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## رسالة مؤرخة 6 أيار/مايو 2022 موجهة إلى رئيسة مجلس الأمن من الممثل الدائم لألبانيا لدى الأمم المتحدة

في 27 نيسان/أبريل 2022، نظمت ألبانيا، بالتعاون مع فرنسا وبالتعاون مع أوكرانيا، اجتماعاً بصيغة آريا حول موضوع "ضمان المساءلة عن الفظائع المرتكبة في أوكرانيا". وقد أخل تواضعنا الدعم القوي الذي تلقيناه وجوده البيانات التي تم الإدلاء بها بشأن هذا التحدي الملح للسلم والأمن العالميين.

وأعدنا مجموعة من البيانات ويسرُّنا أن نحيلها مع هذه الرسالة (انظر المرفق)\*. ورُتبت المجموعة حسب ترتيب المتكلمين وتشمل البيانات التي أدلى بها في صيغ مختصرة وتلك التي لم تلق على الإطلاق بسبب ضيق الوقت.

وأرجو ممتناً تعميم هذه الرسالة ومرفقها باعتبارهما وثيقة من وثائق مجلس الأمن.

(توقيع) فريد خوجة

السفير

الممثل الدائم لألبانيا لدى الأمم المتحدة

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**Annex to the letter dated 6 May 2022 from the Permanent  
Representative of Albania to the United Nations addressed to the  
President of the Security Council**

**SECURITY COUNCIL ARRIA-FORMULA MEETING ON  
ENSURING ACCOUNTABILITY FOR ATROCITIES COMMITTED IN  
UKRAINE**

**PRESENTATIONS AND STATEMENTS  
27 APRIL 2022**

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### High Commissioner on Human Rights - Ms. Michelle Bachelet

Excellencies,

Colleagues,

I am grateful to Albania and France for organizing today's crucial and timely discussion.

In the words of a woman from Irpin on 15 April after her house burned down: "I am sad about our house in which I was born and had lived during my whole life. But I am even more sad that the whole history of our family burned down."

Accountability is a cornerstone of upholding human rights.

Yet, two months into the Russian armed attack on Ukraine, we ask: who will be held accountable, when and how?

As I stated to the Human Rights Council in March, the gross violations of international human rights law and serious violations of humanitarian law that have occurred - in particular regarding the principle of distinction and the prohibition of indiscriminate attacks - may amount to war crimes.

The victims of these violations and their families need reparation. They need to obtain effective remedies for the harm and tragedy they have endured.

And efforts aimed at redressing violations must begin now.

This sends a clear message that violations of international law will not go unaddressed; that individuals will be held to account; and that parties to the conflict will be held responsible for internationally wrongful acts their forces commit.

For this to happen, there are at least four critical steps.

First – the comprehensive preservation of all types of evidence related to alleged international humanitarian and human rights law violations, including digital evidence.

Second - decent treatment of all mortal remains, including their proper identification and burial, as well as forensic examinations of bodies to establish cause of death.

Third - the effective and comprehensive recording of all deaths linked to the conflict, including civilian casualties.

And finally, the development of comprehensive policies and mechanisms to provide remedy and reparations for the victims of serious violations of international law related to the armed conflict since 24 February 2022, as well as those who suffered harm before, since mid-April 2014. This includes families of those killed, and those injured.

Individual criminal responsibility for war crimes that may have been committed in Ukraine will have to be determined by a fair trial before a court or tribunal, in full compliance with international rule of law standards.

This is the primary duty of the parties to the conflict.

As the war continues and intensifies, so too does the magnitude of human suffering. We are gravely concerned by the rising civilian death toll, mass displacement and the destruction of civilian objects.

As of today, my Office has documented and verified 5,939 civilian casualties, with 2,787 killed and 3,152 injured. Actual figures are considerably higher, and my Office is working to estimate them.

Most of these have been caused by the use of explosive weapons with wide area effects in populated areas, such as shelling from heavy artillery, and missile and air strikes.

The staggering scale of human rights violations in Bucha has shocked Ukraine and the world. During a one-day visit, our team documented the unlawful killing, including summary executions of 50 civilians – mostly men, but also women and children. We continue to follow up on all reports of violations in Bucha, as well as over 300 other allegations of killings, including summary executions of civilians in more than 30 settlements in Kyiv, Chernihiv, Kharkiv and Sumy regions, controlled by Russian armed forces in late February and March. OHCHR has corroborated over 170 cases of apparent arbitrary detention and enforced disappearances of public officials, journalists and activists in areas controlled by Russian armed forces. OHCHR has also received information about alleged arbitrary and incommunicado detentions by Ukrainian forces or people aligned with them.

My Office is also looking into dozens of allegations of conflict-related sexual violence.

The treatment of prisoners of war by the parties also raises serious concerns. Videos apparently recorded by combatants are available online, depicting intimidation, torture and even killing of prisoners of war.

Accountability for these violations and the rights of victims to a remedy and reparations must be ensured.

Colleagues,

My Office is committed to engaging with all actors working towards accountability, within our respective frameworks and mandates. Here, I welcome the establishment of the Independent International Commission of Inquiry on Ukraine which is an important step. I emphasise that all efforts should be coordinated, with victims' rights, including their protection, at the centre of the approaches.

Yet, looking at what is playing out today will be in vain if we can't commit to preventing future violations and atrocities.

Our efforts for peace must be sustained and unwavering.

In the meanwhile, the parties to the conflict must urgently reassess the methods used to conduct hostilities. The use of weapons with wide area effects in populated areas should cease immediately. Summary executions, other unlawful killings and enforced disappearances must come to an end now.

My Office will continue the crucial work of documenting violations of international human rights law and international humanitarian law. To guarantee our monitoring is independent and impartial, our human rights officers must have complete and unimpeded access to all affected areas in Ukraine, as well as access to information.

This futile and senseless war has already caused immeasurable human tragedy.

Let us commit to putting a stop to it before we have more deaths, more suffering, and more perpetrators to hold to account.

## International Criminal Court Prosecutor - Mr. Karim Khan

First, I would like to start by thanking the permanent missions of Albania and the Republic of France for convening this session. And it's a real honour, albeit in desperately sad circumstances, to share this platform with the very distinguished panelists and all of the Ambassadors and ministers in the room today.

We are by any metric in a time of massive uncertainty; massive uncertainty for the people of Ukraine. Massive uncertainty for the people in the region. And I think it's not hyperbole to say the world is holding its breath. What direction are we going in? Are we heading towards peace or more violence, more tears and more suffering? It is a moment the events, particularly since the 24th of February, I think, some have thought, well, what's the point of international law? What's the point of the International Criminal Court ("ICC" or the "Court")? What's the point of all these conventions, all these conferences that many in this room have attended and taken part in, the wonderful drafting, the high, lofty ideals of the preambles? What's the point of it all when people are suffering in so many parts of the world?

And yet, in that moment of otherwise despair, I think something unique is happening. It is a dawning realization that the rule of law is not a passive spectator, but as an intrinsic part, an intrinsic buckle to keep us together.

43 states have referred to the Situation in Ukraine to the ICC. And that's the first time such a number have done such a thing. I think it is really important to realize, and I think, we're seeing it, the young green springs of hope in the wasteland that we otherwise survey, that the law is more relevant now than ever.

Not only to stop us drifting further apart, but to prevent us colliding with more brutality against one another. I've stated repeatedly since my first statement when I was in Cox's Bazar on the 25th of February, that the law applies equally to all sides, all parties to the conflict, whether Ukraine or the Russian Federation, whether the state actors or non-state actors, have certain clear obligations.

We heard from the High Commissioner for Human Rights about the principles of proportionality, the principles of distinction, the types of weapons, munitions and events that are in the public space of discussion. This is nothing new. This has been known since Nuremberg. This has been known for a long time. The issue is not a misunderstanding or confusion about the law. It is a greater or acute realization that the law has to be applied if we are to continue going forward as a species, as communities, as civilization and as states. I do take the opportunity to really call both to thank or appreciate Ukraine's declaration under article 12(3) of the Rome



Statute, because that's the only reason we have jurisdiction. And also to call upon Ukraine, with all due dispatch, to pass the necessary cooperation law so that the obligations that arose under 12(3) declaration can be properly implemented. At the same time, and I've said it before, but I think it's really important to emphasize in this forum and I acknowledge also the representative of the Russian Federation and pleased the Russian Federation is in this room along with the Government of Ukraine and so many others.

But this is a time when we need to mobilize the law and send it into battle, not on the side of Ukraine against the Russian Federation or on the side of the Russian Federation against Ukraine, but on the side of humanity to protect, to preserve, to shield people who are children, who are women and who are men, who have certain basic rights. And at that age, whether they are Russian or whether they're Ukrainian is absolutely irrelevant. Their families and their lives are being torn apart. So if this moment is not a moment for us to define and strain our sinews and come together, what moment will we wait for and will we be alive to see it?

You know, when we look at the parties to the conflict in Ukraine, when we look at the Russian Federation and Ukraine, I think bad though things are, we should pause and look back. You know, as a young child, we are all taught history, and we love to study it. And what is absolutely staggered by the tremendous suffering that the people of the USSR in today's Russia and today's Ukraine suffered at the hands of National Socialism. Millions upon millions. And in the midst of that particularly bleak catastrophe, we saw perhaps some unparalleled heroism and courage. It was in 1943, in the city of Kharkiv that 30,000 people were killed. And the then USSR decided that accountability was not politicized, it was something necessary; it wasn't a summary execution - three Germans and one Russian were brought to justice in Kharkiv for the people that were killed and for the crimes that were committed. I think all of us, and the world is not perfect, no individual is perfect, my office is certainly not perfect. But we need to realize, I think, that we should treat others as we want to be treated.

We should conduct ourselves in the way we would like other others to conduct themselves. And perhaps looking back at the events of eighty years ago, we should think, do we want to behave in the way that we prosecuted individuals that were pushing forward the pogroms and the crimes of National Socialism? Or do we wish to hold ourselves to the standard that we held them, those years ago? This is a moment of absolute collective unity. And if we don't grasp the moment, I think, we will not only be answerable from a moral perspective, I think things bad though they are, could get worse. We will conduct independent investigations. We will try to hold out the hands of partnerships with states, with civil society, with other

organizations, and then subject whatever we receive to proper independent forensic scrutiny. We don't want to be sold to that. We want to get to the bottom of the matters. But at the same time, nobody can be a spectator.

The day before yesterday, I did something that has not been done in the life of the ICC before, in the life of the Office that I now lead. I signed an agreement to join a joint investigation team (JIT) with Ukraine, Poland, and Lithuania. There are nine other structural investigations underway, and I'm really pleased that the Prosecutor General of Ukraine, Iryna Venediktova will be speaking today. And we have other high-level representatives, and I look forward to working together.

I've been to Ukraine twice, to Lviv and to Kiev. I've been to Bucha and Borodianka. The team have been more widely forensic scientists, lawyers and investigators, and we will keep on partnering with anybody but subjecting it, whatever we receive, as I've said to impartial analysis.

I have sent three communications to the Russian Federation. I have not received a reply, but I will keep on trying because I want to say very clearly, and I hope it is relayed however welcome or otherwise message may be. I think we have a duty to convey messages that my Office and myself have no agenda, no political agenda other than to get to the truth. And to the extent there is fake news, to the extent there is collusion, or there are attempts to deceive the world, what better way to expose a lie than subject it to independent investigations and analysis? So my door is open. I will also keep knocking on the door, and I hope for the sake of our own responsibilities, for the sake of our international legal obligations, for the sake of humanity at large, and the principles of the UN Charter in whose building we sit, we work with more deliberation, more sincerity, more effectiveness, and try to build trust because trust can be built even in a battlefield.

We see on TV screens and I've spoken to victims and survivors, pictures that are not fake. I've seen refugees, largely women and children. This caravan of people with their plastic bags and their bags crossing on foot into Poland. I've seen individuals in Borodianka completely non scripted walking around without any supervision, surrounded, sitting around a blackened cattle in very, very cold temperatures because that's their current existence at the moment. And of course, I've seen body bags and other evidence of killings, and we need to find out how did people die and who did it and then insist on accountability.

But people have lost everything. People have fled with nothing. So are we to be so self-indulgent as an international community to talk politics when people are scared and children are shivering on all sides. And it doesn't matter if a child is in the Russian controlled area or if a child is in the Ukrainian controlled area, or if it's a

woman. We should view them as our children. We should view them as our family. And unless we have these basic principles permeating our spirit, I really think it is a terrible tragedy. But of course, the law is there because certain issues are not just of morality. They incur legal responsibility.

I think, in short, it's not an overstatement to say that this is a singular moment. It's a critical juncture. The implications, as I said at the outset, are profound in Ukraine, but they extend beyond Ukraine. It's a time to cling to the law. It is a time to uphold the law. If we don't cling with the greatest of respect to the law, in this moment, we will be left with nothing to cling to except despair, except suffering, and individually, we cannot allow that to happen. Collectively, we must not rest until it stops. And that sanity and justice prevails on all sides.

Thank you so much.

## Chair of the Commission of Inquiry on Ukraine - Mr. Erik Møse

Chair, Excellencies, Ladies and Gentlemen,

On behalf of the Independent International Commission of Inquiry on Ukraine, I would like to thank the organisers – the permanent mission to the UN of the Republic of Albania and the permanent mission of France – for having invited the Commission to this Arria-formula meeting. This is the first time the Commission appears in a public context. The three commissioners are all present; Ms Jasminka Dzumhur and I are participating remotely, and Mr Pablo de Greiff is physically present at your meeting in New York.

Limited time has passed since the President of the Human Rights Council appointed the members of the Commission on 30 March 2022. Recruitment of staff is on-going, and the office of the secretariat in Vienna is under establishment. Given this very early stage of the Commission's existence, the three members have considered carefully whether we should participate today. We have decided to do so, demonstrating in a visible way the Commission's availability to communicate with all stakeholders from the beginning. We consider it important to follow discussions of relevance to the Commission's work.

Today's topic – accountability for atrocities – is an important element of the Commission's mandate. Ensuring accountability is of course only possible with reliable and sufficient evidence. Resolution 49/1 contains several references to the significance of this: The Commission shall *investigate* all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes; *establish the facts* of any such violations and abuses; *collect, consolidate and analyse* such evidence, and systematically *record and preserve* all information, documentation and evidence.

In performing this huge task, the Commission will build on the work of the UN's Human Rights Monitoring Mission in Ukraine and work in close coordination with

that mission and with the Office of the High Commissioner for Human Rights, as mandated for in the resolution. The Commission will discuss the implementation of these provisions with the High Commissioner's office, including during our physical meeting in Geneva in a couple of weeks. We consider this element of our mandate to be important, particularly given the Monitoring Mission's extensive experience in Ukraine.

It is a well-known fact that a large number of entities are investigating the situation in Ukraine, both international and national bodies. As mentioned in the organisers' concept note for this Arria meeting, there is reason to believe that coordination can ensure the efficiency of investigations, and we intend to look into this issue.

Turning specifically to the on-going ICC investigations, I am very pleased to note the presence of the Prosecutor, Mr Khan, at this meeting. Our Commission will establish contact with the ICC in the near future.

More generally, the Commission will seek contact with the parties to the conflict, with victims, civil societies, member states and other stakeholders. The main purpose is to obtain information of relevance to its mandate. It will be necessary to build upon a broad range of sources, which will have to be assessed together. The Commission aims to visit Ukraine and other areas where information and evidence is available.

The Commission's broad mandate includes all kinds of allegations, irrespective of whether they receive extensive press coverage or less attention. In conformity with its mandate, the Commission will seek to contribute to accountability. While not a strictly judicial instance, one of its tasks is to identify, where possible, individuals and entities responsible for violations or abuses of human rights or of international humanitarian law, or other related crimes.

When performing its task, the Commission is – as stated in its mandate – *independent*. It has no link to any particular country, party, or entity. The Commission will submit reports of its activities to the UN's Human Rights Council

and to the General Assembly, and its conclusions will be based on the independent assessment of the commissioners and their analysis of the information and evidence that comes out of their investigations.

The Commission is of course fully aware of the challenges in executing its mandate under the current circumstances, but also of its importance, especially when there are conflicting versions of the facts or even disinformation. In conformity with established principles, the Commission will assess the evidence carefully, giving particularly weight to primary evidence and seeking corroboration whenever needed. Over the years, the many Commissions of Inquiry established by the Human Rights Council have built up a considerable experience in this field.

As already mentioned the Commission finds itself at an early stage of its work. This is not the time for it to give long statements but I would like to thank the High Commissioner for Human Rights, Ms Bachelet, for having set up an excellent start-up team that has been of great assistance. Let me end by reiterating that the Commission is ready to communicate with anyone who may assist it in the completion of its mandate.

Thank you.

## Prosecutor General of Ukraine - Ms. Iryna Venediktova

Excellences, ladies and gentlemen,

I would like to thank permanent missions of Albania and France and other co-sponsoring States for this opportunity to talk with you about the outstanding issue of accountability for international crimes committed by Russia in Ukraine.

As a Prosecutor General, it is my direct responsibility to document and process crimes committed and ensure their proper and timely prosecution. And of course, accountability for crimes starts with evidence. However, before I proceed with giving you insights about our efforts in this direction, I will take few moments to inform you what Ukrainian prosecutors are facing on the ground.

Violations committed by the Russian Federation in Ukraine are colossal in their scale and nature. As Madam Bachelet assessed recently, “international humanitarian law has not merely been ignored but seemingly tossed aside”. Russia’s action amount to crimes against humanity and war crimes, we also believe that there is a reasonable basis to argue that the pattern of violations acutely resembles the crime of genocide.

Russian forces disregard principles and norms applicable to international armed conflicts. From early days Russians armed forces indiscriminately shelled and bombed populated areas, targeting civilians and civilian objects such as hospitals, schools and other civilian infrastructure. Just dry numbers: according to available data and this excludes information from areas, like Mariupol, where we do not have an access, over 4300 civilian objects were targeted and majority of them destroyed, including 275 schools, 169 kindergartens, over 340 medical facilities and 501 other civil infrastructure objects.

Withdrawal of Russian forces from the Kyiv region yielded insight into the scale of atrocities. We have all seen brutal footage from Kyiv region towns of Bucha, Irpin, Borodyanka, Hostomel and others, with bodies with bound hands and clear signs of

torture and mutilation lining the streets. Bodies of women and children raped and partially burned that lay on cold concrete. Or a torture chamber in Bucha, where Russian forces tortured peaceful civilians and shot them afterwards. What could be scarier than a torture chamber in the 21st century in the vicinity of the capital of the European country?

We document summary executions of civilians and freshly dug mass graves with hundreds of bodies in there. Evidence strongly suggests that civilians were intentionally targeted in widespread and systematic manner, typical of atrocity crimes. This is a common picture in all areas. Direct attacks against civilians is a tactic of intimidation and punishment, since Russia did not manage to achieve its military and policy objective of subjugating Ukraine and Ukrainians.

