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Department Press Briefing – March 23, 2022

NED PRICE, DEPARTMENT SPOKESPERSON

WASHINGTON, D.C.

MARCH 23, 2022

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MR PRICE: Good afternoon. As you all have seen, we have a special guest at today's briefing. It is my pleasure to introduce Ambassador Beth Van Schaack, whom the Senate confirmed just last week, as the department's sixth Ambassador-at-Large for Global Criminal Justice. A renowned expert in international criminal law and transitional justice, respected professor at Stanford University Law School, civil society leader, and former deputy in the very office she now leads, Ambassador Van Schaack brings a wealth of experience and commitment to this position. We are honored to have her here with us, and I'm very glad to have her here today to explain the announcement that you all just saw from Secretary Blinken.

So without further ado, Ambassador Van Schaack.

AMBASSADOR VAN SCHAACK: Thank you. Good afternoon, everyone. I really appreciate the opportunity to address you here today as the Ambassador-at-Large for Global Criminal Justice. The office that I lead – the Office of Global Criminal Justice – provides advice to the Secretary and to other department and interagency leadership on issues related to genocide, war crimes, and crimes against humanity. As the Secretary noted last week, our office is leading the department's efforts to collect, analyze, and document potential war crimes being committed in Ukraine.

Earlier today, Secretary Blinken issued a statement announcing that, based on information that is currently available, the U.S. Government assesses that Russia's forces are committing war crimes in Ukraine. I wanted to provide you with some additional information underlying this assessment.

We have all seen really horrific images and accounts from the extensive and unrelenting attacks on civilians and civilian sites being conducted by Russian forces in Ukraine. There have been numerous credible reports of hospitals, schools, theaters, et cetera, being intentionally attacked, as well as indiscriminate attacks. Russia's forces have destroyed apartment buildings, schools, hospitals, other elements of the critical civilian infrastructure. We've been shocked by images of Russian forces and strikes hitting civilian sites in Mariupol, including the maternity hospital, a museum, and an art school. The United Nations and other credible observers have confirmed hundreds of civilian deaths, and we believe that the exact civilian death toll will be in the thousands.

Last week, Secretary Blinken expressed his view that some of Russia's reported attacks did in fact constitute war crimes. He emphasized that the Department of State and other U.S. departments will be documenting and assessing the facts and the law surrounding these reports.

The assessment has now concluded with a current – with a careful review of currently available information, both public and from intelligence sources. This review underpins the assessment that the Secretary announced today: that Russian forces are indeed committing war crimes in Ukraine.

As with any alleged crime, ultimately it will be for a court of law to determine individual criminal responsibility, who is directly responsible for these particular cases. The U.S. Government will continue to track reports coming out of Ukraine of war crimes, and we will share this information with our friends and allies and with international and multilateral institutions, as appropriate.

We are also supporting the Ukrainian prosecutor general's office and their war crimes directorate, and supporting civil society documentation efforts.

I want to reiterate our solidarity for the people of Ukraine. We are committed to pursuing full

accountability for war crimes in Ukraine using all of the tools that are available to us, including criminal prosecutions. As the Secretary said, those who are responsible for such abuses must be held accountable.

So with that, I would welcome some questions.

MR PRICE: Matt.

QUESTION: Thanks. Thank you, Ambassador, and welcome. Congratulations on your confirmation.

AMBASSADOR VAN SCHAACK: Thank you.

QUESTION: I'm just curious: In terms of the information that you say that you are collecting, or have collected, and are going to share with partners, allies, international institutions – where exactly do you think the accountability here is going to come from? It does not appear likely, or – in fact, it's impossible basically that any kind of UN-mandated or UN-approved court will take this up, considering it's got to go through the Security Council, and Russia will veto it. So where exactly are you expecting the accountability to come from?

AMBASSADOR VAN SCHAACK: Obviously, we are going to be considering all the options that are available to us, including domestic courts. Obviously, we have the courts in Ukraine itself as the territorial state, and the prosecutor general's office does have a war crimes directorate. Some funding from the Office of Global Criminal Justice is supporting efforts to build capacity within that office and help them do these cases ultimately if and when they have custody over particular perpetrators. In addition, third states within the region who may gain custody over perpetrators or potentially be able to do in absentia trials would have jurisdiction over war crimes committed within Ukraine. And then we welcomed the fact that the new incoming prosecutor of the International Criminal Court has also opened an investigation into the situation within Ukraine.

