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**Provisional version**

## **Committee on Legal Affairs and Human Rights**

# **Legal and human rights aspects of the Russian Federation's aggression against Ukraine**

## **Report<sup>1</sup>**

Rapporteur: Mr Eerik-Niiles KROSS, Estonia, Alliance of Liberals and Democrats for Europe

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<sup>1</sup> Reference to Committee: Bureau decision. Reference 4825 of 28 June 2024.

## **A. Draft resolution<sup>2</sup>**

1. The Parliamentary Assembly reaffirms its unwavering support for Ukraine and its people and its commitment to the independence, sovereignty, unity and territorial integrity of Ukraine within its internationally recognised borders, including Crimea and all the other Ukrainian territories temporarily occupied by the Russian Federation since 2014 and beyond. It reiterates its strongest condemnation of Russia's illegal, unprovoked and unjustified war of aggression against Ukraine and the wide array of atrocities, violations of human rights and international humanitarian law committed by Russian authorities, including the continued indiscriminate attacks on civilians, residential areas and civilian infrastructure; enforced disappearances and deportations; unlawful detentions and the use of torture; extrajudicial executions of prisoners of war; rape and other forms of sexual violence; the deportation and forced transfer of Ukrainian children; and the destruction of the Ukrainian cultural and religious heritage.

2. The Assembly notes that under the administration of US President Donald Trump, the United States has significantly shifted its foreign policy, particularly in its relations with Ukraine and Russia, including its position on the legal and political characterisation of the Russian war of aggression. The US, alongside Russia and the latter's allies, voted against a UN General Assembly resolution of 24 February 2025 condemning the aggression and calling for a comprehensive, just and lasting peace and the need to ensure accountability. The Assembly deeply regrets this position. It is also concerned about the growing disengagement of the new US administration from accountability efforts for Ukraine, as evidenced by its withdrawal from the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine and the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) based in The Hague. It further notes with concern that the reduction of US foreign aid by the new administration has resulted in the suspension of several critically important justice and accountability projects related to Ukraine, including those concerning cooperation with the Ukrainian prosecuting authorities.

3. This shift has happened in the context of the bilateral talks that the US has held with both Russia and Ukraine, aimed at achieving a permanent ceasefire in Ukraine and the launch of peace negotiations. While the Assembly welcomes the commitment expressed by the US in this process to help achieve the exchange of prisoners of war, the release of civilian detainees, and the return of forcibly transferred Ukrainian children, it notes that Ukraine's proposal for a renewable and unconditional 30-day ceasefire, supported by the US, was not accepted by Russia, which continues to conduct missile, guided bomb and drone attacks against Ukrainian residential areas and civilian infrastructure almost every day. In March alone, at least 164 Ukrainian civilians were killed and 910 injured by Russian attacks – a 50% rise from February figures.

4. The Assembly notes with utmost concern that certain US representatives have suggested that Russia's unlawful seizure of Ukrainian territories through its war of aggression should be accepted and de jure recognised as part of a future peace agreement. In this context and in light of the rapidly evolving situation, the Assembly declares that certain fundamental principles of international law must not and cannot be set aside or undermined in any ongoing or future negotiations. It refers to all its previous resolutions addressing the legal and political consequences of the Russian full-scale aggression against Ukraine and recalls that all States are under the obligation to respect international law. The inviolability of borders and the non-recognition of territorial acquisitions resulting from the use of force are core tenets of international law and the foundations of the rules-based international order. These principles are enshrined in the UN Charter, the Helsinki Final Act of 1975, the Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the UN Charter (UNGA Resolution 2625, 1970) and numerous other international instruments. The pursuit of peace must be and can only be based on justice and international co-operation, in line with the Preamble to the Statute of the Council of Europe. The Assembly therefore categorically reaffirms undisputable legal and human rights considerations related to the Russian war of aggression and calls on all member and observer States as well as relevant European institutions and international partners to ensure that any peace talks or negotiations respect them:

4.1 the Russian war against Ukraine constitutes an act of aggression in violation of Article 2(4) of the UN Charter;

4.2 Belarus has allowed Russia to use its territory to perpetrate an act of aggression against Ukraine, which amounts in itself to an act of aggression;

4.3 North Korea has deployed troops to fight alongside Russian forces against Ukraine, therefore participating in the act of aggression against Ukraine;

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<sup>2</sup> Draft resolution unanimously adopted by the committee on 13 May 2025.

4.4 Ukraine is exercising its inherent right to self-defence in accordance with Article 51 of the UN Charter;

4.5 the political and military leadership of the Russian Federation, Belarus and North Korea have committed and are committing a crime of aggression against Ukraine, which entails individual criminal responsibility for the leaders concerned irrespective of their official position, including Heads of State and Government;

4.6 the illegal annexation of Crimea and other Ukrainian territories temporarily occupied by the Russian Federation as a result of the aggression since 2014 is a serious breach of jus cogens norms and as such cannot be recognised. In fact, such a recognition in itself, and any coercion of Ukraine to recognise these annexations would be a violation of international law;

4.7 the multiple and continued attacks and atrocities committed by Russian forces, its allies and proxies against Ukraine and its people amount to war crimes, including grave breaches of the Geneva Conventions and international humanitarian law, as well as crimes against humanity when perpetrated as part of a widespread and systematic attack against the civilian population, for which individual perpetrators must be held accountable;

4.8 the Russian Federation is committing some of the acts that constitute an element of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and its rhetoric justifying the war of aggression reveals a genocidal intent to destroy the Ukrainian nation;

4.9 none of these crimes can be subject to any form of amnesty or any statute of limitations under international law;

4.10 the International Criminal Court (ICC) has full jurisdiction to investigate and prosecute war crimes, crimes against humanity and genocide committed on Ukrainian territory by Russian forces, its allies and proxies, and States Parties to the ICC Statute have an unconditional obligation to cooperate with the ICC in the context of these proceedings, including by enforcing any arrest warrants issued against Russian or other suspects;

4.11 the Russian Federation has committed multiple and grave violations of the European Convention on Human Rights in Ukraine since the occupation and annexation of Crimea in 2014 and in the context of the full-scale aggression until 16 September 2022, when it ceased to be a Party to the Convention. Russia has a continuing and unconditional obligation to implement the judgments of the European Court of Human Rights finding these violations, including by adopting the required general measures and paying just satisfaction;