Just to bring one example, evacuation of civilian population from Mariupol is very difficult. When we were planning evacuation routes, Russian side requested the location of busses via which evacuation would be held, however once this information was received, they fired at them from Howitzers and Grads until there was nothing to evacuate. This is the methods of warfare that Russian army is using. About 130,000 civilians, included women, children and elderly, many of them wounded after merciless attacks and bombardments, are currently in Mariupol, blocked and begging for rescue.

We also observe a worrisome practice of forcible transfer of population and especially children that found themselves in the hands of occupants to Russia. This is another clear violation of international humanitarian law that need to be urgently addressed.

To date, 3859 civilians were killed, including 217 children and 371 women. Again, this number covers only areas under Ukrainian control. As clearly indicated by the recent report of the OSCE Moscow Mechanism, it is inconceivable that so many civilians would have been killed and injured, and so many civilian objects damaged or destroyed if Russia had respected its IHL obligations in terms of distinction,



proportionality, and precautions in conducting hostilities in Ukraine. Let me remind you that the time-frame of the Moscow Mechanism Report did not include the atrocities discovered in Bucha and other towns.

Russia has also been using explosives such as cluster munitions, munitions with a large blast radius—such as large bombs or missiles, unguided missiles, artillery and mortars, multiple launch rocket systems, as well as incendiary weapons, white phosphorus, and thermobaric bombs (also known as vacuum), in densely populated areas. This is another proof that Russia blatantly disregards its obligation under international humanitarian law.

And how Russia reacts to these atrocities? Just several days ago Putin honoured 64th Motor Rifle brigade who are responsible for large-scale atrocities in Bucha with the title of ‘Guards’ for defending “Motherland and state interests” and praised the “mass heroism and valour, tenacity and courage” of its members. This is nothing else but mocking of international law by Russia.

These are the circumstances that we are faced with. Our objective, however is clear - broadest possible collection of evidence and documentation of every crime to ensure accountability for perpetrators and justice for victims. Evidence-gathering and investigation amid war and accessing hotspots is a painstaking work. We have already lost some of our colleagues in the process. However, to date, we have opened over 8000 investigations into instances of violations of laws and customs of war. This number grows every day.

Unfortunately, the volume of crimes and, accordingly, the evidence that we have to document and work with, is extremely capacious, which is a challenge for the national investigation authorities of Ukraine. We however understand that the main burden of responsibility for the investigation of crimes rests with Ukraine in accordance with our international obligations.

In this process we are assisted by international community as well as best international experts. I would like to underscore the efforts of Madame Amal

Clooney in the format of Legal Task Force on Accountability for Crimes Committed in Ukraine with an aim to support Ukraine in delivering justice for victims of international crimes committed by Russia in our country.

Apart from domestic jurisdiction and assistance from our friends, there are currently several international efforts underway to seek justice for war crimes, crimes against humanity and other crimes. We are actively cooperating with the Office of the Prosecutor of the International Criminal Court, which has launched a full-fledged investigation into the situation in Ukraine. We stand ready to do everything in our power to assist the Court. We are grateful to Prosecutor Khan for his active engagement and development of effective coordination.

In addition, already 13 national jurisdictions beyond Ukraine have ongoing criminal proceedings regarding international crimes taking place in Ukraine. We cooperate very closely to ensure the maximum efficacy of such criminal proceedings as well as their outcomes.

We have established separate Joint Investigative Teams with the national authorities of Lithuania and Poland and the support of EUROJUST to enable the exchange of information, facilitate and strengthen the capacity of investigations into war crimes, crimes against humanity and other crimes. We are glad that recently the ICC team became a part of Joint Investigative Team. This will definitely make our common effort more effective.

We are looking forward to cooperation with the UN Commission of Inquiry established by the Human Rights Council.

The rules of war apply to all those who participate in war, from soldiers on the ground to the commander-in-chief. While as previously noted, wheels of justice for international crimes turn slowly, they do so, yielding concrete results; especially in the circumstances of vocal and resounding support of international community. We will use every channel and avenue to enforce accountability for those who

orchestrated and enabled commission of crimes and provide measure of justice to victims.

Now we have an opportunity to advance justice and accountability. Faster we deliver results sooner it will have effect on the ground. This will send a clear signal against similar criminal acts in the future and most importantly, will serve justice for victims and survivors.

Doing this is the common responsibility of the mankind!

Thank you for your attention.

## Clooney Foundation for Justice - Ms. Amal Clooney

Thank you very much for inviting me to speak today. It is an honour to be working with the Ukrainian government and for the Ukrainian people as they battle for their freedom. When the government asked me to advise them on ways to pursue justice, I felt – as many lawyers do – not just that there was an opportunity to help, but a duty to do so.

Because Excellencies, Madam President, Ukraine is, today, a slaughterhouse. Right in the heart of Europe.

Putin's aggressive war is so outrageous that even after warnings from the US, and Russia's long criminal record, Ukrainians could not believe this could happen. I still read news headlines not knowing how to process them. Could it be that thousands of children are being forcibly deported to Russia? Are teenage girls being raped in the street in front of their family and neighbours? Was a building that had the word 'children' painted on it bombed? Are civilians in Mariupol being systematically starved and tortured to death?

Unfortunately, the answer is yes.

And the world has responded. 141 countries voted in the UN General Assembly to condemn Russia's aggression. The UN created a commission to document crimes. The International Court of Justice and the European Court of Human Rights ordered Russia to suspend military operations and safeguard civilian lives. 43 countries have referred Ukraine to the International Criminal Court – the biggest grouping of states to ever do that – and at least 13 countries have started their own war crimes investigations. Russia has been expelled from the Human Rights Council and the Council of Europe. Countries have sent weapons and ammunition to help the Ukrainian defence. Companies have pulled their businesses out of Russia. And a network of governments has imposed the toughest financial sanctions ever seen on a major economy.

Yet the UN was created – this room we are in was built – because of a genocide in Europe and to *prevent* future wars of this kind. This council has heard so many speeches with that now-hollow refrain: 'never again'. But here we are: faced with evidence of the crime of aggression, war crimes and crimes against humanity. And mounting evidence, each day, of genocide.

How did we get here? I believe we got here by ignoring justice for too long.

For too long, we have watched as perpetrators of mass human rights abuses have murdered, raped and tortured without consequence. From Darfur – to Myanmar –

to Yemen. The perpetrators committed these crimes believing they would get away with it. And they were right.

10 years ago, I was at the Kremlin with Kofi Annan, whose job was to try and mediate a peaceful solution to the Syria conflict. Of course, neither Syria nor Russia had any intention of making peace: they had too much to gain through war. So for 11 years Syrians have suffered unabating brutality. They have been forced to listen to speeches in rooms like this about victims deserving justice and perpetrators paying the price. They are still waiting. As I watched the coverage of the Bucha massacre, it reminded me of the Houla massacre, in Syria. This Council met in an emergency session to decry the killings; and people thought it would be a turning point for accountability. It wasn't. And now the same Russian general known as *The Butcher* who mounted a brutal attack on civilians in Aleppo is massacring innocent families in Mariupol.

What worries me is that the resolute action we've seen in the first 50 days of this war will turn out to be the *high point* instead of the *starting point* of the diplomatic and legal response. That your actions will slowly fade into a predictable pattern: a wealth of investigations, committees and reports. But a dearth of prosecutions, convictions and sentences. Politicians *calling* for justice but not delivering it. My fear is that you will get busy. And distracted. That each day there will be a bit less coverage of the war, and people will become a bit more numb to it. And that Ukraine will end up alone in pursuing the perpetrators of these atrocities.

We cannot let that happen. Each state that professes to respect human rights must make sure that it does not become a safe haven for war criminals. Perpetrators should face arrest in every port. And Ukrainians should have access to the billions of dollars they will need to rebuild their state. So let this be a long-awaited turning point – for the benefit of Ukrainians and the credibility of this institution. Let us sustain – and escalate – the momentum: so that a better *system* of justice is within reach.

A Canadian judge once said that it is not what you stand for that's important, but what you stand *up* for. And standing *up* for Ukraine means that governments should be taking concrete steps towards justice.

- Standing up for Ukraine means that states should support the International Criminal Court – clearly and unequivocally. This means the United States should drop unprincipled objections to the Court's jurisdiction and offer, along with others, the resources and evidence needed to support the prosecutor's work.

- Standing up for Ukraine means answering Ukraine's call to ensure that those responsible for the crime of aggression – who are currently beyond the reach of the ICC – can also be brought to justice before a court of law, and that evidence of this crime is collected and preserved.
- Standing up for Ukraine means that states should be filing interventions in support of Ukraine's cases against Russia at the European Court of Human Rights and the International Court of Justice.
- Standing up for Ukraine means making your country a hostile environment for war criminals.
  - o This can be done by signing up to a treaty on crimes against humanity that has been over 70 years in the making, to allow for national prosecutions of this crime and better evidence-sharing between states.
  - o And it can be done by expanding national laws to capture more perpetrators of international crimes. In the UK, there have only been three successful prosecutions for international crimes - ever. The US has had only three cases under their Torture Act and zero cases charging war crimes, crimes against humanity or genocide. So I commend the legislation being proposed by Senator Durbin – and supported by Senator Graham - that would bolster the ability to prosecute such cases in the United States– and I hope that others will follow this lead.
- Excellencies, standing up for Ukraine also means the UN General Assembly making clear that sovereign immunity should not prevent Russian state assets being made available to Ukraine and its people – and that the assets of all those who support the war are at risk.
- Standing up for Ukraine means that the United Nations should establish a compensation commission. So that Ukrainians, after this war, can have a chance to rebuild their lives.
- And standing up for Ukraine means extending a welcoming hand to its refugees – until it's safe enough for them to go home.

Excellencies, when President Zelensky addressed you he compared Russia's soldiers to ISIS. Well I have spent the last 7 years representing victims of ISIS' genocide. Our great success was that this body, the UN Security Council – in a rare show of unity – agreed to set up an investigation. This happened the year my children were born – I remember coming to the Council to watch the vote during my first trip as a working mother. But my children are now almost 5, and so far most of the evidence collected by the UN is in storage – because there is no international court to put

ISIS on trial. And when survivors ask me to explain this I can only say that I am ashamed – I am ashamed that there is no system of justice to respond to mass rape and slaughter.

But I believe that today we have an opportunity to change this. And that we must do so. Because there is no greater value that the UN could promote than the rule of law. And it is under threat so long as those responsible for the most heinous crimes are not held accountable for them. We often speak of what the international *community* should do to address the horrors of war. But it is not *institutions* who act. It's *individuals* – those with a conscience who are determined enough to make a difference. Peace – like war – must be waged. It doesn't just happen. And justice, too, is something we must fight for.

Let me end with a reflection from the first international case that I worked on. As a young lawyer in The Hague I was assigned to the trial of Slobodan Milošević – whose murderous campaign to create a Greater Serbia is today being compared to Putin's ambitions over Ukraine. Milošević was the first head of state to be put on trial in an international court. No one thought it possible that a former President could be in the dock in the Hague, facing charges of genocide. But it happened. And eventually his two most senior henchmen – Mladić and Karadžić – followed him there. They are today serving life sentences for their crimes.

So sometimes, justice takes time. You may have to wait for someone to be out of office. You may have to wait for some of their underlings to defect. You may have to wait for them to get old. Or to travel.

But if we remain very focused, and very resolute, justice may yet be within our reach.

Thank you.

## Human Rights Watch - Ms. Ida Sawyer

Your excellency Minister Xhaçka,

dear distinguished guests, and fellow briefers,

Thank you to the Permanent Missions of Albania and France for convening this important meeting.

Today Human Rights Watch has the microphone, but we acknowledge the Ukrainian and Russian human rights defenders who have been for many years working on the front lines documenting violations and pressing for credible justice. We stand in solidarity with them during this challenging time.

### **HRW Documentation**

The violations of human rights and international humanitarian law by Russian forces in this conflict are grave and severe. Since 2014, we have documented a litany of apparent war crimes that runs too long to mention here.

Over the past two months, since Russia's full-scale invasion of Ukraine, my colleagues and I have documented the killing of civilians and damage to homes, schools, and hospitals in Kharkiv, Chernihiv, Mykolaiv, and elsewhere from apparently indiscriminate and disproportionate attacks.

In the town of Bucha and other areas that Russian forces held, we've found extensive evidence of summary executions, enforced disappearances, torture, sexual violence, and arbitrary detentions, all of which could constitute war crimes and potentially crimes against humanity.

In Mariupol, tens of thousands of civilians have been trapped, as their city was turned to rubble, with little to no food, water, medicine, heating, or means of communication, and no safe way to escape. Many have been forcibly transported to Russia. We urge Russia to let all civilians who wish to flee the city to areas controlled by Ukraine to be allowed to do so safely.

We ask authorities to pay special attention to those often disproportionately affected in conflicts: children, older people, and people with disabilities. The environmental and health impacts will also be intense and long term.

The laws of war apply to all parties to the conflict, and we welcome Ukraine's public commitment to adhere to those norms.



One concern is Ukraine's treatment of prisoners of war, and we note credible reports of abuse that should be investigated. Another is Ukraine's reported use of cluster munitions, which if accurate, should immediately stop and personnel responsible for using these weapons held to account.

In all of our research, what we hear again and again is that the victims of these violations want justice.

The pattern of abuse we are seeing in Ukraine is consistent with well-documented grave crimes by Russian forces in other places such as Syria. The lack of accountability for those violations has regrettably opened the door for what is occurring today.

### **Justice Responses**

Against that background, we welcome the unprecedented response by so many governments to engage with a range of accountability tools so that serious crimes get punished. We note the UN Human Rights Council's swift action to establish a commission of inquiry, governments' strong support of an International Criminal Court (ICC) investigation, and the decision by judicial authorities in several countries to pursue their own criminal investigations under the principle of universal jurisdiction.

Many governments have offered Ukraine assistance to bolster its judicial capacity. Meanwhile, domestic and international civil society groups have been vigorously documenting violations as they occur.

Today we would like to stress some points to ensure that these efforts lead to positive outcomes for accountability, both for this conflict and for others. Our research has shown that fair and effective justice is achievable with the right combination of appropriate laws, adequate resources and expertise, institutional commitments, effective cooperation, and above all, political will.

### **Ukraine Accountability Recommendations**

Fair and effective investigations and prosecutions at the national level will be essential to achieve broad-based accountability. However, cases involving grave crimes are complex to investigate, prosecute, and adjudicate, all the more so amid an armed conflict.

Increased capacity and resources will therefore be needed to effectively address the large scale of violations being committed. Ukrainian authorities can build on existing domestic experience through collaboration with those in the international

community who offer evidentiary, technical, and operational support to facilitate the investigation and prosecution of international crimes. Doing so will benefit efforts to preserve evidence and safeguard crime scenes, and could help ensure a robust framework for victim support and witness protection.

We also join our Ukrainian civil society colleagues in calling on Ukraine to ratify the Rome Statute, which will allow Ukraine to exercise full rights of membership to the Assembly of States Parties, the ICC's governing body.

In addition to ratification, we urge Ukraine to fully align its national legislation with the Rome Statute and international law. A bill adopted by Ukraine's parliament in May 2021 that could help authorities prosecute serious crimes domestically has yet to be signed into law.

### **International Accountability Recommendations**

To ensure accountability for serious crimes in Ukraine, a multitiered, cross-cutting approach will be needed which includes a range of actors at the international level: the ICC, national courts, and various documentation efforts.

We urge international actors involved in these efforts to focus on five key priorities:

First – and as many have underlined – it is imperative to ensure coordination among the different accountability actors, with an overarching strategy. This includes common standards for the collection, preservation, and archiving of evidence.

Second, impartial investigations and prosecutions are essential. At stake is keeping justice above politics, for this conflict and beyond.

Third, the international community should ensure that justice is not sidelined in any peace negotiations, and that compromise on justice is rejected. Experience shows that decisions to forego accountability can prove costly in the long term.

Fourth, authorities should work with civil society to inform judicial processes. Beyond documentation work, civil society can facilitate access to information and outreach to victims and affected communities.

Lastly, we hope that the international community will use this moment to strengthen the cause of justice worldwide. We welcome the commitment to accountability for crimes in Ukraine and would like to see this principled support replicated in other conflicts where civilians suffer, such as in Yemen, Ethiopia, and Palestine. To do otherwise would undermine the international justice system as a whole.

Thank you for this invitation.

## Co-organizers

Albania - H.E. Ms. Olta Xhaçka, Minister for Europe and Foreign Affairs

Dear Colleagues,

I want to thank all our briefers for the information they shared with us. It is painful, it is very painful to hear, but it is important that the whole world hears what is happening in Ukraine not just from politicians or individual countries, but from voices of authority on the issue of human rights. From voices that people all over the world know and accept and value as voices that speak the truth in defence of human rights, in the cause of peace and justice.

It is for this reason that I am very grateful to the High Commissioner for Human Rights for her brief. It is for this reason that I am very grateful to the ICC Prosecutor. It is for this reason that I am grateful from the heart to Ms. Amal Clooney and Ms. Ida Sawyer for their contribution to this session.

But let me also give a very special thanks to the Prosecutor General of Ukraine for her heroic work under extraordinarily difficult conditions by opening cases and documenting more than 8000 thousand cases of crimes committed by the Russian army during its illegal war of aggression against Ukraine.

I come from the Western Balkans. A region that until February 24th 2022 had the distinction of having been the theatre of the last war in Europe. The scenes of bloodshed and of destruction we see coming from Ukraine hit home very differently for someone for whom war and war crimes are not things you read about in history books, but memories from but a few decades ago.

In 1999 my family sheltered a family that had fled Kosovo's brutal war and campaign of ethnic cleansing. The single most vivid memory I have from that time is of the sense of powerlessness to stop what was happening. And the conviction, the almost violent conviction we all felt, that whoever was committing those horrible crimes had to pay.

It stayed with me. And it awoke again in me and in many people in Albania and all over the world, when the terrible images started coming out of Ukraine, this terrible feeling of pain and rage that such horrible crimes were being committed right before our eyes against innocent people in a country that had done nothing to provoke the attack against it.

It is of course not just because of the Western Balkans' recent history that Albania became one of the 43 countries that referred the situation in Ukraine to the Prosecutor General of the ICC just a few days after the beginning of the conflict. And it is not because of the painful memories of the 1990s that Albania became one of the founders of this Group of Friends for Accountability.

We did it because we believe that the world has an obligation to do its best to offer justice to the Ukrainian people. We did it because despite the painful repetitions of such tragic situations in our recent history, the world still does not have a better, more efficient way to ensure that such crimes do not happen again except for accountability.

But there is another reason why we did it which is especially poignant in the case of Russia's illegal war of aggression against Ukraine. Because Russia is a permanent member of the UN Security Council, a country that is supposed to be one of the guardians of the international rules based system and is therefore endowed with veto power, but has suddenly gone rogue.

