

119TH CONGRESS
2D SESSION

S. RES. 722

Addressing the politicization of war crimes allegations against allied special operations forces.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2026

Ms. ERNST (for herself and Mr. SHEEHY) submitted the following resolution;
which was referred to the Committee on Foreign Relations

RESOLUTION

Addressing the politicization of war crimes allegations
against allied special operations forces.

Whereas the United States is bound by longstanding military alliances and partnerships with nations, including the United Kingdom, Australia, Canada, New Zealand, and other coalition allies, which have stood alongside United States forces in conflicts and international missions over decades, demonstrating shared sacrifice and commitment;

Whereas servicemembers from these allied nations have fought and bled beside United States troops in coalition operations, including collective security and counter terrorism missions in Afghanistan, Iraq, and other conflict zones, and have borne significant sacrifices, as evidenced by the 457 United Kingdom personnel and 41 Australian

personnel who lost their lives during the Afghanistan war, among many others from allied countries;

Whereas the special operations forces of these partner nations (such as the United Kingdom’s Special Air Service and Australia’s Special Air Service Regiment and Commandos) have played an integral role in achieving coalition objectives, demonstrating exceptional courage, skill, and dedication in joint operations to advance global security and stability;

Whereas, in recent years, unjust allegations of war crimes have been raised against members of the special operations forces of certain allied countries, including Australia and the United Kingdom, based on actions during the Afghanistan conflict and other deployments, leading to heavily politicized official inquiries, leading to unwarranted investigations influenced by domestic politics;

Whereas retrospective and politically motivated accusations of war crimes, particularly those surfacing years after the events, without substantial evidence, risk undermining morale and trust by creating a perception that honorable service is being second-guessed for political gain, and such politicization of justice could erode the vital interoperability and cohesion among United States and allied forces;

Whereas the strain that politicized allegations can place on alliances and cooperation is exemplified by the United States warning in 2021 that these politically influenced “findings” of war crimes by Australian special forces in Afghanistan might trigger legal restrictions (under section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and section 362 of title 10, United States Code (commonly known as the “Leahy Laws”)) on

United States forces partnering with certain Australian units, thereby imperiling the hard-earned trust and integration between our militaries;

Whereas the United States and its allies share an interest in upholding the rule of law and ensuring that any alleged war crimes are investigated impartially and thoroughly, with due process and respect for justice, but also in ensuring that these processes remain free of political interference or attempts to score partisan or ideological points at the expense of servicemembers' reputations;

Whereas the United States, the United Kingdom, and allied nations conducted military operations in reliance on the Law of Armed Conflict as recognized in their official doctrine and treaty obligations;

Whereas retroactively applying novel or evolving interpretations of humanitarian law to past operations undermines the bedrock principle of legal certainty, invites politicized and selective prosecutions, punishes good-faith compliance efforts, erodes interoperability and trust among allies, inhibits timely decision making in combat, weakens deterrence, and emboldens adversaries who would weaponize legal ambiguity by signaling that service members and commanders cannot rely on the rules in force at the time; and

Whereas the integrity and strength of United States alliances are critical to United States national security, and preserving mutual respect and confidence is essential so that future coalition operations are not hampered by fear that members of the United States Armed Forces could be subject to unfair or politicized legal actions long after their missions end: Now, therefore, be it

1 *Resolved*, That it is the sense of Congress that—

2 (1) the United States profoundly appreciates
3 and acknowledges the longstanding alliances with
4 countries such as the United Kingdom, Australia,
5 and other partner nations, and honors the service
6 and sacrifices of their Armed Forces who have
7 fought alongside United States troops in Afghani-
8 stan, Iraq, and other missions, and these sacrifices
9 are exemplified by the lives lost and injuries suffered
10 by allied servicemembers in these conflicts;

11 (2) allied forces participated in these collective
12 security and counterterrorism operations at the be-
13 hest of and in support of mutual defense agreements
14 and United States-led missions, and their contribu-
15 tions were integral to the success of those missions,
16 reflecting a shared commitment to global security;

17 (3) Congress expresses concern that retrospec-
18 tive, politically motivated accusations of war crimes
19 against the special operations forces of United
20 States allies, particularly when raised or revisited
21 long after the fact, risk undermining the mutual
22 trust, interoperability, and morale that underpin the
23 United States-allied military relationships, and such
24 accusations, if driven by political pressures rather
25 than purely by facts and evidence, are viewed as det-

1 rimental to alliance unity and the confidence of our
2 servicemembers;

3 (4) the executive branch, including the Depart-
4 ment of Defense and the Department of State, is
5 urged to work proactively with the governments of
6 allied nations, such as Australia, the United King-
7 dom, and others, to ensure that any investigations or
8 legal processes regarding alleged war crimes by their
9 servicemembers are conducted without politicization,
10 thereby bolstering confidence in the outcomes and
11 reinforcing our mutual trust; and

12 (5) honoring the sacrifices of allied
13 servicemembers and preserving the strength and co-
14hesion of our alliances is in the national interest of
15 the United States, and while the rule of law must
16 always be respected, the politicization of war crimes
17 allegations for short-term political purposes is
18 strongly discouraged as it runs counter to our
19 shared values and threatens to weaken the crucial
20 alliances that safeguard international peace and se-
21 curity.

○