So there are some options for accountability even absent a dedicated tribunal, as you mentioned.

MR PRICE: Michelle.

QUESTION: Follow-up on that because the U.S. is not a party to the court, and the previous administration even had sanctions against the ICC. Are you cooperating with the new prosecutor of the ICC?

AMBASSADOR VAN SCHACK: I think everything's on the table. We're considering all the various options for accountability. There have been no specific asks. I do understand that the prosecutor has been meeting with the Assembly of States Parties, which are members of the court, and they have specific asks for those members who have cooperation duties towards the court. But as a non-state party member, we're not a member of the court and so we don't have any affirmative cooperation duties.

MR PRICE: Vivian.

QUESTION: Thanks, Ned. Thank you, Ambassador. (Inaudible) on a practical level what the immediate impact of such a designation (inaudible) would be, what changes, and how can this potentially help the Ukrainian people, if at all? Thank you.

AMBASSADOR VAN SCHACK: Right. I think it's incredibly important to shed a light on what's happening within Ukraine so that the people of Ukraine understand that the world knows what they are suffering, and that they're doing – they're suffering at the hands of an aggressive war that was launched unprovoked by Russia. It's also extremely important to continue to document what's happening on the ground to preserve that information as potential evidence for future accountability purposes. We don't want to lose that evidence. We don't want that evidence to be tampered with. So it's extremely important that it be collected now and preserved with an eye towards future accountability.

MR PRICE: Paul.

QUESTION: The Secretary, in his statement, listed a number of incidents, but he didn't say this is – these were specific to the – what your war crimes allegations are. So what specific instances are you looking at?

AMBASSADOR VAN SCHACK: So I actually can't get into those specific instances. But know that we are looking at the broad range of activities that the – Russia's forces are engaged in within ¹¹Syria, and we will continue to do that going forward. But we don't want to get into a

situation where we have to make an independent assessment and then a public announcement every time there's an incident. This is going to be an ongoing process throughout this conflict.

QUESTION: (Inaudible) this bombing of the theater in Mariupol. Is that one of the ones you're looking at?

AMBASSADOR VAN SCHAAK: That's obviously an extremely important – and it appears to have been a direct attack upon a civilian object.

MR PRICE: Simon.

QUESTION: Yeah. Just to probe into that a little bit more. In terms of the – the Secretary is saying these appear to be – this appears to be deliberate targeting of civilians. Is there anything you can say about evidence you've gathered or evidence you've seen that – aside from, the bomb fell on the theater that had the word "children" written outside of it. But I guess in a court of law, what would the – is there evidence that you've seen that would sort of prove that level of intent, the deliberate targeting of civilians?

AMBASSADOR VAN SCHAAK: I mean, a court of law would be looking to a whole constellation of evidence that's available, including, for example, if there is signals intelligence, insiders, et cetera. I can't discuss what we have been looking at; much of that does come from intelligence sources. But that's the kind of information that needs to be looked at. But the fact that this was very clearly marked with the word "children," it's obviously an essential element of the civilian infrastructure. It's not a military objective that makes a concrete contribution to military activities. And so for those reasons, it appears to have been directly targeted.

QUESTION: But there are things that you can't sort of tell us now because it's intelligence, but that will be submitted for future – potentially for courts in the future?

AMBASSADOR VAN SCHAAK: At this point, it's all being preserved with an eye towards that, yes.

MR PRICE: Missy.

QUESTION: Ambassador, just a couple of questions for you. First of all, can you just for –

QUESTION: Ambassador, just a couple of questions for you. First of all, can you, just for again to Vivian's point to explain for the general public how this works. How is responsibility determined in war crimes cases, given that there is a military chain of command? Who is held responsible, the person who pulls the trigger or the person who's the commander in chief? I'm wondering if you could shed any light on that.

Secondly, will this announcement affect sanctions or travel bans in any way?

And third, I think you mentioned the possibility of domestic courts being a venue for pursuing these allegations. Does that mean that the Biden administration is considering filing charges in a domestic court currently? Thank you.

AMBASSADOR VAN SCHAACK: Right. So question number two, I'll just say I can't really preview any sanctions determinations. So that's all I can say for that.

Question number one was —

QUESTION: The question was, how do you determine responsibility in a military chain of command?

