

Justice Ministers' Informal Conference - 'On the Path to Justice for Ukraine'

Riga, Latvia

11 September 2023

Dear Mr President,

Madam Secretary General,

Ministers,

Ladies and gentlemen,

Thank you for inviting me to address this conference today as President of the Parliamentary Assembly of the Council of Europe. I would like to thank the Latvian Presidency of the Committee of Ministers, the Latvian Ministry of Justice and, personally you, Madame Minister, and not long time ago a very respected member of our Assembly for putting the issue of delivering justice to Ukraine such a prominent priority of the Latvian Presidency.

I am particularly happy to represent our Assembly at this Conference also because it was indeed the PACE who first raised the issue of accountability of the Russian Federation for all wrongful acts it committed in and against Ukraine. Back in April 2022, we adopted (practically unanimously) the Resolution and Recommendation on the "Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe", in which we set out a range of proposals calling for the establishment of a comprehensive system of accountability and justice for the crimes committed by Russia in and against Ukraine. These proposals included, for the first time since the beginning of the Russian aggression, an idea to set up a special ad hoc tribunal for the crime of aggression.

I recall that back then these ideas were considered by many as controversial, too ambitious and unrealistic. Now, they became a mainstream thinking and are discussed in very practical terms at different international platforms. I am delighted to see that many of them are being implemented and I am very grateful to you, dear Ministers, to the Heads of your States (who endorsed them during the recent 4th Summit of the Council of Europe) and to the entire

Committee of Ministers for being bold and courageous in endorsing our ideas and working hard on making them reality.

I have repeated on many occasions that the war in Ukraine should not become a normality for us and we should never forget that while we enjoy peaceful life in Europe, Ukrainian people suffer and die every day. And remembering this must stimulate us to do everything in our power to stop this war and restore territorial integrity of Ukraine. But we should also remember that the war will end not just when the fighting on the frontline stop, but when the consequences of the Russian aggression are fully addressed and the justice to the victims is done. This is why our discussions here are so important and have very practical implications not just on international law and order but also on the lives of ordinary people in Ukraine.

It is important that the first step in that direction is already made, and this step is the creation of an international register of damage as part of a comprehensive system of accountability for violations of international law resulting from the aggression. I wish to use this opportunity to congratulate Mr Markiyano Klyuchkovsky who was recently appointed to lead this register and wish him all the best in this role.

You may recall that our Assembly first called on member States to establish a register for damages in cooperation with Ukrainian authorities in October 2022. Within eight months, we have outlined the role of the register in detail, notably in Resolution 2482 (2023) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”. There, we proposed that such a Register would be established via a multilateral treaty or agreement open to all like-minded States, in Europe and beyond, and supported by international organisations, including the EU. We underlined that it would only be a “first step”, but an absolutely essential one, in the process of accountability for violations of international law arising from the Russian aggression. The register should create a record of evidence and claims for damage, loss or injury caused to all natural and legal persons in Ukraine, as well as the state of Ukraine.

Now we must think and act further about complementing the register with other vital elements that will provide for a comprehensive and holistic system of accountability of the Russian Federation for its wrongdoings in Ukraine. We envisaged that, at a later stage, an

international compensation commission would be mandated to review and adjudicate the claims submitted and documented by the register, and that compensation awards would then be paid to successful claimants from a future compensation fund. Our Assembly considered that the Council of Europe as a whole should play a leading role in setting up and managing this compensation mechanism, taking into account its comparative advantage and experience in delivering justice and compensation for human rights violations under the Convention system. I wish to strongly encourage you, dear Ministers, to build upon the success of the creation of the Registry and, using the work done by the Assembly, to take necessary steps already now to ensure that the Registry will be the foundation upon which other international institutions delivering justice to Ukraine and Ukrainian people will be built. I can guarantee that our Parliamentary Assembly will support you strongly and actively in this endeavour.

I am certain that if we stand united with Ukraine, we will deliver the promises made in Reykjavik and will help deliver justice to Ukrainians and accountability for the Russian Federation's multiple violations of international law, including of human rights law and international humanitarian law. The Assembly has and will always speak in support of developing and ensuring effective functioning of the comprehensive system of justice for Ukraine and we will support the work of the Register as a first step to achieve that objective.

Thank you and I look forward to a fruitful and productive discussion.