4.12 the Russian Federation has breached many other treaties under international human rights law, including the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the UN Convention on the Rights of the Child;

4.13 the Russian Federation must bear the legal consequences of all of its internationally wrongful acts committed in and against Ukraine, including by making reparation for all the damage caused by such acts to Ukraine and its people, as recognised in the UNGA Resolution A/RES/ES-11/5 of 14 November 2022 and in accordance with the principles of State responsibility;

4.14 the repurposing of the frozen Russian State assets, currently frozen by Council of Europe member States and non-member States, would constitute lawful countermeasures against Russia, as they would be intended to induce the aggressor to cease its unlawful behaviour and to fulfil its obligation to make reparations;

4.15 according to international democratic standards, elections cannot be held under martial law and President Zelenskyy is the legitimate President of Ukraine until elections can lawfully be held.

5. The Assembly strongly supports the position of the Council of Europe Commissioner for Human Rights, who has emphasized the need to make human rights the guiding principle for all current and future peace efforts. His human rights roadmap for a just, lasting and effective peace for Ukraine includes accountability, including the establishment of a Special Tribunal for the Crime of Aggression against Ukraine, reparation and redress for victims, the release of prisoners of war and civilian detainees, the return of Ukrainian children and

the tracing of missing persons, the protection of people in temporarily occupied territories and reconstruction, among others.

6. In this context, the Assembly refers to its Resolution 2598 (2025) (paragraphs 9 and 10) and welcomes the adoption by the Core Group participants of the Lviv statement of 9 May 2025, expressing political support for the draft legal texts for the establishment of the Special Tribunal for the Crime of Aggression against Ukraine within the framework of the Council of Europe. This step will pave the way for the Committee of Ministers to adopt in due course the necessary decisions for the setting up of the Tribunal. While noting that a compromise may have had to be reached on certain issues such as personal immunities, which may fall short of the Assembly's own demands and existing rules of international law, the Assembly hopes that the final Statute will enable the Special Tribunal to effectively investigate, prosecute and punish those who bear the responsibility for the crime of aggression. The Special Tribunal is an essential part of a comprehensive system of accountability for Ukraine and for the international legal order, which will fill an existing gap and deter future aggressions by the same or other aggressive regimes.

7. The Assembly underlines that any future peace negotiations aimed at ending the Russian Federation's aggression against Ukraine must include a comprehensive and just system of reparations for the damage caused. Redress for victims is essential for lasting peace and reconciliation. In this context, the Assembly highlights the critical role of the Register of Damage for Ukraine, established under the auspices of the Council of Europe, as the first operational element of an international compensation mechanism. The Register represents a vital step in documenting the damage, loss and injury resulting from the aggression and in laying the groundwork for a future claims process. In line with its previous resolutions, it considers that the Register of Damage and the comprehensive compensation mechanism should cover claims relating to the damage caused since February 2014 and not only from 24 February 2022.

8. Recalling its previous Resolution 2573 (2024), the Assembly is appalled by the numerous findings of international mechanisms and independent media investigations, which continue to provide evidence on the systematic use of torture against Ukrainian prisoners of war and detained civilians held in the Russian Federation or in the temporarily occupied territories of Ukraine. It takes note of the March 2025 report of the United Nations Independent International Commission of Inquiry on Ukraine, which concluded that enforced disappearances and torture have been conducted by Russian authorities as part of a widespread and systematic attack against the civilian population and pursuant to a coordinated State policy, therefore amounting to crimes against humanity. The report found that the most brutal forms of torture were used during interrogations, including severe beatings, electric shocks, burns, strangling, suffocation, hanging, rape and other forms of sexual violence. A recent media investigation by Forbidden Stories has also shed light on the prison system established by Russia for Ukrainian civilian detainees, revealing that torture and ill-treatment are systematic in at least 26 detention centres.

9. According to the figures of the Ukrainian authorities, 4 552 persons have been released from Russian captivity since 24 February 2022, including 173 Ukrainian civilians. 186 locations where Ukrainian civilians and prisoners of war are detained, both in Russia and in the occupied territories, have been identified. The current number of missing persons, including both prisoners of war and civilians, is estimated by the Ukrainian Ministry of Internal Affairs at 74 000. At the same time, the ICRC has documented around 50 000 cases of missing persons, without distinguishing by nationality. It has visited more than 3 000 prisoners of war in captivity on both sides, but specific figures for civilian detainee visits are not available. While the exact number of Ukrainian civilians held in captivity by Russia is difficult to determine, the Assembly considers that the practice of detention of Ukrainian civilians by Russia without any legal grounds is per se unlawful, arbitrary, in violation of international humanitarian law and amounts to war crimes and crimes against humanity. It therefore urges the Russian Federation to immediately and unconditionally release all unlawfully detained Ukrainian civilians. In the meantime, the ICRC should have immediate, safe and unimpeded access to all facilities where Ukrainian civilians are being detained, both in the temporarily occupied territories and in the Russian Federation, in line with Article 143 of the Geneva Convention IV.

10. The Assembly has repeatedly condemned the deportation of Ukrainian children to the Russian Federation and Belarus, and the forcible transfer of Ukrainian children to the Ukrainian territories temporarily occupied by the Russian Federation. These practices violate international humanitarian law (Geneva Convention IV and Additional Protocol I) and the UN Convention on the Rights of the Child, and constitute war crimes, crimes against humanity and an element of the crime of genocide. According to the "Children of War" platform run by the Ukrainian Government, as of May 2025, 19 546 children have been deported or forcibly transferred, and only 1 293 have returned. A recent report by the Yale Humanitarian Research Lab showed how Russian Federation-flagged military transport planes under the direct control of Putin's office transported groups of children from the occupied Donetsk and Luhansk oblasts and how Russian-controlled databases obfuscated these children's identities, including their nationality, in order to facilitate their placement and to

conceal the government's program of coerced adoption and fostering. The operation was initiated by Putin and his subordinates with the intention of "Russifying" children from Ukraine. The Assembly believes that any future peace negotiations should address the situation and define the conditions for the return and reintegration of Ukrainian children, in accordance with the principle of the best interests of the child.

