

Calendar No. 610

117TH CONGRESS
2^D SESSION**S. RES. 713**

Recognizing Russian actions in Ukraine as a genocide.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

Mr. RISCH (for himself, Mr. CARDIN, Mr. BLUMENTHAL, Mr. WICKER, Mrs. SHAHEEN, Mr. PORTMAN, Mr. GRAHAM, Mr. TILLIS, Mr. SCOTT of Florida, Mr. BLUNT, Mrs. BLACKBURN, Mrs. HYDE-SMITH, Ms. KLOBUCHAR, Mr. KING, Mrs. CAPITO, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Foreign Relations

DECEMBER 7, 2022

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Recognizing Russian actions in Ukraine as a genocide.

~~Whereas the Russian Federation's illegal, premeditated, unprovoked, and brutal war against Ukraine includes extensive, systematic, and flagrant atrocities against the people of Ukraine;~~

~~Whereas article II of the Convention on the Prevention and Punishment of the Crime of Genocide (in this preamble referred to as the "Genocide Convention"), adopted and~~

opened for signature in 1948 and entered into force in 1951, defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”;

Whereas, on October 3, 2018, the Senate unanimously agreed to Senate Resolution 435, 115th Congress, which commemorated the 85th anniversary of the Holodomor and “recognize[d] the findings of the Commission on the Ukraine Famine as submitted to Congress on April 22, 1988, including that ‘Joseph Stalin and those around him committed genocide against the Ukrainians in 1932–1933’”;

Whereas substantial and significant evidence documents widespread, systematic actions against the Ukrainian people committed by Russian forces under the direction of political leadership of the Russian Federation that meet one or more of the criteria under article II of the Genocide Convention, including—

(1) killing members of the Ukrainian people in mass atrocities through deliberate and regularized murders of fleeing civilians and civilians in passing as well as purposeful targeting of homes, schools, hospitals, shelters, and other residential and civilian areas;

(2) causing serious bodily or mental harm to members of the Ukrainian people by launching indiscriminate

attacks against civilians and civilian areas; conducting willful strikes on humanitarian evacuation corridors; and employing widespread and systematic sexual violence against Ukrainian civilians, including women, children, and men;

(3) deliberately inflicting upon the Ukrainian people conditions of life calculated to bring about their physical destruction in whole or in part, including displacement due to annihilated villages, towns, and cities left devoid of food, water, shelter, electricity, and other basic necessities; starvation caused by the destruction of farmlands and agricultural equipment; the placing of Russian landmines across thousands of acres of useable fields; and blocking the delivery of humanitarian food aid;

(4) imposing measures intended to prevent births among the Ukrainian people; demonstrated by the Russian military's expansive and direct targeting of maternity hospitals and other medical facilities and systematic attacks against residential and civilian areas as well as humanitarian corridors intended to deprive Ukrainians of safe havens within their own country and the material conditions conducive to childrearing; and

(5) forcibly mass transferring millions of Ukrainian civilians, hundreds of thousands of whom are children, to the Russian Federation or territories controlled by the Russian Federation;

Whereas the state-level intent of the Russian Federation in favor of those heinous crimes against humanity has been demonstrated through frequent pronouncements and other forms of official communication denying Ukrainian nationhood and sovereignty, including President Putin's ahistorical claims that Ukraine is part of a "single

whole” Russian nation with “no historical basis” for being an independent country;

Whereas some Russian soldiers and brigades accused of committing war crimes in Bucha, Ukraine, and elsewhere were rewarded with medals by President Putin;

Whereas the Russian state-owned media outlet RIA Novosti published the article “What Should Russia do with Ukraine”, which outlines “de-Nazification” as meaning “de-Ukrainianization” or the destruction of Ukraine;

Whereas article I of the Genocide Convention confirms “that genocide, whether committed in time of peace or in time of war, is a crime under international law which [the Contracting Parties] undertake to prevent and to punish”; and

Whereas although additional documentation and analysis of atrocities committed by the Russian Federation in Ukraine may be needed to punish those responsible, the substantial and significant documentation already undertaken, combined with statements showing intent, compel urgent action to prevent further acts of genocide: Now, therefore, be it

Whereas the Russian Federation’s illegal, premeditated, unprovoked, and brutal war against Ukraine includes extensive, systematic, and flagrant atrocities against the people of Ukraine;

Whereas article II of the Convention on the Prevention and Punishment of the Crime of Genocide (in this preamble referred to as the “Genocide Convention”), adopted and opened for signature in 1948 and entered into force in 1951, defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a na-

tional, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”;

