May 12, Zlochevsky's envoy said, use your influence to combat the Ukrainian government's allegations against Burisma.

George Kent from our embassy told the DOJ that Burisma paid 7 million dollars in bribes to prosecutors to kill the investigation into bribes for gas and oil permit license. February 10, 2015, Yarema replaced by Viktor Shokin. And then a Soros-funded activist group called the Anti-Corruption Action Center which is ironic said that Shokin was not pursuing Zlochevsky which, of course, was absolutely not the case because on February 2 of the same year, Viktor Shokin issued arrest warrants for Zlochevsky and wanted to seize his assets.

And then on February 12 of 2016, President Biden called then Present Poroshenko. And then on February 17/18 of 2016, literally 10 days later thereabouts, Victor Shokin, the prosecutor general, was fired. May 13 of 2016, Joe Biden, the President now, Vice President then tells President Poroshenko that one billion dollars in loan guarantees would be forthcoming.

And then in the intervening time, President—well, then Vice President Biden went before the Council on Foreign Relations and announced that I told them they had to fire the prosecutor general or they wouldn't get the loan guarantees. And what do you know, son of bitch, the prosecutor was fired. And then on 2020—in April 2020, Victor Shokin was formerly recorded as the victim of an alleged crime by former Vice President Joe Biden.

So sir, with all of that information, in 2019, once of your predecessors as prosecutor general announced a reinvestigation into Burisma and some of their high-level employees. The prosecutor general was reopening and auditing criminal cases that his office believes had been mishandled or that the conduct of the previous offices had not been proper. Since that time, if it announced that those investigations have been put on hold because of the inability to locate the former CEO of Burisma.

But we probably can and we probably can locate Hunter Biden. Mr. Kostin, what is your office's position that Burisma needs further investigation? And will you commit to investigating Burisma

to the full extent no matter what pushback you get and no matter who you need to call as a witness, including Americans that might be involved in the corruption and malfeasance and loss and theft of taxpayer money in your country?

Mr. KOSTIN. Congressman, you started with the dates and facts. I will add one date and fact. March 2023, by the decision of GRECO, anti-corruption wing of the Council of Europe, is Ukraine is excluded from the blacklist of countries who are not fighting against corruption for our work fighting corruption——

Mr. PERRY. We congratulate you for that.

Mr. KOSTIN [continuing]. Against members of the parliament, prosecutors and judges.

Mr. PERRY. We congratulate you for that.

Mr. KOSTIN. Thank you. This is the latest achievement in anti-corruption initiatives. I also would like to mention that in course of coming last month, in addition to the chair of special anti-corruption prosecutor's office whom I appointed in late July last year, we have already new director of National Anti-Corruption Bureau of Ukraine appointed after open selection procedure.

And also, high anti-corruption court has elected the president of the court. So all three bodies are equipped with the current leadership. With regard to case you have mentioned, it is not unfortunately the topic of our committee hearing.

So I am not entitled at the moment to get you more information about this case. It is our committee hearing related to war crimes. And with regard to all financial aid we receive, I have mentioned our two latest achievements on the level on our work against fighting against corruption. Thank you.

Mr. PERRY. Thank you, Mr. Chairman. I yield.

Mr. WILSON. Thank you, Congressman Perry. We now proceed to Congresswoman Susan Wild of Pennsylvania.

Ms. WILD. Thank you, Mr. Chairman. And thank you, Prosecutor General. I believe that you were just subjected to a diatribe from somebody who did not actually hear the testimony earlier today which is a shame. I wanted to ask you, sir, what more can the United States and other countries do to help facilitate the abducted children's return?

Mr. KOSTIN. I think that we all should be vocal as I mentioned every day, not only the governments of States, I mean, not from the U.S. but the others. But also maybe you all as members of parliament who represent American nation, I would also—I think that Putin who is suspect in committing this crime should feel that he stayed alone. And even governments of some countries who are trying once again to be complimentary to him should receive strong feedback—let me use this word—from the other countries, including the U.S., saying that this—you cannot be neutral with regard to such crime committed by Putin.

Ms. WILD. I would agree with you on that, and I think that a number of us try very hard to elevate this subject as much as possible. I would also note that the subject of missing, exploited, kidnapped children does not belong in any discussion about political matters such as my colleague just raised. Can I ask you, has the United States' assistance to Ukraine been sufficient? And specifi-

cally, I am not talking about weapons or anything else, in the efforts to return and reintegrate Ukrainian children?

Mr. KOSTIN. Let me be very honest. I do not think that we are in a situation that any assistance is sufficient until our children are returned home.

Ms. WILD. Fair enough.

Mr. KOSTIN. And what I would like to ask you because we are trying to find out, to invent maybe other ideas what could be done. And I am asking you also to try to help us with this because we try everything. Maybe you will invent something more.

Ms. WILD. Thank you. I know that the U.N. Human Rights Office has played a critical role in documenting children's human rights violations by Russian forces. And they have confirmed 487 cases of children killed, 954 injured, with the actual numbers almost certainly much higher.

They have also documented some of the heinous crimes against children that we do not need to go into again right now. But has that been helpful to ensure the welfare of deported children or in helping them to return to Ukraine? Or would your answer be similar to your last one which is helpful but nothing is enough until we get them back?

Mr. KOSTIN. I think once again, nothing is enough. But in this situation, we need as broad support as it is possible. We understand some complexities dealing with U.S. institutions with regard to U.N. position which could be not very strict in some cases with regard to the evidence of war crimes we have. But we commend the work of U.N. institutions because they help us to—

Ms. WILD. Promote awareness?

Mr. KOSTIN. Yes, to promote awareness and maybe to change approach of those internationally who are still complementary with Putin and his team because—

Ms. WILD. Let me just stop you there because I have one last question, and I only have about 20 seconds left. Can you just address for us without getting into anything that will endanger anybody how you go about tracing and contacting Ukrainian children in Russia?

Mr. KOSTIN. We use different ways. And I cannot disclose this information publicly.

Ms. WILD. Fair enough. I wouldn't want you to do anything like that. Thank you so much. I really appreciate your testimony here today.

Mr. WILSON. Thank you, Congresswoman Wild. We now proceed to the Vice Chairwoman Ann Wagner of Missouri.

Mrs. WAGNER. I thank my colleague, Congressman Wilson, for giving me the time. And I thank Chairman McCaul and Ranking Member Meeks for prioritizing this urgent matter. And Prosecutor General Kostin, thank you for being here today.

The testimony we heard prior to this hearing was devastating. And we are grateful for the work that you were doing to bring war criminals to justice. We cannot rest in our efforts to target all those in Russia who are complicit in the Kremlin's crimes.

And it is my belief that culpability for the appalling atrocities that Russia has committed goes right to the very top. Putin and his cronies must pay for the indiscriminate and wanton violence

they have unleashed on the Ukrainian people, including women and innocent children, the ill, infirm, elderly, and the most vulnerable. I did, in fact, travel to the Ukraine-Poland border.

It was just over, I guess, a year ago, right, with many members on this committee, including Ms. Wild, as millions of Ukrainian civilians fled Putin's full scale invasion. We met so many brave children and women making a terrifying journey from everything they had ever known and loved to become refugees in a strange country. And I hope and pray that many of these refugees have been able to return home and begin to put back together their lives in some way, shape, or form.

But I had been heartbroken to see the reports that thousands of Ukrainian children had been kidnaped and forcibly deported to Russia. I will tell you as a mother and a grandmother this is absolutely chilling. Furthermore, it is genocidal.

And I believe that the United States should lead the way in calling out Putin's regime for these unthinkable crimes. You are quite correct, sir, when you say that the world is watching. And I believe that history will judge us. Prosecutor General Kostin, as you know, to constitute genocide, there must be a proven intent on the part of perpetrators to eliminate an national, ethnical, racial, or religious group. Can you provide clear examples of Russia's genocidal intent to destroy the Ukrainian people?

Mr. KOSTIN. Thank you. Thank you, Congressman Wagner, for your question. I do not want to read these quotes of Russians, but I will do it.

Putin's former advisor Surkov, quote, "there is no Ukraine. There Ukrainianism. That is to say a peculiar disorder of mind surprisingly taken to extremes by a fascination with ethnography. Such blood local history. A mess instead of a State. There is borscht, Bandera, bandura, and there is no nation." Surkov was not only one of the advisors of Putin. He was also involved in negotiations in Trilateral Contact Group so called Minsk Agreement, Normandy format which we are held starting from 2014 until—

Mrs. WAGNER. Have you presented this evidence to Secretary Blinken? And have you asked him to make a genocide determination? And if so, how did he respond?

Mr. KOSTIN. Not yet at the moment.

Mrs. WAGNER. I encourage you to do that. And I encourage this committee to do the same. What are your office's most significant challenges in investigating Russian war crimes and their atrocities committed in Ukraine since a full scale invasion? And what additional U.S. support would most enhance your office's ability to investigate the tens of thousands of allegations of war crimes that you have received and facilitate effective prosecutions?

Mr. KOSTIN. The most challenging is to identify the perpetrators, especially in cases where the survivors have physical contact. I mean, if they were forcibly detained, not about sexual abuse or any torture in other war crimes where they saw these people. But if the people were protected, their faces were protected, it is not very easy to identify these perpetrators.

In some cases, we have identified the military units. We have identified who was the commander of military unit. But we need also to identify the perpetrators. In other cases like intentional de-

stroying or missile attacks against our critical civil infrastructure—

Mrs. WAGNER. Right.

Mr. KOSTIN [continuing]. Some of these attacks 1,000 kilometers far from our border by air forces of Russian Federation because these missiles can fly 1,000 kilometers. And the consequences of these attacks you know are in some cases ten of civilians killed, hundreds of civilians wounded. And we need to identify who give coordinates of the object. Who gave the order and who initially pushed the button.

Mrs. WAGNER. Well, certainly my time has expired. I appreciate the Chair's indulgence. And I would just say this. The U.S. must provide whatever technical resource support that we can to help you get these prosecutions. And I will yield back. Thank you again, sir, very much.

Mr. KOSTIN. Thank you. And in this respect, once again, the sharing of intelligence information could be helpful to investigate such cases. Thank you.

Mr. WILSON. Thank you very much, Chair, Vice Chair Ann Wagner for your passion. And we now proceed to Congresswoman Dina Titus of Nevada.

Ms. TITUS. Thank you, Mr. Chairman. And thank you, Mr. Prosecutor General, for your very compelling testimony and the people of Ukraine's resistance, resilience, heroism. It has impressed all the world and certainly me and this body.

We are hearing a lot, of course, that the immediate news is what Russia is doing in Ukraine and the horrendous impact of the human suffering as a result of its war crimes. But we really shouldn't be surprised because if you look at the history of Russia, it certainly confirms that they are likely doing it in Ukraine. You look at Mali. You look at Chechnya. You look at Syria. You look at Central African Republic.

They have been charged with war crimes in all of those places. So what they are doing now is more immediate and certainly perhaps more involving children. But it is not surprising. This is a long history that they have.

I would ask you, what about some of the independent agencies or NGO's? How helpful are they, and what could they be doing? Radio Free Europe, Red Cross, Amnesty International, Doctors Without Borders, are they there on the ground and being helpful?

Mr. KOSTIN. First of all, thank you for mentioning Russia as a State who used to abuse international law and order. You mentioned actually some jurisdictions where Russia is actively acting against law and order globally using their criminal groups like Wagner Group. And I think that this is the momentum where Europe, Ukraine, and United States, and all of our other allies should be united in order to put an end for such groups like Wagner Group who are earning money illegally in some countries of Africa and use this money to kill our people in Ukraine and use this money to support those members of Wagner Group who commit war crimes against our prisoners of war, against our civilians and occupied territories.

So for this, we need to be united. I think it is momentum to do it. For the question you asked, we have strongest support from the non-governmental and civil society organizations in Ukraine.

We have a group in my office which is named a group of international experts where we have six directions of activity with regard to investigation and prosecution of war crimes, starting from children, sexual violence, and others, including the protection of rights of media journalists who were killed and suffered during this war of aggression because internationally—I mean, we have foreign journalists who were also killed and who are investigating these cases together with other—my colleagues from other countries. But this group includes more than 40 NGO's and civil society organizations. And most of them are supported by grants from the United States and from European Union countries.

And for this, it makes it impossible for them to help us in documenting and prosecuting war crimes to help to deal with victims and survivors, especially from vulnerable groups. And this work is extremely important. We are communicating with them on a permanent basis.

I have a special enjoy in my office who is communicating with all our NGO's and civil society organizations. So we are united with them. And their support is very important.

Ms. TITUS. I am glad to hear that. That is great. Let me ask you about some of Russia's allies like Belarus. Are they engaged in this too or should they be held accountable when all is said and done?

Mr. KOSTIN. We have the citizens of Belarus who are identified as war criminals. And we have cases against them, even some of them already finished with conviction. I firmly remember about one case.

And we, of course, for us does not matter who from which country war criminal is. If war crime is committed on Ukrainian land against Ukrainians wherever, we indict and we convict all of them. Thank you.

Ms. TITUS. Thank you. I yield back.

Mr. WILSON. Thank you very much, Congresswoman Titus. We now proceed to Congressman Andy Barr of Kentucky.

Mr. BARR. Thank you, Mr. Chairman. And I thank the witness. And I think your testimony here today demonstrates that Russian crimes against humanity in Ukraine, it is not just about supporting the Ukrainian resistance and the sovereignty of Ukraine as a nation and as a people.

But it is also about countering a systematic and widespread attack against civilization. That is what NATO assistance of Ukraine is about. It is about certainly supporting the Ukrainian resistance in defense of the freedom and sovereignty of Ukraine. But it is also a defense of humanity and civilization. And I commend your testimony here today.