11. The Assembly expresses its deep concern at the support provided by Iran and China to the Russian Federation. Iran has supplied Russia with ballistic missiles and drones, many of which have been used in indiscriminate attacks against civilian objects in Ukraine, in what can be described as complicity in Russia's violations of international law. Ukrainian authorities have confirmed the detention of Chinese nationals fighting alongside Russian forces, allegedly as irregular combatants. In addition, Chinese companies have reportedly assisted Russia's military drone production by providing access to restricted components and helping to circumvent international sanctions.

12. In the light of these considerations, the Assembly:

12.1 urges the Core Group participants and all member States to move towards the establishment of the Special Tribunal for the Crime of Aggression against Ukraine without delay, by adopting the necessary decisions to finalise the legal instruments for the establishment of the Special Tribunal, irrespective of the progress of any peace negotiations;

12.2 calls on other States, in particular observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly, to join the future enlarged partial agreement and support the Special Tribunal;

12.3 calls on all member States, observer States and other States to support and contribute to the work of the Register of Damage for Ukraine's work, as well as to the ongoing work to establish a Claims Commission for Ukraine and a compensation fund for Ukraine, and to ensure that reparations remain a core component of any peace settlement;

12.4 calls on all member States, European institutions and international partners to increase their assistance to the Office of the Prosecutor General of Ukraine and existing international accountability mechanisms, as well as civil society projects working on Ukraine, to compensate the negative impact of the US aid freeze;

12.5 invites the ICC and its Office of the Prosecutor to consider adding new charges, including crimes against humanity and genocide, in connection with the unlawful detention, enforced disappearance and torture of Ukrainian civilian detainees and the deportation and forcible transfer of Ukrainian children, as part of the investigation into the situation in Ukraine;

12.6 calls on member States, observer States and other States whose legislation provides for universal jurisdiction to investigate and prosecute war crimes, crimes against humanity and genocide committed in the context of the ongoing war of aggression, including crimes related to the enforced disappearance and torture of Ukrainian civilian detainees and the deportation and forcible transfer of Ukrainian children, and encourages those States that do not provide for universal jurisdiction to introduce such a possibility into their legislation;

12.7 urges the Russian Federation to ensure compliance with its obligations under international law, including international humanitarian law, and immediately cease the practice of enforced disappearances, unlawful detention of Ukrainian civilians, systematic use of torture against civilians and prisoners of war, deportation and forcible transfer of Ukrainian children, to provide complete information concerning prisoners of war, Ukrainian civilians and children under its control, and to ensure the immediate, safe and unimpeded access for the ICRC to all places of detention where prisoners of war and Ukrainian civilians are being held;

12.8 calls on member States, observer States, the European Union and international partners to provide all necessary assistance to Ukraine in its efforts to locate and secure the return of prisoners of war, unlawfully detained Ukrainian civilians and Ukrainian children, and to increase pressure on the Russian Federation to comply with its above-mentioned international obligations, including through increased sanctions and in the context of any peace talks or negotiations.

## **B. Explanatory memorandum by Mr Eerik-Niiles Kross, rapporteur**

### **1. Introduction**

1. Following the adoption by the Assembly of Resolution 2556 (2024) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine” on 26 June 2024, based on a report by Mr Davor Ivo Stier (Croatia, EPP/CD)<sup>3</sup>, the Bureau of the Assembly decided to seize the Committee on Legal Affairs and Human Rights for a new report on the same subject.<sup>4</sup> The committee appointed me as rapporteur at its meeting in Strasbourg on 2 October 2024.

2. Since the finalisation of Mr Stier’s report, the Assembly has adopted several resolutions and recommendations on the Russian war of aggression against Ukraine, including Resolution 2573 (2024) “Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine”, based on a report prepared for the Committee on Migration, Refugees and Displaced Persons (rapporteur: Ms Maria Mezentseva-Fedorenko, Ukraine, EPP/CD); Resolution 2588 (2025) “European commitment to a just and lasting peace in Ukraine”, based on a report prepared for the Committee on Political Affairs and Democracy (rapporteur: Ms Miapetra Kumpula-Natri, Finland, SOC); and more recently, Resolution 2598 (2025) “Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity”, based on a report prepared for the Committee on Legal Affairs and Human Rights (rapporteur: Mr Iulian Bulai, Romania, ALDE).

3. The Council of Europe as a whole has continued to play its part in the global and regional response to the Russian Federation’s war of aggression against Ukraine, particularly with a view to completing and ensuring a comprehensive system of accountability for all violations of international law committed in and against Ukraine. The three main lines of action have concerned: the establishment of a Special Tribunal for the Crime of Aggression against Ukraine within the framework of the Council of Europe, through the participation of the Council of Europe in the Core Group of States and organisations supporting the creation of such a tribunal and the preparation of draft legal instruments<sup>5</sup>; the establishment of a Claims Commission for Ukraine as a second component of a comprehensive compensation mechanism (the first component of which is the Register of Damage for Ukraine operational since April 2024), through the participation in preparatory meetings and formal negotiations on an international treaty; and the work on the situation of the children of Ukraine, in particular those who have been unlawfully deported to the Russian Federation or forcibly transferred to the Ukrainian territories temporarily occupied by the Russian Federation in violation of the Convention on the Prevention and Punishment of the Crime of Genocide (Article II) and international humanitarian law.

4. The committee had the opportunity to hear about developments concerning both the special tribunal and the compensation mechanism at its meeting of 10 September 2024 in Paris, with the participation of Mr Jörg Polakiewicz (Director of DLAPIL) and Mr Markiyan Kliuchkovskyi, Executive Director of the Register of Damage. We also heard from Ms Jessica H. Kim, Special Prosecutor for the Crime of Aggression seconded from the United States to the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) based in The Hague. During the January 2025 part-session, the committee held a joint hearing with other committees on the situation of Ukrainian prisoners of war, journalists and other civilians held in captivity by the Russian Federation, with the participation of Mr Maksym Butkevych, Human rights defender, officer of the Ukrainian Armed Forces, ex-POW, journalist; Ms Leniie Umerova, recently exchanged Crimean Tatar and civilian hostage (Ukrainian citizen); Mr Yulian Pylypei, Ukrainian marine, Mariupol defender, 2.5 years in Russian captivity; and Ms Nataliia Yashchuk, Senior War Consequences Officer, Center for Civil Liberties, Kyiv.