Whereas, on October 3, 2018, the Senate unanimously agreed to Senate Resolution 435, 115th Congress, which commemorated the 85th anniversary of the Holodomor and “recognize[d] the findings of the Commission on the Ukraine Famine as submitted to Congress on April 22, 1988, including that ‘Joseph Stalin and those around him committed genocide against the Ukrainians in 1932–1933’”;

Whereas substantial and significant evidence documents widespread, systematic actions against the Ukrainian people committed by Russian forces under the direction of political leadership of the Russian Federation that meet one or more of the criteria under article II of the Genocide Convention, including—

(1) killing members of the Ukrainian people in mass atrocities through deliberate and regularized murders of fleeing civilians and civilians in passing as well as purposeful targeting of homes, schools, hospitals, shelters, and other residential and civilian areas;

(2) causing serious bodily or mental harm to members of the Ukrainian people by launching indiscriminate attacks against civilians and civilian areas, conducting willful strikes on humanitarian evacuation corridors, and em-

ploying widespread and systematic sexual violence against Ukrainian civilians, including women, children, and men;

(3) deliberately inflicting upon the Ukrainian people conditions of life calculated to bring about their physical destruction in whole or in part, including displacement due to annihilated villages, towns, and cities left devoid of food, water, shelter, electricity, and other basic necessities, starvation caused by the destruction of farmlands and agricultural equipment, the placing of Russian landmines across thousands of acres of useable fields, and blocking the delivery of humanitarian food aid;

(4) imposing measures intended to prevent births among the Ukrainian people, demonstrated by the Russian military's expansive and direct targeting of maternity hospitals and other medical facilities and systematic attacks against residential and civilian areas as well as humanitarian corridors intended to deprive Ukrainians of safe havens within their own country and the material conditions conducive to childrearing; and

(5) forcibly mass transferring millions of Ukrainian civilians, hundreds of thousands of whom are children, to the Russian Federation or territories controlled by the Russian Federation;

Whereas the intent of the Russian Federation and those acting on its behalf in favor of those heinous crimes against humanity has been demonstrated through frequent pronouncements and other forms of official communication denying Ukrainian nationhood, including President Putin's ahistorical claims that Ukraine is part of a "single whole" Russian nation with "no historical basis" for being an independent country;

Whereas some Russian soldiers and brigades accused of committing war crimes in Bucha, Ukraine, and elsewhere were rewarded with medals by President Putin;

Whereas the Russian state-owned media outlet RIA Novosti published the article “What Should Russia do with Ukraine”, which outlines “de-Nazification” as meaning “de-Ukrainianization” or the destruction of Ukraine and rejection of the “ethnic component” of Ukraine;

Whereas article I of the Genocide Convention confirms “that genocide, whether committed in time of peace or in time of war, is a crime under international law which [the Contracting Parties] undertake to prevent and to punish”;

Whereas although additional documentation and analysis of atrocities committed by the Russian Federation in Ukraine may be needed to punish those responsible, the substantial and significant documentation already undertaken, combined with statements showing intent, compel urgent action to prevent future acts of genocide; and

Whereas the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) authorizes the President to impose economic sanctions on, and deny entry into the United States to, foreign individuals identified as engaging in gross violations of internationally recognized human rights: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) condemns the Russian Federation for com-
3 mitting acts of genocide against the Ukrainian peo-
4 ple;

5 (2) calls on the United States, in cooperation
6 with allies in the North Atlantic Treaty Organiza-

1 tion and the European Union, to undertake meas-
 2 ures to support the Government of Ukraine to pre-
 3 vent further acts of Russian genocide against the
 4 Ukrainian people; and

5 (3) supports tribunals and international crimi-
 6 nal investigations to hold Russian political leaders
 7 and military personnel to account for a war of ag-
 8 gression, war crimes, crimes against humanity, and
 9 genocide.

10 *That the Senate—*

11 (1) condemns those acting on behalf of the Rus-
 12 sian Federation for committing acts of genocide
 13 against the Ukrainian people;

14 (2) calls on the United States, in cooperation
 15 with allies in the North Atlantic Treaty Organization
 16 and the European Union, to undertake measures to
 17 support the Government of Ukraine to prevent acts of
 18 Russian genocide against the Ukrainian people;

19 (3) supports tribunals and international crimi-
 20 nal investigations to hold Russian political leaders
 21 and military personnel to account for a war of ag-
 22 gression, war crimes, crimes against humanity, and
 23 genocide; and

24 (4) urges the President to use the authorities
 25 under the Global Magnitsky Human Rights Account-

1 *ability Act (22 U.S.C. 10101 et seq.) to impose eco-*
2 *nomie sanctions on those responsible for, or complicit*
3 *in, genocide in Ukraine by the Russian Federation*
4 *and those acting on its behalf.*

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