AMBASSADOR VAN SCHAACK: Right. And as you mentioned, there is a chain of command when it comes to a military like the Russian military. And the – doctrinally, we're able to hold responsible under international law those who are directly responsible, those who might be complicit or otherwise engaged in some sort of a joint criminal exercise with the perpetrators. The doctrine of superior responsibility allows for commanders to be held responsible for acts committed by their subordinates if they're aware of those acts and they fail to either prevent them in advance or punish them after the fact. So all of those sort of criminal law tools could be used by any court that's able to seize jurisdiction in this particular case.

QUESTION: And then on the domestic courts?

AMBASSADOR VAN SCHAACK: Domestic?

QUESTION: Yes.

AMBASSADOR VAN SCHAACK: Right. Unfortunately, I will say, the U.S. War Crimes Act may be

of limited utility in this particular context. It is limited to perpetrators that are U.S. citizens or to victims who are U.S. citizens. So war crimes committed by Russians against Ukrainian citizens would fall outside of the jurisdiction. I know that there are a number of proposals now floating around Congress, and Congress is extremely seized of the imperative of accountability here. And I imagine that those proposals will be looked at very carefully as to whether or not there could be some discreet fixes to the War Crimes Act.

QUESTION: Okay. Thanks.

MR PRICE: (Off-mike.)

QUESTION: Ambassador, President Biden obviously branded Vladimir Putin himself a war criminal. Then the Secretary of State said that he personally agreed with him. I wonder, does this assessment also include crimes by Vladimir Putin himself? And if not, why not?

AMBASSADOR VAN SCHAAK: Well, we have looked broadly at Russia's forces, and the conclusion and assessment is that Russia's forces are committing war crimes. I think that's consistent with the two prior statements.

QUESTION: But does that mean that he's just – not to pick here, but does that mean that he's specifically not included? Or does that mean that you can also go after him, as it were?

AMBASSADOR VAN SCHAAK: I think in making that assessment, the Secretary was looking at the entire matrix of information that's available.

QUESTION: But is he – can he – can you go after him on the basis of this assessment? I think a little bit touching on the question that you just answered there.

AMBASSADOR VAN SCHAAK: I think that's a question that's left to a court of law that has appropriate jurisdiction over individuals involved in the conflict.

QUESTION: Maybe – can I just – maybe the question might be better asked this way: I mean, as commander-in-chief of Russian forces that – who you have just accused or made an assessment that are committing war crimes, is President Putin liable —

AMBASSADOR VAN SCHAAK: I mean —

QUESTION: — for the actions of people who are under his command —

AMBASSADOR VAN SCHAACK: As I mentioned —

QUESTION: — in the same way that any commander-in-chief of any armed forces would be?

AMBASSADOR VAN SCHAACK: Yeah, in response to Missy's question, I mean, there are doctrines under international law and domestic law that are able to reach all the way up the chain of command.

QUESTION: So the answer is yes?

AMBASSADOR VAN SCHAACK: Again, that would depend on a court that has jurisdiction.

MR PRICE: Ambassador, thank you. A quick final question?

AMBASSADOR VAN SCHAACK: Okay.

QUESTION: When – how soon do you think you can produce something that can be made public in terms of allegations, charges?

AMBASSADOR VAN SCHAACK: I think it's important to do that. Obviously, we have to do a full assessment of the information that's available to us and make sure that it doesn't compromise any means and methods of collection, but I think keeping the world apprised of what's happening on the ground is – in Ukraine is extremely important.

QUESTION: But are we going to get something in weeks, months, a year?

AMBASSADOR VAN SCHAACK: I can't – I can't predict, sorry.

MR PRICE: Thank you very much.

AMBASSADOR VAN SCHAACK: I'm literally on my second day of the job, so. (Laughter.)

QUESTION: Thank you.

MR PRICE: Thank you.

AMBASSADOR VAN SCHAACK: Thank you.

QUESTION: Oh, hey, did —

MR PRICE: I'm not going anywhere. Yes.

QUESTION: No, I know, but maybe we could get her back – the ambassador back for some other war crimes-related, non-Ukraine-related (inaudible)?

MR PRICE: I don't want to sign her up for anything just now, but she will have full pressure from me to come back. I very much appreciate that.

QUESTION: Because unfortunately, this is not just a Ukraine subject here.

MR PRICE: Yes, of course. Well, and that is why we are especially lucky and gratified to have her on board and to have her confirmed just last week.

With that, happy to carry on.

QUESTION: Okay. Can you tell us anything more than what you said on television this morning about the consular access that you guys were granted to Brittney Griner in Russia?

