

117TH CONGRESS  
2D SESSION

# S. 5233

To require the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2022

Mr. CORNYN (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. UKRAINE INVASION WAR CRIMES DETERRENCE**  
2 **AND ACCOUNTABILITY ACT.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Ukraine Invasion War Crimes Deterrence and Account-  
5 ability Act”.

6 (b) **SENSE OF CONGRESS.**—It is the sense of Con-  
7 gress that—

8 (1) in its premeditated, unprovoked, unjustified,  
9 and unlawful full-scale invasion of Ukraine that  
10 commenced on February 24, 2022, the military of  
11 the Government of the Russian Federation under  
12 the direction of President Vladimir Putin has com-  
13 mitted war crimes that include but are not limited  
14 to—

15 (A) the deliberate targeting of civilians and  
16 injuring or killing of noncombatants;

17 (B) the deliberate targeting and attacking  
18 of hospitals, schools, and other non-military  
19 buildings dedicated to religion, art, science, or  
20 charitable purposes, such as the bombing of a  
21 theater in Mariupol that served as a shelter for  
22 noncombatants and had the word “children”  
23 written clearly in the Russian language outside;

24 (C) the indiscriminate bombardment of  
25 undefended dwellings and buildings;

1 (D) the wanton destruction of property not  
2 justified by military necessity;

3 (E) unlawful civilian deportations;

4 (F) the taking of hostages; and

5 (G) rape, or sexual assault or abuse;

6 (2) the use of chemical weapons by the Govern-  
7 ment of the Russian Federation in Ukraine would  
8 constitute a war crime, and engaging in any military  
9 preparations to use chemical weapons or to develop,  
10 produce, stockpile, or retain chemical weapons is  
11 prohibited by the Chemical Weapons Convention, to  
12 which the Russian Federation is a signatory;

13 (3) Vladimir Putin has a long record of com-  
14 mitting acts of aggression, systematic abuses of  
15 human rights, and acts that constitute war crimes or  
16 other atrocities both at home and abroad, and the  
17 brutality and scale of these actions, including in the  
18 Russian Federation Republic of Chechnya, Georgia,  
19 Syria, and Ukraine, demonstrate the extent to which  
20 his regime is willing to flout international norms and  
21 values in the pursuit of its objectives;

22 (4) Vladimir Putin has previously sanctioned  
23 the use of chemical weapons at home and abroad, in-  
24 cluding in the poisonings of Russian spy turned dou-  
25 ble agent Sergei Skripal and his daughter Yulia and

1 leading Russian opposition figure Aleksey Navalny,  
2 and aided and abetted the use of chemical weapons  
3 by President Bashar al-Assad in Syria; and

4 (5) in 2014, the Government of the Russian  
5 Federation initiated its unprovoked war of aggres-  
6 sion against Ukraine which resulted in its illegal oc-  
7 cupation of Crimea, the unrecognized declaration of  
8 independence by the so-called “Donetsk People’s Re-  
9 public” and “Luhansk People’s Republic” by Rus-  
10 sia-backed proxies, and numerous human rights vio-  
11 lations and deaths of civilians in Ukraine.

12 (c) STATEMENT OF POLICY.—It is the policy of the  
13 United States—

14 (1) to collect, analyze, and preserve evidence  
15 and information related to war crimes and other  
16 atrocities committed during the full-scale Russian  
17 invasion of Ukraine that began on February 24,  
18 2022, for use in appropriate domestic, foreign, and  
19 international courts and tribunals prosecuting those  
20 responsible for such crimes consistent with applica-  
21 ble law, including with the American Service Mem-  
22 bers’ Protection Act of 2002 (22 U.S.C. 7421 et  
23 seq.);

24 (2) to help deter the commission of war crimes  
25 and other atrocities in Ukraine by publicizing to the

1 maximum possible extent, including among Russian  
2 and other foreign military commanders and troops  
3 in Ukraine, efforts to identify and prosecute those  
4 responsible for the commission of war crimes during  
5 the full-scale Russian invasion of Ukraine that  
6 began on February 24, 2022; and

7 (3) to continue efforts to identify, deter, and  
8 pursue accountability for war crimes and other  
9 atrocities committed around the world and by other  
10 perpetrators, and to leverage international coopera-  
11 tion and best practices in this regard with respect to  
12 the current situation in Ukraine.

13 (d) REPORT ON UNITED STATES EFFORTS.—Not  
14 later than 90 days after the date of the enactment of this  
15 Act, and consistent with the protection of intelligence  
16 sources and methods, the President shall submit to the  
17 appropriate congressional committees a report, which may  
18 include a classified annex, describing in detail the fol-  
19 lowing:

20 (1) United States Government efforts to collect,  
21 analyze, and preserve evidence and information re-  
22 lated to war crimes and other atrocities committed  
23 during the full-scale Russian invasion of Ukraine  
24 since February 24, 2022, including a description  
25 of—

1 (A) the respective roles of various agencies,  
2 departments, and offices, and the interagency  
3 mechanism established for the coordination of  
4 such efforts;

5 (B) the types of information and evidence  
6 that are being collected, analyzed, and pre-  
7 served to help identify those responsible for the  
8 commission of war crimes or other atrocities  
9 during the full-scale Russian invasion of  
10 Ukraine in 2022; and

11 (C) steps taken to coordinate with, and  
12 support the work of, allies, partners, inter-  
13 national institutions and organizations, and  
14 nongovernmental organizations in such efforts.

15 (2) Media, public diplomacy, and information  
16 operations to make Russian military commanders,  
17 troops, political leaders and the Russian people  
18 aware of efforts to identify and prosecute those re-  
19 sponsible for the commission of war crimes or other  
20 atrocities during the full-scale Russian invasion of  
21 Ukraine in 2022, and of the types of acts that may  
22 be prosecutable.

23 (3) The process for a domestic, foreign, or  
24 international court or tribunal to request and obtain  
25 from the United States Government information re-

1       lated to war crimes or other atrocities committed  
2       during the full-scale Russian invasion of Ukraine in  
3       2022.

4       (e) DEFINITIONS.—In this section:

5           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6       TEES.—The term “appropriate congressional com-  
7       mittees” means—

8           (A) the Committee on Foreign Affairs, the  
9           Committee on the Judiciary, the Committee on  
10          Armed Services, and the Permanent Select  
11          Committee on Intelligence of the House of Rep-  
12          resentatives; and

13          (B) the Committee on Foreign Relations,  
14          the Committee on the Judiciary, the Committee  
15          on Armed Services, and the Select Committee  
16          on Intelligence of the Senate.

17          (2) ATROCITIES.—The term “atrocities” has  
18          the meaning given that term in section 6(2) of the  
19          Elie Wiesel Genocide and Atrocities Prevention Act  
20          of 2018 (Public Law 115–441; 22 U.S.C. 2656  
21          note).

22          (3) WAR CRIME.—The term “war crime” has  
23          the meaning given that term in section 2441(c) of  
24          title 18, United States Code.

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