We know that throughout history, occupations are expensive and that insurgencies are less expensive. Can you talk about whether Russia is prepared for a long conflict and whether Russia has the ability militarily and economically to support a long-term occupation of a population that will fight for them? And what has been the reaction of supposedly ethnic Russian people in the face of these war crimes in Ukraine?

Mr. KOSTIN. Could you—the last part of your question?

Mr. BARR. Yes, so——

Mr. KOSTIN. You mean Russian ethnic people who are citizens of Ukraine?

Mr. BARR. Right. The supposedly Russian ethnic people, are they resisting? And does Russia have the capability of maintaining a long-term occupation of a population that is resistant to their occupation?

Mr. KOSTIN. When we are talking about the group of people who are potentially the victim of the crime of genocide, we are talking about Ukrainians as a Nation. And does not matter the ethnicity of Ukrainians we are talking about. So all Ukrainians, once again, does not matter who are they by ethnicity. They are struggling for Ukrainians sovereignty, freedom, and to liberate our country.

Mr. BARR. As you investigate Russian genocide, we know that the Chinese are supporting dual use technology and sanctions of Asia by Russia. China is also actively engaging in systematic genocide itself against the Uyghur people and Xinjiang. Are we seeing China transport any surveillance technology or methods that they are using against the Uyghurs to Moscow?

Mr. KOSTIN. I think it is more a question for our intelligence and for our military. From cases we have in my office, I have no information of such scale. But if you have such information and if you share with us, of course we will start check.

Mr. BARR. Let me ask you about sanctions. Following the invasion of Ukraine in 2022, the United States sanctioned Vladimir Putin and Russian Foreign Minister Sergey Lavrov. Following the 2014 of Crimea, sanctions were levied against 11 Russian State security council members. In your opinion, has U.S. sanctions effectively cutoff individuals who are enabling and supporting these war crimes. Are there individuals that would be effective to sanction who the United States or the West has not yet sanctioned and who you believe are responsible for these war crimes?

Mr. KOSTIN. I think that it is extremely important to proceed with sanctioning Russians. And first of all, I would say, Russian banks, Russian nuclear industry because you all know that Russian attacks on Ukrainian nuclear power stations, they raise risks globally. And they use it blackmailing practically the world.

And the world should be strong in order to resist this blackmailing and sanctioning more on Russian nuclear industry. And I will add if you will allow, it is important. In cases of deportation of Ukrainian children, we have information about dozens or even hundreds of Russian officials even of lower level in the regions who were involved in this policy. And sanctioning them will also play deterring effect for the others, for Russian officials who should think before taking part in these war crimes.

Mr. BARR. Please share with us the identity of those Russian officials so that we can share with Treasury and recommend sanctioning those individuals who forcibly separated children from their families.

Mr. KOSTIN. We will do it.

Mr. BARR. Thank you. I yield. Thank you.

Mr. WILSON. And thank you very much, Congressman Barr. And we now proceed to Congressman Colin Allred of Texas.

Mr. ALLRED. Well, thank you, Mr. Chairman. And thank you, Prosecutor General, for being here today and for your incredibly powerful testimony. We held three hearings on this topic in the last Congress, including one where you were a witness.

But I am glad that we are holding another one today to make sure that the American people can hear again and as many times as it takes what Russia and Vladimir Putin is doing to Ukraine and the Ukrainian people. It bears repeating that your office has opened 80,000 investigations into war crimes. The Russians have caused 22,000 civilian casualties.

At least 465 children have been killed by them. At least 120,000 civilian buildings have been destroyed in Ukraine. And far worse, as you detailed today, a planned and systematic use of rape and torture of Ukrainians, the use of sexual violence against Ukrainian women, torture chambers, filed beheadings, electric shock, severe beatings, forcing Ukrainians to listen to and sing pro-Russian songs, and maybe worst of all, the abduction of nearly 20,000 that we know of Ukrainian children taken from their families, indoctrinated to erase their Ukrainian identity.

I have constituents in Dallas, Texas. I ask them to think of their families. I have a 4-year-old and a 2-year-old son. There is nothing that I would not do to get them back, and I know you feel the same way. And we support you in that.

This put simply as many of us have said today is genocide. So when I hear voices in this Congress or other leaders in this country question our support to Ukraine, I wonder if they have forgotten who we are. We are the United States of America.

If we can do something to try and prevent this, to push back against, then we should. It is who we are. It says a lot about who we are. And in addition to congratulating the Ukrainian people on your incredible bravery, the way and the skill with which you have used the aid that we have given you, also say that President Biden has done an incredible job putting together an international coalition that has allowed us to get to this point where I know you will win. I look forward to celebrating your victory.

I have a question that is maybe not directly in your area of expertise. But I wanted to ask it because I think it is important to be said here. What do you think the Russian people know that is what is being done in their name in Ukraine?

Mr. KOSTIN. It is quite difficult to answer properly because no one of us know what is in their heads. First week, a full scale invasion. Millions of Ukrainians tried to reach their contacts in Russia, relatives, friends, colleagues, trying to reach them directly and said, look, stop. What are you doing?

And very few, very, very few, maybe a tip, smallest tip of the iceberg, a big iceberg of these contacts were successful. Many of us were shocked because where with whom we communicated for tens of years. And then immediately these people just like changed the other side.

So it is quite difficult for me to answer your question. But I will give you my personal suggestion that even members of Russian authorities have not proper information about what is going on, on the battlefield. We knew this from the very first meetings at the end of February when Russia asked for negotiations.

And when we said that, look, there are a lot of bodies of your servicemen. We are human beings. We are ready to return them back to you for their families too.

And they said, you are lying. There couldn't be so many bodies as we mentioned to them. So this is very difficult to understand what is in their mind.

But I think that maybe some of them are so deeply inside their propaganda, they are victims of their propaganda that they even are afraid of hearing the truth. But this time will come. The greatest tyrannies of the world in the world history fall down in 1 day.

And this day will come. And these people will open their ears and will open their eyes to see the truth to understand that they are also responsible because it was a policy of their country. And they need to take this responsibility.

Mr. ALLRED. Thank you, sir. I yield back, Mr. Chairman.

Mr. WILSON. Ad thank you very much, Congressman Allred. We now proceed to Congressman Bill Huizenga of Michigan.

Mr. HUIZENGA. Thank you, Prosecutor General, for being here. I am going to make a statement, and then I have a couple of questions for you. First and foremost, I believe that this is an illegal and very dangerous act that Russia has undertaken here in the past year.

And it must be condemned, and I do condemn it. I do want to explore, though, and this is not a differentiation. But I want you to understand that despite some of what my colleagues are saying, not everybody is convinced of the progress that has been made in Ukraine.

In fact, this is not a concern that is limited to the United States. You know this. Germany had held back, whether it would be in military or in other areas.

People in Switzerland, people in France, people throughout Europe have had to explain to their voters and to their taxpayers where their money is going. That is not anything different than what we have to do here in the United States. In fact, I think it is incumbent upon us to be transparent and open and honest with our own taxpayers where billions of dollars of their hard earned money is going.

And I happen to believe that this is the right direction to go. But that does not mean we shouldn't stop explaining and should not stop being transparent about that. Last week, I happened to be in Switzerland and in Geneva.

I met with the International Red Cross, ICRC. I met with folks from the Human Rights Commission as well as for the Commission on Refugees exploring what was going on, what has been the European response, what has been the U.S. response. Certainly, the relationship that the Poles have shown, Ukraine has been almost second to none it seems, right, as they have been accepting refugees.

I am pleased to hear and I think many of us are pleased to hear about the progress that has been made on these accusations of corruptions within Ukraine. Frankly, I think Ukraine deserves—or I am sorry. Ukraine, yes, deserves that explanation to the world.

And that is why you went through the efforts that you did in Brussels and in Europe explaining what has gone on. So please do not misconstrue this or please do not accept some of the rhetoric

that is out there that somehow if you question this and want documentation that somehow that is anti-American or anti-Ukrainian. That certainly isn't the case.

Along the lines with the ICRC, that was a fascinating meeting to have. And to hear the heartbreaking testimony that we heard earlier today about these children especially that have been taken from Ukraine. And I heard one of my colleagues throw out a 20,000 children number. But do you have a more accurate count of how many children have been taken from Ukraine?

Mr. KOSTIN. The number is changing every day. So it is close to 20,000 which only 361 returned home.

Mr. HUIZENGA. OK. And I fully understand why you do not want to go into the mechanisms and the methods of how you are reaching out. I am wondering, though, are there international organizations like ICRC which is responsible for connecting official POWs, prisoners of war. But are they involved or any other international NGO's involved with helping to try to make those connections?

Mr. KOSTIN. They should be involved because it is their primary obligation. And we as a governmental agency are in full contact with the ICRC. The only problem is the result. So we are in close contact with everyone. And the ICRC as one of the organizations which is entitled to help in all humanitarian layers, all humanitarian dimensions for the people who suffer from war.

Mr. HUIZENGA. Are there any others, Human Rights Commission or other NGO's?

Mr. KOSTIN. Yes, of course. All others, Human Rights Commission from the United Nations.

Mr. HUIZENGA. What can we do to help bolster that request that—

Mr. KOSTIN. I think that these organizations have unique opportunity to talk and to meet Russians—I mean, Russian authorities. And they could raise their voice to Russian authorities as a matter of returning our children back. I think it could be a good start for them, and they have full opportunities to help us with this. And we are in contact with them.

Mr. HUIZENGA. Great. And I know my time has expired. I just want to hear very briefly your commitment to make sure that ICRC and other organizations are being granted access to Russian POWs much as you would rightly demand that ICRC and others are having access, constant access, not just periodic or once, one time sort of access to Ukrainian POWs that either be in Eastern Ukraine or in Russia.

Mr. KOSTIN. We have sufficient legislation and sufficient procedures which enable ICRC to visit prisoners of war of Russia which are held in Ukrainian facilities. If I will know any problem, let them contact me and we will sort it out.

Mr. HUIZENGA. I appreciate that, and I yield back.

Chairman MCCAUL [presiding]. Chair recognizes the gentleman from Minnesota, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Chairman.

Mr. KEATING. Mr. Chairman. I would like to ask the gentleman to allow me 20 seconds to respond.

Chairman MCCAUL. Would the gentleman yield 20 seconds?

Mr. PHILLIPS. Sure, I yield.

Mr. KEATING. I thank the gentleman for yielding. I just want to clear the air. This committee—and I apologize to the prosecutor general. You weren't here in this committee 2 weeks ago when we had a hearing, but the rest of us were.

It was clear. We had the Inspector General's reports and evidence from the State Department, from USAID, and from the Department of Defense and a third party, Deloitte, accounting firm, all looking at all the moneys that were expended by American taxpayers. And that money was—their report was it was spent with responsibility, full accountability, and there was no evidence, no evidence to the contrary. I yield to Mr. Phillips and thank him.

Mr. PHILLIPS. Thank you, and thank you, Mr. Chairman, for the recognition. I am disgusted and I am horrified. I have served in this institution for 4 years, and today changed me.

Horrified and disgusted by what I saw on that screen, the video, the atrocities. Horrified and disgusted by listening to the most heartbreaking testimony I have ever heard by survivors of Vladimir Putin's war crimes. And frankly, horrified and disgusted that a colleague of ours on this esteemed committee would inject Hunter Biden in today's discussion.

It is sickening. It is disrespectful. This is not about Hunter Biden. This is about Vladimir Putin. It is about genocide. It is about depravity, and it is about war crimes.

And that is why we are here. And to the survivors that we heard from today and to the people of Ukraine, I want to assure you that on a very bipartisan basis I assure you that these barbaric acts have no place in the civilized world. And the United States will be your steadfast partner in bringing the war criminals in Russia to justice.

That is why we are here today. And I ask and invite and encourage my colleagues to focus on that. Mr. Kostin, thank you for being with us. I would like to ask a question about the Wagner Group.

As the ranking member of the Middle East, North African, Central Asian Subcommittee here in Congress, I have seen what Wagner mercenaries commit horrific abuses and war crimes throughout the Middles East for years. They are doing it again, I believe, in Ukraine. They are essentially agents of the Russian State I think we will all agree. So my question is, are their war crimes also an extension of the Russian government?

Mr. KOSTIN. Once again, I am sorry. Are there war crimes—

Mr. PHILLIPS. Are there war crimes, Wagner war crimes—

Mr. KOSTIN. Yes.

Mr. PHILLIPS [continuing]. Extension of the Russian government policy?

Mr. KOSTIN. That makes sense. I understand. Thank you. Thank you. Thank you for your words of support, and thank you for your questions. This is actually the matter of some of our investigations because you know that they are very careful, how to say, hiding the financial roots and their relations between their groups in Africa, in some other countries.

We know about Caribbean now at the moment and their actions in Russia and in Syria and now in Ukraine. So for that, I ask for the very comprehensive and unified joint efforts because we need to not only to fight against them to put an end to their actions but

also to find evidence, enough evidence that they are the part of Russian governmental machine as one of its proxies. For that, once again, we need support on the level of investigation prosecution and findings on also financial level.

Mr. PHILLIPS. Have you found coordination between the Russian military and Wagner?

Mr. KOSTIN. Yes. On the battlefield, of course, their military part, they are just the part of Russian regular army. So they are coordinated by the same military command. But we are also talking about the other part of Wagner, not only which are used on the initial battlefield but the other part which is involved in committing war crimes against our prisoners of war, against our civil population unoccupied territories. So there are several angles of their activity.

Mr. PHILLIPS. Thank you, sir. And my time is running out. I just want to encourage this committee and this institution and this country and the entire free world to employ what Franklin Delano Roosevelt referred to as the arsenal of democracy, to ensure that not only does Ukraine survive but thrives and that we pursue every single war criminal in this world. We will not rest until we do so. Thank you. I yield back.