MR PRICE: What I can say, Matt, is to add on to what I said just the other day, that Ambassador Sullivan, as you know, had an encounter at the ministry of foreign affairs. The ministry of foreign affairs conveyed the message that they wanted to send to us.

Ambassador Sullivan thought it was important for him to convey a very clear message back to them. And the message he wanted conveyed was the imperative of the Russian Federation upholding their international commitments, including the commitments under the Vienna Convention and the commitment under our bilateral agreement on consular relations to allow consistent and timely consular access to all U.S. citizen detainees in Russia, including those who are in pretrial detention. And again, this is in compliance with its obligations under the Vienna Convention and under the consular relations – bilateral consular convention with the United States. And so we continue to urge that they allow consistent, timely consular access

United States. And so we continue to urge that they allow consistent, timely consular access, as I said before, to all U.S. citizens in line with those obligations. We also continue to press for fair and transparent treatment for all U.S. citizen detainees in Russia.

When it comes to Brittney Griner, as I did this morning, I can confirm that consular access was granted today, and a consular officer visited Brittney Griner earlier this morning Eastern time, would have been later in the day Moscow time. We continue to insist that Russian authorities allow consistent, timely consular access to all U.S. citizen detainees in Russia. The consular officer who visited with Brittney Griner was able to verify that she is doing as well as can be expected under these very difficult circumstances. We'll continue to work very closely with her legal team, with her broader network to see to it that she is treated fairly and that her rights are respected.

QUESTION: Do you have any more clarity on what exactly – what charges she actually is facing based on this visit or was it mainly just kind of a health and welfare?

MR PRICE: These consular visits, especially the first one, tends to be a check-in on the individual and his or her welfare and well-being. Obviously, the Russians have spoken publicly to the charges that they have mounted against her. I don't have anything for you on that.

QUESTION: Okay. And then just last one: You say that you pressed – Ambassador Sullivan and you have pressed for consistent – for the Russians to give consistent, timely access. It's been more than a month since she's been detained. Do you think that today's visit is in keeping with consistent and timely access?

MR PRICE: Heretofore, no. Time will tell whether that posture is changing. In our minds, it is our expectation that this not be a one-off visit. Again, we want timely, consistent access to American detainees in Russia, including those in pretrial detention. That would call for additional visit to Brittney Griner and to other Americans who are detained in Russia.

Simon.

QUESTION: I'm not sure whether you would have seen it, but Interfax is reporting that the Russian foreign ministry is to expel some U.S. diplomats in retaliation for the U.S. expulsion of Russians from the UN mission. I think that just came on the wire as you started talking, but do you have any response to that?

MR PRICE: You're right, I had not seen that. What I will say is what we've said before, is that we believe that ready, open lines of communication are indispensable, especially during times of heightened tension, especially during times of conflict. As you know, for several years now, the Russian Federation has limited our ability to have a fully functioning embassy in Moscow.

Our watchword has been "parity." We want to see parity between Moscow's embassy operations here in the United States and what we're able to have in Russia. As you've heard, our embassy in Moscow continues to be a locus of coordination and communication with our Russian counterparts. We do not – would not want to see that closed down. It is also true that the restrictions the Russians have placed have been quite burdensome on our embassy operations, and there is not much to give in terms of our ability to continue with a functioning embassy in Moscow with those operations if there are further personnel limits placed on our embassy in Moscow.

QUESTION: And on the – if you wanted to respond, *The Wall Street Journal* is reporting that the Treasury – and this would have involved the State Department as well – there were plans to sanction the Russian oligarch Roman Abramovich, and those were – those sanctions were – ended up not being announced because President Zelenskyy had requested that of President Biden. Is that something you can confirm, and is there any prospect of Abramovich still being sanctioned?

MR PRICE: As you heard from Ambassador Van Schaack on a very different – in a very different context, we don't preview sanctions activity. What is true, however, all of you know that President Biden is right now on his way to Brussels. He will carry with him several missions when he meets with our NATO Allies, with our G7 partners, with the European Commission as well. One of those tasks will be to ensure that collectively, we are doing all we can to hold to account those responsible for this war, for this needless conflict. And so I expect that you will hear from the President and some of his partners additional details on further sanctions that we're prepared to impose on those responsible for this war, but we're just not going to go into specifics today.

QUESTION: In a more general sense, so the reporting here is that Abramovich had some role or has a potential role as a mediator between the Ukrainians and the Russians. Would you potentially leave someone out of sanctions if you thought that they could play that kind of

role?

