

Tom Lantos Human Rights Commission

Hearing

on

Accountability for Russia's War Crimes and Aggression Against Ukraine

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Virtual, via Cisco WebEx

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Dear Members of the Tom Lantos Human Rights Commission. Thank you for convening this critical hearing, and thank you for including me. I am honored to be back before this Commission, this time to discuss what is the greatest crisis on the European continent since World War II.

The way a regime treats its own people is often indicative of how it will act toward other nations, and Vladimir Putin has provided us with a tragic reminder of this through his wholly unprovoked and unjustified invasion of neighboring Ukraine. Amid the worst crackdown on human rights inside Russia since the breakup of the Soviet Union, as Putin moves from authoritarian control to outright dictatorship, he has launched unspeakable acts of aggression in the heart of Europe against the Ukrainian people.

Putin's decision to invade Ukraine has caused massive devastation and loss of life for Ukrainians. More than a million Ukrainians have already been forced to flee their country, and the United Nations estimates some 10 million could be displaced in the near future as a result of Putin's attack. That is roughly a quarter of the country's population. Despite the tremendously inspiring leadership of President Volodymyr Zelensky and the truly heroic efforts by Ukrainian soldiers and average citizens to resist the marauding Russian forces, Putin's military is poised for further attacks on major cities, including the capital Kyiv. Through deliberate targeting of residential buildings, hospitals, and government complexes, as well as nuclear power plants, we can expect Russian forces will be responsible for an even higher death toll. This is how Putin conducts urban warfare. You only have to look at pictures of Grozny and Aleppo after they were razed by his bombing and shelling.

The scenes are excruciating and heart-wrenching to see and watch. While I have devoted most of my career to work related to democracy and human rights, I am neither a lawyer nor an expert on war crimes or crimes against humanity. But I don't need to be to know that Putin and his military, at the risk of getting ahead of due process, are guilty of such crimes. I can see the devastation Putin's forces are inflicting on Ukraine with my own two eyes on the television screen. I can hear Putin's own words in which he takes full responsibility for what is happening on the ground – all of this is being carried out based on his orders.

As you note in the filing for this hearing, Mr. Chairman, the International Criminal Court, the International Court of Justice, the European Court of Human Rights, and the UN Human Rights Council have initiated procedures to hold the Russian state and Vladimir Putin accountable. Those deliberations, while vital, will take time – and between now and then, more innocent Ukrainians will be slaughtered under Putin's orders.

In announcing this meeting, you state that Putin's invasion of Ukraine appears to clearly violate article 2 (4) of the United Nations Charter that reads "*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political*

independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

The UN Charter is not the only agreement that Putin has violated. The list includes the Universal Declaration of Human Rights and the Helsinki Accords of 1975, in which the 35 signatories, including at that time the Soviet Union, recognized the inviolability of the post-World War II frontiers in Europe and pledged to respect human rights and fundamental freedoms.

Putin also has violated the Charter of Paris for a New Europe, signed in 1990 by the USSR and the countries of Europe and North America, which proclaimed the end of “the era of confrontation and division of Europe.” The signatories pledged to commit to “democracy based on human rights and fundamental freedoms” and “refrain from the threat or use of force against the territorial integrity or political independence of any State,” emphasizing as well “the freedom of States to choose their own security arrangements.”

Putin has violated an updated version of that Charter, signed in 1999 when he was prime minister, which “reaffirm(ed) the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance.” Like the Charter of Paris, it reiterated that no state “can consider any part of the (European) area as its sphere of influence.”

The first time he invaded Ukraine in 2014, Putin tore up the 1994 Budapest Memorandum, in which Ukraine agreed to relinquish its nuclear weapons, the third largest such force at the time, inherited from the breakup of the USSR. In exchange, the United States, Russia, and Britain committed “to respect the independence and sovereignty and the existing borders of Ukraine” and “to refrain from the threat or use of force” against the country.

Finally, Putin has violated two bilateral treaties with Ukraine: The first is the Russia-Ukraine Friendship Treaty signed in 1997, which recognized the inviolability of existing borders, respect for territorial integrity, and mutual commitment not to harm the security of each other. The other, the Treaty Between the Russian Federation and Ukraine on the Russian-Ukrainian State Border, was signed in January 2003 by Putin himself and demarcated the 1,200-mile-long border between Ukraine and Russia.