Chairman MCCAUL. The gentleman yields.

Mr. KOSTIN. Thank you so much.

Chairman MCCAUL. Chair recognizes Ms. Young Kim.

Mrs. KIM OF CALIFORNIA. Thank you, Chairman, for holding this hearing and for arranging this opportunity to hear from survivors of Russian war crimes. Hearing those testimonies from our witnesses was really heartbreaking, and my heart breaks for the victims. And I join my colleagues in demanding accountability. Mr. Kostin, thank you so much for joining us today and answering these questions. But I want to ask you first of the approximately 80,000 investigations that have been opened, how many of those that your office have been able to prosecute to the final verdict as of today since the start of the full scale invasion?

Mr. KOSTIN. For the more than or about 80,000 incidents of war crimes which we registered at the moment, we have identified 310 potential perpetrators. And we informed them of our suspicion. We have finished cases against 152 potential war criminals. So their indictments were sent to courts. And up to date, we have 31 Russian war criminal convicted by Ukrainian courts in the course of this war.

Mrs. KIM OF CALIFORNIA. You have a lot of work there. There are crimes committed against humanity. We want to see justice, and especially as we heard these testimonies and hearing you detail the stories of rape and sexual violence against Ukrainian women and especially against girls, it is heartbreaking.

So how many of those cases involve sexual violence against women? And how many of those cases have your office been able to prosecute? And are these numbers reflective of the true number of victims of sexual violence at the hands of the Russians?

You have only identified 31 out of the 80,000 that you are investigating, 310 identified, 152 potential. And you said 31 committed by Russians. I mean, it is a very small number that so far that has been identified compared to what we are seeing.

Mr. KOSTIN. The issue, I mentioned 31 cases which have conviction verdicts of courts. And some of them are held in absentia because we have identified the perpetrators. We have full set of evidence.

But we cannot wait if someday we will capture them. But the procedure of cases in absentia is a little bit longer because of procedural limitations. So I think that in course of this work to convict already 31 person where in many cases it is very difficult for us to identify is the result which it is respected actually by Ukrainians.

We have thousands of the war criminals whom we identified. But we have no full set of evidence. That is why I am asking also for intelligence information. And I could comment on conflict-related sexual violence if you wish. We have——

Mrs. KIM OF CALIFORNIA. Sure, yes. Let's do that. But I do want to talk about the other areas since the beginning of the war. Russia has intentionally targeted apartment buildings, playgrounds, malls, train stations, schools where Ukrainians were trying to flee the fighting.

And they show no regard for the lives of women and children. And it even bombed the building where there was a clear word written, children, right? It was so large, so bold that you can see it from the satellite in space. These are war crimes, plain and simple. So what do you believe is Russia's goal in terrorizing Ukrainian civilians this way?

Mr. KOSTIN. This war shows that Russia—many of Russians, they are dehumanized. This is maybe the only possible explanations why are they so brutal. Because when I spoke with the survivors, you met only two of them today.

We meet with others. And you cannot understand absolutely why they are doing this. Maybe just because they want to destroy Ukraine as a country and as a Nation.

Maybe they have been told that people in Ukraine are waiting for them. And when they understand that this is not true, they start to kill. They start to torture. They start to do—I mean, bombing this theater, and this was a bomb you mentioned even from satellite.

But this was bombing on a very low height so that the pilot of this aircraft could see by his eyes that it is children, dity, in Russian and Ukrainian. So I suppose it was even written in Russian, dity, yes, by Russian letters. So for me, it is very difficult to understand why are they behaving like this.

The only possible explanation is that they just want to erase Ukraine and Ukrainians from the land because the same patterns, the same conduct which we all saw in first months of war in Kyiv region, in Bucha, Irpin, and others. And this was world known. And when we saw the same after liberation in Kharkiv region in September and we saw the same cases, May, June, July, August, September, and then Kherson, November.

And then our brave and courageous survivor today, this crime was committed against her January this year because she was still on the occupied territory of Kherson region at that time. So 1 year, same conduct. Even if they know that these war crimes were committed by their servicemen, by their people before they proceed to

do it, even knowing that all the world is condemning such brutal behavior. So maybe because they really want to kill all of us.

Mrs. KIM OF CALIFORNIA. That is just heartbreaking to hear this. Thank you so much. Thanks. I know we went way over our time. I yield back.

Chairman McCAUL. But it was well worth it. Chair now recognizes Ms. Sara Jacobs.

Ms. JACOBS. Thank you, Mr. Chairman and Mr. Prosecutor General. Thank you for being here and testifying. And thank you to you and your team for all your hard work.

I know it is not easy to hear these stories day in and day out and to see all of this evidence. So we really do want to say thank you for everything that you and your team are doing. And please take that back to them.

As all my colleagues have said, the war crimes we have heard about today and that we have read about in the news are horrifying and gut wrenching. And we know there have already been over 22,000 civilian casualties and about 17.6 Ukrainians who are in need of humanitarian assistance. And we know that the war is still going on.

And as everyone here has said today, accountability and justice is so incredibly important. That is why I am supportive of the ICC investigation into the war crimes that are happening. And actually last Congress, I introduced and was able to get legislation passed that allows the U.S. to provide support to that ICC investigation. But we know that support hasn't happened yet. And I was wondering if you could talk to the importance of the ICC investigation and why international support and especially U.S. support is so important.

Mr. KOSTIN. Thank you for this question. Once again, when I met first time with Karim Khan, it was just few weeks upon my appointment. It was in August or beginning of September.

And when we talk about our cooperation, I understand that he is very committed. I understand that his team is very strong. And when we started to also to prioritize the cases and when we choose these cases of deportation of children as a matter of priority, where there are many others, we understand that we will have the result we have at the moment, first in history.

The incumbent president of permanent member of Security Council is named as alleged war criminal. I understand how it is important this support because the level of attention, the level of awareness to war crimes which are prosecuted by the prosecutor of the International Criminal Court is much higher than for some cases which are prosecuted by us on the national level. I already mentioned the complementary role of the ICC.

But we discussed this with Karim. And I am ready even to transfer the cases to the ICC which we can finalize internally because there are cases about war crimes which are world known. And the survivors of these cases from my point of view should receive a measure of justice even on international level.

And we will fully cooperate with the team of Karim Khan. We even declared or, how to say, publicly announced that we create task forces for specific war crimes which could be later transferred to the ICC. So in this respect, full support to all endeavors of the

ICC. Please know that if you support the ICC, you are supporting us.

Ms. JACOBS. Thank you. And I hope that those who are standing in the way of that assistance getting transferred hear what you have to say today. Really quickly, given the numerous organizations and actors currently documenting atrocities, how is your office preserving the chain of evidence and ensuring the documentation is viable? What more can the U.S. do to help you with that process and also to help make sure that the survivors and potential witnesses are getting everything they need to be able to provide the kind of testimony you need?

Mr. KOSTIN. First of all, once again, we need IT solutions in order to not to lose any piece of electronic evidence, digital evidence we have. This is now one of the most strategic issues I am dealing with. With regard to witnesses, victims, and survivors, of course, we have changed approach to prosecution, for instance, of conflict-related sexual violence crimes.

I have changed the strategy of investigation of these crimes. All our work now is survivor centered. We use the principles of the Murad Code and we train internationally, also train our investigators and prosecutors how to communicate with the survivors of sexual violence.

This is one of the matter of my priorities, and I just go ahead. The issue is that the survivors from vulnerable groups, they need much more care and treatment, not only protection of on their support for the matter of justice for them but also as a matter of their care for psychological support, financial living support. We are dealing with these cases in Ukraine, and usually we have support from NGO's and from also State institutions.

Some of these project are supported by the First Lady who is personally dealing with shelters for the victims and survivors of the sexual violence crimes. So we have a system. But even some case we will need and we will say that it will be important for these victims and survivors to feel even safer than they are. Maybe transferring them to the other countries would be proper help for them.

Ms. JACOBS. Well, thank you again for all of your work. And Mr. Chairman, I yield back.

Chairman MCCAUL. The gentlelady yields back. Chair recognizes Ms. Kathy Manning.

Ms. MANNING. Thank you, Mr. Chairman. I want to thank the brave victims for sharing their heartbreaking stories. And I want to thank you, Prosecutor General Kostin, for the extraordinary work that you are doing.

Yesterday, people around the world observed Yom HaShoah, Holocaust Memorial Day, a day to remember and honor the victims of the most well organized, efficient, and effective genocide in history and to repeat the vow never again. And yet we sit here today and hear about horrific atrocities that are being inflicted on innocent people, on children by another tyrant and ordinary men who have become monsters under his direction. We cannot sit idly by.

We must reiterate the vow never again. And we must make sure the world knows about these ungodly atrocities. And we must hold the perpetrators accountable. Mr. Kostin, thank you for the difficult work you are doing to try to hold these people accountable.

We know that the ICC has indicted Vladimir Putin as well as Maria Lvova-Belova, Russia's Commissioner for Children's Rights for overseeing the horrific abduction and forced adoption of hundreds of thousands of Ukrainian children. It is unthinkable. As a mother, I can barely stand to hear what has been going on. So which other leading Russian military officials or others do you think should be included on this list?

Mr. KOSTIN. Thank you for your words of support and thank you for your question. We are investigating cases against many Russian officials of all of the levels. And of course, we are not only investigating and prosecuting cases related to deportation of children together in coordination with the ICC.

There are a lot of other cases. I cannot tell you at the moment the names. But for some cases, we already reached the commanders of very high level who orchestrated the atrocities committed in Kyiv region, cities like Bucha who orchestrated and who commanded the missile attacks against civil buildings, multi-storied residential buildings which cost more than 100 civilians killed in three cases because we found that these three attacks which were held in Dnipro, the Vinnytsia, Serhiivka which is near Odesa, and the Amstor Mall in Kremenchuk where people were inside the mall at that time.

They use the very rare type of missile which is in possession of only one military unit in Russia. And we informed on suspicion the commander of this unit of very high level. So we are going ahead and we are moving. And in this respect in order to establish the command chain, we extremely need more intelligence information to be used for cases.

Ms. MANNING. Thank you. And we think it is important that everyone who has been part of committing these atrocities be held accountable. Following orders should not be an excuse. And we need to make sure that all of these people are held accountable. Thank you for your work in pursuing that.

Mr. Kostin, last June, Attorney General Merrick Garland appointed Eli Rosenbaum who is well known for tracking down and prosecuting World War II Nazi cases. As head of the new DOJ War Crimes Accountability Team in Ukraine, can you talk about his cooperation with your office and whether there is precedent for prosecuting those responsible for Russia's unprovoked invasion for the crime of aggression?

Mr. KOSTIN. I am really grateful for Eli and his team for work they are doing. I would say that my colleagues are in daily contact with Eli and his team. And the experienced professionals from Eli's team not only help us with advice.

We are also dealing with specific investigation of specific war crimes, not only in relation to Ukrainians but also against the citizens of the United States. So we are in very close cooperation. And I am really grateful for Eli and his team for this level of support.

Ms. MANNING. Thank you again for all of your extraordinary hard work. We are so appreciative. My time has expired. I yield back.

Chairman MCCAUL. The gentlelady yields back. Chair recognizes Mr. Mills.

Mr. MILLS. . Thank you, Mr. Chairman. Thank you for your time. I know it has been a very long day. I would like to just kind of ask a few things if I may which is would a decision by the United States designate the Wagner Group a foreign terrorist organization assist your efforts to hold accountable its members who have committed atrocities in Ukraine and support your efforts?

Mr. KOSTIN. I think I fully support this idea. I have already mentioned this in my address. I think it is not only about holding them accountable for war crimes committed. It is also about to prevent the other potential war crimes which could be committed not only in Ukraine but worldwide.

This designation of Wagner Group as an international terrorist organization could help all of us to stop the activity of this organization which raise a lot of risks, not only to Ukraine but also to many other countries of the civilized world. You know that they are not only in Africa. They are not only in Asia. They are now in Caribbean.

And I know that I believe that response should be unified. For us, it will be extremely helpful because the consequences will mean that they will have more difficulties in financing their operations in Ukraine. And it will save lives of our people.

Mr. MILLS. That is exactly right. And as you mentioned, they are not just in Ukraine. And they have started to get a foothold in Caribbean and especially there in Haiti which is very close to the American borders that we need to be considering.

And I do look at them very much in the same way that I look at the IRGC or the Quds Force who is being utilized as proxy militias across the Nation to not only look at trying to buildup foreign internal strategies to fight against Americans or to fight against those of that nation but really to be a mercenary group who is there to do nothing but terrorize and murder. So I appreciate your answer very much. And I hope that we can support in that effort.

During the past year, more than 33 verdicts were issued for high level corruption in addition to hundreds of investigations and dozens of indictments. What kind of progress has Ukraine made in implementing the rule of law reforms set forth by the EU last June as preconditions for negotiations? And has your fight against corruption advanced the rule of law in furthering these conditions?

Mr. KOSTIN. Thank you for your question. Of course, we have priorities during wartime. And the priorities of my office, of course, are investigation and prosecution of war crimes, fighting against collaborators and traitors, and fight against corruption.

In my inaugural speech before the parliament last June, I pointed out that Ukraine has two enemies, external Russia and its proxies and its collaborators and internal corruption. And we need to win both fights. Immediate upon my appointment as a prosecutor general, I appointed the Chair of Specialized Anti-Corruption Prosecutors Office.

What we have during last month, we have appointed new Director of National Anti-Corruption Bureau of Ukraine after successful open selection process. The High Anti-Corruption Court has elected their president. They were trying to do it within last year.