A supposed guardian of the system, has embarked on a war of choice against a neighbour, committing unimaginable crimes in the process, why? Not because it was attacked, not because it was threatened, but because it chose to. It has not stopped, even when the General Assembly of this Organization overwhelmingly condemned its war and told it to stop.

What kind of world would we be living in if we do not unite in the face of this? What kind of message would we be sending to every aspiring dictator and every regime who for reasons of choice decides it is not happy with its borders, of geopolitical space or resources?

It is also for this reason Russia must be held to account. And this is something we owe to the Ukrainian people too who in this war are fighting not just for their land and their country, but also for us, for our peace and security and stability and for the future of us all.

Accountability is about protecting the foundations of our system, the principles of the UN charter, our common values and our shared responsibility. We could not prevent this conflict but we must not fail to hold Russia accountable.

Thank you

## Ukraine - Ms. Emine Dzhaparova, Deputy Minister of Foreign Affairs

I would like to thank the Permanent Missions of Albania and France for organizing this meeting.

I'm addressing you today on behalf of my home country Ukraine and as a representative of two nations - Ukrainians and CT - that suffered Moscow made genocides in XX century – Holodomor – man-made famine and Surgun (deportation), and who unfortunately suffer consequences of occupation and war today, in the XXI century.

The history of my country teaches us one very simple lesson - if crimes are not punished and criminals are not brought to accountability, you can expect bigger crimes and atrocities.

When I was a child my grandmothers used to tell me tragic story of my family that as any other CT family suffered cruel Stalin's deportation of 1944. Back then women, children and seniors were put in cattle shed wagons and taken to central Asian countries, while men were fighting fascism during the Second World War.

Moscow cynically justified its crime that killed almost half of all Crimean Tatars by fake and false allegations just like Russia is doing today - hiding its crime of war behind fakes and manipulations.

Many years after, I, already as a mother, had to explain my daughters why we are not able to live in Crimea any more - after 2014 - when Russia invaded my homeland and immediately started persecuting CT for their pro-Ukrainian stand. The evil we all did not stop 8 years ago has become bigger. The beast wants more. More land, more blood, more lives.

And I never thought that my daughters would probably have to tell their children about the deportation, occupation and war that they experienced.

My thoughts are with Ielyzaveta and Sonia - two little girl actors of a theater in Mariupol killed by Russian bombs, as well as with three-month-old Kira and her mother killed by Russian missile in Odesa right on the eve of Easter. The death of hundreds of other Ukrainian kids is unbearable pain.

As I am telling you this Russian armed forces continue to shell Ukrainian cities intensively. They use aerial bombs, heavy artillery and missiles.

The city of Mariupol has been turned into dust, thousands of civilians remain in blockade without water, heat, medications, electricity, and communications, including in the Azovstal Metallurgical Plant.

Mariupol, Bucha, Irpin, Borodyanka, other Ukrainian towns and villages are now well known. What you can see there is not a Netflix decoration of horror movie, but the reality.

Ukrainian law enforcement bodies revealed and launched investigation into almost 8 thousand war crimes committed by the Russian military.

New mass graves and burials are being found. The final number of Russian war crimes in Ukraine will be much higher, especially taking into account how Russian army behaves by - killing, raping, torturing, robbing and destroying.

We - Ukrainians - fight for ruled-based world and order and thus we strongly believe in international law as a fundamental instrument to bring criminals to accountability.

That's why we initiated a case in the ICJ against Russia on the alleged genocide. We filed all necessary documents just in 2 days after the beginning of the full-scale invasion.

ICJ ordered Russia to immediately suspend military operations commenced on 24<sup>th</sup> of February in Ukraine.

Russia in already a traditional manner ignores the order as it did twice before.

But the floor to act is not only by Russia, each and every signatory of the UN Charter should demand that it is being respected, the binding orders are to be implemented.

Russia must be accountable as a state.

But every crime has also a person who commits it - the one who raped a girl kicking her teeth out, who killed a man riding a bicycle, who fusilladed a queue of people waiting for bread, who shot humanitarian convoys, who shelled hospitals and shelters – these people have names and are to be brought to criminal liability.

We appreciate the work done by our Prosecutor General Office and ICC and everyone who supports it.

In addition, Ukraine has endorsed the proposal made by leading experts in international criminal law to create a Special Criminal Tribunal for the Punishment of the Crime of Aggression against Ukraine.

I believe that a Special Criminal Tribunal would complement the work of the ICC in prosecuting persons responsible for planning, preparation, initiation and execution of the act of aggression against my country.

I call on you, distinguished colleagues, to consider thoroughly creation of such a new mechanism and support it. Even when Putin will be defeated, the business as usual with Russia could not be restored without holding accountable of all perpetrators.

The Ukrainian leadership will make every effort to bring them to justice. Despite everything, all governmental institutions of my country remain fully operational and we all proud of bravery of our people, our Army and our president Volodymyr Zelensky who became a symbol of Dignity and power of spirit.

Slava Ukraini! Glory to Ukraine.

## France - H.E. Ms. Nathalie Broadhurst Estival, Ambassador, Deputy Permanent Representative

Ms Chair,

I would like to thank all the briefers for their statements.

I commend the remarkable work of the Prosecutor General of Ukraine, of Michelle Bachelet and her teams, of the ICC, and of the United Nations agencies as war is still raging in Ukraine.

I also pay tribute to the work done by the civil society to document crimes committed in Ukraine. We also commend the swift operationalization by the OHCHR of the Commission of Inquiry on Ukraine.

For more than two months now, Russia has been killing civilians, including women, children, humanitarian and medical workers, and journalists.

The number of civilian casualties that the High Commissioner has presented is absolutely horrific.

The images of the atrocities committed in Bucha and other areas previously occupied by the Russian forces are unbearable.

These acts may amount to war crimes, as our briefers have underlined.

France is appalled by the killing and maiming of children, as well as attacks on schools and hospitals.

France commends UNFPA and all actors on the ground providing services to survivors of sexual violence.

France is firmly committed to working with Ukraine, its international partners as well as international jurisdictions and mechanisms to prevent impunity for these intolerable acts.

We welcome the report prepared by independent experts of the OSCE Moscow Mechanism which points out to the existence of clear patterns of international human rights violations by the Russian forces in their conduct of hostilities.

The report's conclusions will inform the investigations that are under way.

Upon referral by 43 States, including France, the ICC Prosecutor has opened an investigation into the situation in Ukraine.



France welcomes the swift deployment of an ICC investigation team in Ukraine. We have sent two judges and 10 investigators and made a financial contribution of 500 000 euro to support concretely this team, in addition to the annual funding we provide for the Court's regular activity.

Following the discovery of mass atrocities in the areas previously occupied by Russian forces, in the city of Bucha in particular, France deployed a technical team to provide expertise in identification and evidence gathering. Those forensic scientists and crime scene experts are supporting Ukrainian and ICC teams on the ground.

Ms Chair,

The ICC is a pillar of the international rule based order. It needs support. We call on all states to ratify the Rome Statute.

Ms Chair,

We call on Russia to respect the order of the ICJ and stop its war of aggression against Ukraine. The priority remains an immediate cessation of hostilities, a withdrawal of all Russian troops from the territory of Ukraine and the full respect for international humanitarian law and international human rights law. The protection of civilians is an absolute imperative, in particular in the besieged Mariupol. Humanitarian access must be guaranteed.

France will continue to support Ukraine, the Ukrainian people, and all efforts to ensure the effective investigation and prosecution of those responsible for atrocities in Ukraine. I can assure you, those crimes won't go unpunished.

I thank you./.

## Security Council members

United States of America - Dr. Beth Van Schaack, Ambassador at Large for Global Criminal Justice

Thank you, Madam Chair.

And thank you to France and Albania for convening us today. And for all the keynote speakers – your work is really critical, and we're deeply grateful for all that you do in this matter. The United States is also quite pleased to co-sponsor this event this afternoon.

It has now been two months since Moscow launched its latest assault and further aggression on Ukraine. As Secretary-General Guterres confirmed when the war began: Russia's war against Ukraine is unacceptable. It is a manifest violation of the UN Charter.

Russia has failed in its objective of capturing Kyiv, and it has failed in its objective of subjugating Ukraine. But we have all still seen the Kremlin inflict massive brutality across the country, and the United States has assessed that Russia's forces are committing war crimes in Ukraine. This assessment is based on a careful and rigorous review of public sources and also intelligence sources.

At first, this violence took the form of what appeared to be deliberate and indiscriminate attacks against civilians and elements of the civilian infrastructure. Later, however, when brave journalists and human rights defenders and others gained access to areas following the Russia's retreat, we saw violence of a different order. This was interpersonal violence: credible reports of individuals killed execution-style with their hands bound; bodies showing signs of torture; horrific accounts of sexual violence against women and girls. We now have credible information that a Russian military unit operating in the vicinity of Donetsk executed Ukrainians who were attempting to surrender, rather than take them into custody. If true, this would be in violation of a core principle of the law of war: the prohibition against the summary execution of civilians and of combatants who are hors de combat by virtue of surrender, injury, or other forms of incapacitation.

These images and reports suggest that atrocities are not the result of rogue units or individuals; they rather reveal a deeply disturbing pattern of systematic abuse across all areas where Russia's forces are engaged.

Let us be clear: those who unleashed, perpetrated, and ordered these crimes must be held to account. And the evidence of this criminality is mounting daily. And our simple message to Russia's military and political leadership and to the rank-and-file is this: the world is watching, and you will be held accountable.

The United States is supporting a range of international investigations into atrocities in Ukraine. This includes those conducted by the International Criminal Court, the United Nations, and the Organization for Security and Cooperation in Europe. The United States welcomes the opening of the investigation by the ICC into atrocity crimes committed in Ukraine, and we intend to engage with all stakeholders to achieve our common objectives in ensuring justice.

With many European partners, the United States is also supporting the Ukrainian national authorities – and specifically the War Crimes Units of the Office of the Prosecutor General – as they investigate and prepare to prosecute war crimes cases in Ukrainian courts. We are funding a multinational team of experts and other war crimes prosecutors deployed to the region.

This interdisciplinary team is providing advice and support to Ukraine's Prosecutor General to collect, preserve, and analyze evidence of atrocities with a view towards achieving criminal accountability. These individuals bring years of experience at the international war crimes tribunals in the investigation and prosecution of international crimes, and they will be supporting their Ukrainian counterparts as they build their own casefiles, and we welcome other states to join in this effort.

We also stand ready to support national courts around the world in the event that they seek to establish jurisdiction over individuals accused of committing international crimes. And, of course, we welcome and will support proceedings before the International Court of Justice and the European Court of Human Rights, which are both adjudicating state responsibility.

We will also continue to assist with documentation efforts. We helped to establish the Human Rights Council's Commission of Inquiry, ensuring that it had a strong mandate to investigate, document, and analyze violations of international humanitarian law and human rights, share that information with appropriate judicial bodies, and to identify the individuals and entities who are responsible.

We also joined 44 OSCE participating states in invoking the Moscow Mechanism fact-finding mission. The experts' report released on April 13 has provided a meticulous and compelling account of Russia's violations and abuses within Ukraine. It also cites evidence of the direct targeting of civilians, attacks on medical facilities, rape, executions, looting, and forced deportations of citizens to Russia. All of the information collected by these experts will be made available to the relevant

accountability mechanisms, as well as any courts that may have jurisdiction now or in the future may exercise that jurisdiction.

And the regular updates from the UN Human Rights Monitoring Mission on the ground in Ukraine have greatly informed our understanding of the situation, and we commend the mission for continuing to document civilian casualties and damage to civilian objects. As the High Commissioner for Human Rights herself acknowledged, the actual number of casualties is much higher than what appears in published reports. We will no doubt learn more “as the horrors inflicted in areas of intense fighting, such as Mariupol, come to light.”

Finally, as part of our effort to advance accountability in Ukraine, the United States has released information on the immediate priorities of the European Democratic Resilience Initiative. Announced by President Biden during his visit to Brussels in March, this Initiative will provide up to \$320 million in new funding to support societal resilience and to defend human rights, including through supporting accountability-related projects.

Together, each and every one of these institutions and mechanisms make up a system, inter-linked, of international justice.

At the same time, and on other fronts, the United States and other states have been working together to implement sanctions on Russia’s leadership, as well as private individuals and entities, in order to strengthen Ukraine’s hand, starve Russia of the resources it has been using to prosecute this unprovoked war of aggression, and encourage individuals subject to sanction to dramatically change course.

And finally, in close cooperation with our allies and partners, the United States has taken action through the General Assembly three times, most recently to overwhelmingly vote to oust Russia from the Human Rights Council.

We now all occupy a unique historical moment when there is a global consensus that the conduct of the Russian state is intolerable and those in command and control must not go unpunished for unleashing such violence and for violating international peace and security. At this critical moment, we must continue to coordinate international and multilateral lines of effort to advance the interlocking imperatives of justice and accountability, to preserve the sanctions\* of international norms, to hold accountable those responsible, and to respond to the victims’ legitimate desires for justice.

We already have regional and international accountability institutions in place; it is now up to us to remain coordinated and single-minded in our efforts. Russia will predictably veto any effort by the Council to hold it accountable for these atrocities.

But, as Ambassador Thomas-Greenfield recently said in the Council: Russia cannot veto accountability.

In closing, I know that the vast majority of Members today believe that the people of Ukraine should be able to live their lives without having the fear of their homes being destroyed by a Russian shell or of being shot with their hands tied behind their back and left dying on the street. Effective accountability measures for those who are ordering and committing atrocities will make clear that those who engage in brutality will not enjoy impunity. Together with Ukraine and our Allies and partners, we are united in our resolve to bring perpetrators to justice.

Thank you, Madam Chair.

## United Kingdom - H.E. Ms. Barbara Woodward, Ambassador, Permanent Representative

We are grateful to our briefers for their powerful presentations today. The UK has no doubts that Russia's attacks on civilians in Ukraine constitute war crimes. The UK is determined that those responsible for these atrocities should be held accountable.

I want to make three points about international coordination; evidence collection; and sexual violence.

The UK is playing its part in the international effort to see justice delivered. We are supporting the ICC's work and will provide £1 million additional funding to the Court.

The UK supports the Commission of Inquiry established by the Human Rights Council, as well as other accountability mechanisms to ensure all allegations of atrocity crimes are thoroughly investigated.

The evidence of these crimes must be collected urgently and properly to ensure it meets the appropriate standard for future prosecutions.

The OSCE, Human Rights Council, Council of Europe and European Court of Human Rights are also all involved in considering violations of international law in Ukraine.

The international community must ensure these efforts are coordinated and complementary.

For our part, we are also seeking to support Ukraine's domestic investigations into war crimes. Sir Howard Morrison has been appointed by the Attorney General to support the Ukrainian Prosecutor General's investigations in this respect.

The Metropolitan Police have set up an online reporting tool for witnesses, including refugees to submit evidence. The Foreign Secretary launched a £10 million Civil Society Fund to support organisations in Ukraine, including those helping people affected by conflict-related sexual violence.

The Murad Code that we launched this month provides important guidelines for how to properly interview survivors of sexual violence and we welcome that it will be applied with respect to Ukraine.

Russia's war in Ukraine is having the worst impact on women and children. They make up 90% of Ukrainian refugees who have fled the country.

Every day, more deeply disturbing reports of sexual violence emerge. We have heard reports from Ukrainian doctors who have carried out autopsies on bodies from mass graves that some women were raped before being killed. That some bodies were so disfigured they would be impossible to identify.

What Russian soldiers are doing in Ukraine brings shame on their country.

The perpetrators of these horrors – those who have directed them, and carried them out – the mass executions, rapes, and mutilations of innocent men and women – will face justice. It is our duty to the victims and survivors, and to humanity.

## Ireland - H.E. Ms. Geraldine Byrne Nason, Ambassador, Permanent Representative

Thank you Minister, thank you Madam Chair, and thank you to Albania and France also for organising today's discussion. We are really proud to be a co-sponsor of such an important exchange.

I'd like to thank all our briefers. Their presentations were powerful but they were also stark at times, appropriately so.

Madam Chair,

It is said that all it takes for evil to triumph, is for good men – I would argue good women - to say nothing. In the face of Russia's unlawful and unjustifiable further invasion of Ukraine, the members of this house of the United Nations cannot afford to say nothing. We cannot afford to stay quiet and that's why many of us are stepping in where this Council has failed. And we are speaking out forcefully.

However, as the true horror of the atrocities allegedly committed in Ukraine come to light, disapprobation is simply not enough. As Irish Minister Simon Coveney told the Security Council last week, there are rules, even in war. And, when those rules are broken, there must be accountability.

That is why timely, credible investigations are so vital. It is why evidence must be rigorously documented. It is why witnesses, victims and survivors must be supported.

Madam Chair,

We contend that the scope for impunity is diminishing. In contrast to 20 years ago, the International Criminal Court now stands as the first permanent international court with the power to prosecute atrocity crimes, including those happening in Ukraine.

Ireland joined over 40 states to refer the situation in Ukraine to the ICC. Recognising the pressure this investigation will place on the Court, we are also committing additional funding to assist in the investigation of all situations before the ICC.

We welcome the announcement by the Office of the Prosecutor that it will participate in the Joint Investigation Team on alleged core international crimes committed in Ukraine. That will help to ensure cooperation, coordination and collective action between the ICC and national authorities, including in Ukraine.



And just today we have heard a powerful statement from the Prosecutor General of Ukraine speaking to the scale of her office's investigation of Russian war crimes.

However, notwithstanding these efforts towards accountability. Notwithstanding the provisional measures indicated by the International Court of Justice, Russia's aggression continues unabated.

Russia has not only ignored international humanitarian law but, in the words of the High Commissioner, it has tossed it aside.

From the reporting of the OSCE Moscow Mechanism's mission of experts we can now see clear patterns of violations of international humanitarian law by Russia. Evidence of such violations continues to mount, from the destruction of Mariupol Hospital by Russian airstrikes, to the indiscriminate attack on Kramatorsk train station. We have seen mass graves being excavated in Bucha and elsewhere.

We have heard harrowing reports of conflict-related sexual violence, which, we also must stress, can constitute a war crime. There can be no impunity for such abuse.

The Human Rights Monitoring Mission has recorded over 5,000 civilian casualties in Ukraine. An appalling figure, which we know doesn't yet reflect those casualties in areas of intense fighting such as Mariupol, Iziun and Popasna, where reports of abominable summary executions of civilians are emerging.

Madam Chair,

Ireland is committed to accountability for these heinous actions and for those which have yet to be uncovered.

Moving ahead, as Ida Sawyer pointed out earlier, cooperation and coordination of all our accountability efforts will be key. For this reason, we want to acknowledge here today the efforts by the Group of Friends on Accountability in Ukraine to coordinate and share information on existing and emerging accountability initiatives. We welcome the work by EUROJUST and the EU Advisory Mission to ensure that domestic and international investigations are supported. And Mr Moses statement today that the Commission will also be reaching out the ICC Prosecutor is also very important.