MR PRICE: I'm not going to weigh in on a hypothetical like that. I will say that there are a number of channels through which our Ukrainian partners and their Russian counterparts can engage in dialogue and diplomacy. A number of our European allies, to include our French allies, our German allies, our Turkish allies, our Israeli partners, other channels are extant at the moment where that kind of diplomacy can take place. Those are the channels we're focused on. Those are the channels we continue to coordinate closely with our allies and partners on.

Yes, Paul.

QUESTION: Can I just follow up quickly on —

MR PRICE: Sure.

QUESTION: Is it — the Russian foreign ministry has said they handed — they called in the ambassador and handed him a list of people to be declared persona non grata. So you have no —

MR PRICE: I am hearing this for the first time.

QUESTION: Okay.

MR PRICE: Okay. Yes.

QUESTION: I just wanted to follow up on something you mentioned yesterday briefly, and given today's announcements regarding the war crimes and the focus on the situation and the specific attacks in Mariupol. You mentioned yesterday there were reports that you were seeing of people who were being unwillingly moved from Ukraine, specifically from Mariupol, to Russia. Do you believe that those reports are genuinely credible? Do you have any concern or any information on the well-being of Ukrainians that may or may not have been unwillingly moved to Russia? We've seen several individuals make comments of possible detention or any kind of camp or something like that once they arrived to Russia. So I just wanted to follow up on that briefly.

MR PRICE: We've continued to see these reports. We continue to find them very concerning. As I said yesterday, we're continuing to look into them to corroborate these accounts, which have in fact continued to mount. What we need to see in Mariupol and what we need to see throughout Ukraine is humanitarian access. That is to say, passageways so that individuals can voluntarily attempt to reach a safe haven, people can be let out, humanitarian supplies can be let in. Just about every time we have seen a humanitarian corridor announced, that window, that opening has been slammed shut by additional Russian aggression. Mariupol, as we discussed yesterday at some length, has really been the epicenter of President Putin's brutality, and some of the very incidents that Ambassador Van Schaack referenced just several moments of ago have, of course, taken place in Mariupol – from the maternity hospital to the theater that appears to have been sheltering children that was very clearly marked.

Of course, we can't speak to President Putin's tactics or his strategy, but it is not – it certainly strikes us that Mariupol is a predominantly Russian-speaking city of 450,000 people; as we discussed yesterday, presumably a city, if you listen to President Putin and those around him – a city where President Putin may have expected his forces to be greeted as anything other than what they actually are, and that is aggressors who are inflicting violence upon a civilian population in a sovereign, independent country. The fact that citizens of Mariupol and throughout Ukraine have mounted such stiff resistance may speak to the level of brutality that the Russian Federation is inflicting on this population.

And of course, the great irony of this, if you were to have listened to President Putin before his invasion, to have heard his specious argument that this would be an operation to protect the welfare and the well-being of Russians and Russian-speaking populations throughout Ukraine, we consistently warned prior to this invasion that that would be nothing more than a pretext. And now look at what President Putin and his forces are doing to Mariupol, to a Russian-speaking population. It is a city that has been devastated. The scenes of carnage, the scenes of violence and brutality, they are heart-wrenching, and this is the very people that President Putin purported to want to protect.

(Inaudible.)

QUESTION: Thanks, Ned. I have a quick Ukraine question and then a non-Ukraine question. On the war crimes designation, can you just tell us if there were consultations with the

Ukrainian Government in advance of this, how those conversations went, any more color, detail you could provide to how it came about?

MR PRICE: So this is not the sort of announcement that we would make unilaterally on our own without extensive coordination. I'm not in a position to detail all of that, but our European allies and partners have also spoken to their concerns for the potential war crimes in this context. We've discussed President Putin's brutality and the violence of his forces with our Ukrainian partners as well. So there were extensive consultations before we made this announcement today.

QUESTION: Thanks. And then on my non-Ukraine question, I wanted to turn to Afghanistan, the Taliban restricting girls from going to high school. Obviously this is in violation of their promises to the U.S. Where do those discussions stand as far as any contact with the Taliban and any efforts that the U.S. might have to try to mitigate this situation or reverse it in some way?