They are independent. They needed to elect. So we have all three bodies equipped with their chairs. In March this year, GRECO as

an organization of the Council of Europe has excluded Ukraine from the blacklist of countries which are not fighting against corruption for our joint efforts combating corruption in high level officials, including members of the parliament judges and prosecutors.

Mr. MILLS. Well, I really appreciate that you are paying such close attention when it comes to the prosecution and the continued investigations into the corruption that is going on in Ukraine. I want to followup with this noting that one of your predecessors, the prosecutor general was removed when he was investigating a company that is well known called Burisma. Will you be looking into opening that investigation again and ensuring that any type of corruption that Burisma was involved in that it would be adequately processed, reviewed, and if need be, prosecuted with reports back to the United States if there is any of our personnel who were involved?

Mr. MILLS. I have already answered this question during this hearing. This is not a topic of our discussion, and I have already answered your question about our fight against corruption and I can give you more examples. But our hearings are related to war crimes, and I will concentrate my answers on this topic for now.

Mr. MILLS. With that, I yield back.

Chairman MCCAUL. Chair recognizes Mr. Stanton.

Mr. STANTON. Thank you very much, Chairman. Mr. Prosecutor General, thank you for being here today. For more than a year, the world has born witness to the atrocities committed by Russian forces to carry out Vladimir Putin's unjust and inhumane war.

Many of these atrocities take place far from the battlefield. Russian forces at the direction of the Kremlin have targeted civilian shelters, even hospitals and refugees seeking safe harbor. They have kidnaped thousands of children, separating them from their families, caretakers, and country all to try to erase their Ukrainian identity.

They have raped, tortured, and massacred thousands of innocent Ukrainians. These kinds of acts defy humanity. They are barbaric, and they are carried out by coward who are losing this war to a proud and patriotic people.

The United States stands with the people of Ukraine who have a right to seek justice for the horrific war crimes committed against them. Without justice, without accountability, there can be no true healing. Mr. Kostin, your office, the Office of Prosecutor General, has identified over 70,000 incidents of war crimes and other atrocities in Ukraine resulting from Russia's invasion. Given the huge scale of the challenge at hand and your finite resources, how do you prioritize which crimes to investigate?

Mr. KOSTIN. Thank you for your question. Of course we prioritize. And many of the numbers of incidents of war crimes which are registered are the cases where private property is destroyed or damaged. And this I encourage people to register these cases because even if there is a missile attack and it could be a like a miracle that no one suffered or no one is killed.

But it could be, like, hundreds of apartments are damaged or destroyed. In order for these people, these civilians to receive compensation or reparations, they need to prove that this damage was caused by the war crime. That is why a substantial number of

these cases are cases about the destroying and damaging of civil property but prioritizing of course the cases where civilians are killed. Of course, the old missile attacks, of course, cases where civilians were tortured, raped, humiliated, forcibly deported, so any time of war crime where civilians are harmed are our priority.

Mr. STANTON. What resources or expertise can the United States and other partners provide to support the investigation and prosecution of war crimes committed in Ukraine?

Mr. KOSTIN. First of all, we need political support. That is why I am here. And support to establish special tribunal for the crime of aggression as a leadership crime. Support to all of our endeavors on international level.

It is not only about actually the ICC. It is also about more than 20 countries who open their national investigation with regard to war crimes committed by Russia, including the Department of Justice of United States. And we are dealing with our colleagues here with regard to specific war crimes they are helping us to investigate.

And of course, the equipment we have already in place. Last year, we have not only created war crimes department in my central office. We have opened war crimes departments in nine offices which are regional offices which are close to the crime scenes.

With the help of our partners, we equip them with all necessary equipment. What we need a part of IT solutions I mentioned, we need forensic equipment. We need DNA laboratories much more than we have now.

We need more forensic equipment which will simplify and speed up the process of investigation. And as a matter of building new prosecutors' offices and new prosecutorial services which would be victims and survivors oriented and centered, we need rebuilding of more than 100 regional offices of my Service on the territories which were under occupation. This will be also a strong signal to Ukrainians that persecutors are close to them and they are ready to help.

Mr. STANTON. All right. Thank you for that thorough answer. My time is up, so I will yield back. Thank you.

Chairman McCAUL. The gentleman yields. Mr. Lawler is recognized.

Mr. LAWLER. Thank you, Mr. Chairman. Mr. Prosecutor General, thank you for being here with us. First and foremost, the Kremlin's war on the Ukrainian people is a genocide. Let's call it what it is. Russia has launched attacks against Ukrainian civilian populations, targeting homes, schools, hospitals, and other residential gathering areas.

Russian troops have committed mass murder such as the massacre in Bucha. And they have admitted to raping Ukrainian women to prevent them from having anymore children. Under Putin's orders, Russia has committed a targeted ethnic cleansing of the Ukrainian people, unfortunately qualifying this abuse as genocide under Article 2 of the UN's Genocide Convention. How has the Ukrainian government responded to this genocide and what can the U.S. and international community do to make this designation official?

Mr. KOSTIN. Thank you. Thank you for your question. We have opened a structural investigation on the crime of genocide in my office. We, of course, understand that on international level, the International Criminal Court has jurisdiction over Russian Federation and its perpetrators with regard to the crime of genocide.

The other international venue could be International Court of Justice. We all understand and we very carefully examine all previous experience of cases of genocide and making the perpetrators liable or accountable for the crime of genocide on international level, previous cases of the ICC and former international tribunals. We have a great team of experts at the moment who help us to build the case of genocide.

My personal understanding as prosecutory general, we have no right to lose such case. That is why we need to be 150 percent prepared for such case. For that, we will need a substantial support, first of all.

We all understand that we are talking about crime which is a legal issue. We are talking about evidence which is the legal issue and you can help us with collecting this evidence and your experts are working with us. And your experts are working with us, and they will be more with the support of your agencies.

What we will need is political support because for many lawyers, it is important to feel that they are not alone, that they are backed by politicians not only by their words but their words backed with arguments, some of them you have already mentioned. So political support on the left of parliament is extremely important. Political support dealing with international organizations like U.N. commissions, like, others in order to send a signal that the crimes committed by Russian officials against Ukrainians have the element of genocide.

I absolutely agree with you. This is a genocide. Even the case of first deportation of Ukrainian children and their adoption in Russia is the genocide in its nature. But we need to be more prepared, and the political support is extremely important in this case.

Mr. LAWLER. Appreciate your answer. The independent International Commission of Inquiry established by the U.N. to examine the conduct of Russia's war in Ukraine found that Russian troops committed atrocities against Ukrainian children, including rape, torture and unlawful confinement, and abductions. This is obviously disturbing and atrocious in nature. And it is unacceptable.

Almost equally disturbing is Russia's forced deportation of tens of thousands of Ukrainian children into Russia. Obviously, we have talked about that throughout this hearing. What is it that you would like the international community to do to assist you in your efforts on that?

Mr. KOSTIN. I would support the procedure of the work of U.N. commissions, including the commission for inquiry. And if they will also concentrate on the cases of genocide because they have such experience which could be useful and important for our investigations.

Mr. LAWLER. OK. Thank you. Unfortunately, my time has expired. I yield back.

Chairman MCCAUL. The gentleman yields back. Ms. Madeleine Dean is recognized.

Ms. DEAN. Thank you, Mr. Chairman. Thank you, Chairman McCaul, Ranking Member Meeks for holding this hearing. And thank you, Prosecutor General Kostin, for your testimony, for the powerful testimony of the victims whose voices were lifted here earlier this morning.

More importantly, thank you for your work and the work of all of your team. We are with you. United States is with you. And your purpose here is solid to shine a light on this series of war crimes that maybe this will be elevated appropriately to be called what it is, genocide.

We must be with you. And I am very proud of the United States for being a part of what is now more than 50 nations, civilized nations who recognize the threat to you, to your civilians, to you soldiers, to your citizens, to your sovereignty is our fight. It is our fight.

We use an expression here, Prosecutor General, called I associate myself with the words of my colleagues. So I associate myself particularly with the powerful opening words of both the ranking member and the chair. I do not associate myself with some of the lines of question that had nothing, nothing to do with war crimes that you are telling us about, that you are illuminating unspeakable, soul crushing crimes.

I do not associate myself for those who come in for a political stunt, clearly did not hear the testimony, and leave the room. Having said that, I do not want to force you to repeat things. I know I was running to a vote and I heard that you were talking about survivor centered approach.

Could you tell us a little bit more? I am particularly thinking about the children, the 361 have been brought home. How do we help them? How is the world beginning to help them? And of course, we have to get the others home as well as the women and girls who have been tortured, who have been raped, and the families who have suffered that and even more. What is a survivor centered approach?

Mr. KOSTIN. Thank you for your question and thank you for your words of support. The survivor centered approach means that all our investigators and prosecutors should change their approach from the inherited Soviet style regressive system where the main aim of the law enforcement agencies is to find the criminal, to capture, and to send him or her to jail whereas the interest of the victims and survivors where in many cases somewhere aside. And some starting from sometimes people just start to forget about them.

But we understand that the victims of this war and the stories you heard today, the video which has been shown today, it really opened hearts of any human being in order to help to support, to assist, to protect them. And this is a unique moment not only for the survivors of war crimes but at large to all Ukrainians that in peacetime after the war and maybe even in course of war, the victims and survivors of all crimes should feel that if their rights are breached that their interests will be in center of attention of the government, mainly law enforcement agencies and prosecutors. That is why during my last visit in January, I have a meeting, one

of the meetings with the team of Merrick Garland in Department of Justice.

And they introduced me their approach to victims and survivors. And I immediately took this, brought this back him. And we now already concept notes on coordinating our communication with victims and survivors. As a pilot project, we will use this approach vis-a-vis victims and survivors of war crimes.

But my idea is to extend it to all victim and survivors of all crimes to change the philosophy of criminal justice of Ukraine for the sake of Ukrainian people. We are now starting process of selection of the people who will coordinate, communication with victims and survivors. We will go through training of this specialist with the help of our international friends and allies. And I hope this will be for the sake of all Ukrainians.

Ms. DEAN. Well, I thank you for that because my next question was going to be to followup. You said the Department of Justice, Merrick Garland, has provided, in your words, unprecedented support. Clearly, that is one example.

I do not know if there are others you are able to talk about. But I will say that we will continue to press in appropriate ways to say we must continue to support you, Ukraine, and the people of Ukraine. I have very little time left.

What have you not been able to convey to us? You have conveyed things so very powerfully. But is there anything else you wanted to add?

Mr. KOSTIN. Last time, I was asked at some occasion in the United States, what is the most important request from you, the most important message? And usually, my colleagues start, of course, with weapons and ammunition, humanitarian and financial support, support for our all endeavors to seek justice. I said, no, I will start with something else.

The main thing we need is unity. If we will have unity, we will have ammunition, we will have financial support, we will have humanitarian support on the level of people to each other. And unity from my view means that we will stand together nevertheless. Even if we are not 100 percent satisfied about each other, we will stand together until we win in both of these fights, fight for our territorial integrity and sovereignty and fight for justice for all victims and survivors of this war. So my work is unity.

Ms. DEAN. Unity.

[Speaking foreign language.]

Mr. KOSTIN. [Speaking foreign language.]

Ms. DEAN. Thank you. I yield back.

Chairman McCAUL. The gentlelady yields. Chair recognizes Dr. McCormick.

Mr. MCCORMICK. Thank you, Mr. Chair. First of all, I really appreciate you being here today. The testimony was moving to me. War is a terrible reality.

I just returned from Ukraine about a week ago. I was able to first see the pictures, hear the stories. But there is nothing like hearing from people who have witnessed it first hand.

There is no way I can epitomized what you all have been through firsthand and the stories that with raw emotion are told in front of us absolutely make an impact. And I know that takes a lot of

bravery to share that. So thank you for that, for all the witnesses here today.

I will say that evidence that surprised me, though, is just hearing about how it is kind of a genocide and that Putin is very much aware of this and very much supports it and very much this has been widespread, not just individual. In every war, there is bad things that happen. We know this just by history.

But to see it widespread and condoned inside a military unit really is something that we do not see in modern warfare a whole lot of. So this stands alone. I would make the case that we are not just obligated to you because of a nuclear treaty or because NATO universally voted to support your country, and not even because we should finish what we started or because we have a moral obligation because of what is happening there.

Because you have invited us into this knowing that you are being unfairly treated and in fact raped and pillaged. And the degradation of your society is at stake. So I am with you.

With that said, we haven't talked much about Crimea. Now we talked about the rest of Ukraine because that is kind of the more contemporary issue, the thing that we talk about. Have you seen widespread egregious behavior behind that area of Ukraine or the disputed territories, people who are tortured and treated in the same unjust fashions as happened in the eastern front?

Mr. KOSTIN. Thank you for your question. I thank you for your words of support. First of all, we have a lot of—I would say thousands of criminal cases with regard to violation of the human rights of Ukrainian citizens who are still in Crimea.

Many of them are representatives of Crimean Tatar population. Many of them are just Ukrainians who do not accept the annexation of Crimea and violation of their rights there. We are doing this starting from 2014. And we have once again a lot of cases. And it is quite important maybe to note that the quantity of these cases start to raise during last year.

So it means that Russian authorities occupation authorities of Crimea, they also feel probably that the resistance inside the population of Crimea start to raise up. Maybe because our people who are awaiting return and reunification of Crimea with Ukraine and liberation actually of Crimea from Russian occupation forces. Maybe they start to feel that this liberation is closed.

Mr. McCORMICK. OK, thank you. A following question, it is obvious that Iran is involved in this now and that they are supplying drones to Russia with significant harm to the civilian population as well. As a matter of fact, I know they targeted power. I know they targeted thing that support the civilians and actually directly injured civilians. What is the real impact do you think of players outside of Russia who are supporting Russia in their impact on things that are terrifying to the civilian populous of Ukraine?