As I conclude, Madam Chair, I would like to say a word directly to Ukrainian women and men speak who today must be harbouring doubts that justice will be delivered.

I deeply regret that the Security Council has failed. We have failed in our collective duty to prevent conflict and maintain peace in Ukraine. We all know why. However, even as this unjustified war continues, there are those amongst us who will not stop trying. There are those who will continue to demand justice for the crimes

committed. I want to recall the words of Nelson Mandela who remarked “it always seems impossible until it’s done”.

From Rwanda to Cambodia – Bosnia to Sierra Leone – accountability for such crimes once may have seemed impossible, until it was done. Rest assured that Ireland will work tirelessly to ensure that you, the women and men of Ukraine, that you too obtain justice. The perpetrators of these heinous crimes will be held to account. We owe you nothing less.

Thank you.

## United Arab Emirates - H.E. Mr. Mohamed Abushahab, Ambassador, Deputy Permanent Representative

I thank the Permanent Missions of Albania and France for organizing this Arria formula meeting as well as all the panelists for their participation and contributions.

The UAE is deeply concerned by the continued fighting in Ukraine and the rapidly deteriorating humanitarian situation on the ground. This conflict has again laid bare the terrible human costs of war – and those costs are largely borne by millions of civilians, in particular women and children. But as we know, its repercussions are increasingly felt beyond the borders of Ukraine.

We, along with the rest of the international community, have been shocked by the reports and images that we have seen coming out of Ukraine over the past weeks, including of alleged targeting and summary executions of civilians, conflict-related sexual violence, and the destruction of civilian infrastructure.

The UAE reiterates its call on all parties to uphold international humanitarian law and international human rights law and we strongly condemn all atrocities and violations of these laws in all their forms.

Accountability is not optional; it is essential. Achieving justice for victims and survivors, effectively fighting impunity, and deterring future atrocities requires properly instituted mechanisms and processes. Establishing facts and circumstances in an impartial manner and beyond any doubt or dispute is both fundamental and difficult, as we have seen in other cases. Therefore, it is critical to ensure the proper investigation of alleged crimes, focusing on fact-finding and data collection.

We underline that the primary responsibility for accountability lies at the national level, and appropriate authorities should be given the space needed to fulfill that responsibility. We encourage support for domestic rule of law institutions and investigative processes and note the importance of providing such support in cooperation with national officials.

As a member of the Human Rights Council, the UAE voted in favor of resolution 49/1 establishing the Independent International Commission of Inquiry on Ukraine with a mandate that includes investigating all alleged violations and abuses of human rights and international humanitarian law, as well as documenting and verifying relevant information and evidence.

We know that investigative mechanisms are complex and can take considerable time to deliver on their mandate. However, effective accountability demands it. In the meantime, we must focus on saving lives and reducing suffering by achieving an immediate cessation of hostilities in Ukraine and finding a diplomatic resolution to this conflict.

I thank you, Madam Chair.

## Kenya - H.E. Mr. Michael Kapkiai Kiboino, Ambassador, Deputy Permanent Representative

Thank you, Your Excellency, Ms. Olta Xhaçka.

Thanks also to the Permanent Missions of Albania, France and Ukraine for organising this importance discussion.

I acknowledge the presence of the Deputy Minister of Foreign Affairs of Ukraine Ms Dzhaparova and thank the briefers for their shared perspectives.

Chairperson,

At the heart of today's meeting, is the pressing need to stand in solidarity with the people of Ukraine, who are bearing the brunt of the failure of the global multilateral order, to keep the world safe from the scourge of war.

This discussion is therefore an opportunity to reaffirm our resolve to keep alive the purposes of the United Nations particularly as set out under Article 1 of the United Nations Charter.

Kenya maintains that if multilateralism is to deliver sustained peace to all, the most powerful states must adhere to international law and respect for the sovereignty and territorial integrity of all countries, in all regions, at all times.

Thus, the continuing breach of Ukraine's sovereignty and territorial integrity by the Russian Federation cannot be justified by any reason.

We have heard reports of loss of thousands of civilian lives and the continuing suffering of millions in and out of Ukraine because of this war.

We have also heard reports of massive damage and destruction of civilian infrastructure in violation of international law and international humanitarian law.

Therefore, as it should in any cases of violation of international law, the call for investigations for accountability for violations that may be unfolding in Ukraine, is justified, as part of the delivery of justice, for the people of Ukraine.

And considering that ensuring accountability is largely a legal undertaking, we propose that the following elements be taken into consideration:

- i) There has to be a united call for accountability and coherence among the relevant UN agencies and bodies, in line with Article 1(4) of the UN Charter;

- ii) The independence of investigations must be safeguarded at all times, particularly against undue politicization to ensure credibility and objectivity; and,
- iii) There will be need for strong support for Ukrainian national investigative and judicial mechanisms, especially in securing possible scenes of crime, preservation of evidence, and protection of witnesses.

Having said these, Chairperson, it is our considered view that accountability should also be pursued within the broader, and more comprehensive context of conflict resolution.

It is, therefore, critical not to lose focus on the need to stop the war through the prioritised and sequenced activities that entail, among others:

- i) Cessation of hostilities, achieving a permanent ceasefire, and initiating a viable political process for conflict resolution;
- ii) Identifying and addressing the root causes, in order to work towards sustainable outcomes from the peace process;
- iii) Addressing the consequences of conflict including gross human rights abuses and international crimes; and,
- iv) Ensuring meaningful participation of all parties involved and essential stakeholders including women and the youth.

To conclude, I reaffirm Kenya's solidarity with the people of Ukraine and our support for the sovereignty, territorial integrity, and political independence of Ukraine.

I thank you.

## India - H.E. Mr. Ravindra Raguttahalli, Ambassador, Deputy Permanent Representative

Thank you, Madam. Chair.

I thank the briefers for their updates on the topic of today's meeting.

We continue to remain deeply concerned at the worsening situation in Ukraine and reiterate call for immediate cessation of violence and end to hostilities. We believe that no solution can be arrived at by shedding blood and at the cost of innocent lives. We have emphasized right from the beginning of the conflict the need to pursue the path of diplomacy and dialogue. We have unequivocally condemned the reported killings in Bucha and reiterate our support for the call for an independent investigation.

We welcome UN Secretary General's ongoing visit in the region, including to Moscow and Kyiv, and have taken positive note of his discussions with the parties on humanitarian corridors in Ukraine, especially in Mariupol.

India has been at the forefront of protecting human rights, from its inception including in the drafting of the Universal Declaration of Human Rights. We firmly believe that all decisions should be taken respecting due process, as all our democratic polity and structures enjoin us to do. This applies to international organizations as well, including the United Nations.

Let me also place on record that India is not a party to the Rome Statue.

We continue to emphasize to all member states of the UN that the global order is anchored on international law, UN Charter and respect for territorial integrity and sovereignty of states.

It is in our collective interest to work constructively, both inside the United Nations and outside, towards seeking an early resolution to the conflict in Ukraine. I thank you.

## Norway - H.E. Mr. Odd-Inge Kvalheim, Ambassador, Deputy Permanent Representative

Many thanks to Albania and France for convening this meeting. Norway joins others in thanking today's briefers for clearly underlining the need for accountability for atrocities committed in Ukraine. And for shedding light on different mechanisms and initiatives being undertaken to ensure this.

The UN Charter applies to all nations - including Russia. Yet, there is no doubt that Russia's invasion of Ukraine is a blatant violation of international law, including the UN Charter. And Norway is appalled by Russia's methods of warfare.

Numerous credible reports have described in horrible detail the relentless attacks against civilians. These atrocities shock the very conscience of humanity.

Non-combatants including women, children, and refugees have become victims, and vital civilian infrastructure levelled, in blatant violations of international law.

It is imperative that we hold all perpetrators to account, through both credible national- and international- criminal justice mechanisms.

Accountability is key. Both to ensure justice for the victims, and to deter - and prevent - future violations. Appropriate mechanisms are therefore necessary to gather evidence and to adjudicate.

Those committing atrocities must know that their actions will never be forgotten – war crimes will be investigated, and individuals at all levels held to account for their actions.

Colleagues,

We are grateful for today's briefing by the Prosecutor of the ICC- and are pleased that his Office has initiated investigations of possible war crimes and crimes against humanity committed in Ukraine. Norway remains a strong supporter of the ICC and was among the unprecedented number of 41 states referring the situation in Ukraine to the Court. There can be no doubt that the ICC's mission remains as crucial as ever, both in the context of Ukraine and globally.

Norway underscores also the importance of the ruling of the International Court of Justice last month, which clearly and unequivocally ordered Russia to immediately suspend its military operations in Ukraine. Russia's disregard of this significant ruling - which it is obliged to heed - is deplorable.



Norway also welcomes the establishment of the Commission of Inquiry on Ukraine by the Human Rights Council, which is mandated to investigate violations and abuses of human rights, and violations of international humanitarian law- in the context of Ukraine. We expect that the Commission will identify individuals and entities responsible for violations, and contribute to holding them to account.

Chair,

We have a common interest in ensuring that perpetrators of international crimes do not escape with impunity.

Therefore, the adoption by the General Assembly of the resolution “Aggression against Ukraine”, calling all parties to strictly respect the relevant provisions of international humanitarian law and international human rights law, sent an important signal from the international community.

And, Norway commends the founders of the Group of Friends for Accountability in Ukraine for creating a valuable platform to engage, and promote synergies between the various measures that are being initiated at: national, regional, and international levels to ensure accountability in Ukraine.

Colleagues,

To end, let me reiterate. Accountability is essential. Violations of international law cannot go unchallenged. International law is not optional.

## Brazil - H.E. Mr. João Genésio de Almeida, Ambassador, Deputy Permanent Representative

Mme. Chair,

At the outset, Brazil would like to thank Albania and France for organizing this timely meeting. We would also like to thank the briefers for their valuable contribution to this debate.

Brazil would like to draw attention to the fact that, in order to ensure an order based on international law, a fundamental task must be taken up: to defend its integrity at all times and in all situations. International law must prevail especially when international crimes and internationally wrongful acts are committed by individuals and States. This is why the rules of criminal accountability and international responsibility must lie at the epicenter of any legal regime.

Over the years, the international community has built a solid legal system to hold individuals accountable for their crimes: the Rome Statute regime. International criminal justice is a solution only when states with jurisdiction are unwilling or unable to act. Complementarity is one of the cornerstones of the Rome Statute regime. Such principle shows that it is imperative to build a culture of accountability at the national level, with strong judicial institutions that are able to fight impunity. Cooperation is also one of the key tools in ensuring successful outcomes by the International Criminal Court.

As a founder of the ICC, Brazil supports its work to promote accountability at the international level for perpetrators, as well as reparations for the victims. Brazil also highlights the value of having a permanent, treaty-based tribunal.

Advancing the universality of the Rome Statute would be a fundamental contribution to ensuring accountability in the international community. We call on all States to ratify the Rome Statute and to fully cooperate with the ICC. If the universality of the Rome Statute is achieved, especially amongst the permanent members of the Security Council, there would be a more fertile ground for justice and stability in the international legal system.

Another point we would like to raise is the gap between the growing workload of the ICC and the resources available to it in its regular budget. This gap is widened by the current situation in which only States Parties cover the cost of Security Council referrals. We hope this can be solved in a fair and sustainable manner. We also hope that the recent call for voluntary contributions will not lead to selectivity in the work

of the Court. All victims should be prioritized equally. The ICC was established to allow for the promotion of international criminal justice in a non-selective manner.

States must refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the UN Charter. Unfortunately, the international community has witnessed several attempts and violations of Article 2.4 of the UN Charter over the past decades and still today. This is a line that should never be crossed. If crossed, norms related to international accountability and responsibility must prevail.

To conclude, I would like to recall that Brazil voted in favor of the Human Rights Council resolution that created an independent Commission of Inquiry on Ukraine, to assess and review the facts on the ground. We trust that this mechanism will establish the facts and circumstances that may amount to violations of international law in Ukraine. The proper documentation of alleged crimes is the first step in ensuring individual criminal accountability.

I thank you.

## Mexico - Mr. Pablo Arrocha, Second Secretary, Legal and Sanctions Coordinator

Madam Chair, Excellences,

We thank Albania and France for convening this meeting and all panelists for their remarks. As we have heard, reports on the situation in Ukraine suggest that we are facing grave breaches of international human rights and international humanitarian law. The images of possible mass graves in Mariupol are alarming.

As a result of Russia's aggression in Ukraine, Mexico supported the establishment of the Independent International Commission of Inquiry by the Human Right Council, as well as the judicial processes both in the International Criminal Court and the International Court of Justice, in order to adjudicate, prosecute and punish those responsible for war crimes, crimes against humanity or genocide, from the angles of individual and state responsibility.

Also, together with France, we brought to the General Assembly the resolution on the humanitarian consequences in Ukraine which was adopted with an overwhelming support. In this context, we also wish to reiterate the importance of the French-Mexican initiative on the voluntary restraint of the veto supported by 105 States. We invite those who have not yet done so to use this high time to join this initiative.

In order to promote and ensure accountability at the national and international levels, it is also of the utmost importance to launch this fall a process to negotiate and adopt a Convention to Prevent and Punish Crimes Against Humanity based on the draft adopted by the International Law Commission.

To conclude, accountability for international crimes should always be the norm, regardless of where they are committed. To be clear: all international crimes, wherever and whenever perpetrated are equally grave and should be equally punished. In this regard, we call on all States that support the call for accountability in Ukraine and elsewhere, to adhere to the Rome Statute and to accept the compulsory jurisdiction of the ICJ. Mexico proudly belongs to the group of States that have done this. This would only be congruent with the messages and calls we have heard today and in the past weeks.

Thank you.

## China - Ms. Lijin Huang, Third Secretary, Political Adviser

Madam Chair,

China's position on the Ukraine issue has been consistent and clear. We believe the sovereignty and territorial integrity of all countries, including Ukraine, should be respected, the purposes and principles of the UN Charter should be upheld, the legitimate security concerns of all countries should be taken seriously, and all efforts conducive to a peaceful settlement of the crisis should be supported.

The prospect of a prolonged and extended conflict is worrying. We are especially saddened to see the reports on civilian casualties and killings. Under international humanitarian law, civilians should be spared of any forms of violence in armed conflicts. Attacks against civilians are unacceptable and should not occur. The related circumstances and specific causes of civilian deaths should be verified and established. At the same time, any accusations should be based on facts. Before the full picture is clear, all sides should exercise restraint and avoid unfounded accusations.

Dialogue and negotiation is the only way out for peace. China calls on Russia and Ukraine to adhere to the general direction of dialogue and negotiation, overcome difficulties and differences, and accumulate conditions for an early ceasefire. The international community should focus on supporting diplomatic negotiations, and do more to ease the tensions, instead of aggravating conflicts. We welcome Secretary-General Guterres' visit to Russia and Ukraine, and support him in his diplomatic engagement with all parties. China will continue its constructive efforts in solving the Ukraine crisis.

Thank you, Madam Chair.

## Russian Federation - Mr. Sergey Leonidchenko, Senior Counselor, Legal Adviser

Many of the participants of this meeting praised the ICC, which is interesting since at least two of the co-sponsors of today's meeting – the US and the UK – did everything imaginable to shield their own military from the ICC's reach. Both countries developed protective legislation. American law went so far that it was nicknamed among Western legal professionals as the “Hague invasion act”. Political pressure, financial leverage and even imposing personal sanctions on the ICC prosecutor – all this led to the desired outcome: investigations into war crimes committed by soldiers of these countries in Iraq and Afghanistan were “de-prioritized” by ICC. This is a rather sophisticated term for a simple thing, namely, “not doing anything”. This perfectly illustrates both the real degree of ICC's “impartiality and objectivity” as well as hypocrisy of US and UK who all of a sudden started to support the Court and pour millions of dollars there as “donations”. Such an attitude turns justice into farce: paid-for verdicts by paid-for Court.

International perception of ICC's role and stance was well demonstrated by Ukraine. Its declaration on acceptance of its jurisdiction dated 8 September 2015 represents an ill-famous attempt not only to limit the Court's jurisdiction, but also to assign the blame in advance – before a formal investigation even started. Like we said – ICC is a merely political instrument and has nothing in common with justice.

In light of today's remarks of the High Commissioner for Human Rights we would like to note that it has become a tradition for various fact-finding missions established by OHCHR to conduct their business without physical presence in the respective country. In this regard, their methods of work presuppose reliance on information provided by NGOs as well as available in the open domain – i.e. in the Internet. When working in this manner, it is literally impossible to distinguish between the truth and myriads of fakes. We would be hesitant to draw any conclusions based on information of that quality.

Today we also heard about the role of NGOs and civil society. This role has indeed been very prominent – the West mobilized a real fake-news factory to produce new lies 24/7 to create a parallel reality of what is happening in Ukraine. All of the fakes mentioned today were refuted multiple times. By the way, Bucha provocation got a new twist: according to “The Guardian” most victims were not “cold-bloodedly shot” as it had been claimed for at least 3 weeks already but rather killed by artillery anti-personnel shells filled with small darts, called *flechettes* (French word that stands for a “small arrow”). It is the same type that Ukraine has been using to bombard

Donbass since 2014. There is a lot of evidence about that on the Internet. It seems that Western media will have to forget the word “Bucha” just as quickly as they forgot and banned the word “Kramatorsk”. It was another prominent fake – everyone from day 1 had been confidently blaming Russia for a missile strike on a railway station killing 50 and injuring 100 civilians until the serial number of the missile surfaced in social networks, identifying it beyond any doubt as Ukrainian, used by the same military unit that bombarded civilian targets in Donbass. Anyone is raising the issue about Ukraine’s accountability for Kramatorsk now? Any NGOs or civil society or mainstream media? Complete and shameful or rather shameless silence. And so we thought.

What we heard today was another portion of unsubstantiated claims and even fakes seasoned with lies, hypocrisy and pompous rhetoric. If you want to learn the truth about real situation on the ground – come to our “Arria-formula” meeting on May 6 – we plan to give the floor to some independent voices, working on the frontline to demonstrate you facts, not fakes.

Lastly, I would like to stress: the flow of fake news will not shield Ukrainian Neo-Nazis, foreign mercenaries and their sponsors from accountability for heinous crimes. Multiple witness statements and evidence to that effect are being collected right now across Ukraine, including in Mariupol.

Witnesses confirm i.a. routine military use by Ukrainian military and nationalist battalions of schools and even kindergartens, as well as other civilian objects. Ukrainian military are not ashamed to do that. They post photos of their military positions online. I used to collect such posts as evidence but stopped doing this because they were way too numerous and just keep coming. Ukrainian military and nationalist battalions also routinely use civilians as a human shield – to the extent comparable only to ISIL’s tactics. But here it is even worse, because Ukrainian military are doing that to their compatriots.

