

117TH CONGRESS
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H. RES. 1188

Expressing the sense of the House of Representatives that the United States expects the Government of Russia, led by Vladimir Putin, to comply with the Geneva Conventions and their Additional Protocols, also known as the Humanitarian Law of Armed Conflicts.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2022

Mr. KINZINGER (for himself and Mr. LIEU) submitted the following resolution;
which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that the United States expects the Government of Russia, led by Vladimir Putin, to comply with the Geneva Conventions and their Additional Protocols, also known as the Humanitarian Law of Armed Conflicts.

Whereas, on February 24, 2022, Russia launched a military assault on Ukraine which has led to the death of thousands and displaced millions of Ukrainians, now refugees;

Whereas, on February 28, 2022, Karim A.A. Khan QC, International Criminal Court Prosecutor, opened an investigation into the situation in Ukraine;

Whereas the Armed Forces of Ukraine are the official military forces of Ukraine, and they are the principal defen-

sive force against any aggression against the sovereign state of Ukraine;

Whereas President of Ukraine Volodymyr Zelensky created the International Legion of Defense of Ukraine, consisting of foreign citizens wishing to join the resistance against the Russian occupants and fight for global security;

Whereas all legitimate members of the International Legion of Defense of Ukraine are recognized as official members of the Armed Forces of Ukraine;

Whereas the Geneva Conventions and Additional Protocols are the core of international humanitarian law, and many rules contained in these treaties are considered customary international law, binding on all states, whether or not they have ratified the treaties;

Whereas the Governments of Ukraine and Russia are parties to the Geneva Conventions and Additional Protocols;

Whereas Article 13 of Part II of the Second Geneva Convention states, “Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention.”;

Whereas Article 14 of Part II of the Second Geneva Convention states, “Prisoners of war are entitled in all circumstances to respect for their persons and their honour . . . Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within

or without its own territory, of the rights such capacity confers except in so far as the captivity requires.”;

Whereas Article 15 of Part II of the Second Geneva Convention states, “The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.”;

Whereas Article 16 of Part II of the Second Geneva Convention states, “Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.”;

Whereas Article 17 of Part III, Section I of the Second Geneva Convention states, “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind. Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.”;

Whereas Article 18 of Part III, Section I of the Second Geneva Convention states, “All effects and articles of personal use, except arms, horses, military equipment and military

documents shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment. At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none. Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war . . . The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.”;

Whereas Article 19 of Part III, Section I of the Second Geneva Convention states, “Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger. Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.”;

Whereas Article 20 of Part III, Section I of the Second Geneva Convention states, “The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station. The Detaining Power shall supply prisoners of war who are being evacuated with suffi-

cient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated. If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.”;

Whereas Article 22 of Part III, Section II, Chapter I of the Second Geneva Convention states, “Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries. Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate. The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.”;

Whereas Article 23 of Part III, Section II, Chapter I of the Second Geneva Convention states, “No prisoner of war may at any time be sent to or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations. Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the

protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them. Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.”;

Whereas Article 25 of Part III, Section II, Chapter II of the Second Geneva Convention states, “Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health. The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets. The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire. In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.”;

Whereas Article 26 of Part III, Section II, Chapter II of the Second Geneva Convention states, “The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet

of the prisoners. The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed. Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted. Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession. Adequate premises shall be provided for messing. Collective disciplinary measures affecting food are prohibited.”;

Whereas Article 27 of Part III, Section II, Chapter II of the Second Geneva Convention states, “Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war. The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.”;

Whereas Article 29 of Part III, Section II, Chapter III of the Second Geneva Convention states, “The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps, and to prevent epidemics. Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of

war are accommodated, separate conveniences shall be provided for them. Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.”;

Whereas Article 30 of Part III, Section II, Chapter III of the Second Geneva Convention states, “Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease. Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation. Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality. Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency. The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particu-

larly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.”;

Whereas Article 31 of Part III, Section II, Chapter III of the Second Geneva Convention states, “Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.”; and

Whereas Part III, Section II, Chapters IV, V, VI, and VIII, and additional Sections III, IV, and V of the Second Geneva Convention and their Additional Protocols shall also be abided and are applicable to all prisoners of war under the internment of the Government of Russia: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) demands the Government of Russia to treat
3 all forcibly detained people with dignity and abide by
4 the Geneva Conventions and their Additional Proto-
5 cols, also known as the Humanitarian Law of Armed
6 Conflicts;

7 (2) urges the United States and members of the
8 North Atlantic Treaty Organization to closely mon-
9 itor the treatment of prisoners of war and ensure

1 appropriate actions are consistently taken to verify
2 their safety and health;

3 (3) forcefully condemns the continued use of
4 unlawful and indiscriminate violence against civilian
5 populations by the Government of Russia, its allies,
6 and any other parties to the conflict;

7 (4) urges that the global community hold Vladi-
8 mir Putin, the Government of Russia, and its allies
9 accountable for war crimes committed during the
10 military invasion of Ukraine;

11 (5) supports the continued use of sanctions
12 against Russia and its allies until Russia ends its
13 military invasion and unequivocally recognizes
14 Ukraine's internationally recognized borders and po-
15 litical independence; and

16 (6) proudly stands in solidarity with the people
17 of Ukraine who are fighting for their freedom and
18 democracy, Slava Ukraini, glory to Ukraine.

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