

117TH CONGRESS
2D SESSION

H. R. 8532

To provide assistance for suspected victims and witnesses of war crimes
in Ukraine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2022

Mr. KEATING (for himself, Mr. FITZPATRICK, Mr. QUIGLEY, Ms. KAPTUR, Mr. RYAN, Ms. JACOBS of California, Ms. WILD, Mr. WILSON of South Carolina, Ms. SPANBERGER, Mr. VARGAS, Ms. TITUS, Mrs. CAROLYN B. MALONEY of New York, Ms. SPEIER, Mr. TRONE, Mr. MORELLE, Mr. MCGOVERN, Mr. SWALWELL, Mr. COSTA, Mr. HIGGINS of New York, Mr. HIMES, Mr. COHEN, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide assistance for suspected victims and witnesses
of war crimes in Ukraine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Atrocity Crimes, Relief
5 and Accountability Act” or the “ACRA Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Russian Government’s war on Ukraine
2 has exposed the systemic lack of compliance with
3 international humanitarian law, *jus in bello*, on the
4 part of the Russian military.

5 (2) Ukrainian civilians have been actively tar-
6 geted by Russian troops, compounding their needless
7 suffering and forcing non-combatants into a state of
8 terror.

9 (3) These barbaric ways of war are inconsistent
10 with five key principles of the law of armed conflict:
11 distinction, proportionality, military necessity, *hors*
12 *de combat* and unnecessary suffering.

13 (4) It is vital that Russian war criminals are
14 brought to justice.

15 (5) A key component of any atrocity crimes in-
16 vestigation includes the accurate and reliable testi-
17 mony of witnesses. As war crimes judicial pro-
18 ceedings could take years, and cross many national
19 jurisdictions, investigators must protect and have
20 ready access to potential witnesses for a long period
21 of time. Within the first 100 days of the war, over
22 11 million people – one quarter of Ukraine’s 44 mil-
23 lion population – had been displaced from their
24 homes, including five million people who fled the
25 country.

1 (6) There is reasonable concern that suspected
2 atrocity crimes victims and survivors are less likely
3 to testify as witnesses in potential legal proceedings,
4 as they may be in danger of intimidation or not stay
5 actively engaged due to lack of a support structure
6 to sustain a lengthy investigation and trial, or as a
7 result of having fled the country in which the atroc-
8 ities were committed.

9 (7) Legal experts and civil society groups have
10 identified an immediate need for supporting and
11 protecting victims, survivors and witnesses of atroc-
12 ity crimes, no matter where they are located, includ-
13 ing ensuring such efforts are coordinated to mini-
14 mize the risk of retraumatizing survivors.

15 (8) Without requisite support, victims and sur-
16 vivors are less likely to accept the onerous burden of
17 testifying against criminals, undermining their abil-
18 ity to attain some justice for their suffering, and re-
19 ducing the ability to hold war criminals accountable
20 for their actions.

21 (9) Therefore, it is necessary that the United
22 States assist relevant authorities and civil society
23 groups in protecting and supporting this vulnerable
24 population within Ukraine and across borders.

1 **SEC. 3. AUTHORIZATION OF ASSISTANCE FOR SUSPECTED**
2 **VICTIMS AND WITNESSES OF WAR CRIMES.**

3 Section 7(d)(1) of the Ukraine Freedom Support Act
4 of 2014 (22 U.S.C. 8926(d)(1)) is amended—

5 (1) in subparagraph (C), by striking “; and”
6 and inserting a semicolon;

7 (2) in subparagraph (D), by striking the period
8 at the end and inserting “; and”; and

9 (3) by adding at the end the following new sub-
10 paragraphs:

11 “(E) provide support for suspected victims,
12 survivors, and witnesses of atrocity crimes,
13 wherever located, through direct or in-kind as-
14 sistance; and

15 “(F) provide assistance to the Ukrainian
16 Prosecutor General, the war crimes units of the
17 Office of the Prosecutor General and other ap-
18 propriate Ukrainian judicial and law enforce-
19 ment authorities to support accountability
20 through the documentation, investigation, and
21 prosecution of atrocity crimes.”.