Mr. KOSTIN. I would say it is direct language because my belief is that without this number of drones which Russia received from Iran, they couldn't execute so massive attacks on critical civil infrastructure from autumn through all winter trying to terrorize Ukrainian population throughout the country, very far from the active battlefield to terrorize it, to starve, and to freeze. So unfortunately, the impact is direct. And Iranian drones really caused a lot

of damage to Ukraine. Now with more air defense system, we see that our air defense is more efficient.

The last case which was, like, yesterday, Odessa, my native city. So our reports was that from 12 drones, 10 were shot. Yes, so this is good statistics. But on the other side, two were hit.

So I think that it is important on international level to stop this potential supply. And there is also another angle of these drones history. They are so simple in production. They are so cheap that they should be in center of attention of all of the countries in order not to be used, for instance, for terrorist attacks.

Mr. MCCORMICK. Thank you. I am out of time. But be strong.

[Speaking foreign language], Ukraine.

Mr. KOSTIN. [Speaking foreign language.]

Chairman MCCAUL. The gentleman yields. Chair recognizes Mr. Crow.

Mr. CROW. Thank you, Mr. Chairman. And Prosecutor General, thank you for your testimony today. You have outlined a series of just shocking crimes against humanity, against the Ukrainian people, the kidnaping of tens of thousands of Ukrainian children and their indoctrination in prison camps, the rape and torture of women, the targeting of electrical water infrastructure to starve and to freeze, the Ukrainian people, the use of torture of prisoners, mass executions of civilians and on and on.

These are war crimes. They are genocide. I join my colleagues in calling it what it is. And as several of colleagues have said, this is not just a battle for democracy and Ukrainian freedom, but this is a battle for humanity.

The question that must be answered here is what we will allow humans to do to each other. And what will we allow the tyrant that is Vladimir Putin to get away with. The answer must be we won't allow him to get away with any of it.

That must be the answer. There is no other alternative here. And I join you and the Ukrainian people and my colleagues in figuring out how we do that.

Vladimir Putin has made a big mistake, though. He has underestimated the will of the Ukrainian people because he will not ever break that will. We know that. I have seen that firsthand from my friends in Ukraine.

So the question becomes how do we make everybody, not just Vladimir Putin, accountable for these crimes? Battlefield commanders, individual soldiers, there must be accountability at every level. And to that end, the is Congress changed the law last year to allow the sharing of information to the International Criminal Court with respect to Russia and Ukraine.

It is my understanding that that law has not been fully used yet by this Administration, that there is information that has not been put forward. Public reports have indicated that there is information that we have that we could provide that we have not due to some objections by the Department of Defense. What is your understanding as to the State of the sharing of that information, and what objections are you hearing from the U.S. Government at this point that might be slowing down the provision of really critical information?

Mr. KOSTIN. In course of this war, many procedures historically took months and years before now in different countries and in different international organization now are sorted out within months or weeks. And this is quite a unique situation where we feel as a special element of support that you change your procedures. But in order to get this changed and in order to be more 100 percent efficient, it is important to in parallel to communicate the need of such changes.

I do not want somehow to comment on why internally there could be some resistance in exchanging of information, I mean internally here in the United States. I just am ready to communicate and to explain that if this is for the matter of justice on international level to all perpetrators, not only those who executed these commands but those who ordered these commands. Then it does not erase any risk or any concern from the point of, like, from the military side.

Of course, I can hear arguments because I used to be in communication all this year for different processes. But I think that proper communication, open and honest, will help to break the ice if it is necessary and if it is important. And once again, I think it is possible to share more intelligence information we need because not just sharing information.

It is just to give answer on our very specific requests. We are trying to deal with this new legislation. Let's see what would be the outcome and the result. I am optimistic and I hope that our communication will lead to fruitful results.

Mr. CROW. Thank you, Prosecutor General. We appreciate your Service and your leadership and testimony today. I yield back.

Chairman MCCAUL. The gentleman yields back. Chair recognizes Mr. Kean.

Mr. KEAN. Thank you, Mr. Chairman. First of all, I want to thank you, Mr. Prosecutor General, for being with us today and for all the hard work that you and your office has been doing since the onset of this conflict last year. As chairman of the Europe Subcommittee, I share Chairman McCaul's feelings.

It is important for this committee to inform the American public about what is currently happening in Ukraine and to display that many war crimes are being committed by Russian forces in Ukraine. It is important for the American people to know what is being committed by Putin forces in Ukraine and that Europe bear witness to the atrocities that have not been since the Second World War.

It is now more important than ever to see the evidence of the attempted genocide of the Ukraine people. To followup on an earlier question on a special international tribunal, obviously regarding aggression, that would obviously have to go before the U.N. General Assembly. And has your government reached out to any of the people within the U.N. and other countries to build support for such a tribunal?

Mr. KOSTIN. Thank you. Thank you for your support, and thank you for your question. First of all, the core group of countries who support the creation of special tribunal is expanding. And the newcomer is Costa Rica which is important. So it is a country from the Latin America.

And we are in constant communication with the members of the United Nations in order to get more support for establishment of special tribunal. For this, I would ask that not only supporting us by words but also maybe to share the work of the countries of concern who are still are not ready to fix their position on the side of international tribunal so that our friends and allies who are ready to help in establishing of special tribunal will also deal with some countries where you historically have more communication opportunities or capabilities. This will be very helpful.

Mr. KEAN. Thank you for that. In 2014, Russian forces invaded Ukraine's sovereign territory for the first time in Donbas and Crimea. And they have illegally occupied those areas every since. During the initial invasion and 9 years since then, have the Russian forces and their proxies committed systemic war crimes in those regions?

Mr. KOSTIN. Yes, we have. Actually, our War Crimes Investigation—I am sorry, War Crimes Prosecution Department of the Office of Prosecutor General was created before. So now we just extend its capabilities because of the number of war crimes committed. But the war crimes which we see now, many of them were committed before on the territory of occupied Donbas and in Crimea.

Mr. KEAN. That was my sense. Thank you for your leadership. I yield back my time.

Mr. KOSTIN. Thank you.

Chairman MCCAUL. The gentleman yields back. Chair recognizes Mr. Davidson.

Mr. DAVIDSON. Thank you, Chairman. I appreciate your testimony, and I think it helps the American people understand the kind of visceral reaction to this war. The fundamental, I guess, principle for human nature is do not hurt people and do not take their stuff.

And if people could just live by that, we would barely even need a government. But since we cannot, of course, we have all got them. And as America watched and saw that Russia invaded Ukraine, we know who is hurting people, and you cannot get more egregious than taking the whole country.

They are taking your stuff and frankly they are taking a lot of dignity from people. So thanks for making that real. And of course, we have created this structure called the International Criminal Court to kind of get at the idea that certain things ought to be off limits. Do you believe that every country ought to be subject to the International Criminal Court?

Mr. KOSTIN. Once again, I am sorry. Do you believe?

Mr. DAVIDSON. Do you believe every country ought to be subject to the rules and principles behind the International Criminal Court?

Mr. KOSTIN. I think that it is a sovereign right of any country to take such decision. We understand that the idea of the International Criminal Court is based on the procedures which were first used at Nuremberg trials. So the ICC is something like a result of Nuremberg trials. The idea of the ICC, so the need of the International Criminal Court is to step in where national government, national authorities are unwilling or unable to prosecute crimes, especially war crimes.

Mr. DAVIDSON. Right. And so if you look—and obviously Russia is not willing to prosecute war crimes. Are any of your neighbors providing sanctuary to people that you consider war criminals?

Mr. KOSTIN. We have such information. I do not think that it happens on a massive scale. The problem we have that we come to use, for instance, Interpol for the matter of arresting of the alleged war criminals who committed war crimes because for their practice says that this is treated like a political crimes which is not the case in our situation. But I do not think that there is a massive situation with the countries who are giving sanctuary to alleged war criminals.

Mr. DAVIDSON. OK. So that is encouraging because there are some neighboring countries that are at least providing material aid to Russia rather than to Ukraine.

Mr. KOSTIN. What countries you mean which provide material aid to Russia than to Ukraine?

Mr. DAVIDSON. Am I wrong about Belarus?

Mr. KOSTIN. So Belarus is used by Russia as, like, a matter of place from which they attack Ukraine or use it for their aviation and many other elements of the war. Iran is supplying weapons to Russia. I do not think that—

Mr. DAVIDSON. But you do not think it is a local issue. You think everybody is—

Mr. KOSTIN. It is not a local issue. Of course, this war is a global war. And some countries are on the Russian side. Some countries are actually trying to hide that they are potentially supporting Russia. And if that been known, some of them are changing their attitude. This is important.

Mr. DAVIDSON. Yes, OK. So that is basically what I was trying to get at. And so when you look at the support that you have built for Ukraine, thanks for fighting courageously against an invasion. The American people were ready to go. I mean, really from America's perspective, kind of, like, ready, fire, aim, because normally when we get involved, we set a mission first.

When you look at the principle behind these war crimes, how do we get to the point where we actually enforce them in a way where people really can—what it took to get the Nuremberg trials was unconditional surrender for Germany. So do you think that is the end State, unconditional surrender for Russia? Isn't that what it is going to take to hold all of the people accountable for these war crimes?

Mr. KOSTIN. I used to answer this question many times. My answer is the following. As lawyers, it is our obligation to prepare everything, to create the case, to establish the court when it is necessary, to collect the evidence, to make everything possible in case any war criminal could be captured for him to be held in custody, prosecuted, tried, and convicted.

And it is not our aim or we have no time to think about whether something happened in the future or not. We do not know what will be tomorrow. As I mentioned before today, even great tyrannies which were great in their capabilities can fall into 1 day. The experts who help us now where prosecutors in first tribunals in cases of war crimes committed on territory of former Yugoslavia,

many of them told me we never imagine when we started that war that, for instance, Milosevic and Karadzic would be in the dock.

Mr. DAVIDSON. But they did document it. And I wish I had more time. We have a little more generous buffer in this committee than some. So thank you, Chairman, for your indulgence to get to the answer. I actually have some other questions in writing for how the United States has been able to cooperate and be supportive.

You have unearthed a number of those in dialog. And frankly, one of the questions that we get relates to would you be OK with the same standard being applied to Ukraine's conduct in the war. And I would just give you if I had the time to address the pretext that Russia used to start the war. And I look forward to a written response. Thank you.

Chairman MCCAUL. Chair will allow the witness to answer that question.

Mr. KOSTIN. Sorry?

Chairman MCCAUL. You want to reState the question?

Mr. DAVIDSON. Well, the pretext that Russia used to start the war was, of course, that fellow Ukrainians were engaged in effectively war crimes against their countrymen who were Russian speakers, Azov Battalion and others, neo-Nazis inside Ukraine. And so Russia says, we are coming to protect Russian speakers because Ukraine won't protect them. And they used that as a pretext to come into the country. And so if that was going on in any way, shape, or form, would those people held to the same standard if they really were committing what is effectively atrocities against their fellow Ukrainians?

Mr. KOSTIN. First of all, the pretext of Russian invasion, many elements, maybe all of the elements of this pretext is absolutely insane stories. And they could use any pretext. They decided to start this war of aggression. They do not need this pretext. Actually, what they did, they documented themselves and the crime of aggression which should be prosecuted by the international tribunal could not be very difficult case from the legal point of view because we have a lot of evidence of the crime of aggression started.

And their pretext, I think everyone understand that there is nothing behind it, just some story for their propaganda and their TV. With regard to all war crimes committed in the course of this war, we start investigation in any case. And for us whatever we have information about war crimes committed, it does not matter who is alleged person.

Mr. DAVIDSON. Thank you for that. Look, nothing justifies what Vladimir Putin did. And look, even in America, we had people who crossed the lines in our own rules of engagement. In our own country, we held them accountable.

Russia is not doing that. I think a lot of people see and say that Ukraine is also not doing that. And I just look at is there a basis at some point to build something diplomatically here, and I look forward to the written responses. Thank you, Chairman.

Chairman MCCAUL. Yes, the gentleman's time is expired. Mr. Schneider is recognized.

Mr. SCHNEIDER. Thank you. I am way over here. That is OK. It is a big room. I know it has been a long day. Thank you so much

for sharing everything from your experience to testimony earlier of the witnesses.

I am reminded of Elie Wiesel and two quotes to mind. He said famously, whoever hears a witness becomes a witness. And today we become witnesses to the horrific atrocities and war crimes taking place in Ukraine.

He also says if we forget, we kill the victims a second time. And we cannot forget. We must do everything we can to make sure that the perpetrators of these crimes are held accountable and face the consequences of their actions.

Also at the same time, we must constantly remind the world where we stand on the right side of history, on the moral side of history with the people of Ukraine, with the country of Ukraine. And I pray this war comes to an end as quickly as possible. But I also am committed to make sure that we continue to prosecute the crimes for as long as necessary.

And I join my esteemed colleagues on both sides of the aisle who have expressed the solemn hope that President Putin, his lieutenants, and all the people guilty of these crimes face justice. Also, Mr. Chairman, Ranking Member, I appreciate the role that this committee has played and will continue to play in shedding light on these atrocities and the work you do and the witnesses coming here. This will not be, I suspect, the last time we talk about this.

I am also pleased the last month the International Criminal Court did announce charges against Putin and issued an arrest warrant for him. For this to be effective, I think the testimony, the satellite images, the myriad of materials collected have to be retained, have to be stored, and be available to establish guilt. No doubt in my mind that Putin is guilty, that we will be able to prove his guilt.

But with so many crimes, I know it is crucial that your office and the international community keep track. It is easy to say to use terms such as countless, inconceivable. We have to count, and we have to make sure that the world understands and comes to conception of what has happened.