5. I carried out a fact-finding visit to Kyiv, on 2-3 April 2025. I had the opportunity to meet with the Ukrainian authorities (President and Judges of the Supreme Court; Deputy Head of the Presidential Office Ms Iryna Mudra; officials from the Ministry of Foreign Affairs, including Ambassador Anton Korynevych, the Ministry of Justice, the Security Service of Ukraine, the Coordination Headquarters for the Treatment of POW and the Office of the Prosecutor General), staff of the Council of Europe office and the Register of Damage

<sup>3</sup> This report was debated during the 2024 third-part session together with two other reports prepared by other committees: “The role of sanctions in countering the Russian Federation’s war of aggression against Ukraine ([Res. 2557 - Resolution - Details tab](#)) and “Countering the erasure of cultural identity in war and peace” ([Res. 2558 - Resolution - Details tab](#)).

<sup>4</sup> This will be the third report on the same subject prepared for the Committee on Legal Affairs and Human Rights. Before Mr Stier’s report, the committee had adopted in January 2023 a first report prepared by Mr Damien Cottier (Switzerland, ALDE), former chairperson of the committee ([Res. 2482 - Resolution - Adopted text](#)), in January 2023.

<sup>5</sup> In April 2022, PACE was the first international body to call for an “ad hoc international criminal tribunal to investigate the crime of aggression committed by the political and military leadership of the Russian Federation and prosecute the perpetrators” (Resolution 2433 (2022) and Resolution 2436 (2022)).

office in Kyiv, as well as with civil society actors and organisations working on issues related to accountability and war veterans (Truth Hounds, ZMINA, Center for Civil Liberties, Crimean Human Rights Group, Pryncyp, Ukrainian Veterans' Fund, Veteran's Hub).<sup>6</sup> I would like to thank all those I met who provided me with extremely valuable information for the preparation of my final report.

6. Russia continues its military attacks against Ukraine, including on civilian infrastructure and residential buildings, resulting in many civilian casualties, including children, in cities such as Kharkiv, Kryvyi Rih<sup>7</sup>, Sumy<sup>8</sup>, Odessa and Kyiv.<sup>9</sup> These attacks are blatant violations of international humanitarian law (IHL) and add to the long list of war crimes committed by Russian forces in Ukraine since the start of the full-scale aggression in February 2022. Some, such as those in Kryvyi Rih on 6 April 2025 and Sumy on 13 April 2025 (Palm Sunday) were even admitted and justified by Putin himself<sup>10</sup>, demonstrating cynical disrespect for the most basic rules of IHL. On 20 April 2025, President Zelenskyy proposed a renewable 30-day ceasefire on long-range drone and missile Strikes on civilian infrastructure, which has not yet been accepted by Russia.<sup>11</sup>

7. In this report I will focus on the different components of a comprehensive system of accountability for the Russian Federation's aggression against Ukraine and its legal and human rights consequences, with a view to making new proposals to member States, the Council of Europe as a whole and different international partners. I will examine the progress made on the Special Tribunal for the Crime of Aggression, the compensation mechanism, the state of play of existing and ongoing accountability mechanisms (ICC, ECtHR, UN bodies, investigations and proceedings in Ukraine and other member States). In this context, I will also address the possible consequences of the new US administration's negotiations with Russia (initiated in March 2025), including the impact of the growing disengagement of the US from accountability projects and narratives. Finally, I will also elaborate on with the state of Ukrainian prisoners of war (PoWs) and civilians unlawfully detained by the Russian Federation and how this should be part of any credible peace process.

## **2. The Crime of Aggression and the need to establish a Special Tribunal for the Crime of Aggression against Ukraine**

8. In Resolution 2556 (2024), the Assembly considered that the establishment of a special tribunal (ST) through an agreement between the Council of Europe and Ukraine, supported by an enlarged partial agreement, would be the "best feasible option, in terms of legal basis and political legitimacy". "It would clearly fall within the mandate of the Council of Europe, as reflected in its Statute and in accordance with the priorities set out in the Reykjavik Summit". It also reiterated that "the special tribunal should therefore have features that would make it as international as possible and encourage cross-regional support, taking into account the need to maximise its international legitimacy and to minimise any possible legal challenges, in particular with regard to the possible reliance of key suspects on personal immunities". It considered that the ST should have specific features, with respect to jurisdiction (including *ratione temporis*, covering the aggression from its beginning in February 2014), definition of the crime of aggression (in line with the ICC Statute), resolve the personal immunities issue, establish fair trial rights, *in absentia* proceedings, co-operation agreements and complementarity with the ICC. When it comes to personal immunities, while stating that they should not apply before the tribunal, the resolution proposed that the statute should leave the matter to the interpretation by the judges of the future tribunal, having regard to the practice of other international criminal tribunals and the precedents in international law. In its earlier resolutions (Resolutions 2436 (2022) and 2482 (2023)), the Assembly had emphasized that the ST should "not be limited by State immunity or the immunity of heads of State and government and other State officials" since the crime of aggression is by definition a leadership crime, and that "personal immunities would not apply to incumbent State officials, in line with the practice of other international criminal tribunals". The compromise wording on the immunities issue in Resolution 2556 (2024) was partially a result of the pressure by certain delegations at the Core Group negotiating the ST statute. The Americans and other G7 nations did not support bringing the Troika under the ST mandate at all. Ukraine, at that time, agreed with the compromise wording (leaving the matter to the interpretation by the judges).