In addition to his violation of all these agreements, understandings and treaties, Putin has a long and bloody record of gross human rights abuses, atrocities, and war crimes, along with violations of other countries’ sovereignty and territorial integrity. It started with the way he came to power, overseeing a brutal war against Chechens in 1999, in which tens of thousands were injured and killed and Grozny, the capital of Chechnya, was levelled to the ground. It continued in 2008, when Russian forces invaded Georgia and was repeated with his first invasion of Ukraine in 2014. Russia’s intervention in Syria in 2015 has included allegations of war crimes there, too.

For none of this has Putin been properly held to account. Thus, we should not be shocked that each failure to check him leads to him to conclude that he can get away with more. We essentially ignored Putin's scorched earth campaign in Chechnya at the beginning of his tenure and did virtually nothing in response to a cyberattack he launched against Estonia, a NATO member state, in 2007. Our response to the invasion of Georgia was feckless, and the reset policy that followed less than a year later likely reinforced Putin's sense of impunity.

His next act of aggression came against Ukraine in 2014 following the Revolution of Dignity and the fleeing from power of then pro-Russian President Viktor Yanukovich. Putin's interference actually started several months earlier when he pressured Yanukovich not to sign agreements with the European Union. It is worth noting that NATO, the enlargement of which some cite as the reason for Putin's agitation, had absolutely nothing to do with Putin's decision to invade Ukraine in 2014. No one was discussing Ukraine and NATO in 2013-14; in fact, Ukraine under Yanukovich became a "nonaligned" state in 2010 and pursuing NATO membership was no longer a foreign policy objective.

It was Putin's pressure on Yanukovich not to sign the agreements with the EU that triggered the Revolution of Dignity. For Putin, the notion that Ukrainians, on their own, would turn out in the streets, at grave risk, to demand better from their government, an end to corruption, and a Western orientation was simply too much to stomach. So he illegally annexed Crimea first and then invaded the Donbas region to try to reverse the early gains of the Revolution of Dignity and to show Russians that they should not try the same. This same thinking explains Putin's support for the brutal dictator in neighboring Belarus, Aleksandr Lukashenko, who stole the 2020 election and launched a vicious crackdown on peaceful protestors. It also explains the Russian-led intervention through the Collective Security Treaty Organization in Kazakhstan in January to ensure President Tokayev was not removed from power as a result of popular protests.

In response to Putin's first invasion of Ukraine, the Western response was halting. It took Russia shooting down Malaysia Airlines Flight 17 on July 17, 2014, and the deaths of the 298 people on board, for serious sanctions to be imposed. While those sanctions may have kept Putin from launching farther into Ukraine, it was Ukrainian resistance to that aggression that made the key difference.

Putin's intervention in Syria the next year to prop up the murderous Assad regime led to accusations of massive human rights violations and crimes against humanity by Russian forces. Putin has also used the Wagner mercenary group to carry out Russian policy in various places, including Africa and increasingly the Middle East and Latin America. It, too, has been accused of gross human rights violations, and its founder, Yevgeny Prigozhin, has been sanctioned again by the Biden Administration.

Since Putin's first invasion of Ukraine, Ukrainians in Russian-controlled parts of Ukraine have endured a human rights crisis under the thuggish rule of Russian figures and their proxies in the

Donetsk and Luhansk regions and Russian governmental authorities in Crimea. Rule of law had already disappeared for Ukrainian citizens in those areas under Russian control, while persecution of nonethnic Russians, arbitrary arrests, and unlawful detentions became everyday occurrences. As Russian forces move further into Ukrainian territory, they are waging the campaign with total indifference to the basic tenets of the laws of war and to civilian suffering and lives.

The current crisis centers around Putin's fear and paranoia that a successful, democratic Ukraine that looks westward instead of to Moscow could pose a threatening alternative to the kleptocratic, authoritarian system that he oversees in Russia. Putin seeks to establish a Russian sphere of influence in the region, and Ukraine is the biggest piece of that puzzle.