MR PRICE: Well, this is something that you've heard our Special Representative for Afghanistan Tom West speak to, our Special Envoy for Women and Girls Rina Amiri speak to, our chargé, who is now based in Doha, Ian McCary, speak to as well. Each of them have put out statements in response to this announcement, and we join millions of Afghan families today in expressing deep, deep disappointment and condemnation with the Taliban's decision not to allow women and girls to return to school above grade six.

You have heard this from us before, but education is a human right. It is essential to Afghanistan's economic growth, its basic stability. A country that does not allow more than half of its population to participate is not a country that can achieve any degree of prosperity, stability, safety, security for its people. This is a betrayal of public commitments that the Taliban leadership made to the Afghan people and to the international community. You said it was in contravention of the Taliban's commitments to us. We are most concerned that it is in contravention to the very commitments that the Taliban have made to their own people. They have acknowledged previously that all Afghan citizens have a right to education for the sake, again, of the country's future and for the sake of its relations with the international community. We urge the Taliban to live up to their commitments to their people, to the commitments they have made to the international community as well.

In line with that, it is just a fact that today's announcement will have an immediate impact on the Taliban's ability to gain legitimacy and international political support. We've long said that any future government of Afghanistan – international legitimacy, relations with any such future government will be predicated on a number of things: the ability and willingness of that government to live up to the commitments that it has made to its people and to the international community, the commitment to safe passage, the commitment to live up to what it has said vis-à-vis al-Qaida and other terrorist groups, but also the human rights that are to be accorded to all of Afghan's citizens – its women, its girls, its minorities as well. This is something we'll be watching very closely.

Yes, Missy.

QUESTION: Ned, sorry, can you – so Madeleine Albright's family has just announced that she has died. Do you have anything to say about her death?

MR PRICE: So I heard about this just before coming out today. What I can say is that I expect you'll hear more —

QUESTION: (Off-mike.)

QUESTION: Madeleine Albright has died.

MR PRICE: I expect you'll hear more from the Secretary later today. Of course, the Secretary and the President are aboard Air Force One, but they have been apprised of this. I can say that the impact that Secretary Albright, Professor Albright, Dr. Albright – she's known as many titles around here and in Washington and around the world. The impact that she has had on this building is felt every single day in just about every single corridor. A number of our most senior officials, from Secretary Blinken to Deputy Secretary Sherman to our Chief of Staff Suzy George, have – were lucky enough to call her a boss, but I think the better word is probably mentor. And a number of us have had the great pleasure to have gotten to know Secretary Albright over the years. There are a number of people in this building who continue to work here and to recall very fondly her tenure. Of course, she was a trailblazer as the first female Secretary of State, and quite literally opened doors for a large element of our workforce.

QUESTION: A professor of yours? She was of mine.

MR PRICE: She – I was never lucky enough to —

QUESTION: Although you – you post-dated her. (Laughter.)

MR PRICE: I was never lucky enough to take her class. I was lucky enough to co-teach with her. And those were experiences that were humbling and terrifying at the time, but an experience that is and will be unforgettable. I know that she took so many people under her wing that you have to imagine just how large that wingspan came to be. So it's a really devastating piece of news. I know there are many people in this building who are grieving and who will be grieving today. And our thoughts, of course, are with her family and the many, many people she touched in this building, in this country, and around the world. And I'm sure we'll have more to say.

QUESTION: Thank you.

MR PRICE: Yes. Missy.

QUESTION: Can I – thanks. I just wanted to follow up with a few questions on Afghanistan. How will the United States – what concrete steps will the United States take in response to the Taliban's decision on girls' education? And how will you balance the need to – or presumably the desire to make the Taliban government understand that this is not something that you want them to do with the – aid, the agency of the humanitarian situation?

And then secondly, I would just love for you to reflect on the decision to withdraw in light of this, because there was – one of the primary objections from the critics of the decision to withdraw from Afghanistan was that the situation for women and girls would be threatened. And now there's a significant step forward to having those warnings on that front be fulfilled.

MR PRICE: Well, to be very clear, the situation for women and girls has unfortunately been precarious in Afghanistan for far too long. There were gains achieved after the Taliban was wrested from power in 2001 and the years thereafter, but you have to recall that in more recent years the Taliban made territorial advancements, and by the time the decision was made to disengage militarily from Afghanistan, the Taliban was in control already of large swaths of the country.