<sup>6</sup> [PACE on X: "In meetings with authorities of ua in Kyiv, the rapporteur on the legal and human rights aspects of Russia's aggression @ErikNKross has reiterated PACE's full support for "the independence, sovereignty and territorial integrity of Ukraine within its recognised borders"... https://t.co/oWKRsm9ZDf" / X; For Ukraine, Justice Is Not a Bargaining Chip but a Moral and Legal Necessity – Iryna Mudra — Official website of the President of Ukraine; Ukrainian Judiciary.](#)

<sup>7</sup> [Türk denounces Russian attack which leaves nine children dead in Ukraine | OHCHR.](#)

<sup>8</sup> ['A war crime' — European leaders react to Russia's Palm Sunday attack on Sumy that killed dozens; European officials condemn Russia's deadly Palm Sunday attack on Ukraine's Sumy - ABC News.](#)

<sup>9</sup> On 24 April 2025, a Russian air attack using missiles and loitering munitions killed 12 people and injured 87 others, including women and children, in residential areas of Kyiv, marking the deadliest strike on the capital since last year.

<sup>10</sup> [Putin admits Russia targeting civilian sites in Sumy, Kryvyi Rih.](#)

<sup>11</sup> [Kremlin: Putin willing to discuss Zelenskyy's call for halt to attacks on civilian infrastructure | Reuters.](#)



9. On 19-21 March 2025, the Core Group meeting in Strasbourg finalised the draft legal documents for the establishment of the ST, after two years of consultations.<sup>12</sup> The agreed texts include a draft bilateral agreement between Ukraine and the Council of Europe, the Special Tribunal's draft statute and a draft enlarged partial agreement on the management of the ST. The meeting was opened by the President of the PACE who explained the role that the Assembly had played from the beginning as the first international body to have called for the establishment of a special tribunal (in April 2022). The three documents have now been submitted for political endorsement by the Ukrainian leadership and the States participating in the Core Group. According to the information I received during my fact-finding visit, it is expected that a meeting will take place in Lviv on 9 May with representatives of all Core Group participants (Ministers of Foreign Affairs and their legal advisers), and in that meeting the Government of Ukraine will formally proclaim that it requests the establishment of the ST on the basis of the draft legal instruments. This would then open the door for the Committee of Ministers to acknowledge or support Ukraine's request (possibly during the ministerial session in Luxembourg on 13-14 May) and prepare the final decisions (authorising the Secretary General to conclude the agreement on behalf of the Council of Europe and establishing of the Enlarged Partial Agreement). The Assembly already anticipated these steps in its recent Resolution 2598 (2025) and Recommendation 2294 (2025), where it called on the Committee of Ministers to adopt these decisions as soon as political agreement was reached.

10. I understand that the some of the Assembly's demands on the features of the ST will be met, including with regard to functional immunities, the definition of the crime of aggression, trials *in absentia*, fair trial rights and co-operation with the ICC. I also understand that there will be no temporal limitation to its jurisdiction, meaning that the ST will be able to prosecute the crime of aggression that began on 20 February 2014 and not only from 24 February 2022 (see Resolutions 2294 (2025) and 2556 (2024)). Its jurisdiction will not be limited to Russian suspects so it may cover as appropriate nationals from other States having participated in the war of aggression against Ukraine. This may include the so-called Belarusian leadership and possibly the military and political leadership of the Democratic People's Republic of Korea ("North Korea"), in line with what the Assembly has expressed in its recent resolutions. Under UNGA Resolution 3314 of 1974 as well as Article 8bis of the ICC Statute, the action of placing the territory of a country at the disposal of another State, to be used by that State for perpetrating an act of aggression against a third State, also qualifies as an act of aggression in itself. The UNGA has indeed deplored the involvement of Belarus in the unlawful use of force against Ukraine.<sup>13</sup> It is also clear that the sending or involvement of North Korean troops (an estimated 14 000 soldiers) fighting alongside Russian forces against Ukraine (within the Kursk region) may also fall within the scope of an act of aggression.<sup>14</sup> In April 2025 the North Korean dictator publicly admitted that his troops participate in the Russian war of aggression against Ukraine "to annihilate the Ukrainian neo-Nazi occupiers".<sup>15</sup>

11. As said, one of the most difficult issues that had to be settled during the Core Group negotiations was related to the personal immunities of the so-called Troika (Head of State, Head of Government and Minister of Foreign Affairs), which need to be distinguished from functional immunities.<sup>16</sup> I fully agree with previous Assembly resolutions and reports (by Mr Cottier and Mr Stier) that personal immunities should not apply before an international or internationalised tribunal.<sup>17</sup> It is regrettable that a compromise had to be reached between conflicting political and legal views on the subject and some political views prevailed. The compromise reached seems to be that the Prosecutor of the ST will be able to collect evidence, investigate the crimes and finalise and submit to the ST an indictment against the Troika members concerned, but that the ST will not take any procedural action nor issue any arrest warrant as long as those persons remain in office.<sup>18</sup> This outcome is not

<sup>12</sup> <https://www.coe.int/en/web/portal/-/special-tribunal-for-ukraine-secretary-general-welcomes-completion-of-technical-discussions>. The Core Group is composed of 39 States (among which 5 non-European States), the Council of Europe and the EU.

<sup>13</sup> [United Nations General Assembly Resolution ES-11/1 - Wikisource, the free online library](#).

<sup>14</sup> [Inside North Korea's vast operation to help Russia's war on Ukraine; Ukraine investigating North Korea's support for Russia as possible crime of aggression | Reuters](#); [Texts adopted - Reinforcing EU's unwavering support to Ukraine against Russia's war of aggression and the increasing military cooperation between North Korea and Russia - Thursday, 28 November 2024](#); [North Korea's Troop Deployment in the Russian War of Aggression against Ukraine: The DPRK as a Principal or as an Accomplice? – EJIL: Talk!](#); [Ukraine Symposium – North Korea's Entry into International Armed Conflict - Lieber Institute West Point](#). Article 3(g) of UNGA Resolution 3314 includes within the scope of an act of aggression "the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein".

<sup>15</sup> <https://www.aljazeera.com/news/2025/4/28/north-korea-confirms-soldiers-sent-to-fight-with-russia-against-ukraine>.

<sup>16</sup> [Conference to Mark the 3rd Anniversary of Russia's Full-scale Invasion of Ukraine - The Role of the Council of Europe in the Pursuit of Peace, Justice and Accountability in Ukraine - Directorate of Legal Advice and Public International Law; The Road Not \(Yet\) Taken: A Special Tribunal for the Crime of Aggression against Ukraine - Opinio Juris](#).

