

117TH CONGRESS
2D SESSION

H. RES. 1435

Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2022

Mr. KEATING (for himself, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. QUIGLEY, Mr. MCGOVERN, Ms. JACKSON LEE, Ms. TITUS, Ms. JACOBS of California, Mrs. SPARTZ, Mr. CARTWRIGHT, Mr. RYAN of Ohio, Mr. COSTA, Ms. SPANBERGER, Ms. DEAN, Ms. NORTON, and Mr. SCHIFF) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine.

Whereas on February 24, 2022, the Russian Federation initiated the full scale invasion of Ukraine;

Whereas the Russian Federation's full-scale invasion of Ukraine has resulted in enormous destruction of civilian infrastructure in Ukraine, the displacement of millions of Ukrainians both inside Ukraine and abroad, mass disruption of global food supplies resulting in increased food insecurity for the world's most vulnerable populations as

well as the death of thousands of Ukrainians civilians and military personnel;

Whereas Article 1(1) the Charter of the United Nations states that it is the purpose of the United Nations to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”;

Whereas Article 2(4) of the Charter of the United Nations states that “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”;

Whereas United Nations General Assembly Resolution 3314 defines aggression as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition”;

Whereas General Assembly Resolution 3314 defines the following acts, regardless of a declaration of war, as qualifying as an act of aggression:

(1) The invasion or attack by the Armed Forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(2) Bombardment by the Armed Forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(3) The blockade of the ports or coasts of a State by the Armed Forces of another State;

(4) An attack by the Armed Forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(5) The use of Armed Forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(6) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State; and

(7) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein; and

Whereas the Russian Federation's unprecedented full-scale invasion of Ukraine has reached a critical point requiring immediate and decisive action by the international community: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns in the strongest terms the Rus-

3 sian Federation's full-scale invasion of Ukraine;

1 (2) supports the people of Ukraine in their
2 fight for freedom, independence and democracy;

3 (3) underscores Ukraine's sovereignty and terri-
4 torial integrity within its internationally recognized
5 borders;

6 (4) finds that there is significant evidence to
7 suggest that individual leaders of the Russian Fed-
8 eration are culpable of committing the crime of ag-
9 gression against Ukraine and this requires proper
10 adjudication by the international community;

11 (5) recognizes the need for the creation of a
12 Special Tribunal on the Crime of Aggression against
13 Ukraine;

14 (6) identifies an agreement between Ukraine
15 and the United Nations following a favorable United
16 Nations General Assembly vote as one option to-
17 wards the creation of such an international tribunal;
18 and

19 (7) urges the President to take all available
20 measures to support the creation of a Special Tri-
21 bunal for Crime of Aggression against Ukraine.

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