So to that end in the little of time left, Mr. Prosecutor General, what are you doing? How can we, the United States, best help to make sure that the evidence is collected appropriately, the chains of custody are preserved effectively, records are maintained so that when the time comes, when Putin and his cronies face trial, they won't be able to say this isn't true, this did not happen? The evidence will be presented, it will be overwhelming, and it will be substantiated.

Mr. KOSTIN. Thank you. Thank you for your support, and thank you for your question. First of all, we are working in a very structural way.

Actually, head of my War Crimes Prosecution Department, Yuriy Bilousov, he just yesterday reported to me that they have finalized strategy of investigation and prosecution of war crimes which is created at war time by our investigators, prosecutors but with all international projects involved, especially Atrocity Crimes Advisory Group which is created with the help of U.S. Government, together with U.K. and EU colleagues and together with non-governmental organizations involved. And this is a strategic document. So we are

no only dealing with specific cases, we help ourselves with the help of our partners to structure work of our department, of our prosecutors and investigators.

We also have constant, permanent sets of training, not only held in Ukraine but also abroad with the help of our partners to raise the level of our prosecutors and investigators because they need to meet the highest criteria which I think could be met either in courts of United States, United Kingdom, European countries, or the ICC because we all understand my word to my prosecutors, every case, every evidence you collect, you need to think about that this evidence could be used at the International Criminal Court which has very high standards. And you need to be very careful in documenting this evidence because we do not have a right to lose any case. So I am absolutely with you.

And your question is extremely important to highlight the necessity of the high quality of evidence collected. This is my primary task. We are backed and supported by all international projects of support and national prosecution authorities who are helpful to us to train our prosecutors and investigators to meet this criteria.

But I also wanted to say one word. You mentioned the statistics. You mentioned the figures. This hearing today, it is not about the figures. It is about real lives.

We all need to come back to real destinies, to real people who are the victims and survivors of this war. And behind every figure are people's lives. We need not to forget about it.

Mr. SCHNEIDER. Thank you. That is so important. This is a crime against humanity, and the world will hold Russia and Putin to account. But as you touch on, every single individual, their story, their family, their community is a victim.

And we must remember each of the victims as those individuals. Mr. Chairman, again, I thank you so much for having this hearing. I know we will have more on this. We have much work ahead of us. And I speak for our Nation, we stand with you in your very difficult task. But we are with you shoulder by shoulder.

Chairman McCAUL. Thank you. The gentleman yields back. Chair recognizes Mr. Hill.

Mr. HILL. Thank you, Mr. Chairman. I want to thank the chairman and the ranking member for their significant commitment to the people of Ukraine and their significant bipartisan effort to make the United States a firm and committed partner to ejecting Putin from Ukraine. So I thank you for your leadership.

And also on the subject of the victims of this illegal invasion of a neighbor and sovereign country and member of the United Nations, I think we are not forgetting the victims here. Our chairman went to Bucha. He has done more than see photos.

And we are grateful for the international news media that have brought the atrocities to light since day one on February 24. So I thank the leadership of this committee. I want to followup on Mr. Schneider's comments.

In 2016, the United Nations in a General Assembly vote established the mechanism, technically the International Impartial Independent Mechanism to Investigate War Crimes in Syria. It has been, I think, quite successful in storing evidence, documenting that evidence, some most sensational. Things like the Caesar

photos, for example, and convictions have now been taken place in Europe, including recently in Germany.

And the U.N. has formed a mechanism to back up evidence storage for Ukraine. Is that correct? Has the U.N. General Assembly set up a similar mechanism for documentation of war crimes in Ukraine?

Mr. KOSTIN. It is very important to also to mention. And it is a matter of tribute and respect to all of prosecutors and investigators. Is that Ukraine which is very different from Syria? Ukraine from the very first day a full scale invasion.

In short, under the leadership of President Zelenskyy, that all State authorities who are fully operational from the very first day of war. Even some of them were relocated from Kyiv, but they were fully operational. That is why we started investigation and prosecution of war crimes from the very first day. And in order to ensure secure storage of the evidence, I applied last year to our partners and we received first assistance from European Commission who secured for us—who supplied for us huge servers in order not only to save but also duplicate, yes?

Mr. HILL. Duplicate.

Mr. KOSTIN. Yes, duplicate the evidence of war crimes committed. We have also other instrument now in place which is under the auspices of Eurojust in The Hague. This is a very interesting element.

It is called CISED, Core International Crimes Exchange Data base. This is also financed by the European Commission. And it will be a storage of the evidence which could be provided by the 20-plus countries who investigate war crimes and the joint investigation team which was created by Ukraine, Poland, and Lithuania and now Latvia, Estonia, Slovakia, and Romania being part of where United States Department of Justice now have a memorandum of understanding and will deploy specialists who will help another element of this joint investigation team, the International Center for the Prosecution of the Crime of Aggression which will start this operation in July in The Hague under the auspices of Eurojust with the support of a prosecutor which will be deployed by the Department of Justice of United States.

So we have another storage facility for the evidence, as I mentioned, CISED. And it will be additional storage facilities for the ICPCA, International Center for the Prosecution of the Crime of Aggression. So we want some of the evidence to be kept not only in Ukraine but also abroad to be in a more safe location.

Mr. HILL. That is very encouraging. And I am, of course, pleased that this Congress has supported that Department of Justice effort to provide that technical assistance. Do we have actual—in addition to DOJ training and the MOU, do we actually have FBI forensic experts assisting their colleagues in Ukraine on crime scene reviews?

Mr. KOSTIN. Thank you for this question. During my visit—this visit, we have already a meeting with Attorney General with regard to more active involvement of the FBI to investigate and prosecute war crimes. And I have meeting tomorrow on this specific matter with the FBI.

Mr. HILL. Good. Well, this is very encouraging. We want to make sure that you have the support you need to take to the international community the proof of the atrocities of the Putin invasion of Ukraine and bring Putin and his henchmen to justice. And then we will do our part too on making sure that we work with our partners on finding ways for Russia to support the reconstruction of Ukraine once Ukraine has declared victory. Thank you, Mr. Chairman. I yield back.

Mr. KOSTIN. Thank you.

Chairman MCCAUL. The gentleman yields. Let me just thank the Prosecutor General for being here today. Very powerful testimony. You handled yourself extremely well making the case.

The reason the ranking member and I wanted to do this hearing is to call attention to not only the American people but the world about what is happening on the ground and the atrocities taking place every day. At a minimum, you are providing a documentation, a historical documentation of these atrocities. And we sincerely hope that they will be brought to justice. And as I used to say when I was a prosecutor that there will be a special—particularly for the Wagner Group, a very special place in hell for them.

So with that, members of the committee, pursuant to the rules, they have 5 days to submit statements, questions, exchange materials for the record. And I would like to close with an excerpt from an incredibly powerful documentary. I have seen it several times called Freedom on Fire which depicts the horrific realities of Putin's war.

[Video shown.]

Chairman MCCAUL. And without objection, the committee stands adjourned.

[Whereupon, at 2:11 p.m., the committee was adjourned.]

APPENDIX



**COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE HEARING NOTICE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Michael T. McCaul (R-TX), Chairman

April 12, 2023

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held at 10:30 a.m. in room 210 of the House Visitor's Center. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: Wednesday, April 19, 2023

TIME: 10:30 a.m.

LOCATION: HVC-210

SUBJECT: Exposing Putin's Crimes: Evidence of Russian War Crimes and Other Atrocities in Ukraine

WITNESS: Andriy Kostin
Prosecutor General of Ukraine
Office of the Prosecutor General

*NOTE: Witnesses may be added.

By Direction of the Chair

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-226-8467 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

Committee on Foreign Affairs

118th Congress

ATTENDANCE

Meeting on: Exposing Putin's Crimes: Evidence of Russian War Crimes and Other Atrocities in Ukraine

Date: April 19, 2023

Representative	Present	Absent	Representative	Present	Absent
Mr. McCaul	X		Mr. Meeks	X	
Mr. Smith	X		Mr. Sherman	X	
Mr. Wilson	X		Mr. Connolly		X
Mr. Perry	X		Mr. Keating	X	
Mr. Issa		X	Mr. Cicilline	X	
Mrs. Wagner	X		Mr. Bera		X
Mr. Mast	X		Mr. Castro		X
Mr. Buck		X	Ms. Titus	X	
Mr. Burchett		X	Mr. Lieu		X
Mr. Green		X	Ms. Wild	X	
Mr. Barr	X		Mr. Phillips	X	
Mr. Jackson		X	Mr. Allred	X	
Mrs. Kim	X		Mr. Kim		X
Mrs. Salazar		X	Ms. Jacobs	X	
Mr. Huizenga	X		Ms. Manning	X	
Mrs. Radewagen		X	Mrs. Cherfilus-McCormick	X	
Mr. Hill	X		Mr. Stanton	X	
Mr. Davidson	X		Ms. Dean	X	
Mr. Baird	X		Mr. Moskowitz	X	
Mr. Waltz		X	Mr. Jackson	X	
Mr. Kean	X		Mrs. Kamlager-Dove		X
Mr. Lawler	X		Mr. Costa		X
Mr. Mills	X		Mr. Crow	X	
Mr. McCormick	X		Mr. Schneider	X	
Mr. Moran		X			
Mr. James		X			
Mr. Self	X				

To fill out this form online: Either use the tab key to travel through each field or mouse click each line or within blue box. Type in information.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE HEARING

Note: Red boxes with red type will NOT print.

Day Wednesday Date April 19 Room HVC-210

Starting Time 1045 Ending Time 1411

Recesses (____to ____)(____to ____)(____to ____)(____to ____)(____to ____)(____to ____)

Presiding Member(s)

McCaul

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

TITLE OF HEARING:

EXPOSING PUTIN'S CRIMES: EVIDENCE OF RUSSIAN WAR CRIMES AND OTHER ATROCITIES IN UKRAINE

COMMITTEE MEMBERS PRESENT:

Attached

NON-COMMITTEE MEMBERS PRESENT:

None

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Connolly

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 1411

Note: Please include accompanying witnesses with their titles, etc. (please note the fact that they are accompanying witnesses)

Clear Form

Meg Wagner
Full Committee Hearing Coordinator

STATEMENT FOR THE RECORD FROM REPRESENTATIVE CONNOLLY

“Evidence of Russian War Crimes and Atrocities in Ukraine”

House Foreign Affairs Committee

10:30 AM, Wednesday, April 19, 2023

HVC-210

Gerald E. Connolly (D-VA)

On Friday, March 3rd, 2023, Attorney General Merrick Garland made an unannounced visit to Kyiv, Ukraine to meet with Ukrainian Prosecutor General Andriy Kostin. In this unusual yet significant diplomatic endeavor, the two top law enforcement officers signed a memorandum of understanding (MOU) to facilitate cooperation, coordination, and deconfliction between each country’s respective investigations and prosecutions into Russia’s criminal invasion. The signing of this MOU created the necessary framework to ensure the free exchange of information and evidence to assist Ukraine in building compelling cases against individuals implicated in war crimes and atrocities committed during Russia’s brutal and unprovoked war.

While the roots of prohibitions of certain abominable acts during warfare can be traced back centuries, they were codified in what is now known as the Geneva Convention, comprised from four treaties and three protocols that define the basic rights of wartime prisoners, civilians, and military personnel. These treaties, ratified by 196 countries in 1949, provided a much-needed legal definition of war crimes, one that could be used in criminal proceedings in national and international courts and tribunals thereafter. During the Nuremberg and Tokyo War Crimes Trials, allies prosecuted and convicted high-level political and military authorities in international criminal tribunals for war crimes and other wartime atrocities during WWII. In addition to active international mechanisms like the ICC or ICJ, the international community has mounted ad hoc special courts, like those of Sierra Leone, Cambodia, or Yugoslavia. In other cases, such as the prosecution of Syrian war criminal Anwar Raslan in a German court, for example, countries have prosecuted cases of war crimes or atrocities in national courts.

For Ukraine, there are a number of options to ensure justice and accountability for victims of war crimes, particularly for the civilians the Russian Army has brutally and disproportionately targeted. As President of the NATO Parliamentary Assembly, I was proud to lead the calls for the establishment of an international tribunal to investigate war crimes committed during Russia’s unprovoked campaign of terror in Ukraine’s sovereign territory. In this regard, the MOU signed by Attorney General Garland and Prosecutor General Andriy Kostin will build Ukraine’s capacity to adequately indict war criminals and support the creation of a special international tribunal to prosecute the crime of aggression in Ukraine.

Since Russia’s invasion of Ukraine in 2014 and the annexation of the Crimea Peninsula, the United States Government, particularly the Departments of State, Justice, Treasury and USAID, have led the effort to support Ukraine’s investigative and prosecutorial capacity through grants to support access to justice, human rights, and accountability in Ukraine. Ukraine’s Office of the Prosecutor General has identified over 70,000 incidents of war crimes and other atrocities in Ukraine resulting from Russia’s invasion. The Biden Administration should be commended for its steadfast support for Ukraine and its fight for justice, and it must continue to work with partners and allies to document, collect evidence, and hold those implicated in crimes and other atrocities accountable. Our assistance to Ukraine is essential for U.S. and European interests; to defend its territorial integrity, protect its democratic institutions, and preserve its emerging democracy. The crimes against humanity and atrocities that have defined Russia’s unprovoked and bloody war will present yet another test for the international order, and we must prevail through all feasible mechanisms to provide accountability and justice for Ukraine.

