I. Objective

This High-Level Side Event will seek to further accelerate efforts aimed at strengthening coherence of collective action in support of accountability for international crimes committed in Ukraine. In doing so, the event will promote a coordinated approach that can serve as an example for effective action to ensure justice in relation to alleged atrocity crimes globally.

The event will also reflect on actions undertaken to ensure responsibility for violations of international law connected to the invasion of Ukraine by the Russian Federation.

Drawing on the outcomes of the Ukraine Accountability Conference held on 14 July 2022 in The Hague and highlighting examples of successful action towards accountability for alleged international crimes in other contexts that may serve as a model in Ukraine, the event will focus discussions on key areas in which concrete steps can now be taken to support information-sharing and visibility of action across work by a range of accountability actors. Through this enhanced engagement, the event will seek to increase the collective impact of our common work towards justice for crimes committed following the Russian invasion of Ukraine.

Key areas addressed will include:

- Ensuring effective provision of support to the Office of the Prosecutor-General of Ukraine through coordinated efforts across national and international actors;
- Ensuring the continued strong commitment to the work of the International Criminal Court (ICC) in delivering accountability in relation to alleged atrocity crimes committed in Ukraine;
- Promotion of visibility of action across all accountability efforts, including through the work of the Dialogue Group for Accountability in Ukraine to be established in follow-up to the Ukraine Accountability Conference in July;
• The role the UN can play, through in particular the UNSG’s Fact Finding Mission, the Commission of Inquiry and the Human Rights Monitoring Mission in Ukraine;

• State responsibility and the role of international judicial authorities in ensuring peace and security;

• Strengthened engagement with civil society actors (CSOs) so as to ensure work is conducted in a manner that preserves the integrity of material and protects the interests of survivors, highlighting the recently-launched ICC-Eurojust Guidelines for CSOs;

• Exploration of accountability possibilities in relation to the crime of aggression against Ukraine;

• Exploration of lessons learned with respect to the payment of compensation to victims of alleged international crimes;

• Prioritising the interests and needs of survivors and victims of sexual and gender-based crimes.

II. Background

Russia’s war of aggression against Ukraine continues to give rise to shocking reports of gross violations of international human rights law and of international humanitarian law, many of which may amount to the most serious crimes of concern to the international community as a whole. An act of aggression may also amount itself to an international crime.

This calls for urgent, collective and coherent action to ensure that those responsible for international crimes, including direct perpetrators and their superiors, are held accountable.

Meaningful steps by a range of actors have already been taken towards this goal, including the crucial work of the Office of the Prosecutor-General of Ukraine and the decisive action taken by the Prosecutor of the International Criminal Court Karim A.A. Khan QC to open an active investigation in Ukraine. In parallel, the UN Commission of Inquiry established by the UN Human Rights Council, the Organization for Security and Co-operation in Europe (OSCE) Moscow Mechanism and a wide range of civil society actors are undertaking vital documentation efforts with respect to alleged international crimes and human rights abuses. These include torture, targeted killings and abductions of civilians, filtration camps, gender-based violence, such as rape and sexual violence. National authorities from at least 9 other States have now opened investigations into potential international crimes committed in Ukraine, in addition to those being taken forward by Ukrainian authorities.

All paths towards justice need to be supported in a manner that ensures effort and resources are deployed effectively and the rights of victims are prioritized.

Technical support is already being deployed to Ukraine to assist national authorities, including the provision of assistance by national governments and the ICC in the field of forensic documentation. The EU Commission also provides assistance, coordinating with the EU
 Council and Member States to ensure that support meets the needs of the ICC and the Ukrainian General Prosecutor’s Office. Eurojust supports the coordination of the investigations and prosecution efforts between Ukraine, EU Member States and other States, including the joint investigation team (JIT) set up by Lithuania, Poland and Ukraine together with the ICC and recent additional members Estonia, Latvia, and Slovakia. The United States, European Union and United Kingdom recently established an Atrocity Crimes Advisory Group (ACA) to support respective accountability efforts on the ground in support of the work of Ukrainian authorities on the ground.

In March 2022, the Group of Friends (GoF) of Accountability following the Aggression against Ukraine was launched to offer a forum for UN Member States to engage with and promote synergies between the various measures initiated to ensure accountability for crimes committed in Ukraine. The GoF is co-chaired by Albania, Colombia, Denmark, Marshall Islands, and the Netherlands.

Russia’s unlawful aggression against Ukraine since 2014 also resulted in violations by Russia of other norms and principles of international law. For the pretext of its full scale invasion in February 2022 Russia used a false claim of genocide, leading to a proceeding by Ukraine against the Russian Federation before the International Court of Justice (ICJ) under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which seeks to establish that Russia has no lawful basis to take military action in Ukraine on the basis of unsubstantiated allegations of genocide. On 16 March 2022 ICJ ordered Russia to immediately suspend its military activities, while on 13 July 2022 43 countries and the EU in a joint statement expressed their support to Ukraine’s case in the ICJ.

On 14 July 2022 at the Ukraine Accountability Conference in The Hague, 45 States agreed on the urgent need to increase awareness and cooperation across these lines of effort to ensure that all action towards accountability benefits from a coherent approach. This High-Level Side Event will seek to take forward and accelerate this work, while also expanding the basis for collective, coherent action supported by United Nations Member States.

III. Structure and format

The High-Level Side Event will be hosted by Denmark, Germany, the Netherlands and Ukraine on behalf of the co-chairs of the Group of Friends of Accountability following the Aggression against Ukraine.

The Event will take place on 22 September 2022 from 1.15 PM to 2.45 PM at the Auditorium of the Permanent Mission of Germany to the United Nations in New York. We encourage arrival at 1 PM when doors open to allow the Event to start at 1.15 PM.

A panel of experts reflecting national and international perspectives will provide initial reflections on key priority areas for enhancing dialogue and coherence of action. Participating States will then be invited to present their efforts and reflections on how best to advance common efforts towards accountability in Ukraine.
Introductory speakers:
- Welcome by H.E. Federal Minister for Foreign Affairs of Germany, Ms. Annalena Baerbock
- Opening remarks by H.E. Minister of Foreign Affairs of Denmark, Mr. Jeppe Kofod
- Opening remarks by H.E. Minister of Foreign Affairs of the Netherlands, Mr. Wopke Hoekstra

Keynote speaker:
- H.E. Minister of Foreign Affairs of Ukraine, Mr. Dmytro Kuleba

Panellists:
- Karim A. A. Khan QC, Prosecutor of the International Criminal Court
- Andriy Kostin, Prosecutor-General of Ukraine
- Pramila Patten, Special Representative of the Secretary-General of the United Nations on Sexual Violence in Conflict
- Viceminister of Justice of Ukraine, Ms. Iryna Mudra

Interventions from participants (prior registration required).

Closing remarks: H.E. Minister of Foreign Affairs of Estonia, Mr. Urmas Reinsalu.

Moderator: Ms. Amal Clooney, Barrister, Doughty Street Chambers.

The invitation is for Foreign Minister (plus 1). Please note that space is limited and that registration is required by 14 September 2022 to wieteke.theeuwen@minbuza.nl and ciara.stacks@minbuza.nl. Kindly indicate if your Minister intends to take the floor.

The event is expected to be live streamed.