<sup>17</sup> See [International Enough? A Council of Europe Special Tribunal for the Crime of Aggression](#).

<sup>18</sup> [Holding Russian Leaders Accountable for the Crime of Aggression](#).



in harmony with the Rome Statute of the ICC, Article 27 of which states: “1. This Statute shall apply equally to all persons without any distinction based on official capacity; 2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person”. The International Law Commission (ILC) and UN resolutions uphold the principle that official capacity is not a defence in prosecution for international crimes – including aggression. This principle was reaffirmed in the *Arrest Warrant Case* (ICJ, 2002): said immunity applies in foreign domestic courts while in office, but not necessarily before international criminal tribunals. This outcome falls short of the international standard of responsibility for the crime of aggression (then crime against peace) set by the Nuremberg Tribunal, whose Statute (Article 7) said: “The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility...”. This outcome obviously does not meet the expectations of the Ukrainian authorities and society. However, this compromise enables the future tribunal to effectively investigate and punish the majority of those who bear the responsibility for the crime of aggression and investigate the crimes of the Russian top leadership that bears the greatest responsibility.

12. It is regrettable that the US has withdrawn from the Core Group since March 2025, after having participated in the consultations on the ST from the beginning under the Biden Administration. The US authorities have also withdrawn from the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) based in The Hague, to which they had contributed financially and seconded prosecutors.<sup>19</sup> This position must be read in light of the Trump Administration’s shift in US foreign policy, particularly in its relations with Ukraine and Russia, including its position on the legal and political characterisation of the aggression.<sup>20</sup>

13. In line with what has been expressed in Resolution 2598 (2025), I propose that the Assembly calls once again on member States, Core Group participants and the Committee of Ministers to move towards the establishment of the ST as soon as possible, by adopting the relevant political decisions and final legal instruments. This should be a short process as all the relevant legal texts are ready and awaiting political endorsement. The Assembly should also recommend that the ST, once established, be provided with all the necessary tools and resources to become operational, through the swift appointment of highly qualified and independent judges and staff, and that cooperation agreements be signed with all participating States and the ICC. In addition, observer States and other non-European States wishing to uphold the international legal order should be invited to join, in order to ensure the widest possible cross-regional membership.

14. In the context of the ongoing and future talks between the US, Ukraine and Russia about a possible ceasefire or peace negotiations, it is also important to recall that it would not be possible to offer any international amnesty for the crime of aggression, even if some might consider this desirable in order to achieve peace. In order to avoid any doubt, the statute of the ST should include a provision on the inadmissibility of amnesties granted to persons subject to its jurisdiction. The prohibition of aggression is a peremptory norm of general international law, recognized as *jus cogens*. All States have a duty to co-operate in order to bring any serious breach of such a norm to an end<sup>21</sup>, and this should logically entail an obligation to avoid impunity and to guarantee non-repetition. The Assembly should reiterate that any peace process or agreement must not undermine the commitment taken by the Council of Europe to hold the Russian Federation and those responsible for its crimes fully accountable. Peace must be just and consistent with the principles of international law and accountability should not be used as leverage for peace. This position is shared by the Council of Europe Commissioner for Human Rights, who has insisted that human rights and a victim-centred approach should be an integral part of any peace talks on Ukraine.<sup>22</sup>

15. Similarly, the illegal annexation of the occupied Ukrainian territories should never be recognised by any State or be part of a peace agreement. Under international law, the prohibition of territorial acquisition resulting

<sup>19</sup> [U.S. to Withdraw From Group Investigating Responsibility for Ukraine Invasion - The New York Times](#).

<sup>20</sup> The change of US position was illustrated by the US votes at the UNGA on 24 February 2025, where the US voted with Russia against a text introduced by Ukraine and the EU States referring to “the aggression against Ukraine”, “the unity and territorial integrity of Ukraine”, “comprehensive, just and lasting peace” and “the need to ensure accountability” ([ES-11/7](#)). The text adopted by the UNSC on the same day ([Resolution 2774](#)) with the support of the US and Russia and the abstention of EU member States omitted any reference to these terms and limited itself to imploring a swift end to “the conflict” and urging “a lasting peace between Ukraine and the Russian Federation”. See: [UNSC Resolution 2774: The Implications of Equidistance for Ukraine and International Law – EJIL: Talk!](#).

<sup>21</sup> See Article 41 [ARSIWA](#). See also para. 1 of Assembly Resolution 2598 (2025). The UN Secretary-General [declared](#) in 2004 that “United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights.” (para. 10).

<sup>22</sup> [Human rights should be an integral part of any peace talks on Ukraine - Commissioner for Human Rights](#).

from the threat or use of force is a corollary of the prohibition of the threat or use of force.<sup>23</sup> Since the annexation is in itself a serious breach of this principle, States have an obligation not to recognise the unlawful situation created by such a breach, not to assist and aid in its maintenance, and to cooperate to bring it to an end.<sup>24</sup> This would at least require opposing any agreement which would try to endorse or legalise any territorial changes resulting from the aggression. In this context, it is worrying to note that US representatives and President Trump are suggesting that certain territorial changes (particularly regarding Crimea) could be accepted de jure as part of a peace deal.<sup>25</sup> The Assembly should therefore unequivocally and firmly reiterate that the annexation of any Ukrainian territories by Russia, which is a fundamental part of the crime of aggression, was and will remain blatantly illegal in the eyes of the international community.

### 3. The need to complete the work for a comprehensive international compensation mechanism

16. The Russian Federation must bear the legal consequences of all of its internationally wrongful acts committed in and against Ukraine, including by making reparation for the damage caused by such acts to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities, state-owned or controlled entities. I refer to previous Assembly resolutions on this subject, notably its Resolution 2556 (2024) and Resolution 2539 (2024) “Support for the reconstruction of Ukraine”, as well as the United Nations General Assembly Resolution A/RES/ES-11/5 of 14 November 2022 “Furtherance of remedy and reparation for aggression against Ukraine”, which recognises the need for the establishment of an international mechanism for reparation.

