



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

March 21, 2022

The Honorable Avril Haines
Director of National Intelligence
Washington, DC 20511

Dear Director Haines:

On March 8, at your public appearance before the House Permanent Select Committee on Intelligence, we reiterated our admiration and appreciation for the work done by the men and women of the Intelligence Community (IC) in advance of Russia's war against Ukraine, and in the weeks since. That sentiment is shared across party lines. As Russia intensifies its indiscriminate killing of Ukrainians, we believe it is vital the IC continues maximizing intelligence sharing with our Ukrainian and international partners, and declassifying intelligence that reveals Russia's malign intentions and actions, including any potential war crimes. In this ongoing conflict each day matters, and we hope that, in coordination with our diplomats, you consider all the ways in which you can leverage IC capabilities to help save lives of Ukrainian civilians.

Public reporting shows that Russia has stepped up the brutality of its unprovoked war, launching attacks against civilian infrastructure, targeting members of the press, and killing thousands of innocent civilians in Ukrainian cities, including elderly asleep in their homes and women waiting to give birth in hospitals. Russia's actions have also led to the killing of multiple journalists, including Americans, who were reporting on the war and the humanitarian disaster.

The apparently intentional targeting of civilians and other actions taken by Russia's armed forces have rightly been condemned. On March 1, 39 countries referred the situation in Ukraine to the International Criminal Court (ICC) due to numerous allegations of serious international crimes by Russian forces, including war crimes and crimes against humanity.¹ More recently, on March 13, Secretary Blinken stated that the United States has seen "very credible reports of deliberate attacks on civilians" by Russia that "would constitute a war crime."²

The IC's unique capabilities afford it a powerful role in the response to Russia's actions. First and foremost, we urge the IC to lean forward in helping protect the lives of civilians and prevent even greater humanitarian suffering, all the while protecting sources and methods. For example, in besieged cities in eastern Ukraine, efforts to evacuate civilians from contested areas

¹ [20171003_Letter_Ambassador_ \(icc-cpi.int\)](#)

² [Blinken says US has seen reports of Russian abuses in Ukraine that 'would constitute a war crime' - CNNPolitics](#)

have met direct Russian attacks. Just as the IC has assisted our Ukrainian partners in anticipating a full-scale Russian military invasion and false flag operations, we believe it would be appropriate to provide intelligence that may assist in identifying safer evacuation corridors and calling out Russian violations of any agreed-upon humanitarian ceasefires.

Second, the IC should work diligently to declassify information related to Russia's planned or actual war crimes or other atrocities. Doing so might deter Russia from continuing down this path or further demonstrate to the world Russia's callous disregard for the lives of civilians, and the indiscriminate assault that has killed thousands of Ukrainians, and displaced millions more. Such transparency is particularly urgent in light of the Administration's publicly stated concerns that Russia could use chemical weapons in the conflict, potentially as part of a "false flag" operation. The Administration has rightly warned that President Putin would pay a "severe price" for any use of chemical weapons in Ukraine. We trust that the IC will continue to track this issue closely and quickly report any developments to the Committee and to our Ukrainian partners.

Finally, even as we continue to support Ukraine and work to bring this conflict to a close, all elements of our government should collect and preserve evidence of Russia's possible war crimes. We commend the Administration's public commitments to support investigations by the ICC and other institutions into Russia's conduct. Several elements of the IC have a long history of documenting and analyzing evidence of war crimes and other human rights violations across the globe.

Taken as a whole, the IC possess unparalleled resources and insights into the ground truth in Ukraine, which would be critically important in any potential war crimes proceeding. If not already underway, we encourage the IC to implement new processes and coordination mechanisms necessary to document and catalogue Russian actions in Ukraine that could amount to war crimes or crimes against humanity. Though the possibility of accountability appears distant today, we have a responsibility to bear witness.

We appreciate your consideration and the work that the IC has done and will continue to do to support Ukraine. We ask that you provide the Committee an update on specific steps the IC has taken or plans to take to prioritize humanitarian efforts and to collect and preserve evidence of war crimes. The present moment tests our collective resolve to defend human rights and freedoms. We know you are up to this task and stand ready to assist you in any way we can in these efforts.

Sincerely,



Adam B. Schiff
Chairman



Michael R. Turner
Ranking Member



Jim Himes
Member of Congress



Brad R. Wenstrup, D.P.M.
Member of Congress



André Carson
Member of Congress



Chris Stewart
Member of Congress



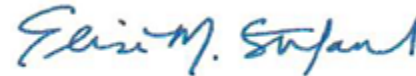
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