Concept note

United Nations Security Council Arria-formula meeting on: Ensuring accountability for atrocities committed in Ukraine

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, Canada, Colombia, Croatia, Czechia, Denmark, Estonia, Georgia, Germany, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Romania, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, and European Union.

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Date: 27 April 2022

Time: 03:00 – 05:00 PM

Location: ECOSOC Chamber - hybrid format

Participation: The Arria-meeting is open to all UN member states, Permanent observers, non-governmental Organizations, and the press.

and participants are requested to observe the current 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 on webtv.un.org (*if there is no objection*).

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

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**Program of the meeting:**

**Opening remarks and Chair:**

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

**Briefers:**

Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights

Mr. Karim A.A. Khan, ICC Prosecutor.

Ms. Iryna Venediktova, Prosecutor General of Ukraine

Ms. Amal Clooney, CSO representative, Clooney Foundation for Justice

Ms. Ida Sawyer, Crisis and Conflict Division Director of Human Rights Watch.

**Interventions from organizers,**

**SC members and UN members :**

H.E. Mr. Dmytro Kuleba, Minister of Foreign Affairs of Ukraine

H.E. Mr. Nicolas de Rivière, Ambassador, Permanent Representative of France to UN

**Introduction:**

When the UN was created on the ashes of WWII 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 appear daily on our screens.
On March 2, the UN General Assembly adopted the resolution “Aggression against Ukraine” (A/ES-11/L.1), calling all parties to respect strictly the relevant provisions of international humanitarian law and international human rights law.

On March 30th, the HCHR, Michelle Bachelet, addressing the UN 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 April 2nd, images from Bucha shocked the international community. Men and women were apparently executed while restrained, widespread reports of crimes of sexual and gender-based violence, and deeply concerning allegations of crimes against children. These images as those from other towns in Ukraine, underline the increased risk of the commission of atrocity crimes as military engagement move into urban areas.

The aggression against Ukraine violates principles enshrined in the UN Charter, Helsinki Final Act, Charter of Paris for a new Europe, Budapest Memorandum on Security Assurances, and the Minsk agreements. The International Court of Justice’s 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, the Geneva Conventions, and its First Additional Protocols.

We continue to see reports of shelling of civilian targets, urban settings, and civilian infrastructure to cause maximum damage. Millions of refugees have 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, amidst 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 ICC 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 United Nations Human Rights Council has established an Independent 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.

Amidst 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 are meticulously documented and are ultimately capable of being used in a court of law. To this end, this event will seek to mobilize and welcome all efforts, including the ICC, HRMMU, and HRC Commission of Inquiry on Ukraine.

We will also encourage UN members to join the Group of Friends on Accountability in Ukraine with the purpose of mapping existing and potential accountability mechanisms in Ukraine while ensuring knowledge sharing between accountability mechanisms, the UN member states, and civil society.

Guiding questions:

• What additional steps and actions could and should the UN member states take in strengthening and institutionalizing accountability for war crimes committed in Ukraine?

• How can media, civil society and investigative reporting help in contributing to establish 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 of 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 ICJ’s 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 assuring 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 they have suffered?