Yes, torture centers in 21<sup>st</sup> century are truly unthinkable. But there is a lot of factual evidence, as well as witness statements about an SBU-operated secret torture center in the Mariupol airport. It was cynically named “the library”. It was created in 2014, when Azov battalion moved into Mariupol. This specific center was used to torture, rape, and kill “the books” – that is how neo-Nazis called prisoners there – ordinary civilians suspected of not being loyal to the Kiev regime. Rest assured, perpetrators of these and all other heinous crimes will be brought to justice. None will escape personal responsibility. Denazification of Ukraine will be completed.

## Ghana - Ms. Khalila Hackman, Counsellor

Madam Chair and Minister of Foreign Affairs of Albania,

I thank you for giving me the floor and express appreciation for your delegation's organisation of this Arria-Formula meeting. I also acknowledge the presence of H. E. Mr. Dmytro Kuleba, the Minister of Foreign Affairs of Ukraine.

My delegation has taken note of the briefings by Ms. Michelle Bachelet, the United Nations High Commissioner for Human Rights, and Mr. Karim Khan, the Prosecutor of the International Criminal Court (ICC). We also thank all the other briefers for their contributions to this discussion.

Like any other war, the war in Ukraine has regrettably brought to the surface the ugliness of conflict and its adverse impact on innocent civilian populations. In situations of war, there are many things that get out of control, and it is in this context that we reiterate our call for emphasis to be placed on the diplomatic track in addressing the situation in Ukraine. A protraction of the conflict risks degeneration and further complication of realigned global interests, which could have dire impact on the people of Ukraine.

The war has however seen the perpetration of violations that need to be brought into the realm of accountability. The reported incidents of atrocious breaches of the sanctity of the rules of international law that govern the conduct of modern warfare cannot be left in the sphere of impunity. It has implications of the victims, the cause of justice and the maintenance of peace and security.

Consequently, we reiterate our position on the need to conduct thorough, transparent and independent investigations to establish the facts and build relevant evidence for the prosecution of all persons whose acts of commission or omission during the war in Ukraine constitute crimes under international law.

Also, we underscore the need for timely collection and preservation of empirical information and data to support an effective accountability mechanism. The highly fluid situation in Ukraine demands timely gathering of evidence that would be admissible for the purpose of attributing international crimes to suspected perpetrators. The media and civil society, notwithstanding the personal risk they are exposed to, have made efforts to painstakingly document real-time evidence which could enhance the prospects for successful prosecutions. Such sources need to be properly vetted and documented for purposes of prosecution.



Furthermore, multilateral cooperation remains a crucial element for ensuring accountability for international crimes and violations that have been committed in all parts of Ukraine. Both political and financial support of the international community are needed to ensure the greatest measure of successful prosecutions. Additionally, enhanced coordination and cooperation among Member States and with regional bodies would be necessary to avoid duplications, overburdening of witnesses and to ensure cost effectiveness.

Fourth, we believe it is time to revisit the dialogue on the jurisdictional gap that exists in the prosecution of the crime of aggression. The lacuna has propelled a push by some States for the establishment of a special tribunal or a permanent mechanism to adjudicate the crime of aggression. International criminal jurisprudence is replete with best practices and lessons learnt from previous war tribunals that could serve as useful posts in this endeavor. [Can we be more specific or drop the point as the Kampala Review Conference of the ICC amended and defined the crime of aggression.]

In concluding, we encourage the development of capacity for the office of the Prosecutor General of Ukraine in furtherance of their avowed commitment to uphold the laws and deliver justice to all Ukrainian people who require it in these extraordinary and painful circumstances. International support would be needed to bring this very difficult task to fruition.

I thank you for giving me the floor.

## Gabon - Ms. Annette Andree Onanga, Counsellor

I wish to thank Albania and France for organizing this important aria-meeting. I join others in thanking the briefers for their contributions.

Gabon is in principle in favor of all initiatives that are aiming at establishing violations of international law covenants, such as international Humanitarian law, international Human rights law, and international law for Refugees.

In this regard, based on the recommendations of Secretary General of the United Nations, we believe all efforts should be geared toward establishing alleged crimes committed in the context of the war in Ukraine. It would be important that in this delicate endeavor, any step should be taken to make sure the process is exempt from propaganda, exasperation, strategic bias, and impartiality.

We support an independent inquiry through the entire process, at the end of which the process of assuring accountability could only be taken.

We look forward to working closely with other members from Security Council and General Assembly, in attempting to solve this pending and unnecessary matter.

I thank you

## UN members, starting with groups

European Union - H.E. Mr. Olof Skoog, Ambassador, Permanent Representative

The purpose of today's conversation is to listen to the excellent briefers and to try to define what action is needed to ensure accountability, so I will skip the parts of my statements that were a description of the situation because I think the briefers have done that in detail, horrendous as much as it is, but let us remember the starting point here.

The General Assembly has asked for Russia to cease hostilities, but what we have seen is intensified shelling of schools, hospitals, and residential buildings.

The perpetrators need to be held to account and I agree with everyone who has said that this is not just about the situation in Ukraine. The accountability for atrocity crimes committed anywhere in the world should be followed up. But today's focus is on Ukraine, so what do we do, moving forward?

I think one starting point is to back up the ICC prosecutor and we welcome the work that he has been doing, so let us back him up.

Secondly, we need to launch investigations at national level. The national Prosecutors of Lithuania, Poland and Ukraine have joined their efforts into a 'joint investigation team' enabling them to exchange information and facilitate investigation into war crimes, crimes against humanity and other core crimes. The European Union Agency for Criminal Justice Cooperation (EUROJUST, some have mentioned) supports this joint investigation team.

Furthermore, we have, as the EU, amended the mandate of the EU Advisory Mission in Ukraine so that it can provide support to the Office of the Prosecutor General and Law Enforcement Agencies to facilitate the investigation and prosecution of international crimes. The EU Advisory Mission deploys 350 personnel to support civilian security sector reform since 2014. It will coordinate closely with the ICC and EUROJUST.

There is massive evidence of alleged war crimes and crimes against humanity being committed by the Russian military forces. Bucha, Borodyanka, Mariupol, Kramatorsk...the list is long. So, let us get the facts and as the prosecutor said, let us cling to the law.

Colleagues,

It is important to pool our efforts to gather evidence, collect testimonies, to enable prosecution. We support all measures to ensure accountability for human rights violations and abuses, and violations of international humanitarian law. In this regard, we welcome the establishment of the Commission of Inquiry. That Commission still needs support in funding in the Fifth Committee here in the UN.

Ukraine's Prosecutor General has asked for international help in gathering evidence. We are grateful to all states that have lent their support, by financial contributions, by seconding experts to the ICC, and to enlarge the investigation team or by sending forensic experts on the ground. Investigators from EU Member States have arrived in Kyiv and Lviv to assist their Ukrainian counterparts.

States cooperation is necessary to ensure that national prosecution and the ICC can perform the task they have been entrusted with, and that justice is served. Information sharing, coordination among different accountability mechanisms is also crucial as many have said.

Finally, the support by non-States Parties to the ICC is welcomed. This demonstrates the international community's resolve that the victims of the war in Ukraine will not be forgotten and that their harrowing stories will be heard in Court. Justice is slow, sometimes frustratingly so, but by working for accountability today we will get there and hopefully also prevent further escalation and dissuade further crimes.

I thank you very much, Madam Chair.

## Denmark - H.E. Mr. Jeppe Kofod, Foreign Minister

I am pleased to deliver this statement on behalf of the 'Group of Friends of Accountability following the aggression against Ukraine'\*, consisting of 48 Member States and the European Union.

We have since the 24th of February witnessed images and reports of indiscriminate killings of civilians, including women, children and elderly, as well as attacks on civilian infrastructure.

We are horrified by the reports from Bucha, the strike on the Kramatorsk railway station, and the widespread reports of crimes of sexual and gender-based violence.

As underlined by the UN Secretary General, such attacks are gross violations of international humanitarian law and international human rights law, for which the perpetrators must be held accountable.

The prosecutor of the International Criminal Court is already investigating the situation. The UN Commission of Inquiry on Ukraine will investigate violations of human rights and international humanitarian law. And the three experts appointed under the OSCE Moscow Mechanism have recently delivered their report, citing a clear pattern of violations of international humanitarian law and the most basic human rights by Russian forces.

These efforts are complemented by national investigations, and the important work carried out on the ground by OHCHR and civil society actors to collect and preserve evidence.

The Group of Friends will support these efforts to bring war criminals to justice. We acknowledge this journey can sometimes be long and costly. It can take years. And we will be there to sustain the process. No matter how many years.

While we pursue the legal path of accountability, the UN Security Council and General Assembly can and should express their concerns and condemnations of the unprovoked acts of aggression, the attacks on innocent civilians and civilian infrastructure, reports of human rights violations and breaches of humanitarian law.

Our quest for justice, our fight against impunity for violations of international law, should not, must not, and cannot be pursued without collectively taking a stand against a powerful aggressor.

It is therefore not premature to react politically - in real time - against Russia given credible reports that its military forces are committing atrocities against civilians.

Today we underline the importance of ensuring accountability for these crimes.

Without accountability, crimes will continue, and impunity will persist, undermining legitimacy and the prospects for future peace and reconciliation. Thank you.

*\* GoF members: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America*

## Finland - H.E. Mr. Jukka Salovaara, Ambassador, Permanent Representative

Madam President,

I have the honour to speak on behalf of the five Nordic countries: Denmark, Iceland, Norway, Sweden and my own country Finland.

Madam President,

On 2 March, the General Assembly, by an overwhelming majority, deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter.

The General Assembly also demanded that the Russian Federation cease its use of force and withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.

These demands were echoed by the International Court of Justice in its ruling of 16 March on interim measures.

We are appalled by Russia's continued war of aggression against Ukraine, causing extensive human suffering, civilian casualties, damages estimated to have exceeded \$68bn (as of April 1st) and a global food crisis, which particularly impacts developing countries.

Russia's aggression is not only illegal and unprovoked – we also see shocking reports of atrocity crimes, including allegations of sexual violence, which are all acts unequivocally prohibited under international law.

Madam President,

There cannot be impunity for the most serious international crimes. All perpetrators must be brought to justice. This is necessary to ensure justice for victims, but also to deter future violations. The Nordic countries were among those State Parties that referred the situation in Ukraine to the International Criminal Court. The ICC plays a central role in our collective response at the international level. We welcome the fast mobilization of the ICC-prosecutor in the situation of Ukraine.

The ICC, however, is a court of last resort. Insofar as possible, the most serious crimes under international law should be investigated and prosecuted in national jurisdictions. Ukraine, despite being a nation under attack, has made a tremendous effort to document the most serious international crimes on its territory. We must support Ukraine in these efforts. A number of countries have also initiated criminal

investigations under universal jurisdiction, complementing the efforts undertaken in Ukraine nationally and at the ICC internationally. We also applaud the many civil society organizations working tirelessly to document and collect evidence of violations of human rights and international humanitarian law and related crimes in the context of the Russian Federation's aggression against Ukraine. Coordination and cooperation will remain key in order to ensure effective investigations.

Madam President,

In addition to individual criminal responsibility, we must also bear in mind that every internationally wrongful act of a state entails the international responsibility of that state. We must invoke Russia's responsibility for the violations of international humanitarian law and human rights law. This is being advanced by various mechanisms, including under the UN Human Rights Council and the OSCE.

Madam President,

We also remind the Security Council of its power and duty to decisively respond to threats to international peace and security. We strongly encourage the Council to remain seized of the situation in Ukraine, also in order to advance accountability.

Madam President,

Ensuring accountability is an integral part of our obligation to respect and ensure compliance for human rights and international humanitarian law. Central instruments of human rights and international humanitarian law were drafted over 70 years ago and are customary international law and standards. The obligation to protect civilians is as important as ever.

Ensuring accountability is also key to bringing about durable peace. Future peace requires action now.

I thank you, Madam President.



## Netherlands - H.E. Mr. Wobke Hoekstra, Foreign Minister

Bullet holes can be filled in, walls can be rebuilt, roofs can be repaired.

But some damage cannot be fixed:

The physical and mental trauma caused by sexual violence.

Trauma that women --- and sometimes men --- carry with them for the rest of their lives.

There is growing evidence that Russian troops have been using sexual violence as a weapon of war.

The gruesome testimonies of girls and women are hard to bear and go beyond our comprehension.

This violence was not aimed at military targets. Its only purpose was to destroy people's souls. Violence against humanity itself.

These crimes must not go unpunished.

That's why I'm grateful to Albania, France and Ukraine for organising this important event.

And it's why we call on the ICC to bring to justice those who have committed these atrocious crimes.

Not only because we owe it to the victims.

But because impunity leads to more violence. To more impunity. To yet more violence...

We cannot allow this spiral of misery to continue.

Justice must be done.

We all agree on this. We've all said it. And we all know that getting there is much harder than saying it.

Because getting there means doing more.

We must do more to protect women and girls.

More to ensure that justice actually works.

By strengthening the mechanisms that lead to prosecution.

By professionalising the rules and standards for evidence gathering.

And by raising awareness that evidence must meet a certain standard of proof.

In Ukraine, the destructive power of violence is being countered by the power of courageous people.

Of the countless NGOs and citizen groups who are collecting and sharing videos, photos and other material. Of the citizens who are writing to my ministry with evidence.

Their combined strength is driven by justice. And it must lead to justice.

The international community has an important role to play here.

Together, we must ensure that the road to accountability and peace is a durable one. That justice is not only our desired end point, but that we actually get there.

Because justice is a journey. Not just a destination.

## Romania - H.E. Mr. Bogdan Aurescu, Foreign Minister

Madam President, Distinguished colleagues,

Romania welcomes the initiative of Albania and France, in cooperation with Ukraine, to hold a meeting in the Arria formula on the topic of “Ensuring accountability for atrocities committed in Ukraine”.

Romania took every opportunity to strongly condemn the brutal, unjustified and unprovoked illegal military aggression directed by Moscow against Ukraine.

The humanitarian situation continues to deteriorate. The conflict has caused the world’s fastest growing displacement crisis since the Second World War. More than 828.000 Ukrainian refugees have crossed the Romanian-Ukrainian border. On the ground, the traces of indisputable aggression against civilians speak louder than any words. I have just returned from Ukraine, today, where I have visited, together with the Romanian Prime Minister and the Romanian Speaker of the Chamber of Deputies, the cities of Irpin and Borodianka. I am personally still very much affected by what I saw on the ground.

We are horrified by reported war crimes, crimes of genocide and crimes against humanity committed in Ukraine and we call once more on the Russian Federation to stop its unlawful and unacceptable behavior towards the civilian population.

No perpetrator of the atrocities in Ukraine shall remain unpunished. It gives us real hope to see an unprecedented, unified response on behalf of the international community, in support of holding accountable all those involved in blatant violations of international law, including international humanitarian law and human rights.

Romania has therefore joined other States Parties to the Rome Statute in a referral to the Prosecutor of the International Criminal Court (ICC) to investigate any acts of war crimes, crimes against humanity and genocide that have occurred on the territory of Ukraine. In addition, the Romanian Government has recently approved a voluntary financial contribution of 100.000 Euro, in response to the ICC Prosecutor’s appeal to States Parties. We stand ready to support, further, the efforts of the Office with adequate resources, against the background of increased workload, including the new investigation on the territory of Ukraine.

Romania places its full trust in the independent and impartial ability of the ICC to bring justice in Ukraine and all the other situations under its consideration. We will continue to support its vital role in the fight against impunity and in providing assistance and reparations to victims of mass atrocities.

Romania also welcomed the Order of the International Court of Justice, of March 16, calling on the Russian Federation to immediately suspend military operations in the territory of Ukraine. We urge full and unequivocal compliance with this Order. Furthermore, Romania will continue to promote its Declaration calling for a broader recognition of the ICJ's jurisdiction and we encourage all states to join us in our demarche.

We will not stop here. Romania supports targeted efforts to investigate human rights and international humanitarian law violations, such as the establishment of the Independent International Commission of Inquiry on Ukraine and the invocation of the Moscow Mechanism of the OSCE. In addition, Romania became member of the Group of Friends of Accountability following the aggression against Ukraine.

The international community must continue to stand firm against Russia's unacceptable aggression and to stand united in protecting those who are already suffering or facing imminent threats. We must continue to condemn and publicly expose the attacks against civilians and civilian facilities in Ukraine. In addition, it is our duty to address Russian war propaganda and disinformation more effectively, to never turn a blind eye on attempts to relativize the truth of sufferance.

We should continue to appropriately respond to Ukraine's needs and to the specific requests of all international bodies and mechanisms that we have set up with the aim of contributing to more accountability as regards the situation in Ukraine. Our commitment has to be consistent and longstanding. Fatigue is not acceptable in the pursuit of justice.

We should also ensure that the existing mechanisms and platforms for accountability do not overlap and do not create gaps in investigation. The activity of the Group of Friends on Accountability following the aggression against Ukraine could be particularly useful to this effect.

Finally, we have to help the victims with compassion and dignity.

Romania has been at the forefront of this effort, as one of the countries receiving very large numbers of Ukrainians fleeing the terror, since the beginning of the war. Romania is committed to continue helping the population in need, be it on the territory of Ukraine or as beneficiaries of international protection on our territory.

Thank you for your attention.

## Lithuania - Mr. Adomenas, Deputy Foreign Minister

Excellencies,

We are grateful to the Permanent Missions of Albania and France for convening this Arria formula meeting in cooperation with Ukraine and thank the panel of remarkable briefers for their inspiring contributions to this discussion.

Lithuania aligns itself with the statement of the UN Group of Friends of Accountability following the aggression against Ukraine. We will continuously contribute to the activities of the Group both here in New York and in Geneva.

At the birth of the United Nations in the aftermath of the Second World War, it was said “never again”. Unfortunately, after numerous bloody conflicts of the past several decades, a war is once again unleashed on the continent of Europe, with an extreme brutality and devastation brought forth by Russia all across Ukraine.

As we enter into the third month of this war, reports by the UN officials, civil society and journalists speak of gross and revolting violations of international humanitarian law and international human rights law. The images of mass graves, bodies on the street burned beyond recognition and evidence of sexual and gender based violence, including rape, targeted killings, torture, arbitrary arrests, abductions, enforced disappearances, use of cluster munitions in residential areas, as well as mass deportations of civilians to the Russian territory, contribute to the mounting statistics of death and devastation. We also mourn the international journalists and media workers, killed by Russian troops.

They tell a heart-rending – yet, unfortunately, still-ongoing story. This war has far-reaching consequences for many regions of the world, beginning from threats to nuclear safety and fears of use of chemical weapons to already felt hardships to food security.

As underlined by the UN Secretary General, those directly responsible for war crimes and crimes against humanity, violations of human rights and international humanitarian law on Ukrainian soil must be held accountable.

There will be **no impunity**. There will be accountability for this horror, and international justice will be done. Victims will have access to remedy and to justice.

Lithuania condemns in the strongest possible terms Russia’s war against Ukraine and will continue to steadfastly support all efforts to ensure independent and effective investigations into crimes committed by Russia in Ukraine. Russia and its

accomplice Belarus bear full responsibility for this large-scale, unprovoked, unlawful and unjustified **war of aggression**.

