

118TH CONGRESS  
1ST SESSION

# S. RES. 179

Condemning the wrongful detainment of United States citizens and residents  
by the Russian Federation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mr. GRAHAM (for himself, Mr. WICKER, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. COONS, Mrs. CAPITO, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations

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## RESOLUTION

Condemning the wrongful detainment of United States citizens and residents by the Russian Federation, and for other purposes.

Whereas the Constitution of the Russian Federation guarantees the right to assemble, freedom from censorship, and the freedom of speech and thought to its citizens;

Whereas, under the leadership of President Vladimir Putin, the Government of the Russian Federation has failed to protect these ideals and has used the power of the state to diminish the rights of Russians and others within its borders and across the territories Russia unlawfully occupies;

Whereas President Putin’s regime has used the power of the state to unlawfully detain individuals committed to fighting corruption within the Russian Federation;

Whereas President Putin’s regime has unjustly targeted and detained individuals such as Sergei Magnitsky, who provided evidence that \$230,000,000 had been stolen from the Russian treasury by senior Russian officials;

Whereas Sergei Magnitsky died at the age of 37 after being denied critical medical care while being unjustly detained in inhuman conditions;

Whereas President Putin’s regime also utilizes the power of the state to target political opponents and repress freedom of speech, thought, and expression;

Whereas Alexey Navalny, a Russian opposition leader and vocal critic of President Putin, has been unjustly detained and subject to poisoning by the Kremlin;

Whereas the Putin regime has also used its power to unjustly detain citizens of the United States;

Whereas United States citizen Paul Whelan is currently serving a 16-year prison sentence after being wrongfully detained by the Russian Federation for espionage;

Whereas, following Paul Whelan’s conviction on June 15, 2020, the Department of State released a statement demanding his immediate release, and this statement continues to be ignored by the Government of the Russian Federation;

Whereas, on April 12, 2022, United States resident Vladimir Kara-Murza was arrested for condemning Russia’s war in Ukraine and was charged with “spreading deliberately false information” about the Armed Forces of Russia,

which was criminalized under a Russian law passed after the full-scale invasion of Ukraine;

Whereas, on April 17, 2023, Vladimir Kara-Murza was convicted of treason and sentenced to 25 years in prison;

Whereas additional United States citizens continue to be detained in Russia for unjust cause, including American journalist Evan Gershkovich;

Whereas wrongful detention, as defined in section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) and Department of State guidance, covers the detention of United States nationals, including lawful permanent residents (LPRs);

Whereas, under section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741), the Secretary of State is required to review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully and if this determination is made, the Secretary is required to transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Office of the Special Presidential Envoy for Hostage Affairs (SPEHA);

Whereas a referral to SPEHA, pursuant to Executive Order No. 14078 (relating to Bolstering Efforts To Bring Hostages and Wrongfully Detained United States Nationals Home), allows SPEHA to utilize additional tools not regularly available in order to deter and disrupt hostage-taking and wrongful detentions by imposing costs on terrorist organizations, criminal groups, and other malicious actors who take hostages for financial, political, or other

gains and thus threaten the integrity of the international political system and the safety of United States nationals and other persons abroad;

Whereas, on April 17, 2023, United States Ambassador to the Russian Federation Lynne Tracy stated, “The right to have political opinions, or to disagree with the decisions of one’s own government, are fundamental freedoms enshrined in both the Russian constitution and international treaties to which Russia is a party.”;

Whereas the Government of the Russian Federation, under the leadership of President Putin, has clearly failed to uphold the values guaranteed in the Russian constitution and the international treaties the Russian Federation is party to;

Whereas the actions of President Putin’s regime, including illegal detainments, military operations against sovereign nation states, and attacks on political opponents, constitute acts of international terrorism;

Whereas, under chapter 113B of title 18, United States Code, the term “international terrorism” means activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appear to be intended—

- (1) to intimidate or coerce a civilian population;
- (2) to influence the policy of a government by intimidation or coercion; or
- (3) to affect the conduct of a government by mass destruction, assassination, or kidnapping;

Whereas, at a minimum, the Government of the Russian Federation's treatment of detained Americans, Russian citizens, and others through inhuman prison conditions, including the lack of medical care, and the lack of due process constitutes a danger to human life which would be a criminal violation in the United States and is clearly intended to intimidate or coerce the free exercise of rights available to individuals in the Russian Federation; and

Whereas United States law authorizes the designation of countries that have repeatedly provided support for acts of international terrorism as state sponsors of terrorism: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) calls on the United States Government to  
3       designate Vladimir Kara-Murza as wrongfully de-  
4       tained under United States law;

5               (2) condemns the wrongful detainment of all  
6       United States citizens and residents by the Govern-  
7       ment of the Russian Federation and demands their  
8       immediate release from such detention;

9               (3) stands with the people of Russia in their de-  
10       sire to exercise freedom of speech and expression,  
11       without retaliation by an oppressive regime;

12              (4) demands that the Russian leadership be  
13       held accountable for their inhumane and unjust ac-  
14       tions against their own citizens who want nothing

1 less than to be represented by a fair and just gov-  
2 ernment; and

3 (5) calls on the United States Government to  
4 immediately designate the Russian Federation as a  
5 state sponsor of terrorism under United States law.

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