Putin sought to destabilize Ukraine so that the West would lose interest in it. He failed. For all its fits and starts, Ukraine had been moving in a positive direction, deserving of Western support and eventual membership in NATO and the EU. Through his first invasion in 2014, Putin inadvertently renewed in Ukrainians a strong sense of national identity as a proud, independent state. He also produced a spike in support for joining NATO, which before 2014 had been in the low teens; right before the latest invasion, some 62 percent supported joining NATO for its Article 5 security guarantees.

In the leadup to this latest crisis, the Biden Administration did an excellent job of coordinating with allies and preparing an unprecedented package of sanctions in the event Putin invaded. The sanctions have been swift and already have had a major impact. The ruble has plummeted in value while interest rates in Russia have soared. Russian oligarchs are desperately trying to secure their ill-gotten yachts and property. Putin himself has been sanctioned and is rightly viewed as a pariah. I have been arguing for years that such a step should be considered, well before his invasion of Ukraine. After all, how many more Chechens, Russians, Georgians, Ukrainians, Syrians, and others have to be killed before we recognize the existential threat Putin poses to his own people, his neighbors and the democratic world.

In response to this latest invasion of Ukraine, the international community has responded swiftly through an unprecedented array of sanctions and a significant increase in lethal military assistance to help Ukraine defend itself as well as a buildup in forces in NATO member states that border Russia and/or Ukraine.

But more must be done to prevent widescale casualties and a potential bloodbath. Pursuing charges of war crimes and crimes against humanity, frankly, significant as that is, takes time even on an accelerated basis. It won't stop the bloodshed. Already more than a million Ukrainians have fled their country to escape the brutality Putin has unleashed. Estimates suggest that that number could reach 5 million, more than 10 percent of the population. Several thousand Ukrainians have already died from Putin's latest aggression, on top of the more than 14,000 killed following Putin's first invasion of Ukraine in starting in 2014. Ukraine is facing a severe

humanitarian disaster, and the effects are reverberating across the European continent and beyond. This could make Srebrenica pale by comparison.

President Biden and NATO Secretary General Stoltenberg have stated that neither the United States nor NATO will engage Russian forces on the ground in Ukraine. No one wants a direct confrontation between the United States and NATO and Russia. The risks of escalation are too great. But not doing anything to prevent Putin's onslaught has its own risks. Today it is Ukrainians; tomorrow it could be Moldovans, Poles, Romanians, Estonians, Latvians, Lithuanians, or Georgians.

The refrain "never again" emerged in the wake of the Holocaust, and Ukrainians are wondering whether that pledge applies to them. It is time for the United States and NATO to step up their help for Ukrainians before more innocent civilians fall victim to Putin's murderous madness. Ukrainians are courageously defending their country and their freedom, but they need more help from the international community.

There are some who have commented that Putin has reinvigorated NATO, caused a revolution of sorts in German foreign and defense policy, and brought the democratic world together like never before. That's all well and good, but the slaughter of Ukrainians continues apace. One commentator even went so far as to tell us all to "[relax](#)" because Russia's military is "stalled out in Ukraine." Try telling Ukrainians to relax. Others argue that focusing on Russia and Ukraine distracts us from where we should be focusing – China. Without taking anything away from the serious challenge China poses, perhaps these commentators need reminders that Europe is the continent where two world wars began.

It is possible that Putin has made a fatal political move in invading Ukraine. His ugly crackdown inside his own country does not reflect a leader confident in his persuasive skills or in support among the Russian people. Regimes like Putin's seem stable – until they are not. But until his reckoning comes, Putin is wreaking havoc on a country of 43 million people that simply wanted to remain free from Russian domination and free to determine its own future. This is no time to relax.

Mr. Chairman, I cannot get out of mind the famous words of the Lutheran pastor Martin Niemoller, a staunch critic of Adolf Hitler, who said:

First they came for the socialists, and I did not speak out—because I was not a socialist.
Then they came for the trade unionists, and I did not speak out— because I was not a trade unionist.
Then they came for the Jews, and I did not speak out—because I was not a Jew.
Then they came for me—and there was no one left to speak for me.

We can and must do more to stop Putin's war crimes and crimes against humanity happening right now in Ukraine. We cannot let this stand. Slava Ukraini!