

Side event | 21 Assembly of States Parties
to the International Criminal Court

Strengthening International Justice: Challenges and Opportunities in Case of Ukraine

Description

New phase of armed conflict in Ukraine caused by Russian aggression in 2014 began on 24 February 2022. Images of dead bodies of civilians lying on the streets, ruined residential buildings as a result of shelling, shelled civilian cars fleeing the hostilities with entire families left for dead, allegations of conflict related sexual violence in Kyiv region horrified the international community. Siege of Mariupol which resulted among other things in bombing of Mariupol drama theatre used at the time by hundreds of civilians including children as a bomb shelter shocked the world.

Those were followed by regular missile attacks on civilian infrastructure of many cities of Ukraine often resulting in deaths and wounding of the civilian population left many decision-makers helpless. Discovery of mass graves, torture chambers in Kharkiv region left many dismayed.

8 December 2022

Antarctica Room

13.00-15.00

Speakers

Olga Reshetylova - Media Initiative for Human Rights

Nadia Volkova - Ukrainian Legal Advisory Group

Natalia Okhotnikova - Human Rights Centre ZMINA

Roman Avramenko - Truth Hounds

Moderator

Roman Romanov - International Renaissance Foundation

Current missile attacks on critical infrastructure, including power stations, leave civilian population without power for days on end and cause the risk of evacuation of the entire cities including the capital thereby causing a humanitarian crisis, beyond Ukraine. The enormity of tragic consequences of the Russian war against Ukraine is yet to be fully realised.



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However, many already question the effectiveness of justice and accountability as an instrument to combat impunity of the perpetrators of all these horrific crimes in case of Ukraine and its ability to play a preventive role against future conflicts.

Undoubtedly justice related responses from states and institutions have been unprecedented. With the ICC finally opening the investigation as a result of a referral by 43 states parties, many efforts have been aimed at strengthening domestic system to fulfill a principle of complementarity.

Yet doubts remain as to whether these are enough. While there is a declared willingness by Ukrainian authorities, it is the ability of the domestic system to effectively investigate, prosecute and adjudicate that is a cause for serious concern. Prior to full-scale invasion, domestic authorities had been attempting to tackle conflict-related investigations with little or no progress.

With the current number of opened investigations into alleged atrocity crimes in high 60 000 and rising every day it is clear that it is an insurmountable challenge for the domestic legal system. While the ICC will investigate a handful of episodes, Ukrainian authorities have no capacity to prosecute the rest: there is no suitable legislation and infrastructure in place, there is still lack of knowledge and skills among the majority of investigators, prosecutors and

judges, there is no consistent technical and financial support on the scale that is needed.

Meanwhile, according to the latest survey “Assessment of Damages Caused by Russian War Crimes” conducted in October 2022 95% of the respondents did not report the incidents caused by the full-scale invasion to the authorities and 63% of those consider specialised mixed courts with international and domestic judges and international courts the most effective.

To this end the panel of Ukraine 5 Am Coalition experts, relying on concrete examples of documented episodes of alleged atrocity crimes will analyse effectiveness of the available justice and accountability options to date, discuss possible solutions to address current challenges faced by Ukrainian domestic system and how they will reflect on the capacity of international justice system as a whole.

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