Now, not having a military presence on the ground in Afghanistan says nothing to our ability to continue to use every appropriate instrument to place leverage on the Taliban, and we have continued and will continue to do that, along with the international community. The totality of our relationship with any future government of Afghanistan will be contoured around these very questions: the extent to which the Taliban or any future government lives up to the commitments it has to the international community, but more importantly, the commitments it has to the people of Afghanistan. And again, our focus is on all people of Afghanistan – women, girls, minorities, those who have been historically marginalized within Afghan society.

So right now, we are continuing to work very closely with our partners in Doha, here, and around the world to see to it that our approach to the Taliban, especially in light of these lamentable decisions, is calibrated appropriately. We have engaged with the Taliban on these very questions. Rina Amiri, Tom West, and others, Ian McCary, have continued to have discussions with the Taliban, together in many cases with other Western partners and other international partners. And the Taliban will come to recognize if they don't already that when the United States acts together with our allies and partners, when we bring collectively the economic, the financial, the other forms of leverage that together we can muster, that this is something that we will continue to insist on.

QUESTION: But just to press you a little bit more on that, what specific things will the Biden administration do, can you do? Because the attempts so far to use the leverage that the United States has in terms of its political clout and its control of the reserves and all of that and aid funds haven't stopped it from doing this. So I'm just hoping you can help people understand what is within the power of the U.S. Government in this current situation.

MR PRICE: So I would speak to it in two directions. The first is the humanitarian support that we have and will continue to provide to the people of Afghanistan. And as you know, we have, even in the past year, donated hundreds of millions of dollars to the people of Afghanistan, and that includes for elements like education, for food, shelter, basic necessities and commodities as well. This – these funds have not and will not pass through the Taliban, and that is for – that is done very intentionally.

This goes back to the point I was making before that any future government – if it is to have a relationship with the international community, a relationship from which it can accrue legitimacy, from which it can accrue the material resources that it will need to achieve a

functioning and stable government – it will be incumbent on any such future government or any such movement, whether that’s the Taliban or otherwise, to adhere to its international commitments. And to us, the commitments that the Taliban have made publicly to the international community and to the people of Afghanistan will continue to be central as we determine how we can best support the people of Afghanistan with our continued humanitarian assistance. And we’ve continued to be the humanitarian leader in supporting the Afghan people. But then how we can continue – and again, we’ll do this together with our international partners – continue to pressure the Taliban, to reverse these wrongheaded decisions and to live up to the commitments they’ve made.

QUESTION: Can I just – okay, my last question on this. Do you have any reason to think, though, that they care enough about having a relationship with the international community? Because this was a specific item that was put forward for them as a condition, and they’ve spurned it within the first year of being in power. Why would you think that they would set aside these other things if they are doing – if they’re banning women – girls from school with the knowledge that that could prevent them from having these fuller global engagements?

MR PRICE: This is about much more than an international relationship. This is about the ability of a government to garner what would come with the legitimacy from the international community. This is about material input. It is about the ability of that government to sustain itself, to support itself. Prior to the fall of the previous Afghan government, something like 70 percent of public expenditures of the prior government were financed by the international community. This – no future government will be able to secure its position and to provide the kind of services that it will need to do for the people of Afghanistan if it does not have a functioning relationship with the international community.

And we have made very clear that when it comes to the United States and when it comes to our partners, with whom we’ve continued to coordinate very closely and act in unison, that we will be looking to these key metrics. And at the top of that list will be the Taliban’s ability and willingness to live up to the commitments that it’s made publicly to its own people and to us.

QUESTION: Iran?

MR PRICE: Sure.



QUESTION: The National Security Advisor said yesterday that a role Russia played in the JCPOA was accepting enhanced uranium from Iran's stockpile to keep them under the breakout threshold. Is it fair to expect Russia to play the same role if there's a return to mutual compliance?

MR PRICE: Again, we are not there yet. This is something that – in terms of a mutual return to compliance, we've seen the significant progress that had been achieved in recent weeks. But as you've heard from us in recent days, an agreement is neither imminent nor certain. We are preparing for both scenarios; that is to say, a scenario in which we have a mutual return to compliance with the JCPOA and in which the original members of the JCPOA – the P5+1 – would be involved in that very arrangement that would once again reimpose stringent, verifiable, permanent limits on Iran's ability to ever obtain and obtain a nuclear weapon, and a scenario in which we do not have a JCPOA but we are – in which we will be equally committed to the President's commitment that Iran will never be allowed to acquire a nuclear weapon.

QUESTION: But Jake Sullivan said that role was a practical one. Does the State Department still believe that would be a practical role for Russia to play?