We recall that Russia must comply with the **16 March binding order of the International Court of Justice** and immediately suspend the military operations in the whole internationally recognized territory of Ukraine.

Lithuania actively supported and voted for the **establishment of the Commission of Inquiry** by the UN Human Rights Council. It will be up to us the UN Member States to ensure its adequate funding, as well as to encourage its practical cooperation with the UN Special Procedures and mandate holders.

We welcome the work conducted under the **OSCE Moscow Mechanism**. It is now upon the OSCE participating States and the international community to ensure the follow-up actions to be undertaken.

Lithuania, as the **first member state to refer the situation in Ukraine to the Prosecutor of the International Criminal Court**, will continue to support the office of the Prosecutor in its investigation concerning alleged war crimes and crimes against humanity committed in Ukraine.

**Fact-finding and evidence-gathering** forms the cornerstone to fighting impunity. We maintain that cooperation between the **national investigators based on universal jurisdiction** is enhancing the documenting and mapping of the crimes committed and identifying those responsible. We suggest that the good practices of cooperation can serve as an impactful source of assistance to the Prosecutor of the ICC, as the ICC does not possess independent enforcement powers, and relies on the Member States for their support.

The national authorities need **coordination** of investigation actions: share the information and workload, avoid repetitive actions, allocate resources, transfer data and evidence between each other and to the ICC Prosecutor. We need to use common approach on the procedures of evidence collection, to ensure their admissibility and reliability. A coordinated work with and involvement of civil society, journalists, media workers and NGOs is essential.

At the initiative of Lithuania, the **Joint Investigation Team** into allegations of international crimes committed in Ukraine was created in Eurojust in March. It comprises Ukrainian, Polish and Lithuanian representatives. The team will support the gathering of evidence, as well as its swift and secure exchange. We highly welcome the decision of the Prosecutor of the ICC to join the JIT. **We invite the member states that started national investigations based on universal jurisdiction to consider joining it.**

We will double down on our efforts of investigating all further legal avenues - Ministry of Justice of Lithuania will host an international **conference on 6 May**, that will be dedicated to discussion of all legal mechanisms that could ensure accountability of Putin's and Lukashenko's regimes for the **crime of aggression**.

We, the international community, must seek full accountability for the atrocities committed in Ukraine. In order for us to honourably follow our words with deeds, we must continue to defend the Charter, the international law, human rights, peace and security - and our own humanity itself.

I thank you.

## Montenegro - Mr. Ljubomir Misurovic, State Secretary, MFA of Montenegro

Madam Chairperson,

I would like to begin by thanking you for convening today's Arrria meeting on this exceedingly critical issue. I also take the opportunity to thank today's briefers for their valuable inputs to this debate.

Montenegro aligns itself with the statement made by the Danish Foreign Minister on behalf of the Group of Friends of Accountability following the aggression against Ukraine, but I would, nonetheless, like to accentuate certain points of importance to us.

We are deeply troubled and unsettled by the widespread images and reports of indiscriminate killings of civilians, including the most vulnerable ones, as well as attacks on civilian infrastructure by the Russian Federation. The execution of innocent and unarmed civilians in Bucha and the shelling of the Kramatorsk railway station is not only a war crime – it constitutes a defeat of civilizational values and the rules based international order – principles at the very heart of the aggression on Ukraine, and the very ones we fought to achieve and preserve throughout the years. Such onslaught represents a blatant and audacious violation of international humanitarian law and international human rights law, for which we seek and demand accountability.

Montenegro welcomes the ongoing investigation of the International Criminal Court's Prosecutor in Ukraine, reiterates its support for the engagement of the UN Commission of Inquiry on Ukraine, especially OHCHR and civil society organizations. Actions undertaken by these actors are indispensable in terms of collecting crucial evidence of the ramification of the Russian unprecedented aggression.

We call on the international community to vocally and continually express its condemnation and denunciation of this unprovoked act of warmongering, attacks on civilians and critical infrastructure, human rights violations and infringement of humanitarian law.

Madam chairperson,

We must have accountability, if we are to end impunity, and give peace and reconciliation a chance. The victory against impunity is not something achieved



overnight and without breaking a sweat. Still, I propose that it can be accomplished if pursued with determination and a united stance against the perpetrator.

Montenegro stands ready to do its part.

I thank you.

## Italy - H.E. Mr. Maurizio Massari, Ambassador, Permanent Representative

Italy thanks the Permanent Missions of Albania and France for organizing this timely Arria meeting – which we are happy to have co-sponsored - and today's briefers for their instructive and insightful remarks.

We align ourselves with the statement delivered by the Minister of Foreign Affairs of Denmark, H.E. Mr Jeppe Kofod, on behalf of the Group of Friends on accountability in Ukraine, of which Italy is a member.

Since the very beginning of Russia's unprovoked war, we have firmly stood by the side of Ukraine and of the Ukrainian people, providing political, military, economic and humanitarian support.

The unjustified military aggression of Russia against Ukraine is shaking the fundamental pillars of the rule-based international order: the prohibition to use force against the territorial integrity and political independence of a sovereign country; the obligation to settle disputes peacefully; the prohibition of targeting the civilian population and civilian infrastructures for military purposes.

As a staunch supporter of the rule-based international order, Italy is of the view that accountability is key to making sure that those pillars which are now shaken, will not be irreversibly damaged. In order to ensure that the leaders, organs and agents of the Russian Federation be held to account for the unprovoked aggression against Ukraine, several routes must be followed

Firstly, we must make sure that those responsible for war crimes and crimes against humanity in Ukraine, irrespective of their ranking, status and nationality, are brought to justice before competent domestic courts and, if needed, before the International Criminal Court. Together with other 40 States parties, we have referred the situation of Ukraine to the Prosecutor of the ICC, Mr Karim Khan. We welcome his presence and statement today as well as his active engagement in assessing the situation on the ground. The OTP's investigations must continue unimpeded and shed light on the horrendous crimes committed in Ukraine, especially against the civilian population, including sexual and gender-based violence. We call on all States, including the Russian Federation, to cooperate with the ICC, while respecting its integrity and judicial independence.

We emphasize that aggression is in itself an international crime entailing the individual responsibility of those orchestrating the military attack against a sovereign country. Last year Italy ratified the Kampala amendment to the Rome

Statute, activating the jurisdiction of the Court over the crime of aggression. We call on all States parties to follow suit and non-State parties to ratify the Rome Statute including the Kampala amendment.

We are witnessing on a daily basis the level of suffering and devastation that wars of aggression produce especially on the civilian population. Aggression is at the root of all other crimes and it must not go unpunished. We must spare no efforts to fill the legal gaps that enable impunity.

Let me also mention that Italy fully supports Ukraine's legal action against the Russian Federation before the International Court of Justice. The Russian Federation is bound under international law to comply with judgments and decisions of the ICJ, including the order of 16 March this year to immediately suspend its military operations in Ukraine.

Italy also supports the collection of evidence by both the OSCE Moscow Mechanism and the Independent Commission of Inquiry established by Human Rights Council, as well as the work of the UN Human Rights Monitoring Mission in Ukraine, which is closely monitoring the impact of Russia's aggression on human rights across Ukraine, including by documenting and verifying the number of civilian casualties. Their findings are instrumental to the preparation of criminal prosecutions against those responsible for serious violations of human rights and international humanitarian law.

We are deeply concerned by the recent report of the OSCE mission of experts, that have observed clear patterns of violation of international humanitarian law in the way hostilities have been conducted by the Russian army, heavily affecting the civilian population and infrastructure and in disregard of the principles of distinction, proportionality and precaution.

Italy strongly condemns any military action targeting the civilian population in Ukraine.

In conclusion, Italy will continue to request full accountability for atrocity crimes committed in Ukraine, including through effective forms of reparation for the victims of these heinous actions.

## Latvia - H.E. Mr. Andrejs Pildegovičs, Ambassador, Permanent Representative

Excellencies, Ladies and gentlemen,

I thank the Permanent Missions of Albania and France in cooperation with Ukraine for organising this meeting. I also thank the distinguished briefers. Latvia aligns itself with the statement delivered by the European Union and the Group of Friends on Accountability.

Following the horrors of Kwibuka and Srebrenica, the UN family has repeatedly vowed that it would never again avert its gaze when mass atrocities are committed. Since 24th of February, we have travelled back in grim history to witness the mass atrocities that have been committed in Bucha, Irpin and Mariupole. In two months, the Office of the UN High Commissioner for Human Rights has recorded over 5,000 civilian casualties in Ukraine, out of which over 2,000 civilians have been killed and almost 3,000 injured. However, we believe that actual numbers of casualties are a lot higher.

We are still deeply shocked and questioning how does all this fit into today's world and modern, rules-based international society. The innocent civilians of Ukraine have been exposed to indiscriminate killings, use of explosive weapons, missiles and air strikes, attacks on civilian infrastructure. This has left a quarter of the population of Ukraine displaced, and led to a severe humanitarian crisis. We are gravely concerned about allegations of conflict-related sexual violence, behaviour unworthy of human beings, perpetrated by the Russian armed forces particularly against women and girls. While Russia's economy is plummeting due to the most severe sanctions in history being imposed on Russia because of its war against Ukraine and atrocities against its people, it seems that the main export good of Russia continues to be the human rights violations. We have to stop that export just like the export of Russia's coal, oil and gas.

Latvia reiterates its strong condemnation of Russia's unprovoked and unjustified military aggression in Ukraine and expresses full solidarity with Ukraine and its people. Russia's actions facilitated by Belarus require accountability for the grave violations of international human rights and international humanitarian law perpetrated in and against Ukraine, and every legal avenue available must and will be used to hold the aggressor to account.

Latvia has engaged in several accountability mechanisms to address the mass atrocities being committed in Ukraine. Notably, Latvia has taken a decision to

participate as a third party in the case relating to allegations of genocide brought by Ukraine against Russia before the International Court of Justice. Latvia is one of forty-three States Parties to the International Criminal Court (ICC) that have referred the situation in Ukraine to the Prosecutor of the ICC enabling the Prosecutor to proceed with investigations into allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person. We have also nominated national experts and provided voluntary contributions of one hundred thousand euros to the ICC in addressing the challenges the ICC is facing in the conduct of these and other investigations. We particularly welcome the decision of the Office of Prosecutor to join the Joint Investigation Team on international crimes committed in Ukraine.

Last but not least, in exercising the universal jurisdiction, the State Security Service of Latvia has launched criminal proceedings for war crimes and crimes against humanity and peace committed by Russia's armed forces in Ukraine to obtain and document evidence. We likewise welcome the establishment of the Independent Commission of Inquiry on Ukraine to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the Russia's aggression against Ukraine.

We are of the firm view that the rules-based international order benefits us all. It provides a set of rules encouraging peaceful, predictable, and cooperative behaviour among the UN Member States. We must continue to stand for fundamental principles and values undertaken by the UN Charter. Latvia is committed to working together with other Member States, key stakeholders, institutions and civil society to address the accountability for international crimes perpetrated in Ukraine.

I thank you.

## Estonia - H.E. Mr. Sven Jürgenson, Ambassador, Permanent Representative

Madam Chair,

We thank Albania, France and Ukraine for convening today's Arria that Estonia is honoured to co-sponsor. We welcome the remarks by their Excellencies, the Minister of Albania and Vice-Minister of Ukraine and by the esteemed briefers. Estonia aligns itself with the statements by the European Union and the Accountability group of friends.

Madam Chair,

It has been over two months since Nazi-Russia started the unprovoked, absolutely illegitimate full-scale war on Ukraine. Russian forces are committing unspeakable barbarities against Ukraine and the Ukrainians that have been rightfully prohibited under international law because they are inhumane. This includes targeted killing of civilians, attacks on schools and medical facilities, sexual and gender-based violence, including rape, deportation of civilians, including unaccompanied children across Russian borders, illegal adoption of Ukrainian children, enforced disappearances, illegal detention and torture of the civilian population, including the local government officials and journalists, firing on peaceful protesters and unlawful conscription of Ukrainian nationals. These and other crimes are being perpetrated by physical persons who, together with those giving orders shall be held accountable under international and national law.

Madam Chair,

Estonia has always been a strong supporter of the International Criminal Court (ICC) that forms an important pillar of the rules based international order. We welcome the investigation by the ICC in Ukraine.

Estonia has also started a domestic structural investigation into war crimes and crimes against humanity committed in Ukraine and is cooperating with Eurojust in this regard.

We welcome the OSCE Moscow mechanism's report that details the many violations amounting to war crimes and crimes against humanity that the Russian Federation is committing in Ukraine.

We continue to call on Russia to abide by the order of the International Court of Justice (ICJ) for Russia to immediately suspend the military operations that it commenced on 24 February in the territory of Ukraine.

It is crucial that evidence of crimes committed in Ukraine continues to be gathered in a manner that will hold up in independent, impartial judicial institutions. All of the information collected needs to be made available to the relevant accountability mechanisms and courts. Accountability mechanisms such as the Commission of Inquiry (CoI), the UN's human rights monitoring mechanism in Ukraine (HRMMU), the ICC's and Ukraine's own investigations need to cooperate and compliment each other's mandates.

Madam Chair,

The destabilising effects of Russia's aggression are felt throughout the world. The only country that needs to stop the senseless war is the instigator – the Russian Federation. The individuals perpetrating atrocities will need to stop executing unlawful orders or face the consequences.

Time is said to be too slow for those who wait, and too long for those who grieve.

Russia has turned its back on international law and order, including the UN Charter. While the international and domestic investigators and courts do their work, the international community has to do its utmost to keep the spotlight on the aggressor.

The world is watching and is united in horror. We stand with Ukraine. We mourn every life lost due to senseless Russian aggression. We need to do more to save Ukrainian lives already now, while we work hard for justice to be done.

Thank you.

## Germany - H.E. Ms. Antje Leendertse, Ambassador, Permanent Representative

Madam President, Excellencies, ladies and gentlemen,

I thank Albania and France for initiating this timely and very important meeting and I thank the briefers for their insights.

This meeting comes at a time when we receive fresh reports every day on despicable crimes committed by Russian troops in Ukraine. These crimes are widespread and systematic: Bucha, the attack on the Kramatorsk railway station and the immense suffering in Mariupol - the war continues with mass atrocities all over Ukraine!

New reports suggest that Russia is using outdated, so called “fléchette” ammunition against civilians. This is extremely concerning and could amount to another of the many crimes that Russia has committed against international humanitarian law.

These are merely some of the crimes that have made headlines. The information we get, in spite of numerous Russian attempts to spread disinformation is clear – many more such crimes have been and are being committed. This is happening right now, while we are sitting here.

(Migration/Refugees)

Millions of people are on the move fleeing from attacks, from bombing and shelling - to save their lives. The number of internally displaced persons is growing every day. We are talking about millions of mainly women, children and elderly who have been forced to abandon their homes.

All this because of an unprovoked, unjustified act of aggression by Russia. An act against the founding ideas and the basic principles of the United Nations. An act against the dignity of every human being suffering from this aggression.

These crimes, these atrocities, these infringements of international law and – most importantly – these killings of human beings must stop! The perpetrators must be held accountable in accordance with international law.

(Food security)

The consequences of the Russian aggression on human security are being felt around the world – as food and commodity prices are skyrocketing, supplies of staples are curtailed and millions of people worldwide face hunger.



(Accountability mechanisms and support)

The international community must continue to stand united and uphold international law and the UN Charter. One crucial element in this regard is accountability. We need to achieve justice for the millions affected by this senseless aggression, we must ensure accountability on all levels.

It is now essential to thoroughly investigate human rights abuses and war crimes. Investigations by the International Criminal Court Prosecutor are extremely important. Germany will contribute an additional 1 million Euros to the ICC and will second personnel. Additional funding has also been provided for the mission of the High Commissioner for Human Rights in Ukraine. In order to make the investigations as efficient and swift as possible, a group of experts will be supporting this process.

It is important, that national efforts complement international proceedings. The German Federal Public Prosecutor General therefore initiated a structural investigation into the situation in Ukraine to prepare the ground for individual indictments on charges of war crimes at a later stage. Recently, previous investigations by the German Federal Public Prosecutor General led to a groundbreaking verdict in a case of torture by the Syrian Assad regime.

It is imperative for the international community to not let up and rather to document, condemn and prosecute war crimes around the world – both through international instruments and national legal systems. The perpetrators – whatever their position or rank – must understand that there is no respite, no safe haven for them.

Germany will remain firmly committed to supporting all efforts in this regard. The international community must stand together to ensure accountability for crimes committed in connection with the Russian aggression against Ukraine. We owe it to the victims of the atrocious crimes and to their families.

Thank you.

## Croatia - H.E. Mr. Ivan Šimonović, Ambassador, Permanent Representative

Madam Chair,

I would like to thank Albania and France for organizing this meeting and briefers for their remarks.

Croatia aligns itself with the statement delivered by the EU as well as the Group of Friends of Accountability following the Aggression against Ukraine. I would like to add some remarks in my national capacity, starting with the following questions.

If there were accountability for aggression and annexation of Crimea in 2014 and crimes committed in Donbas from 2014 onwards, would there be a new wave of aggression and atrocity crimes committed, starting from February 24 this year?

How many lives and human misery could have been spared?

What will be the consequences if there is no accountability this time, yet again? Will in couple of years Kiev be wiped of the face of earth, as this time Mariupol is? Would some other European capital(s) be wiped out as well?

Distinguished colleagues,

It is my firm belief that if there is no accountability for atrocity crimes committed in Ukraine, atrocities will never end: they can only worsen.

We need accountability, and we need to fight for it now. It is justice for the victims, as well as prevention of future atrocities.

Some initial steps to ensure that this time there will be accountability have already been taken. Many different accountability mechanisms have been activated, each of them having certain merits, as well as limitations.

The Human Rights Council's Commission of Inquiry for Ukraine can provide for a broad overview of violations committed, their causes and consequences relatively fast, but it can only help to launch legal proceedings. The International Criminal Court, as well as Ukrainian and other national criminal courts can prosecute individual perpetrators, but these proceedings may take many years. Finally, the ICJ proceedings also take years, but may help to establish state responsibility.

Taken together, these mechanisms can help to establish accountability for crimes committed in Ukraine. The unity of purpose expressed by many member states, especially members of the Group of Friends of Accountability in Ukraine, their

willingness to collect and share relevant information, as well as to second personnel and financially support ICC's investigations, are encouraging.

However, will more clarity on accountability, on what happened and who is responsible, be sufficient to end impunity? Most importantly, will the perpetrators of atrocity crimes committed in Ukraine be punished?

To achieve that, the overwhelming support of 141 out of 193 UN member states who already condemned the aggression against Ukraine is not enough. We gradually need to move towards 192 out of 193 and finally to 193 out of 193.

It is going to be a long and challenging way, but as Dag Hammarskjöld once said: future is the horizon, but also the first step that we will take tomorrow.

Thank you.

