

**Security Council**

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Letter dated 26 April 2022 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council

I have the pleasure to inform you that Albania and France, in cooperation with Ukraine, will organize an Arria-formula meeting on the theme “Ensuring accountability for atrocities committed in Ukraine”, to be held on 27 April 2022. The meeting will be held in the Economic and Social Council Chamber from 3 p.m.

In order to guide the discussions on this topic, Albania and France have prepared a concept note (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ferit **Hoxha**
Ambassador
Permanent Representative



Annex to the letter dated 26 April 2022 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council

Concept note for the Arria-formula meeting on the theme “Ensuring accountability for atrocities committed in Ukraine”, to be held on 27 April 2022

Organized by: The Permanent Missions of Albania and France, in cooperation with Ukraine

Co-sponsored by: The Permanent Missions of Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Croatia, Czechia, Denmark, Estonia, Finland, Georgia, Germany, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Republic of Korea, Romania, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America, and the European Union

Date: 27 April 2022

Time: 3–6 p.m.

Location: Economic and Social Council Chamber – hybrid format

Participation: The Arria-formula meeting is open to all States Members of the United Nations, permanent observers, non-governmental organizations and the press.

Participants are requested to observe the current coronavirus disease (COVID-19) regulations by limiting their physical presence in the room to 1+1.

The meeting will be conducted in English and will be broadcast at <http://webtv.un.org>.

To inscribe to deliver a statement, please send the Member State name and the speaker’s name and title to andris.stastoli@mfa.gov.al. The list of speakers will be open until the start of the meeting.

Delegations are kindly requested to limit their interventions to three minutes.

Programme of the meeting

Opening by the Chair The Minister for Europe and Foreign Affairs of Albania, Ms. Olta Xhaçka

Briefers The United Nations High Commissioner for Human Rights
The Prosecutor of the International Criminal Court, Mr. Karim Khan
The Prosecutor General of Ukraine, Ms. Iryna Venediktova
Civil society organization representative, Clooney Foundation for Justice, Ms. Amal Clooney
Crisis and Conflict Division Director of Human Rights Watch, Ms. Ida Sawyer

Interventions from organizers, Members of the Security Council and United Nations Members

The Minister for Europe and Foreign Affairs of Albania,
Ms. Olta Xhaçka

The Minister of Foreign Affairs of Ukraine, Mr. Dmytro
Kuleba

The Ambassador and Permanent Representative of
France to the United Nations, Mr. Nicolas de Rivière

Introduction

When the United Nations was created, on the ashes of World War II, we said, “Never again”. But, 30 years after the bloody wars in Croatia, Bosnia and Herzegovina and Kosovo, war has returned to Europe, and evidence of atrocity crimes appears daily on our screens.

On 2 March 2022, the General Assembly adopted resolution [ES-11/1](#), entitled “Aggression against Ukraine”, calling upon all parties to respect strictly the relevant provisions of international humanitarian law and international human rights law.

On 30 March, the United Nations High Commissioner for Human Rights, addressing the Human Rights Council in Geneva, stated that “indiscriminate attacks are prohibited under international humanitarian law and may amount to war crimes”, referring to the massive destruction and shelling of civilian objects by the armed forces of the Russian Federation and the increasing number of civilian casualties that have followed as a result.

On 2 April, images from Bucha shocked the international community. Men and women were apparently executed while restrained, and there were widespread reports of crimes of sexual and gender-based violence and deeply concerning allegations of crimes against children. These images, as well as those from other towns in Ukraine, underline the increased risk of the commission of atrocity crimes as military engagement moves into urban areas.

The aggression against Ukraine violates principles enshrined in the Charter of the United Nations, the Helsinki Final Act, the Charter of Paris for a New Europe, the Budapest Memorandum on Security Assurances and the Minsk agreements. The International Court of Justice significant ruling in Ukraine’s case against the Russian Federation under the Convention on the Prevention and Punishment of the Crime of Genocide clearly ordered Russia to immediately suspend military operations. However, as this aggression against Ukraine continues, we see consistent evidence of the possible violations of international humanitarian law and of the Geneva Conventions and its first Additional Protocol.

We continue to see reports of shelling of civilian targets, urban settings and civilian infrastructure to cause maximum damage. Millions of refugees already fled Ukraine within the first 30 days of the war. There are even more internally displaced people inside Ukraine, and their numbers will grow.

Yet, amid these scenes of suffering, a unity of purpose has emerged with respect to the documentation of international crimes committed in Ukraine. Member States have underlined the importance of ensuring that anyone responsible for atrocity crimes in Ukraine is held accountable in accordance with the rule of law. Following the unprecedented referral of the situation to the International Criminal Court by 41 States from across the globe, the Prosecutor of the International Criminal Court rapidly opened an investigation into the situation in Ukraine. Support has also been

demonstrated for the work of the Office of the Prosecutor through the commitment by a wide range of States to provide national experts and voluntary contributions in order to support its work across all situations.

In parallel, the Human Rights Council has established the Independent International Commission of Inquiry on Ukraine with a mandate to investigate violations of human rights and of international humanitarian law, while a significant number of non-governmental organizations have also undertaken work in order to document atrocity crimes allegedly committed.

Amid one of the greatest challenges to the international order for decades, a global coalition for accountability is growing.

Objective

This meeting will bring together Member States and key actors involved in the documentation of crimes committed in Ukraine in order to identify how such efforts can be supported and coordinated so as to ensure the effective investigation and prosecution of those responsible for atrocities.

It is essential that all such crimes be meticulously documented and ultimately capable of being used in a court of law. To this end, this event will seek to mobilize and welcome all efforts, including those of the International Criminal Court, the human rights monitoring mission in Ukraine and the Independent International Commission of Inquiry on Ukraine of the Human Rights Council.

We will also encourage United Nations Members to join the Group of Friends of Accountability following the Aggression against Ukraine with the purpose of mapping existing and potential accountability mechanisms in Ukraine while ensuring knowledge-sharing between accountability mechanisms, the States Members of the United Nations and civil society.

Guiding questions

- What additional steps and actions could and should the States Members of the United Nations take in strengthening and institutionalizing accountability for war crimes committed in Ukraine?
- How can media, civil society and investigative reporting help in contributing to establishing the truth about the war crimes committed?
- What are some of the best practices that could be replicated and/or enhanced in relation to documenting and mapping the crimes committed and identifying those believed to be responsible?
- What are some of the possible venues to create an accountability network between different legal regimes and other regional justice institutions for information- and knowledge-sharing?
- The International Court of Justice order on provisional measures observed that the Court did not possess any evidence substantiating Russia's justification for its activities in the Donbas region. What are some ways to further refute Russia's purported justification for this war?
- How can we assure that, in the process of ensuring accountability, the necessary steps are taken from the early stages to ensure an appropriate reparation system for the victims so that they can obtain effective remedies for the harm that they have suffered?