17. The **Register of Damage for Ukraine** was established at the Reykjavik Summit in May 2023, as the first component of a comprehensive compensation mechanism for the Russian Federation’s aggression and all the resulting and multiple violations of international law. It was established through an enlarged partial agreement within the framework of the Council of Europe. It became operational in April 2024. Over the past year, it has opened the claims submission process for several categories of damage, including involuntary internal displacement, death of an immediate family member, missing immediate family member, serious personal injury, sexual violence, torture or inhuman or degrading treatment or punishment, deprivation of liberty, forced labour or service, and damage or destruction of residential immovable property. So far, it has received over twenty thousand claims and the Register’s Board is advancing with the issuing of its decisions on the recording of the claims, with an estimated six to eight million claims expected.<sup>26</sup> In its Resolution 2598 (2025), the Assembly reiterated its call for the Register of Damage (Participants and Associate Members) to expand its temporal scope to include claims dating back to 2014, rather than limiting it to claims relating to damage caused on or after 24 February 2022, as currently provided for in its statute. The Assembly should repeat this call.

18. On 24-26 March 2025, formal negotiations on an International Treaty to establish a **Claims Commission for Ukraine** were launched in the Hague, with the participation of more than 50 States from different continents, the Council of Europe and the European Union.<sup>27</sup> This was an important step towards the establishment of the second component of a comprehensive compensation mechanism, as repeatedly called for by the Assembly in its previous resolutions and as foreseen in the Statute of the Register of Damage. This body will be mandated to examine claims for compensation of damage now being submitted to the Register of Damage for Ukraine and determine any amount of compensation due in each case. Although there are two options on the table as regards the model of the treaty establishing the commission, the Assembly (Resolution 2598 (2025)) has already expressed its support for an open Council of Europe Convention, as this would ensure the necessary cross-regional participation while benefitting from the leadership and expertise of the Organisation. It would also be more coherent with the fact that the Register of Damage, which is intended to be an integral part of the future compensation mechanism, was established and operates under the auspices of the Council of Europe. It is essential that the future Claims Commission will have a temporal scope covering all damage caused since the start of the aggression in 2014, and not just limited to the full-scale aggression from 2022. Also, it is vital that the negotiations on the treaty to establish the claims commission be completed

<sup>23</sup> ICJ, *Legal consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, para. 175.

<sup>24</sup> ARSIWA, Article 41.

<sup>25</sup> [U.S. to recognize Crimea as Russian in future Ukraine peace deal - The Washington Post](#); [Read Trump’s ‘100 Days’ Interview Transcript | TIME](#); [Ukraine peace deal proposals set out by US at talks in Paris | Reuters](#).

<sup>26</sup> The Board recently recorded a total of 4 461 claims after thorough verification to ensure accuracy. These include claims for destroyed homes from various Ukrainian locations as well as 387 claims regarding the death of immediate family members – including deaths of civilians and members of the Ukrainian Armed Forces and Territorial Defense. <https://rd4u.coe.int/en/-/board-of-the-register-of-damage-for-ukraine-concludes-a-significant-visit-to-kyiv-expanding-support-for-victims>. See also [Over 10,000 Claims for Damage or Destruction to Residential Housing Submitted to the Register of Damage for Ukraine - Register of Damage for Ukraine](#).

<sup>27</sup> <https://rd4u.coe.int/en/-/formal-negotiations-begin-on-treaty-to-establish-a-claims-commission-for-ukraine>.

in the coming months, the treaty adopted by the end of this year and the ratifications process conducted swiftly so that the commission may start working within the year 2026.

19. As to the issue of how to ensure the **enforcement of the compensation awards** that will be determined by the future Claims Commission, I refer to the well-established position of the Assembly expressed in its Resolutions 2556 (2024), 2539 (2024) and 2598 (2025). The Assembly considers that the **repurposing of the currently frozen Russian State assets** (approximately US\$300 billion) would constitute lawful countermeasures against Russia under international law, as they would be intended to induce the aggressor to cease its unlawful behaviour and to comply with its obligations resulting from that conduct, including the obligation to make reparations for the damage caused.<sup>28</sup> This would be a justified collective and proportionate response to the ongoing aggression, which violates *erga omnes* obligations and *jus cogens* norms. The Assembly has therefore urged member States and any other States holding these assets to enact legislation allowing for such measures, with a view to transferring the assets to a future **International Compensation Fund**.<sup>29</sup> This compensation fund should be the third and fundamental component of the compensation mechanism for Ukraine and I hope that the convention on the Claims Commission will set a clear framework and timeline for the creation of the fund in the near future.

20. In the meantime, pending the creation of an international compensation fund, States should immediately transfer the frozen assets to an international trust fund, which would manage them for the ultimate benefit of the victims of the aggression and for the reconstruction of Ukraine.<sup>30</sup> It is important to take urgent action now as there is a risk that EU and international sanctions freezing the assets will not be renewed due to the blockade by some EU Member States or in the light of any peace talks. If the assets were to be returned to the Russian Federation, they could be used to fund its ongoing war of aggression and perpetuate further destruction and loss of life while discrediting any European efforts to meaningfully support Ukraine.

#### **4. Progress on the various international and national accountability mechanisms for crimes and gross violations of human rights committed by Russia**

##### **4.1 The International Criminal Court (ICC)**

21. Since the adoption of Resolution 2556 (2024) in June 2024, the ICC has not issued new arrest warrants in the context of its investigation into the situation in Ukraine. The same six arrest warrants remain in force against: Vladimir Putin and Maria Lvova-Belova, so-called Commissioner for Children's Rights in the Office of the President of the Russian Federation, for the war crime of unlawful deportation and unlawful transfer of Ukrainian children; Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov for the war crime of directing attacks at civilian objects, the war crime of causing excessive incidental harm to civilians or damage to civilian objects, and the crime against humanity of inhumane acts (in relation the campaign of strikes); and, finally, Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov for the same categories of war crimes and crimes against humanity. None of these arrest warrants have been enforced. When Vladimir Putin made his first visit to an ICC State Party (Mongolia) in September 2024, the State Party concerned did not comply. On 24 October 2024 the Pre-Trial Chamber II of the ICC delivered a decision in which it found Mongolia in non-compliance with its request to arrest Putin and with its obligations under the ICC Statute.<sup>31</sup> The Pre-Trial Chamber clearly stated that personal immunity of Heads of States (including third States) is not opposable in proceedings before the Court and that if a State Party grants this immunity in the context of a request for arrest and surrender, it would be acting inconsistently with its international obligations.