## Poland- H.E. Mr. Krzysztof Szczerski, Ambassador, Permanent Representative

Madam Chair, Excellencies, Distinguished Colleagues,

I wish to thank for this timely and pertinent initiative, constituting a notable forum to discuss the means of ensuring accountability for atrocities committed in Ukraine.

Poland strongly condemns the continuous Russian military aggression against Ukraine. We are appalled by its tragically increasing human impact resulting of deliberate attacks against civilian population and infrastructure.

The only way to prevent further suffering is to fully implement the resolution adopted by the General Assembly on March 3rd this year entitled 'Aggression against Ukraine'. All bodies of the UN system should treat its provisions as a guidance and obligation.

Therefore, we continue to urge Russia to abide by the aforementioned resolution immediately, unconditionally and to withdraw Russian forces from the entire territory of Ukraine within its internationally recognized borders.

War in Ukraine is the greatest multidimensional crisis of our times. It requires a correspondingly strong, multifaceted and unambiguous response from the international community as a whole and from each of its members. Ensuring accountability is a significant element of this response.

While most of Poland's activities are now focused on humanitarian aid related to hosting the largest number of refugees in history on Polish soil, it is also taking steps to bring the perpetrators to justice, acting on international as well as national level.

As the OSCE Chairmanship, Poland decided to hold discussions and considerations of the organization, including regular Human Dimension events, as a relevant and useful response to the atrocities committed in Ukraine.

Given the gravity of the situation, we decided to dedicate the First Supplementary Human Dimension Meeting – that took place in March – to the violations of international humanitarian and human rights law with a special focus on the situation of civilians affected by the armed conflict in Ukraine. We will continue to see the OSCE Human Dimension events as an important platform to address humanitarian and human rights challenges in the OSCE area and discuss accountability for committed violations.

We also welcome the report drawn by the OSCE Moscow Mechanism experts: Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli, being at the same time extremely concerned by the appalling reality it describes. The document confirms patterns of violations of international humanitarian law and human rights law committed by the Russian Federation during its aggression against Ukraine.

The report also confirms instances of extrajudicial killings, torture and ill-treatment, enforced disappearances and abductions of civilians, including public figures, journalists and human rights defenders.

We agree with the report's conclusions, underlining the need for thorough investigation concerning legal accountability that will be carried out by relevant international bodies with the participation of forensic experts. In the first place this investigation should cover the issue of systematic summary executions.

We express satisfaction that the UN Human Rights Council established a dedicated commission of inquiry whose experts have been already appointed. We fully support their work and look forward to its outcome.

At the domestic level, Polish National Prosecutor's Office opened an investigation into Russia's crime of war of aggression against Ukraine, which is penalized under Polish law. Together with Ukraine and Lithuania, we established the Joint Investigation Team, which operates within the framework of Eurojust, in order to collect and preserve evidence of crimes committed in Ukraine. On this matter, we are open to any and all forms of cooperation.

Poland commends tireless efforts of the ICC Office of the Prosecutor to ensure accountability for heinous crimes committed in Ukraine.

We decided to respond positively to an invitation extended by the ICC Prosecutor to provide assistance to the Office, including through the provision of national experts on a secondment basis and voluntary contributions, in order to address Office's urgent needs.

As far as the state responsibility is concerned we welcomed the decision of the ICJ issued on 16 March 2022 on provisional measures in the case *Ukraine v. Russia*, concerning the allegations of genocide under The Convention on the Prevention and Punishment of the Crime of Genocide. Provisional measures are legally binding, therefore Russia's failure to comply with them blatantly shows their disrespect for the law and international institutions.

Growing record of violations of international humanitarian and human rights law committed in Ukraine by the Russian Federation – that clearly amount to war

crimes and crimes against humanity – require prompt and detailed investigation in order to ensure full accountability of their perpetrators.

Today the overall authority of the entire United Nations system is at stake. Hence, assuring justice and accountability is of vital importance from the UN credibility standpoint. It is our obligation in order to prevent any further atrocities, in Ukraine and elsewhere in the world.

I thank you.

## Belgium - H.E. Mr. Philippe Kridelka, Ambassador, Permanent Representative

Madam President,

Excellencies,

Distinguished Rapporteurs,

Belgium fully aligns itself with the statement delivered by the European Union as well as with the statement delivered by Denmark on behalf of the Group of Friends on accountability following the aggression against Ukraine.

We wish to make three additional remarks in our national capacity.

First, let me point out that since Russia's unjustified and unprovoked aggression against Ukraine in February, reports of attacks on civilians, including children, have been growing, causing outrage. The conflict is negatively impacting women and girls in particular. There have been numerous reports of conflict-related gender-based violence, such as rape, sexual violence and sexual harassment. We strongly call for the respect of the rule of law, international humanitarian law and international human rights law by all parties involved in the conflict. We further reaffirm our solidarity with Ukraine and the Ukrainian people.

Secondly, my country considers it necessary to conduct investigations and to gather evidence which will allow justice to be served.

My delegation commends the efforts undertaken by the Prosecutor General of Ukraine to investigate these facts and to prosecute those suspected of the most serious crimes. Belgium welcomes the judicial cooperation established in the form of the joint investigation team between Ukraine and other European States, and within the framework of coordination organized by EUROJUST in which the Belgian Federal Prosecutor's Office is actively participating. The findings are clear: the OSCE report established within the framework of the Moscow mechanism, co-invoked by Belgium, mentions confirmed cases of violations of international humanitarian law. We further look forward to the results of the Commission of Inquiry, established by the Human Rights Council. It is vital that it receives the funding it needs to function properly.

Belgium is one of the 41 States that referred the situation in Ukraine to the International Criminal Court last March. We express our full support for its work and for the independence of the Court. In this regard, Belgium has just announced

a contribution of €500,000 to the Trust Fund created by the Office of the Prosecutor, to enable it to cope with the significant increase in its workload.

It is important to coordinate the various efforts underway to ensure that current initiatives are mutually reinforcing and meet sufficiently high standards so that the evidence collected can actually be used in criminal proceedings.

It is also important to rely on all existing bodies, such as the International Criminal Court, the International Court of Justice, and the Human Rights Council to establish state and individual responsibility.

Finally, we are particularly concerned about the situation pertaining to children. Children are among the most vulnerable victims of armed conflicts. A reality which holds true in the case of the Russian aggression. According to the latest information, verified by the United Nations, 201 children have already been killed, and the actual number is likely much higher. Hundreds of schools and educational facilities have been subjected to indiscriminate attacks. We must ensure that the perpetrators of these crimes are held accountable. Unfortunately, children are still not given their rightful place in judicial proceedings. Belgium therefore calls for children to be systematically recognized as a full category of victims before national, hybrid and international courts, as well as before transitional justice mechanisms.

Mr. President, Excellencies

Belgium will remain committed to accountability for the most serious crimes under international law in all situations and therefore also in Ukraine. In the immediate future, a cessation of hostilities is essential in order to prevent more civilians from becoming victims of this senseless war.

I thank you for your support.



## Luxembourg - H.E. Mr. Olivier Maes, Ambassador, Permanent Representative

Madam Chair,

Luxembourg is proud to have co-sponsored this Arria-formula meeting organized by Albania and France, in cooperation with Ukraine, focusing on ensuring accountability for atrocities committed in Ukraine. We welcome the participation and essential work of Ms. Venediktova and Mr. Khan, in complementarity, as well as the important role played by civil society.

Luxembourg fully subscribes to the statements of the European Union and the Group of Friends of Accountability following the Aggression against Ukraine. Allow me to add a few elements in my national capacity.

We are deeply shocked by the indiscriminate violence and the increasing number of testimonies and reports of unbearably brutal attacks on civilians and civilian infrastructure, including schools and hospitals, the siege of cities, the rape and other forms of sexual violence, targeting in particular women and children. Luxembourg condemns in the strongest terms Russia's aggression against Ukraine and the atrocities perpetrated by the Russian armed forces in Ukraine.

We must be very clear: these acts may constitute war crimes and crimes against humanity. We must do everything possible to hold the perpetrators accountable and to bring justice to the victims, who must be at the center of our efforts.

Evidence of the atrocities in Ukraine is mounting with every report, including from the UN Human Rights Monitoring Mission in Ukraine (HRMMU), the OSCE and civil society. Luxembourg supported the establishment by the Human Rights Council of the independent international Commission of Inquiry, and we were glad to hear today that the Commission is about to start its work on the ground. All those engaged in investigations should cooperate and collaborate to ensure effective inquiries. The important documentation work underway is crucial to ensure that, when the time comes, justice will prevail.

The Prosecutor General's Office of Ukraine is doing a remarkable job under extremely difficult conditions and we salute the courage and resilience of the Prosecutor General and her teams working relentlessly to document violations as they occur.

Luxembourg is among the more than 40 States that have referred the situation in Ukraine to the Prosecutor of the International Criminal Court (ICC), and we welcome the clear statement made by the ICC Prosecutor Karim Khan today.

I would like to reaffirm Luxembourg's unwavering support for the international criminal justice system, embodied in particular by the ICC. The ICC is an indispensable instrument of the international community to fight impunity and to promote an international order based on the rule of law. Today it is more important than ever to defend the principles and values enshrined in the Rome Statute. Luxembourg has just announced a voluntary contribution of 100,000 Euros to the ICC. It remains essential to provide the Court with the necessary resources to fulfil its important mandate, in Ukraine as well as in all other situations.

Finally, Luxembourg supports the discussions on the creation of a Special Criminal Tribunal for the crime of aggression, which should be anchored in the multilateral system.

Madam Chair,

Criminal accountability is essential to ensure and maintain international peace and security. It cannot be stressed enough that peace and justice go hand in hand and are mutually reinforcing, the fight against impunity for the atrocities committed in Ukraine is also important to deter further perpetration of such crimes, in Ukraine and all other countries.

Luxembourg remains committed to standing by the people of Ukraine, its partners and the international judicial bodies to prevent impunity and ensure effective and impartial justice for the atrocities being committed in Ukraine.

Thank you.

## Liechtenstein - H.E. Mr. Christian Wenaweser, Ambassador, Permanent Representative

Madam President,

Accountability for the crimes committed in Ukraine is essential. As a result of the brazen aggression against Ukraine, we are witnessing a chilling repetition of the playbook written in Syria: The systematic disregard for international humanitarian law as a method of warfare, compounded by a possible systematic attack against the civilian population amounting to crimes against humanity. This underline both our insufficient response in the past and our obligation to ensure that there won't be impunity for these crimes. For situations like these, the international community created the International Criminal Court in 1998. And, unlike in Syria, the ICC has jurisdiction over atrocity crimes committed in Ukraine. This is why we have joined over 40 other States in referring the situation in Ukraine to the ICC – to allow the ICC Prosecutor to open an investigation immediately in order to deter further crimes and to ensure accountability. We look forward to effective investigations and prosecutions and express our support for and gratitude to the Chief Prosecutor whose presence today we welcome. ICC States Parties must be prepared to extend full political, diplomatic and financial support to the Court at all times, for all of its investigations, with full respect for the Court's judicial and prosecutorial independence and impartiality. We share of course the sense of urgency with respect to the Ukraine investigation and would favor authorizing access to the contingency fund, established precisely for situations like this, which will allow for a focused and effective investigation of the crimes committed in Ukraine as well as continued focus on other key investigations, from Darfur to Libya and Myanmar. Voluntary funding, if necessary, should be made on an exceptional basis only and framed with the clear understanding put forward by Prosecutor Khan that such contributions will be used toward addressing "all situations presently under investigation or in trial."

At the national level, Liechtenstein has established a "Ukraine Special Commission" and initiated a war crimes investigation to secure evidence and testimonies from those fleeing the war, precisely in view of future cooperation with international proceedings at the ICC as well as national courts invoking universal jurisdiction.

Madam President,

We also strongly supported the creation of the Commission of Inquiry on Ukraine by the Human Rights Council. The work of the Commission must be complementary to the activities of the ICC and include public statements of its work when necessary, as the gravity of the situation requires the UN's clear and strong voice. The

Commission's mandate includes investigating all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation. One related crime is obviously the crime of aggression – it cannot be ignored that the aggression against Ukraine is the “mother of all crimes” in this tragic situation.

And indeed, we must address the accountability challenge with respect to aggression itself – which the ICC, much to our regret, cannot in the present situation. At the Emergency Special Session of the General Assembly on 2 March, Liechtenstein recalled that international law provides for individual criminal responsibility for those “in a position effectively to exercise control over or to direct the political or military action of a State” when that State commits an act of aggression. The ICC, however, under the law given to it by “Kampala amendments on the crime of aggression” to the Rome Statute adopted in 2010, is not in a position to exercise its jurisdiction over the crime of aggression in the context of the invasion of Ukraine, without further steps taken by States.

Nevertheless, the law in the Rome Statute can and must guide the way – the definition of the crime of aggression was negotiated in a process open for all States to participate – not only those who had joined the ICC. The definition of the crime of aggression put into the Rome Statute was agreed by all States – including the Russian Federation – after almost eight years of painstaking negotiations. More than 75 years after the creation of the United Nations, there is now individual criminal responsibility for one of the most serious violations of the UN Charter. Now is the moment to make use of the law that enforces the prohibition of the use of force between States – a bedrock of the modern international order.

Finding a way to give the ICC jurisdiction now is one that requires more time than the urgency of the situation allows. The obvious alternative is for the United Nations General Assembly to endorse the creation of a special court to address the aggression against Ukraine. The overwhelming majority of UN Member States deplored the aggression against Ukraine in the strongest terms on the 2nd of March. We have the law required. We have strong precedents at the UN to draw from. And we have a historic UN vote to build on.

I thank you.

## Czech Republic - H.E. Mr. Jakub Kulhánek, Ambassador, Permanent Representative

Madam President,

In addition to the EU statement and the statement delivered by Denmark on behalf of the Group of Friends of Accountability, I would like to add the following in my national capacity:

We are deeply concerned about the daily reports coming from Ukraine depicting the horrific crimes. Also we find many recent testimonies quite disturbing as they might forebode a more sinister picture of atrocities committed in relation to the Russian aggression against Ukraine.

The recently published expert report commissioned under the OSCE Moscow Mechanism describes clear patterns of violations of international humanitarian law and human rights by Russian forces in Ukraine.

The Czech Republic consistently supports all efforts to ensure accountability in Ukraine. Accountability is what the victims deserve and it forms a logical part of finding a solution to the conflict.

Therefore, we welcome the opening of the investigation by the ICC of the situation. We are also getting ready our assistance to the ICC on this matter, in order to enhance its effectiveness.

Since the ICC is built on the principle of complementarity, we fully subscribe to sharing the responsibility to conduct investigations at a national level too.

As is the case with other States Parties to the Rome Statute, the Czech Republic has also started to prosecute conduct in Ukraine in line with our national legislation.

Internationally, the Czech Republic fully endorses the work of EUROJUST and the Joint Investigation Team. We welcome that the EU Advisory Mission will work in close cooperation with the ICC and EUROJUST.

We also express our strong support for the work of the Commission of Inquiry established by the UN Human Rights Council to investigate all violations of human rights caused by the Russian aggression. We appreciate the timely appointment of the Commission members.

Finally, Madam. President, the cornerstone of all accountability efforts is the documentation of crimes. In this respect, let me stress that sharing of technical

assistance among accountability mechanisms that have the experience and knowledge in war crimes documentation, such as the IIIM, is absolutely crucial.

I thank you.

## Switzerland - H.E. Mr. Pascale Baeriswyl, Ambassador, Permanent Representative

Madam President,

Switzerland thanks Albania and France for organizing this meeting and the speakers for their contributions. We also refer to the statement of the Group of Friends of Accountability Following the Aggression against Ukraine.

The images are horrifying. A children's hospital hit by an airstrike. The shelling of schools and residential apartments. Critical infrastructure struck by missiles. And mass graves of civilians. The High Commissioner of Human Rights recently warned that "over these eight weeks, international humanitarian law has not merely been ignored but seemingly tossed aside".

The recent experts' report within the framework of the OSCE fact-finding mechanism identified patterns of violations of international humanitarian law and evidence of violations of international human rights law. Switzerland strongly condemns all violations of IHL and human rights law. We must ensure accountability because impunity encourages further violations, which we need to prevent. Moreover, all victims have a right to justice. We all have a role to play in ensuring that crimes are investigated and prosecuted, no matter who committed them.

First, international efforts to document and prosecute war crimes must be strengthened. For this reason, Switzerland referred the situation in Ukraine to the International Criminal Court together with 40 other states. Moreover, we supported the establishment of multilateral mechanisms that collect evidence for the most serious crimes and make them available to national and international criminal prosecutions, for example the Commission of Inquiry of the Human Rights Council and the experts' mission within the fact-finding mechanism of the OSCE.

Secondly, Switzerland promotes cooperation and coordination among the existing accountability mechanisms dealing with the situation in Ukraine. This is important to avoid duplication of efforts and potential blockages between these mechanisms, and to prevent further injustice to victims and their families. This is one of the main reasons why we joined the Group of Friends of Accountability.

Finally, the voice of civil society should be heard. We welcome the valuable inputs of these organizations at this briefing. Civil society representatives are often the first to respond to crises, they have their ears and eyes on the ground. Therefore they play a key role in efforts to document and monitor violations of human rights and

IHL and to ensure participation of victims in those processes. Through this work, they build and strengthen the cases for accountability.

In sum, we must strive for strong, well-coordinated international mechanisms to ensure accountability. By doing so, we can bring justice to the victims of Russia's ongoing military aggression and strengthen the message that international humanitarian law and international human rights law must be strictly respected. We owe this to the people of Ukraine.

Thank you.



## Slovakia - H.E. Mr. Michal Mlynár, Ambassador, Permanent Representative

Madam President,

Slovakia aligns itself with the statement made by Denmark on behalf of the Group of Friends of Accountability following the aggression against Ukraine, and I would like to present further remarks in my national capacity.

Since 24<sup>th</sup> February, we have been witnessing a fully-fledged, unprovoked and unjustified Russian aggression against the sovereignty, independence and territorial integrity of Ukraine, which constitutes a blatant violation of fundamental principles of the UN Charter and International Law. Since then, we have received alarming amount of reports of indiscriminate attacks on civilians, civilian infrastructure and objects indispensable to civilian survival. It is impossible to omit mentioning horrific images of mass killings of civilians in Bucha, Irpin or Borodyanka, or images of the ruined city of Mariupol with shelled humanitarian corridors and civilians being deprived of basic services and essentials for weeks.

All these reports and images manifest that the laws of armed conflict have been flagrantly disrespected by Russian forces and atrocities have been committed. Those reports are already more than just allegations. The OSCE Moscow Mechanism mission in its report of 13 April 2022 stated that it found clear patterns of IHL violations by the Russian forces in their conduct of hostilities, but also that much of the conduct of Russian forces displayed in the parts of Ukraine it occupied before and after 24 February 2022 violates IHL rules relating to military occupation.

