

International Bucha Summit (31 March 2023)

Elements for intervention by Tiny Kox

President of the Parliamentary Assembly of the Council of Europe

Mister President Zelensky,

Ladies and gentlemen, dear colleagues,

Today, we mark a very sad anniversary. One year ago, we were all appalled and horrified when we first saw the images of civilians brutally murdered by the regular Russian military forces in Bucha and other towns around Kyiv. More detailed reports of violations of human rights and breaches of international humanitarian law, such as summary executions, abductions, torture, sexual violence, and attacks against the civilian infrastructures that started to come in the days and month following the liberation of these towns by the Ukrainian army shocked us even deeper and continue to haunt us to this day. An ad hoc committee established by our Parliamentary Assembly went to Bucha and Irpin in June 2022 and its members indeed found it hard to digest what they saw and heard in these towns. It is utterly unacceptable that such atrocities against innocent civilians, including horrifying sexual violence have occurred in 21st century Europe.

Last year, the Council of Europe immediately and in strongest terms condemned these horrendous crimes by the Russian army and committed to provide all possible assistance to facilitate the investigation into these war crimes, and to ensure that those responsible for them are brought to justice.

These crimes cannot be ignored, cannot be forgotten and there can be no impunity for what happened in Bucha a year ago, but also elsewhere in the areas of Ukraine, controlled by the Russian military during this war of aggression. This is our responsibility as international community to ensure accountability for these crimes and to guarantee that justice is done and delivered.

Our Parliamentary Assembly already in April 2022 urged the international community to hold the perpetrators of war crimes and crimes against humanity, and possible genocide, to account. This included also those responsible for the crime of aggression, namely the political and military leadership of the Russian Federation who are responsible for launching the ongoing war. Moreover, our Assembly was the first international body that called for the creation of an ad hoc international criminal tribunal to prosecute the crime of aggression.

This demand has remained very high on our agenda and was repeated in numerous Assembly's resolution adopted in the course of last year. It was further elaborated in the set of very concrete proposal on the setting up of a special international criminal tribunal in The

Hague in January this year. Our Assembly is of unanimous opinion that this tribunal should prosecute specifically Russian and Belarusian political and military leaders who “planned, prepared, initiated or executed” Russia’s war of aggression against Ukraine. They are those who are primarily responsible for what happened in Bucha, Borodyanka, Izyum and other countless towns and villages across Ukraine. Without their decision to wage this war of aggression against Ukraine, the atrocities that flow from it, as well as the destruction, death and damage resulting from the war would not have occurred. We also welcome therefore the recent decision of the International Criminal Court (ICC) to issue an arrest warrant for the Russian President Vladimir Putin which is a clear signal to everyone that there will be no impunity.

We call on as many states and international organisations as possible, and in particular on the UN General Assembly to endorse the establishment of such a tribunal and to support its functioning. At the same time, we acknowledge that this ad hoc tribunal should not seek to replace the ICC and must be complementary to the ICC’s important work. I commend the efforts made by the ICC to prosecute the war crimes committed in Ukraine and call on international community to step up the support to the investigation launched by the ICC Prosecutor into the situation in Ukraine.

When our Assembly first spoke of accountability and voiced the idea of an ad hoc tribunal last April, it seemed to many unrealistic and far-fetching. But now we can all see that the support to it grows and acquires concrete practical forms. The Council of Europe, as you know works now on establishing a special register to record and document evidence and claims of damage, loss or injury as a result of Russian aggression against Ukraine. The register will be an important part of current international initiatives to set up a compensation mechanism for Russia’s crimes of aggression.

Today, when we remember the victims of the Russian aggression against Ukraine we must, by supporting the efforts to investigate, prosecute and punish the war crimes, send a strong and encouraging message that justice will be done to them!