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record: April 19, 2023, House Foreign Affairs Committee Hearing on “Exposing Putin's Crimes: Evidence of Russian War Crimes and Other Atrocities in Ukraine”

Rep. Waltz

Question 1:

Back in July 2019, Russia was one of 37 countries that signed a letter to the U.N. Human Rights council commending the Chinese Communist Party’s “achievements in the field of human rights,” while specifically noting the CCP’s “vocational education and training centers.” In a February 2023 Report published by the Conflict Observatory, the Yale Humanitarian Research Lab identified 43 facilities that the Russian government utilized to relocate Ukrainian children. The report further provides evidence of the Russian government’s systematic efforts to “re-educate” Ukrainian children at these facilities to become pro-Russia and erase Ukrainian identity.

- a. Do you believe the CCP’s forced detainment of, and “re-education” programs for, the Uyghur population in the Xinjiang province influenced the Russian Government’s decision to create their own “re-education” programs for Ukrainian children?
- b. Has the Ukrainian Government and your team examined the similarities between the CCP and Russian “re-education” programs? If so, has there been any policy adjustments by the Ukrainian Government based on the CCP’s actions to better combat this issue?

Russia started employing “re-education” strategies in 2014 following the annexation of Crimea and occupation of Eastern regions of Ukraine. Since spring 2022, this practice became more widespread and systematic in nature and scope. They include eradication of the Ukrainian language from public spaces and education in occupied territories - obliteration of all things Ukrainian in the school curriculum (including events symbolic to the Ukrainian identity, such as Holodomor), elimination of schooling in Ukrainian, introduction of the propaganda courses on the history of Russia, “military-patriotic” training of the youth, and associated harassment, ill-treatment and/or replacement of teachers and parents who objected to these forced practices in occupied territories, etc.¹

These practices can be traced back even further to the “re-education” policies of the Soviet days that oppressed parents and children alike to ensure compliance to the “communist order”. In the

¹ OHCHR, ‘Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)’ (2017), paras 17, 195; UNESCO. Executive Board, 212th, ‘[Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions, part I: Programme issues, E. Follow-up of the situation in the Autonomous Republic of Crimea \(Ukraine\)](#)’ (2021), pp. 11-14; ‘[Education in the occupied territories of Ukraine \(February 24 – April 30, 2022\)](#)’ (CEDOS, 2 May 2022); ‘[Behind the Battle for Students of Occupied Donbas](#)’ (Hromadske, 28 September 2019); I. Matviyishyn, ‘[Children as a tool: how Russia militarizes kids in the Donbas and Crimea](#)’ (Atlantic Council, 3 May 2019).

USSR, education was heavily and steadily Russified with Ukrainian education oppressed and denied.²

During the Great Terror, when parents were declared “enemies of the Soviet people” upon various pretexts (e.g., being nationalist, or “anti-Soviet”, or “anti-Stalin”, or not enough communist, or too *bourgeoisie*) and sent to “labour camps”, children were removed from families and sent to State orphanages for “re-education”.³ These children were supervised as persons dangerous to society.⁴ The existence of a special system of camps within the NKVD (People’s Commissariat for Internal Affairs of Soviet Union) aimed at the “re-education” of children of all social groups for the sake of shaping a “communist vision” is a good example of this coercion. They are also an illustration of the concurrent exploitation of children as a source of labour, being forced to work as a part of this “re-education”.⁵ Thus, Russian policies appear to be inspired by Soviet communist practices.

From the beginning of the occupation of the Ukrainian territories, “re-education” programs were launched in full scale to ensure as rapid erasure of the Ukrainian identity (including among children) as possible, which constituted a part of the cultural genocide committed against the Ukrainian nation. The subjugation of Ukrainians, and the destruction of the Ukrainian national identity through Russification were the only fundamental Russia’s goals. On February 14, 2023, Russia adopted the law on the integration of educational and scientific institutions in the occupied territories of Ukraine (Donetsk, Luhansk and Kherson regions) into Russian system.

Pro-Ukrainian adults are subjected to a “filtration” system (e.g., measures aiming at exposing pro-Ukrainian elements and subjecting them to mass detention, intensified torture and other ill-treatment and/or death). The primary focus of the Russian juvenile policies is the separation of children from their families and their removal to “camps”, where they undergo pro-Russian “re-education”, including patriotic-military training, and are either returned home or retained against their parents’ consent.⁶

In addition, the Russians current criminal campaign involves other re-education policies that occur outside of these camps. The re-conditioning of children seems to be about the future. The present is addressed through a brutal system of “Russification” that, as discussed above, involves a constant diet of pro-Russian public propaganda,⁷ the removal of Ukrainian cultural artifacts,

² D. Poliukhovych, [“I would learn Russian if only...” How the Russian authorities turned the Ukrainian language into “second class”](#) (Texty, 22 February 2023).

³ V. Gutsula, [Fate of children of “enemies of the people” in the USSR](#) (Zbruč, 21 November 2015); V. Noskov, [“Children of the NKVD”: an orphan, because he is the son of an enemy of the people](#) (Radio Svoboda, 21 May 2013).

⁴ V. Gutsula, [Fate of children of “enemies of the people” in the USSR](#) (Zbruč, 21 November 2015); V. Noskov, [“Children of the NKVD”: an orphan, because he is the son of an enemy of the people](#) (Radio Svoboda, 21 May 2013).

⁵ R. Podkur, [The position of the repressed citizens in the context of the State terror policy](#) (1937-1938), p. 151.

⁶ Yale School of Public Health – Humanitarian Research Lab, [Russia’s Systematic Program for the Re-Education & Adoption of Ukraine’s Children](#) (14 February 2023), p. 10.

⁷ [Ukrainians tear down Russian occupation propaganda billboards in recaptured areas](#) (NBC News, 2 December 2022).

monuments, symbols street signs,⁸ etc., In sum, Russian tactics are inherently brutal and existential. In the event that Ukrainian civilians' dissent and re-education fails, execution follows.

Question 2:

In your testimony you stated that “one of the most horrendous crimes Russia is committing is forced transfer,” and in the briefing held before this hearing, we heard the account of a Ukrainian child's kidnapping and forced deportation to Russia. The Conflict Observatory's February 2023 Report noted that in the summer of 2022, “Commissioner Lvova-Belova claimed that 350 ‘orphans’ had been adopted from Russia-occupied Donetsk and Luhansk and ‘over a thousand’ were awaiting adoption.”

a. Once this conflict is over, how will the government work to bring these deported children back to Ukraine and reunite them with their families?

Russian forcible transfer and deportation campaigns, being a clear violation of international humanitarian law, demonstrate an abuse of power and privileges as a Permanent Member of the United Nations Security Council. From March 2022, Russian forces have been taking Ukrainian civilians, including children, from settlements across several regions, including Kyiv, Chernihiv, Kharkiv, Zaporizhzhia, Donetsk, Luhansk, and Kherson regions. Those who leave their homes are subjected to an invasive screening process known as filtration, which includes interrogation, search, and detention, with many enduring arbitrary detention, torture and other forms of ill-treatment.

According to the National Information Bureau of Ukraine, over [19,393](#) children have been taken to Russian or Russian-controlled territory since the February 2022, while some estimates suggest the number could be as high as [744,000, according to open-sources voiced by Russian Federation](#). More than [6,000](#) Ukrainian children have been sent to re-education facilities in Russia or Russian-held parts of Ukraine under the guise of ‘recovery’.

Russia occasionally portrays its [facilities](#) as recreational camps to parents, potentially using this as a means to coerce parents into allowing their children to travel to attend. While some children return home after an agreed-upon period, many facilities refuse to release them, citing invented “safety concerns” (such as if their parents reside in territory recaptured by Ukrainian forces).

Ukraine is taking active measures to repatriate deported children, as the Government of Ukraine and various non-governmental agencies and international organizations are dedicated to bringing Ukrainian youth back to their homeland.

Notably, the National Information Bureau (working alongside the ICRC – see below) has reported that at least 364 children have been successfully repatriated to Ukraine.

⁸ [Occupiers destroy monuments in Kherson, and exploit pensioners in Luhansk Oblast](#) (Ukrainska Pravda, 14 July 2022); [Russian invaders to ‘rename’ 86 streets in occupied Melitopol, mayor says](#) (New Voice, 5 February 2023); [Occupiers dismantle monument to victims of Holodomor in Mariupol](#) (Ukrainska Pravda, 19 October 2022).

Moreover, the government of Ukraine has recently created a Unified Register of the Missing Persons, which will further facilitate the return of abducted children to Ukraine.⁹ Additionally, the Ukrainian government works hand in hand with civil society, which has played a pivotal role in rescuing hundreds of children.

As for the prosecution of crimes against children, the Juvenile Justice department of the Office of the Prosecutor General is investigating case of illegal deportation and transfer of Ukrainian children: it is an amalgamation of around 100 criminal proceedings, each of them counting multiple victims.

In parallel, Government of Ukraine is in process of drafting the “Prevention Plan to End and Prevent Grave Violations of Children During Armed Conflict in Ukraine” in close cooperation with the Office of the Special Representative of the UN Secretary General on Children and Armed Conflicts. The Prevention Plan will addresses forcible deportation and transfer of children, including concrete efforts to be undertaken by Human Rights Commissioner of the Verkhovna Rada, Office of the President of Ukraine, President’s Commissioner for Children’s Rights and relevant government agencies (e.g. ministries) alongside international and non-governmental organizations.

Notably, ICRC has confirmed that it has been in contact with Russian children’s rights commissioner Maria Lvova-Belova. Other international agencies such as UNICEF have also made efforts to communicate with Russian authorities on the matter, yet according to spokesman Kurtis Cooper UNICEF “has not received feedback on [their] offer to facilitate reunifications processes.”

Russia state officials continue to commit these crimes and continue to conceal their actions, including by claiming these abductions as “rescue evacuation campaigns”. The Russian state is also engaged in forced [passportisation](#) of deported children. They have promulgated laws that allow for a simplified procedure to enable a separate category of citizens to be able to obtain Russian citizenship. Further, Russian families who adopt children deported from Ukraine [forcefully change](#) their names, patronymics, and surnames to destroy their identity and to complicate the process of identification, return and repatriation.

These actions indicate an unjustified delay in the repatriation of Ukrainian children, which may constitute a separate war crime in line with article 85(4)(b) of the Additional Protocol I of 1977.

Notably, Altering the nationality of Ukrainian children by adoption in Russia is a violation of article 50(2) of the Fourth Geneva Convention of 1949 (the Occupying Power is explicitly banned from changing the personal status of children). This policy also contravenes the principle of the family unity protected and respect both under international humanitarian law and human rights law.

Hence, the repatriation of deported Ukrainian civilians is an on-going process, which cannot be solved easily, so its completion shall be ensured upon the end of the armed conflict with the use

⁹ [The Unified Register of Missing Persons was launched](#) (Ministry of Reintegration, 2 May 2023)

of effective national and international mechanisms, as well as other legal, economical, and political influence measures.

International instruments and practices do not provide ready-made solutions as to how deported civilians may or should be returned. Lessons can be learnt from other conflicts and state involvement in war crimes, crimes against humanity and genocide. Croatia, Bosnia and Herzegovina, the Republic of the Philippines, and other similarly affected states show that these matters *must* be also addressed in peace agreements or in associated normalisation agreements. Similarly, sanctions regimes must be invoked and play their part in persuading States and/or individuals to accept their own involvement in criminality and act to remedy and repair their damage, including by developing systems to allow the return of children.

Importantly, such processes shall be implemented with the involvement of international community, in particular through the United Nations, ICRC and other international organizations. In their practice the UN Security Council and UN General Assembly have adopted various resolutions urging the aggressor states to permit,¹⁰ ensure,¹¹ and facilitate¹² the safe, free, and unhindered return of protected persons to their homes. In addition, the process can also be facilitated with effective criminal prosecution and justice process, as well as comprehensive sanctions regimes.

b. Do you believe there is a pathway to hold the Russian individuals that adopted forcibly deported Ukrainian children accountable for their role in this atrocity?

Deportation and forcible transfer of children are grave crimes, which adversely affect not only the individual human rights of children and families but also the social fabric of the society as a whole. This is the reason for these acts to fall within the ambit of several crimes, including crimes against humanity, war crimes, and also appear as one of the five genocidal acts under the Genocide Convention. In each case, the punishable act would be the act of forcible transfer of protected persons, in particular children, to another location (whether across the internationally recognised state border or within the occupied territory). The condition of forcibleness is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such persons or another person, or by taking advantage of a coercive environment.¹³

The key difference between those crimes would be the depiction of the nexus between the act and the conflict for a war crime, of the conduct being part of a widespread or systematic attack against civilian population for a crime against humanity, or of the specific intent to destroy by such transfer the Ukrainian national group in whole or in part for a crime of genocide.

¹⁰ UN Security Council, Res. 361, 30 August 1974, para 4

¹¹ UN Security Council, Res. 726, 6 January 1992, para 1, 3, 4

¹² UN General Assembly, Res. 53/164, 9 December 1998, para 23; Res. 54/183, 17 December 1999, 11; UN General Assembly, Res. 58/247, 23 December 2003, paras 3, 6

¹³ Elements of Crime, p. 3, footnote 5;

As may be viewed from the previous answer, the logistical and organizational challenges in addressing the forcible transfer of such numbers of Ukrainian children is immense. They require a well-orchestrated system of documentation, retrieval and accountability to be developed and implemented. It must identify the system that appears to start with Vladimir Putin and Commissioner Lvova-Belova to all those involved in the knowing transfer/deportation of Ukrainian children and their transfer to abusive “summer camps”, orphanages and/or forced adoption.

We view the deportation and filtration of Ukrainian nationals, in general – and children, in particular – as complex systems with a lot of constituting criminal elements. These systems do not only stop at taking Ukrainian children from their families. As in Soviet communist days, the children are actively and forcefully brutalized to integrate them into Russian societies/families with the aim of erasing their Ukrainian identity. It is a system entailing several grave violations of international law.