Madam President,

With regards to ensuring accountability for the heinous violations of international humanitarian and human rights law in Ukraine, I would like to add following 5 observations:

- 1) We hear very often “no more” or “no peace without justice”. We need to ensure these words turn into reality. Slovakia has taken note of the investigation launched by the Prosecutor of the International Criminal Court, establishment of the UN Commission of Inquiry on Ukraine with three independent members already appointed, inquiry launched under the auspices of the OSCE Moscow Mechanisms, multiple national investigations as well as accountability efforts of the civil society. Slovakia fully supports all these investigations and efforts, and has contributed itself by launching its national investigation into war crimes and crimes against humanity in

Ukraine, as well as by sending our experts to help Ukraine investigate incidents in Bucha and other areas. We will consider further options of support for the accountability efforts.

- 2) Effective coordination between all the mechanisms and initiatives in order to avoid any duplication is essential at this stage. In this context, it is inevitable to ensure that investigators, prosecutors and experts have the best conditions to undertake their work independently, effectively and in full compliance with the modern standards of international criminal law.
- 3) Rendering justice for the international crimes is often not easy and speedy. On the contrary, prosecution of these crimes with full respect to the principle of due process requires our patience, continued support, persistent attention and resilience. Moreover, the war is far from over with the second part of the Russian invasion launched recently. Taking into account the Russian conduct of war so far, Slovakia is gravely concerned that it might lead to further atrocities.
- 4) Accountability for atrocities in Ukraine must not be reduced only to bringing perpetrators to justice. Victims and survivors must be paid adequate attention. They need all forms of help to be able to heal, come back to their lives and resume their roles in their families and societies. Their treatment will be an integral part of the post-conflict reconciliation.
- 5) Besides individual criminal responsibility for the crimes committed, we must not forget the responsibility of the Russian Federation for its internationally wrongful acts and seek all avenues, which might seem feasible for these purposes. In this context, Slovakia welcomed the order of the International Court of Justice on the provisional measures in the case of Ukraine against Russia on the basis of the Genocide Convention, and will closely monitor its further proceedings.

Madam President, Slovakia stands ready to fight against impunity for atrocities committed in Ukraine, but also all around the world.

I thank you.

## Australia - H.E. Mr. Mitch Fifield, Ambassador, Permanent Representative

Thank you Chair.

Australia thanks Albania and France for arranging this necessary meeting on accountability for Ukraine. We are pleased to co-sponsor.

And I should also indicate that Australia aligns itself with the statement made by Foreign Minister Kofod on behalf of the Group of Friends of Accountability following the Aggression against Ukraine.

We thank today's briefers, who have given us important insights into the complexities and challenges of holding perpetrators to account for serious international crimes being committed in real time.

However, in the face of these challenges, we must persevere. Accountability is critical for any hope of a credible and lasting peace. Accountability is critical for deterring the commission of further atrocities in Ukraine.

Australia again condemns the Russian Federation's unprovoked, unjust and illegal invasion of Ukraine. Russia's act of aggression in invading Ukraine is a gross violation of international law. Russia's act of aggression is a gross violation of the UN Charter's prohibition on the use of force.

We yet again call on Russia to immediately withdraw its forces, consistent with the legally binding decision of the International Court of Justice on provisional measures.

Russia has committed egregious war crimes across Ukraine. We are appalled by the horrific acts perpetrated by Russian forces in Bucha, Mariupol and other cities:

- torture
- mass executions
- rape
- shelling civilians
- forced deportations of adults
- forced deportations of children
- starving cities through sieges

This list of atrocities grows daily.

It is imperative that we ensure accountability for the crimes committed in Ukraine.

That's why Australia joined over 40 Rome Statute States Parties to refer the situation in Ukraine to the International Criminal Court.

Australia strongly supports Prosecutor Karim Khan opening an investigation. And we are pleased to support his Office at this exceptionally challenging time, including through our decision to send professional staff to assist with its work.

We see the ICC as a key mechanism for identifying the crimes committed and those responsible.

We must stand by the rules and norms to which we have all committed. We must hold Russia to account for its invasion of Ukraine.

To this end, Australia has joined global partners in imposing far-reaching sanctions to inflict heavy costs on those responsible or those who hold levers of power.

The international community stands in solidarity with Ukraine:

- The UN General Assembly has demanded Russia withdraw its forces.
- The UN General Assembly has suspended Russia from the Human Rights Council.

These actions send a strong signal that Russia's violations of international law will not be met with impunity.

We will continue to work in lock step with the international community to support Ukraine and to hold Russia accountable for its actions.

Thank you.

## Malta - H.E. Ms. Vanessa Frazier, Ambassador, Permanent Representative

Madam President

I thank Albania and France for organising this Arria-formula Meeting. As members of the Group of Friends of Accountability in Ukraine, we welcome today's discussion that will serve as an opportunity to reiterate and emphasise the fact that wars have rules, and that those responsible for war crimes and crimes against humanity must not go unpunished. I also thank the briefers for their enriching today's discussion with their insights and experiences.

Malta aligns herself with the statement delivered by the European Union and would like to add a few remarks in her national capacity.

Mme. President

The indiscriminate shelling of civilian infrastructure and the bombing of schools and hospitals is completely unacceptable and a violation of International Humanitarian Law. This has all been compounded by the shocking images coming out of Bucha, Mariupol, and other places in Ukraine, and reports of torture, executions, violation of humanitarian corridors, and sexual and gender-based violence.

All reports of atrocities and war crimes must be investigated. Accountability goes beyond the judicial process, and the Security Council and the General Assembly have crucial roles to play.

The report delivered by the OSCE Moscow Mechanism underlining a clear pattern of humanitarian and human rights violations is of grave concern and another pillar in the accountability mechanisms which are available to Member States.

Malta joined the unprecedented referral to the ICC to investigate what is happening in Ukraine and welcomes the rapid action taken by the Prosecutor to open an investigation. We believe this is work of vital importance for the international community.

The establishment of a Commission of Inquiry by the Human Rights Council was another important step. The Commission now has a mandate to investigate violations of human rights and international humanitarian law. We believe it is important that the Commission will be able to operate and collect all the evidence it needs.

Mme. President

As a direct result of the unjustified and unprovoked aggression by Russia against Ukraine, neighbouring countries also had to step up to offer shelter, aid and assistance to millions of Ukrainians who have been fleeing their homes. This is the biggest refugee crisis in Europe since the Second World War. We extend our appreciation to the several UN agencies who have been working on the ground to offer assistance to the millions of Internally Displaced Persons in Ukraine. This assistance also includes vital humanitarian aid to those who are currently caught in the Eastern part of the country.

A mention should also go to all independent media and civil society who have been reporting and providing aid in Ukraine and the surrounding region. Their work is of significant importance to establish the truth of what is happening in Ukraine.

Mme. President

To ensure accountability, it is important that the right steps are taken from the very beginning. We urge the UN Security Council to fulfil its mandate in preserving peace and security and ask all UN Member States to ensure that accountability remains on the UN agenda being an effective means in upholding international law.

Thank you.

## Bulgaria - H.E. Ms. Lachezara Stoeva, Ambassador, Permanent Representative

Madame Chair,

Bulgaria aligns itself with the statements made on behalf of the European Union and on behalf of the Group of Friends on Accountability.

I would like to thank you for organizing this Arria formula meeting on a topic of extreme importance which should remain high on our agenda. I would also like to thank the briefers for their very sobering interventions.

Since the early morning of 24 February when the Russian Federation initiated this senseless, unprovoked and unjustified military aggression against Ukraine in complete violation of international law and the principles of the UN Charter, the lives of millions of Ukrainians have been literally destroyed. There have been daily reports on numerous civilian casualties and of attacks of schools, hospitals, residential building and civilian objects which all constitute gross violations of international humanitarian law and human rights law.

Words fail to describe the images that emerged from Bucha. According to a Human Rights Watch conflict researcher “Nearly every corner in Bucha is now a crime scene, and it felt like death was everywhere”. There is a growing number of reports on sexual and gender-based violence being used as a tactic of war. The situation of children is particularly worrisome. Those crimes cannot and should not be left without consequences. The perpetrators will be held accountable.

The international community has to stand united to ensure that justice is served. Impunity is not an option.

Investigations have already been undertaken by the ICC Prosecutor, as well as at national level in several countries. We need to unite forces, to assist Office of the Prosecutor General of Ukraine and Law Enforcement Agencies, so that we can make sure that all evidence is properly collected and testimonies are well documented, so that no crime can go unpunished.

It is of equal importance though to keep the issue high on the political agenda in all possible fora. The international community has to make it explicitly clear that there is no room for impunity for the crimes in Ukraine or elsewhere. Only through ensuring that justice is served, can we prevent such atrocities from happening again. We owe it to the victims, but most of all we owe it to ourselves.

Thank you!

## Canada - H.E. Mr. Richard Arbeiter, Ambassador, Deputy Permanent Representative

Chairperson,

We were pleased to sponsor this event and associate ourselves with the Statement of the Group of Friends of Accountability following the Aggression against Ukraine.

The Russian Federation, a Permanent Member of the Security Council, has waged an illegal and unjustifiable war of aggression against the sovereignty territorial integrity, and the political independence of Ukraine.

Russia's actions are an egregious violation of the Charter of the United Nations, its purposes, and its principles.

There has been appalling brutality targeting the civilian population. We cannot turn a blind eye to the horrors we have seen. We cannot remain indifferent. There are clear patterns of violations of international humanitarian law by Russian forces. As the horrific events in Ukraine unfold before our eyes, it is clear that more must be done - We demand justice for the victims!

The International Court of Justice has ordered that Russia suspend its military operation in Ukraine. And yet, this permanent member of the Security Council, carries on as if there is no law, and there are no rules above them.

Canada insists that there must be criminal accountability for any atrocities and serious crimes being committed in the ongoing conflict.

In view with our commitment to the International Criminal Court to investigate allegations of crimes against humanity, war crimes and genocide around the world, we have joined others to refer the situation in Ukraine to the Court.

The lessons from Rwanda, from Syria, from Myanmar show that it is imperative to investigate and gather evidence immediately, in an orchestrated way so we can see justice. In this context, under the framework of the Canadian Police Arrangement, the Royal Canadian Mounted Police will increase its deployment of police officers and civilian analysts to the court following your request Prosecutor Khan.

Separately, the RCMP, as part of Canada's Crimes Against Humanity and War Crimes Program, will investigate allegations of serious crimes as a result of the Russian invasion of Ukraine, in cooperation with Immigration, Refugees and Citizenship Canada, Canada Border Services Agency, and Justice Canada.



Canada is also closely working with our Ukrainian partners, particularly the Office of the Prosecutor-General, to identify critical investigative needs in the forensic and CRSV space.

We continue to call on Russia to cease its unprovoked and completely unjustifiable invasion of Ukraine, withdraw its forces from all Ukrainian territory, and engage in good-faith dialogue.

Russia cannot continue violating international law without consequence.

As Desmond Tutu said « ... *the texture of our universe is one where there is no question at all but that good (...) and justice will prevail.* »

Justice must prevail - There shall be no impunity!

As Mrs. Clooney reminded us, Justice Abella's words call us to stand up for justice. We stand with Ukraine.

Thank you.

## Georgia - Mr. Gvaram Khandamishvili, Minister Plenipotentiary, Deputy Permanent Representative

At the outset, let me express our appreciation to the Permanent Missions of Albania and France for convening today's important meeting. We are proud to be among the co-sponsors of the event.

I would also like to thank the distinguished speakers for their informative and impactful briefings and presentations.

We join others in voicing our strong support to the mandate of the Group of Friends of Accountability following the aggression against Ukraine and express our readiness to engage in its activities to successfully carry out its mandate.

It has been over two months since Russia unleashed its unjustified and unprovoked full-scale military aggression against its sovereign neighbour, prompting one of the fastest-growing humanitarian and displacement crises in recent history. More than a quarter of Ukraine's population is forced to flee their homes, many others remain in besieged cities and towns without possibility to get a safe passage and humanitarian aid.

Russia's indiscriminate military attacks, including with internationally banned weapons, constitute the grave violation of international law, including International Humanitarian Law and the principles of the UN Charter.

As targeted shelling of civilians and civilian objects continue, we hear daily reports of executions, rape, torture, inhumane treatment and other human rights violations that amount to war crimes. Staggering scenes from Bucha or Kramatorsk railway station, among others, will continue to haunt our minds for the years to come.

It is imperative that accountability is ensured for these gross violations. We must avail of all relevant international legal mechanisms to ensure that justice is served for the crimes that Russia is committing.

In this regard, as a co-sponsor of the respective HRC resolution, Georgia welcomes the establishment of an independent international commission of inquiry to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the Russian Federation's aggression against Ukraine.

As it has been rightly mentioned, upholding the law is more relevant now than ever. Georgia strongly supports the work of ICC and was among the states referring the situation in Ukraine to the Court. We welcome the announcement of the ICC

Prosecutor to immediately proceed with an active investigation and look forward to further progress.

In conclusion, I would like to reiterate our call on Russia to comply with the provisional measures of the International Court of Justice of 16 March, to immediately stop aggression, withdraw all its forces from the whole territory of Ukraine, allow immediate, safe and unfettered access to all international humanitarian and human rights mechanisms therein.

Finally, we reiterate Georgia's unwavering support to Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders, including Crimea and Donbas as well as for Ukraine's navigational rights in its territorial waters.

I thank you.

## Japan - H.E. Mr. Kimura Tetsuya, Ambassador

Madam Chair,

I thank Ms. Michelle Bachelet, Mr. Karim Khan and all the briefers for their remarks.

I would also like to thank the Permanent Mission of Albania, France and Ukraine for organizing this meeting.

First of all, allow me to express, on behalf of the Government of Japan, our sense of solidarity with the people of Ukraine.

Japan has been closely following the consecutive debates related to the current Ukrainian crisis in the Security Council. And, on this occasion, we would like to express our sincere appreciation to all the briefers in the Security Council so far and our respect for UN and other aid workers who are operating under the extremely difficult environment in Ukraine.

Japan, as a co-hosting country of this meeting, would like to emphasize the urgent need to stop brutal atrocities committed against civilians as we witnessed in Bucha and other cities near Kyiv, and we, the international community, have to immediately address hand in hand the humanitarian crisis unfolding in and around Ukraine.

Japan vehemently condemns the killings of civilians and attacks on civilian infrastructure by Russia. The mass killing of innocent civilians, including children, women, journalists and medical and humanitarian personnel, is a grave breach of international humanitarian law, and constitutes war crimes. These Russian acts are by no means acceptable or permissible from a humanitarian point of view.

Japan will not tolerate impunity for those responsible for violations of international humanitarian and human rights laws. Perpetrators of such acts must be identified and held accountable. Japan has referred the situation in Ukraine to the International Criminal Court and we look forward to continued progress in the investigation by Prosecutor Khan. We would like to continue to contribute to the ICC's activities while maintaining close contact with the ICC and its State Parties.

Madam Chair,

What we are witnessing is Russia's clear and flagrant violation of international law and the United Nations Charter and its disregarding of the resolutions adopted in the Emergency Special Session of the United Nations General Assembly.

Russia must immediately stop this, withdraw its forces back to Russia, and come back to the path of diplomacy. Japan appreciates the Secretary-General's efforts of good offices and will continue to pay close attention to the situation.

Lastly, Japan supports the efforts for justice and accountability. Sustaining peace will never be achieved without tackling impunity. Japan will continue to work together with our partners to this end.

Thank you.

## Republic of Korea - Mr. Kwang-heon Doh, Counsellor

Madam President,

The Government of the Republic of Korea has already expressed its serious concerns over the killing of civilians reported by the Ukrainian government and its support for the statement by the UN Secretary-General on April 3<sup>rd</sup> calling for an independent investigation to guarantee effective accountability. We reiterate that killing civilians in a time of war is a clear violation of international humanitarian law.

Any attacks directed against civilians and other protected persons cannot be justified. It is essential to ensure accountability for violations of international law, including international humanitarian law, in order to prevent further human suffering and, ultimately, to maintain international peace and security.

My delegation is of the view that evidence collection and fact-finding, the very basis for ensuring accountability, are crucial. In this regard, we appreciate all the efforts such as those by the Office of the Prosecutor of ICC, the UN Commission of Inquiry, the UN Human Rights Office and civil society actors, as well as the international community's support for such efforts. Effective accountability can only be secured through close and systematic coordination between the various existing and future mechanisms for establishing responsibility.

We believe that collecting and preserving evidence by media and other investigative reporting will contribute to establishing the truth and to thwarting any attempt to justify atrocities.

As a responsible member of the international community, the Government of the Republic of Korea fully supports the international community's efforts to bring an end to the unconscionable humanitarian tragedy. We urge the Russian Federation to immediately suspend the military operations in the territory of Ukraine, as ordered by the International Court of Justice, and to fully implement the UN General Assembly Resolutions on Aggression against Ukraine, giving urgent consideration to the humanitarian consequences of its aggression.

Thank you, Madam President

## Chile - Mr. Jorge Vidal, Counsellor

Madam President,

Chile has strongly condemned the Russian invasion of Ukraine and has even co-sponsored General Assembly resolutions. Likewise, Chile joined the referral of the situation in Ukraine to the ICC because we consider that it is in accordance with its competences and attributions.

Chile maintains a permanent commitment to International Humanitarian Law and the international protection of Human Rights. We remain concerned about the international crimes perpetrated in Ukraine and advocate for an independent investigation. In this sense, the ICC and the Rome Statute provide a framework for an independent and impartial investigation.

This investigation could promote further universalization of the Rome Statute. We positively note Ukraine's acceptance of jurisdiction, but that does not prevent it from fully adhering to the Rome Statute; there is an open invitation to all States so that they sovereignly commit themselves to the Statute and to international justice.

As noted, coordination and non-duplication of efforts in investigations and evidence collection is critical, as there are a multitude of mandates and mechanisms in place.

In this sense, we recall that there are many other conflicts and situations of violations of International Humanitarian Law and human rights that continue to be important in other regions of the world.

Chile takes note of the ICJ resolution on provisional measures in the case of "alleged genocide under the Convention on the Prevention and Punishment of the Crime of Genocide" issued last March 16 and is aware that according to article 94 No. 1 of the Charter, States undertake to comply with the decisions of the ICJ in any dispute to which they are a party.

In particular, we note that the parties must refrain from aggravating the conflict ("Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve"), for which we also call on prevent the escalation of this international conflict.

We strongly request the parties to the conflict to facilitate the independent investigation of possible crimes to clarify the responsibilities that may be established, without prejudice to their permanent obligations under International Humanitarian Law.

The parties to the conflict must comply with their obligations under The Charter of the United Nations, International Humanitarian Law, International Human Rights Law and especially all the obligations that correspond to them so as not to affect the civilian population, especially people with disabilities, the elderly, women and girls.

We appreciate the questions raised by the organizers. Chile believes that it is essential to promote the accession of the Rome Statute by the largest number of UN member states that, until now, have not done so.

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