



Tom Lantos Human Rights Commission

Accountability for Russia's War Crimes and Aggression against Ukraine

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As prepared for delivery

Good morning. I join Co-Chair Smith in welcoming our witnesses. We appreciate your work.

We are here today because on February 24th Russian president Vladimir Putin ordered a full-scale invasion of the sovereign and independent country of Ukraine.

The attack is a brazen violation of the United Nations prohibition on the use of force “against the territorial integrity or political independence of any state.” It is destroying people’s lives and communities as we speak, and I condemn it in the strongest terms.

As of last Sunday, the Office of UN High Commissioner for Human Rights reported at least 1,207 civilian casualties, including at least 406 dead, among them children. The figures are likely higher.

Yesterday the UN High Commissioner for Refugees reported that more than 1.7 million refugees had fled in 11 days.

This is already a nightmare – a totally unnecessary, unprovoked and unjust war. But I fear that it may also be just the beginning.

We have seen in the past how the Kremlin conducts its wars: by attacking civilians.

The courageous but now banned Russian human rights organization, [Memorial](#), [estimated there were 50,000 civilian casualties](#) in Russia's 1994 to 1996 war in Chechnya. That's only the first war.

The Independent International Commission of Inquiry on Syria documented [Russian involvement in war crimes](#) in that country in 2019, specifically the launching of indiscriminate attacks in civilian areas.

In Ukraine, hundreds of missile and artillery attacks have been launched against cities across the country, including the capital Kyiv.

Human Rights Watch has [reported](#) the use of cluster munitions.

[Russian forces bombed Babyn Yar](#) — a site where Nazis carried out massacres during World War II that is now a Holocaust memorial.

The World Health Organization has [confirmed](#) the deaths of at least nine people in 16 attacks on health care facilities since the invasion started.

Russian forces [attacked and set on fire Europe's largest nuclear power](#) plant in the middle of the night.

There are [reports of lists](#) drafted by the Russian government of people in Ukraine who are to be arrested or assassinated. The targets include Russian and Belarusian dissidents, journalists, activists, religious and ethnic minorities, and LGBTQI+ individuals.

All of these actions are potentially war crimes or crimes against humanity. And we're not even two weeks in.

The consequences don't end with these direct crimes. Because Ukraine is a breadbasket, [the invasion may increase food insecurity and hunger the world over](#). This fear was reflected in last week's [UN General Assembly resolution](#).

There was no accountability for the atrocities committed in Chechnya. The ongoing effort to ensure accountability in Syria is painfully slow and is not focused on the Russian role.

Ukraine may be different.

Ukrainians themselves are already documenting the damage inflicted on their country. As a [videographer told The Washington Post](#) this week, "This is ... about making a record of Russia's crimes. We do believe in The Hague."

That's a reference to the International Criminal Court, one of the multilateral human rights bodies that are already taking action in response to this war of choice. [Thirty-nine ICC member states have asked the Court to open an investigation](#) and the documenting of evidence has already begun.

Today as we speak, a [hearing is going on](#) in the International Court of Justice on Ukraine's petition to order Moscow to suspend military operations.

The European Court of Human Rights has [urged the Russian government](#) to refrain from military attacks against civilians and to immediately ensure the safety of medical establishments, personnel and vehicles.

The UN Human Rights Council has already created a [new Independent International Commission of Inquiry](#) to investigate all alleged abuses of human rights and international humanitarian law that occur in the context of Russia's aggression against Ukraine, including their root causes.

And the Organization for Security and Cooperation in Europe, the O.S.C.E., will create [a monitoring and investigative mission in Ukraine](#) to document human rights violations and atrocity crimes occurring due to Russia's invasion.

This is an unprecedented response to Russia's rogue aggression and human rights crimes, and it gives me hope.

Congress should act quickly to build on these initial, mutually complementary steps to advance accountability.

The ICC investigation and the new UN Human Rights Council commission of inquiry need financial resources and political support.

Congress should support initiatives to document and preserve evidence, official and non-governmental, as has been done with Syria.

The administration should cooperate by sharing relevant intelligence with any jurisdiction that seeks to hold perpetrators accountable, whether international or domestic.

We must do all in our power to protect human rights defenders, journalists and witnesses. Without them, accountability will be impossible.

Congress should make sure that U.S. support for accountability is centered on fulfilling the rights of victims. Those include the rights to truth and reparations.

There is a lot we can do. We don't need to reinvent the wheel.

We do need to make sure we distinguish between the Russian leaders who are responsible for the carnage, and the Russian people who have no say in all of this.

Some people will argue today that these beginnings are not enough because, for jurisdictional reasons, none of the bodies I just mentioned can investigate and prosecute Vladimir Putin's individual responsibility for the crime of aggression. And that is true.

But the reason is that, like the U.S., neither Russia nor Ukraine is a state party to the ICC. That also means that neither ratified the 2017 amendment that made it possible to prosecute the crime of aggression.

So we are looking for a new option to prosecute Putin's crime of aggression because the countries involved have all opted out of the existing mechanism. In the long run, I believe this needs to change.

I thank the co-chair for this hearing, I thank the witnesses who I have great respect for, I look forward to their recommendations, and I yield back.