Thus, the actions of each perpetrator at any level of the system must be assessed on case-by-case basis. Russian individuals adopting Ukrainian children are no exception, especially in cases where they possess the knowledge of the relevant circumstances (e.g., that children were not “evacuated” due to hostilities, that their parents might be alive, etc.) and proactively engage in specially designed governmental programs that cynically turn a blind eye to the obvious widespread and systematic criminality.¹⁴

The existence of various pathways to bring those responsible to accountability is complex and multifaceted. Ukraine and the international community, including foreign and international courts must develop a web of accountability to bring those responsible to justice. Each must play its part. Those most responsible for the transfer of children shall primarily be prosecuted within Ukrainian legal system and the ICC with the support of foreign investigative and prosecution agencies. The latter, in turn, may also assist under the principles of universal jurisdiction to identify and convict those involved in the system of deportation, especially those who will eventually travel outside of Russia.

Question 3:

Commissioner Lvova-Belova is currently sanctioned by the United States for her involvement in the forced transfer of Ukrainian Children and the ICC has issued arrest warrants for both Lvova-Belova and President Putin for these crimes. However, the Conflict Observatory’s February 2023 Report identified at least 12 Russian government officials involved in these actions that were not on U.S. or international sanction lists at the time the Report was published.

¹⁴ See, for instance, <https://www.interfax-russia.ru/center/news/tulskie-semi-gotovy-prinyat-detey-sirot-iz-ukrainy-i-regionov-donbassa>

a. Have those individuals since been sanctioned? Do you think imposing sanctions on Russian officials involved in these crimes will have any impact on deterring their involvement?

The Conflict Observatory's February 2023 [Report](#) identified the following persons as being involved in the systematic relocation, re-education, and adoption of Ukrainian children apart from Vladimir Putin and Maria Lvova-Belova:

- Russia's Commissioner for Human Rights Tatyana Moskalkova – based on the data from the Office of Foreign Assets Control (hereinafter – OFAC) is not on the US sanctions lists as of yet, but according to the EU sanctions map – she was placed on the [EU sanctions](#) list on 25.02.2023 due to her role in denying the Russian “filtration” and deportation practices in Ukraine.
- The Minister of Education of the Russian Federation Sergey Kravtsov is on the [EU sanctions](#) map since 16.12.2022 – due to his role in integrating education in the occupied Ukrainian territories into Russian education space. He does not seem to appear on the OFAC lists;
- First Deputy Chief of Staff to the Russian President Sergey Kiriyyenko is on the [OFAC sanctions](#) list [since](#) 2 August 2022 due to his “[contribution](#)” to the situation in Ukraine”; he is also included in the [EU sanctions](#) list since 2020, albeit on the grounds not linked to the issue at hand, only restrictive measures against the proliferation and use of chemical weapons.
- Head of the Republic of Adygea Murat Kumpilov – is present on the [OFAC list since](#) 24 February 2023 with the aim of blocking property with respect to specified harmful [foreign activities](#) of the Russian government, but not on the EU sanctions list;
- Governor of Krasnodar Krai Veniamin Kondratyev – does not appear to be on the EU sanctions list, but is on the [OFAC list since](#) 24 February 2023 for the same reasons as Kumpilov;
- Governor of Magadan Sergey Nosov – does not seem to be on the EU sanctions list; but is present on the [OFAC list since](#) 24 February 2023 on the same grounds as Kumpilov;
- Governor of Kamchatka Krai Vladimir Solodov – not on the EU list, but is listed by the [OFAC](#) due to the same reasons as Kumpilov and Nosov;
- President of Tatarstan Rustam Minnikhanov – not on the EU list, but on the [OFAC](#) list same as other mentioned governors;
- Commissioner for Children's Rights in the Moscow region Ksenia Mishonova – is not mentioned on the EU or OFAC lists;
- Deputy Prime Minister of the Republic of Tatarstan Leyla Fazleeva – on neither of the lists;
- Minister of Youth Affairs of the Republic of Tatarstan Rinat Sadykov – on neither of the lists;
- Human Rights Ombudsman in the so-called «DPR» Daria Morozova – on neither of the lists;

- Adviser to the Head of the so-called «DPR» on the Rights of the Child Eleanora Fedorenko – seems absent from the OFAC list, but is [listed](#) in the EU sanctions database as of 16 December 2022 due to her [active role](#) in the illegal transportation of Ukrainian children to Russia and their adoption by Russian families;

Accordingly, four out of the thirteen persons involved in the deportation/re-education of children are not yet sanctioned either by the EU or the U.S. The rest are either under one of these sets of sanctions or both. **Three of the individuals (Moskalkova, Kravtsov, and Fedorenko) have been sanctioned by the EU specifically based on their role in the Russian deportation/re-education practices.** The restrictions on the remaining six sanctioned persons have been imposed due to their role in Russian policies and actions against Ukraine more generally.

While the full effect of the sanctions against Russia and separate individuals is yet to materialise, it is clear that this mechanism must remain activated and strengthened. It is of utmost importance to utilise all available venues to hold the perpetrators of international crimes accountable and to deter potential contributors. A thorough evidence-collection and assessment process is underway. It is plain that sufficient evidence of their role in the system of deportation and brutalisation of children exists to impose sanctions upon them. There is evidence of their role in the system that has already been assessed as likely to be criminal.

However, sanctions cannot be viewed as a stand-alone measure aimed at prevention, termination, and addressing the consequences of forcible transfers and/or deportation. But a wide range of targeted sanctions serves as the beginning of accountability – in particular, as a deterrent for potential perpetrators; as an accompanying measure in the justice processes; and as an inducing measure facilitating the repairing of the harm (the locating, identifying, and return of the children). While the justice-seeking process is ongoing, it is important to supplement criminal prosecutions (whether existing or subsequent) with sanctions. This would ensure a comprehensive approach to accountability, assist in the restoration of justice efforts, and deter or at least help lessen the scale of atrocities.

Strengthening and expanding the sanctions regime is consistent with the present stance of the [U.S.](#), UK, EU, and other allies with regard to international crimes. Strengthening and expanding the sanctions regime would be consistent with the present stance of the [U.S.](#), UK, [EU](#), and other allies with regard to international crimes. When implemented further, it would play an indispensable role in holding the perpetrators accountable, combating the illusion of impunity, and preventing other crimes.

While Russia dismissed the arrest warrants issued against Putin and Lvova-Belova on 17 March 2023, Lvova-Belova [stated](#) on 4 April that she would be ready to transfer children back to Ukraine “if parents request it”. On 11 April Ukraine managed to [return](#) at least 30 children home from Russia. This is indicative of how criminal prosecutions, combined with strict sanctions regime, can deter even the most cynical of criminal conduct.

Question 4:

The European Union is looking at seizing and reinvesting frozen Russian assets – and then using the profits made on any trades to help to rebuild war-torn Ukraine. This past November, European Commission president Ursula von der Leyen noted that EU countries had already blocked about \$330 billion in Russian sovereign assets. In law, there is a clear distinction between freezing assets (preventing their use) and confiscating them (removing title from the original owner), and in most legal systems the principle of sovereign immunity is a formidable obstacle to the confiscation of Russian sovereign assets. In the US, such actions are typically taken during a time of war. In the EU, any such step could well be overturned by legal challenges.

a. What are the specific mechanisms that the EU would need to develop and implement to ensure that any such seizure and forfeiture action by the EU of Russian sovereign assets would not be exposed to litigation risk?

In March 2022, the EU set up the ‘Freeze and Seize’ Task Force to ensure coordination of Member States in identifying, locating and freezing assets belonging to the Russian Federation and to Russian individuals and entities sanctioned by the EU. As of November 2022, EU States had frozen 300 billion euros of the Russian Central Bank reserves and 19 billion euros belonging to Russian Oligarchs.¹⁵ Together with this, approximately US\$ 330 billion of the Russian sovereign assets have been frozen in G7 countries.

In November 2022, following a request from the European Council, the EU Commission started to examine “how frozen assets could be used for the reconstruction of Ukraine, in line with EU and international law”.¹⁶ However, there are many international, European and domestic law issues to consider before developing and implementing such a plan.

In particular, while European and national authorities may *freeze* assets (meaning that the funds are blocked and cannot be used while their ownership remains with their initial owner), only criminal courts may *confiscate* assets (meaning that their initial owner is deprived of ownership and that funds can be transferred to a third party).

Criminal investigations against sanctioned individuals are currently ongoing in several EU countries (mostly for financial or economic crime, such as corruption, embezzlement of public funds or money laundering). Europol and Eurojust launched “Operation Oscar” to support EU states in financial and criminal investigations targeting assets owned by individuals and entities under sanctions.¹⁷ In parallel, the Commission drafted a new EU directive that would make violation of restrictive measures (i.e., the evasion or circumvention of sanctions) a crime and

¹⁵ EU Commission, “Ukraine: Commission presents options to make sure that Russia pays for its crimes”, 30 November 2022 (https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7311).

¹⁶ EU Commission, “Ukraine: Commission presents options to make sure that Russia pays for its crimes”, 30 November 2022 (https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7311).

¹⁷ Europol, EU-wide operation targeting criminal assets in relation to the Russian invasion of Ukraine, 11 April 2022 (<https://www.europol.europa.eu/media-press/newsroom/news/eu-wide-operation-targeting-criminal-assets-in-relation-to-russian-invasion-of-ukraine>).

therefore make it easier for domestic courts to enter convictions and confiscate frozen assets. However, the directive still needs to be adopted and included in the criminal law of EU States before serving as ground for prosecution.¹⁸

Regarding funds belonging to the Russian Central Bank, the main international legal issue is the obstacle created by the principle of “sovereign immunity” which protects state assets and property from confiscation and, more generally, from the actions of other states. Under this principle, while the EU or EU states may freeze Russian state assets (including the Central Bank assets), they cannot confiscate or even devalue them.

On 30 November 2022, the Commission envisaged to a two steps scenario to use the Central Bank assets in reconstruction efforts:

- in the short-term, the Commission envisaged to “create a new structure to manage frozen and immobilized public Russian assets, invest them and use the proceeds for Ukraine”. This would mean that while the frozen assets would remain untouched (and would eventually be returned to Russia), the investment interests they generate could be used to help reconstruct Ukraine.
- in the long-term, once the sanctions are lifted (i.e., after the conflict ends), the Commission explores how the return of frozen assets to Russia could be “linked to a peace agreement, which compensates Ukraine for the damages it has suffered”.¹⁹ Again, no specific plan has been detailed so far.

An EU working group was formed in February 2023 to address this matter and explore all legal avenues to use the frozen funds.²⁰ No official decision has been adopted to date.

To date, the EU has not yet ruled on the issue, but what is certain is that all options are being explored and that there is political will from our European partners. While this rests mainly within their prerogative, we are closely coordinating with our international partners including the EU and individual EU Member States in finding solutions, including minimizing domestic and international legal challenges and setting up of an effective mechanism for not only locating and freezing Russian sovereign assets but allowing Ukraine to benefit from them.

Question 5:

In January, President Biden signed into law the Justice for Victims of War Crimes Act, which passed Congress soon after President Zelensky’s joint address to Congress. The Act authorizes the Justice Department to prosecute suspected war criminals who are in the United States, regardless of the nationality of the victim or the perpetrator, or where the crime was

¹⁸ EUR-Lex, Proposal for a Directive on asset recovery and confiscation, Procedure 2022/0167/COD (<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52022PC0245>).

¹⁹ EU Commission, “Ukraine: Commission presents options to make sure that Russia pays for its crimes”, 30 November 2022 (https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7311).

²⁰ EU Swedish Presidency, “EU Working Group to look at using frozen Russian assets for reconstruction of Ukraine”, 14 February 2023 (<https://swedish-presidency.consilium.europa.eu/en/news/eu-working-group-to-look-at-using-frozen-russian-assets-for-reconstruction-of-ukraine/>).

committed. Previously, the law only allowed the prosecution of war crime offenses committed anywhere, whether inside or outside of the United States if the victim or offender was a U.S. national or service member.

a. Given the new authorities, do you know of anyone in the United States that could be subject to war crimes prosecution based on their activities in the war in Ukraine? Do you know of any American citizens that have been victims of Russian war crimes?

There are no US nationals suspected or charged in war-related criminal proceedings in Ukraine. Notably, the Justice for Victims of War Crimes Act (the Act), as correctly noted above authorized DOJ to act regardless of the perpetrator's nationality. Thus, it is not limited to US nationals. In this regard, the OPG and DOJ are closely collaborating in order to identify, investigate and prosecute potential perpetrators in line with the jurisdictional mandate granted to the US authorities by the relevant provisions of the Act.

Currently, the OPG is investigating number of the criminal cases, where 11 American citizens have been identified as victims of Russian War Crime:

- Deceased R.P.R. - US citizen;
- Victim Journalist J.A. - US citizen;
- Deceased Journalist B.A.R. - US citizen;
- Disappearance of Y.B. - US citizen;
- Disappearance of G.P. - US citizen;
- Kidnapped T.G. - Us citizen;
- Victim S.M. - US citizen;
- Disappearance of G.J.A.M - US citizen;
- Deceased H.J. -US citizen;
- Missing L.G. - US citizen;
- Victim P. - US citizen).

OPG believes that unfortunately these numbers might not be depicting full picture and potential number of victims with US nationality, due to the fact that Ukrainian side lacks control and access to occupied territories, as well as the active phase of hostilities in continuing in eastern parts of Ukraine. Currently, OPG uses number of mechanisms for detection and identification of the potential victims of war crimes beyond investigative activities undertaken at the crime scene:

- Online platform <https://warcrimes.gov.ua> that allows victims and witnesses to submit complaints to the prosecution services. This information is channeled to relevant prosecutor's offices for initiation of the investigation;
- Information received from the Embassies and Consulates regarding missing and disappeared nationals residing or travelling in Ukraine;