

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Erasing Ukrainian Identity and Culture

September 25, 2024 – 3:00 p.m.
2247 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Rep. Ilhan Omar

The targeted destruction of cultural infrastructure – of museums, libraries, parks, churches – is recognized by human rights law as a war crime. I also believe it represents a crime against humanity, in the literal (if not legal) definition of that term. These institutions, in a very real way, represent our collective humanity. In this sense, their destruction affects us all.

They also, of course, target a particular people and particular history, in this case Ukraine, and as the witness Dr. McGlynn has written, may be able to signify genocidal intent. I think it is that combination – the specific targeting of a particular group, and the destruction of common human heritage – that makes these crimes particularly heinous. They are not human rights violations perpetrated against one individual, but against an entire people, and in a very real sense, against everyone.

The International Criminal Court, in the *Al Mahdi* case, successfully prosecuted war crimes based solely on the destruction of cultural infrastructure. In that case, the defendant was convicted of intentionally directing attacks against religious and historic buildings in Timbuktu, Mali. In its reparation order, the Court found that both collective and individual reparations were required – in short, that individuals had their livelihoods destroyed *and* that the community as a whole had been harmed.

In multiple current cases before the ICC, this is a potentially relevant precedent. In Ukraine, where over 2000 cultural institutions have been damaged by Russian strikes, and where the Court has already issued arrest warrants, it is a salient possibility. Earlier this year, the House passed a bill to sanction staff at the ICC. Among the many reasons I strongly oppose those efforts is this: the victims of Russia's many crimes in Ukraine, including the targeted destruction of Ukrainian cultural sites, deserve justice.

Dr. McGlynn and Ms. Harris both spoke persuasively about the ways that Russia presents a false historical narrative in the territories it occupies, denying Ukrainian culture's very existence. Essentially, they are denying the right of Ukrainians to exist as Ukrainians. In claiming that the land is Russian, has always been Russian, and that there is no such thing as a Ukrainian, Russian leaders signal an intent to destroy the group in whole or in part, an essential qualifier for a legal finding on genocide. Any effort to deny the existence of a people must be unequivocally condemned, and the perpetrators brought to justice.

Finally, I want to acknowledge the testimony of Ms. Harris regarding the 100+ Ukrainian writers and artists who have been killed during the Russian invasion, as well as the documented targeting of journalists. Like the destruction of cultural heritage sites and cultural institutions, the targeted murder of a journalist or an artist as part of a military campaign reverberates far beyond the atrocity of the murder itself. It is an attempt to destroy, at its heart, the truth itself. My heart breaks for who, and what, has been lost during Russia's unprovoked and brutal occupation of Ukraine. I stand also in awe of the resilience of the Ukrainian people, in their consistent demands to be known and understood *as Ukrainian*, whatever lies the occupying power may tell about the people and its history.

I thank the co-chairs for holding this important hearing, and the witnesses for their testimony. I regret the vote schedule prevented my being there in person, and I look forward to our continued collaboration on human rights and justice.