

March 24, 2023

President Joseph R. Biden, Jr. The White House 1600 Pennsylvania Avenue, NW Washington, DC 20500

Dear President Biden:

As Russian President Vladimir Putin enters the second year of his brutal, unprovoked, and unlawful war against the Ukrainian people, we write to express our support for the steps you have taken to fortify the transatlantic alliance and help Ukraine defend itself. While we support your efforts to pursue accountability for crimes against humanity and war crimes being committed by Russian forces, we encourage additional action pursuant to the authorities enacted in the Consolidated Appropriations Act, 2023 (Public Law 117-328) that further enable the United States to assist in efforts to hold Putin and his henchmen accountable.

In particular, the United States' support for the International Criminal Court's (ICC) investigation into atrocities in Ukraine is even more critical after the news on March 17 that the ICC has issued an arrest warrant for Putin for his war crimes in Ukraine.

Many of us have traveled repeatedly to Ukraine and met with ICC officials over the last decade, including since the beginning of Russia's full-scale invasion. We have met with refugees and displaced persons graciously hosted by their neighbors and heard firsthand accounts of Putin's atrocities. Such crimes have been well documented by the Ukrainian government and independent human rights organizations. We also know that Putin's brutality is matched only by the resilience of the Ukrainian people. Just as they need our weapons, humanitarian assistance, and support for their government, they also need American leadership on accountability for those who have perpetrated atrocities against them.

During the recent Munich Security Conference, five days before the first anniversary of Russia's 2022 invasion of Ukraine, Vice President Harris announced your administration's formal determination of what we have all long known—Russia's actions in Ukraine amount to crimes against humanity. She also promised accountability for those complicit in such crimes. You have bipartisan support for delivering on that promise.

We welcome the significant assistance your administration has provided to date—made available through bipartisan action from Congress—for the Ukrainian government and civil society actors working to document evidence of atrocities and strengthen Ukrainian investigative and prosecutorial capacity. But we also know that the ICC has a critical role to play. Thankfully, in close cooperation with the Ukrainian government, the ICC's chief prosecutor, Karim Khan is committed to doing so. He has sent a team to Kyiv that represents the largest field deployment by his office since its establishment.

Congress provided you enhanced authority in the Fiscal Year 2023 Omnibus to assist the ICC in its efforts to prosecute war crimes committed in Ukraine by Russia through information sharing, technical assistance, and financial support from the U.S. government. However, despite the urgent need to hold the perpetrators of atrocities accountable, as evidenced by the ICC's arrest warrant for Putin, recent reporting suggests that your Administration has not yet used this new authority to provide much-needed assistance to the ICC's efforts.

Last year's bipartisan congressional action to enhance that support was done in collaboration with your administration to balance all perspectives on the U.S. relationship with the ICC. Yet, months later, as the ICC is working to build cases against Russian officials, including Putin himself, the United States reportedly has not yet shared key evidence that could aid in these prosecutions. Knowing of your support for the important cause of accountability in Ukraine, we urge you to move forward expeditiously with support to the ICC's work so that Putin and others around him know in no uncertain terms that accountability and justice for their crimes are forthcoming.

The United States is on the right side of this war, and we must do everything possible to hold the perpetrators accountable. Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,

Richard J. Durbin

United States Senator

Lindsey O. Graham United States Senator

Robert Menendez

United States Senator

Thom Tillis

United States Senator

Richard Blumenthal

United States Senator

Sheldon Whitehouse

United States Senator