MR PRICE: Would it be a practical role for Russia to play the same role that it did in the JCPOA prior to the decision to withdraw from it, essentially to accept and to pay for the highly enriched uranium to get it out of Iran's hands so that Iran cannot obtain a nuclear weapon? I think that's a role we'd be willing to entertain.

Yes.

QUESTION: Thanks, Ned. On China, just following up on the President's call with Xi Jinping last week, the U.S. is obviously concerned about China supporting Russia, and so the President laid out consequences if China provided material support to Russia. My question is: Since the call, has the U.S. seen any indication of China's willingness to support Russia, or conversely, have you seen any indication that might dispel those concerns?

MR PRICE: The National Security Advisor also spoke to this yesterday. He made the point, as we did in the aftermath of that call and just before it, that we will be watching closely, that any effort on the part of the PRC to help Russia escape the worst consequences of the economic and financial measures that the international community has been – has imposed on it would

be of great concern and would be met with severe implications. As the National Security Advisor said yesterday, we haven't seen any indication that the PRC has provided that support.

QUESTION: Ned, just to follow up, Secretary General Stoltenberg today in his press conference said that China has provided Russia with political support by spreading lies and disinformation, and said during this week's meetings in NATO, NATO would be discussing China's role. Would the U.S. be willing to impose any of those consequences for political support, not material support?

MR PRICE: Well, it has not been lost on us that the PRC has continued to spout some of the most egregious disinformation, the patently false lies that have in the first instance come from Moscow, including about various chemical weapons and biological weapons programs. That is something that is irresponsible. It is irresponsible for any country to do, whether that is Russia, whether that is the PRC, or any other country around the world. It's something that we take great umbrage at and it is something that we are watching very closely.

Now, look, the PRC and Russia have a relationship that is distinct, certainly, from the relationship that we have with Russia or that most countries around the world have with Russia. It is not for us to tell any country how its relationship with Russia or the PRC or any other country, for that matter, must look. But it is for us to lay out very clearly the implications on decisions that would have a bearing on our national security, on the safety and security of our allies and partners, including our NATO Allies.

Yes, final question.

QUESTION: Can I just clarify – so obviously today on the war crimes designation, this is not the State Department or the U.S. Government calling Putin a war crime. That still remains the personal opinions of the President and the Secretary of State. Is that something, though, that you rule out? Is there a mechanism by which the U.S. can, would brand him a war criminal? And I've got a little follow-up after that.

MR PRICE: Well, you're correct that this is, as you've heard from the Secretary today, our assessment that Russia's forces have committed war crimes. Now, the United States Government is not the only body that is investigating reports of potential war crimes. We are supporting investigative mechanisms around the world, including the commission of inquiry at the UN that we helped to establish, the 44 member strong OSCE led effort that's investigating

the UN that we helped to establish, the 44-member-strong OSCE-led effort that's investigating this, Ukraine's own domestic mechanism to look into the possibility of war crimes, and it is not for us to say how any of these investigative efforts, whether our own or on the part of the international community – where and how they might end. We will all be watching very closely. We will all be documenting and we'll all be sharing, as appropriate, the evidence that we accumulate, and ultimately decisions about culpability, decisions about potential war crimes, it will be driven by that evidence and its applicability against what's clearly spelled out in international humanitarian law.

QUESTION: Just separately, Jake Sullivan said to us yesterday that one of the aims of the visit was to come up with – I'm not directly quoting him, but essentially a unified response between America and the West as to what you might do if nuclear, chemical, biological weapons were used. Can we assume that that would be a red line beyond which we would see some form of military – direct military response?

MR PRICE: You can assume, as the President has said, that any use of chemical weapons would elicit a strong response from the United States and our partners and allies.

QUESTION: What does that mean, though?

MR PRICE: Again, you can assume precisely what the President has said, that it would be a strong response from our partners and allies. We've tried to be very clear about the gravity of the use of any such chemical weapons. These are agents that should never be employed, and certainly not on the battlefield, as we are concerned Russia might. So we have wanted to be very clear together with our allies and partners, and you can imagine that the President will be discussing this with his partners in Brussels in the coming days, that there would be a strong response from the international community were this to come to pass.

QUESTION: You won't say whether that would that be military or not?

QUESTION: Does that include a military response, a kinetic military response?

MR PRICE: We will leave it at a strong response. Thank you very much.

(The briefing was concluded at 2:53 p.m.)

1. Ukraine ↑

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