22 **SEC. 4. AUTHORIZATION OF ASSISTANCE WITH RESPECT**
23 **TO THE PROSECUTION OF WAR CRIMES.**

24 Section 7 of the Ukraine Freedom Support Act of
25 2014 (22 U.S.C. 8926) is amended by adding at the end
26 the following new subsections:

1 “(e) ASSISTANCE FOR PROSECUTION OF WAR
2 CRIMES.—The Secretary of State, in coordination with the
3 Attorney General, the Secretary of Defense, or the head
4 of any other appropriate Federal department or agency,
5 may assign or detail, on a rotational basis, employees of
6 such departments or agencies to advise, assist, and provide
7 training to build the capacity of Ukrainian prosecutorial,
8 law enforcement, forensic and judicial authorities, with re-
9 spect to the prosecution of atrocity crimes.

10 “(f) VICTIMS TRUST FUND.—

11 “(1) ESTABLISHMENT.—The Secretary of State
12 shall establish a Ukraine Victims Trust Fund, to as-
13 sist victims, survivors and witnesses during inves-
14 tigation and while awaiting judicial proceedings.

15 “(2) REWARDS AUTHORIZED.—

16 “(A) IN GENERAL.—In the sole discretion
17 of the Secretary, the Secretary may pay assist-
18 ance to any individual who—

19 “(i) provides credible information that
20 they were a victim or witness of an atrocity
21 crime;

22 “(ii) demonstrates the need for com-
23 pensation while furnishing information on
24 suspected criminals; and

1 “(iii) is awaiting trial in order to tes-
2 tify against their attacker.

3 “(B) ELIGIBLE PROCEEDINGS.—For pur-
4 poses of the authority provided by this sub-
5 section, the term ‘judicial proceedings’ includes
6 cases brought forth by the Ukrainian Pros-
7 ecutor General, the International Criminal
8 Court, or any United Nations-sanctioned tri-
9 bunal with jurisdiction over the prosecution of
10 atrocities crimes committed in Ukraine.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated \$50,000,000
13 for the Ukraine Victims Trust Fund established
14 under paragraph (1), which shall be authorized to
15 remain available for 10 years after the date of the
16 enactment of this subsection.

17 “(g) ATROCITY CRIMES REWARDS PROGRAM.—

18 “(1) ESTABLISHMENT.—The Secretary of State
19 shall establish a Ukraine Atrocity Crimes Rewards
20 Fund, under the War Crimes Rewards Program to
21 assist in the prosecution of atrocity crimes com-
22 mitted in Ukraine.

23 “(2) REWARDS AUTHORIZED.—In the sole dis-
24 cretion of the Secretary, the Secretary may pay a re-
25 ward to any individual who furnishes information

1 leading to the arrest or conviction in any country of
 2 any foreign person indicted with respect to the com-
 3 mission of atrocity crimes by the Ukrainian Pros-
 4 ecutor General, the International Criminal Court, or
 5 any United Nations-sanctioned tribunal with juris-
 6 diction over the prosecution of atrocity crimes com-
 7 mitted in Ukraine.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 9 There is authorized to be appropriated \$50,000,000
 10 for the Ukraine Victims Trust Fund established
 11 under paragraph (1), which shall be authorized to
 12 remain available for 10 years after the date of the
 13 enactment of this subsection.”.

14 **SEC. 5. AUTHORIZATION OF INTERNATIONAL CRIMINAL**
 15 **COURT AND INVESTIGATIONS WITH RESPECT**
 16 **TO THE PROSECUTION OF ATROCITY CRIMES.**

17 Section 2004(h) of the American Servicemembers
 18 Protection Act of 2002 (22 U.S.C. 7423) is amended—

19 (1) by striking “AGENTS.—No agent” and in-
 20 serting the following: “AGENTS.—

21 “(1) IN GENERAL.—No agent”; and

22 (2) by adding at the end the following: “The
 23 prohibition in the preceding sentence shall not apply
 24 in the case of investigative activities that”

1 “(2) EXCEPTIONS.—The prohibition under
2 paragraph (1) shall not apply with respect to inves-
3 tigative activities that—

4 “(A) specifically target foreign nationals
5 suspected of atrocity crimes on foreign soil;

6 “(B) are undertaken in coordination with
7 the Attorney General; and

8 “(C) relate solely to investigations of
9 crimes occurring in Ukraine.

10 “(3) NOTIFICATION.—Not later than 15 days
11 before initiating investigative activities pursuant to
12 the exception authorized by paragraph (2), the Sec-
13 retary of State shall submit to the appropriate con-
14 gressional committees written and electronic notice
15 of—

16 “(A) the names of the investigators on be-
17 half of the International Criminal Court who
18 are entering the United States;

19 “(B) the witnesses those investigators will
20 meet; and

21 “(C) the year in which the suspected
22 crimes occurred.”.

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