<sup>28</sup> For more details, see Resolution 2539 (2024), the explanatory memorandum by Mr Lulzim Basha, as well as the Opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier. See also [a memorandum coordinated by Philip Zelikow](#), 20 May 2024.

<sup>29</sup> The European Parliament and the French National Assembly have also called for the repurposing of frozen Russian State assets for compensation/reconstruction purposes. See EP Resolutions of 19 September 2024, 28 November 2024 and 12 March 2025: [https://www.europarl.europa.eu/doceo/document/TA-10-2024-0012\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-10-2024-0012_EN.html); [Texts adopted - Reinforcing EU's unwavering support to Ukraine against Russia's war of aggression and the increasing military cooperation between North Korea and Russia - Thursday, 28 November 2024. Texts adopted - Continuing the unwavering EU support for Ukraine, after three years of Russia's war of aggression - Wednesday, 12 March 2025](#); French National Assembly: [Ukraine : l'Assemblée nationale adopte une résolution de soutien visant à saisir les avoirs russes](#).

<sup>30</sup> See [Frozen Russian State Assets; A Fresh Look At The Russian Assets: A Proposal For International Resolution Of Sanctioned Accounts](#) | Hoover Institution [A Fresh Look At The Russian Assets: A Proposal For International Resolution Of Sanctioned Accounts](#); [The Impending Collapse of Russia Sanctions: The Cost of Inaction](#) | Royal United Services Institute.

<sup>31</sup> [Finding under article 87\(7\) of the Rome Statute on the non-compliance by Mongolia with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties | International Criminal Court](#). This decision has been appealed by Mongolia.

22. In addition to the issue of non-cooperation by certain State Parties, the ICC investigation into the situation in Ukraine may face additional challenges. The recent sanctions imposed by the Trump Administration against Mr Karim Khan (and possibly other staff in the future) in retaliation for the ICC's decisions on Gaza may create significant obstacles to the work of the Office of the Prosecutor, including with regard to its investigation in Ukraine and cooperation with relevant actors.<sup>32</sup> Member States that are States Parties to the ICC Statute should condemn these measures and strengthen their political, legal and material support for the ICC. The Office of the Prosecutor of the ICC in Kyiv should be reinforced with more secondments and staff.

23. We should also be very clear that any possible peace process or outcome should not affect the ongoing proceedings before the ICC. There is a risk that some States not supporting the ICC may be tempted to activate Article 16 of the ICC Statute, which allows the UNSC to request deferral of ICC investigations or prosecutions for one year (renewable), if a resolution to this effect is adopted under Chapter VII of the UN Charter.

#### **4.2 The European Court of Human Rights**

24. Four inter-state cases by Ukraine against Russia are pending before the Court, all relating to violations committed occurred until 16 September 2022, when Russia ceased to be a State Party to the Convention. The only one in which a judgment on the merits has been delivered is *Ukraine v. Russia* (re Crimea), judgment of 25 June 2024, where the Court found a pattern of multiple violations of the Convention since February 2014 (including enforced disappearances; ill-treatment and unlawful detention of Ukrainian soldiers, ethnic Ukrainians, Crimean Tatars, journalists; impossibility to opt out of Russian citizenship; suppression of Ukrainian media and of the Ukrainian language in schools; transfers of prisoners from Crimea to Russia; intimidation and harassment of religious leaders; expropriations; discrimination of Crimean Tatars; restriction on freedom of movement between Crimea and mainland Ukraine; and a retaliatory prosecution and misuse of criminal law against "Ukrainian political prisoners"). It also clarified that Russian law could not be regarded as "law" for measures taken in Crimea and that Russia had unjustifiably extended the application of its law to Crimea following the so-called "Accession Treaty" of March 2014, in breach of the Convention and IHL. While the issue of just satisfaction remains pending before the Court, the Committee of Ministers recently adopted its first decision on the supervision of the execution of this judgment, urging the Russian Federation to immediately restore the application of the Ukrainian law in Crimea, to ensure the safe return to the jurisdiction of Ukraine of all Ukrainian political prisoners as well as illegally detained Ukrainian soldiers, ethnic Ukrainians, Crimean Tatars and journalists, and to investigate the grave and serious violations committed.<sup>33</sup>

25. The case of *Ukraine and the Netherlands v. Russia*, which the Court declared admissible and in which 26 States intervened as third parties, is yet to be decided on the merits. This case concerns the Russian aggression in eastern Ukraine from spring 2014, including the shooting down of Malaysia Airlines flight MH17, and Russia's military operations on the territory of Ukraine since 24 February 2022. I hope that the judgment on the merits will be delivered this year and that it will clarify the issue of "jurisdiction" in respect of military attacks on the territory of Ukraine. There are further two more inter-state cases pending, one concerning a naval incident in the Kerch Strait in November 2018 between Russian and Ukrainian armed forces, and the other relating to targeted assassination operations against opponents of Russia (not linked to the war).

26. In parallel, the Court is also examining more than 9 000 applications introduced by individuals who allege that they have been affected by different aspects of the war, either in Crimea, in eastern Ukraine or more generally since the full-scale invasion. For example, the Court has recently communicated to the Russian Federation a case lodged on behalf of ten missing Ukrainian children who were in childcare in Crimea in 2014, were forced to become Russian nationals and put up for adoption.<sup>34</sup>

27. The main challenge in these cases is the lack of co-operation from the respondent State, the Russian Federation, which has ceased all communication with the Court since 2022. This means that the judgments on the merits and on just satisfaction will also be very difficult to implement, if the situation does not radically change. The Committee of Ministers should therefore find new ways of approaching the execution of these cases, including through engaging with other international accountability mechanisms and partners and by ensuring that the damages awarded in the future by the Court are covered by the international compensation mechanism.

<sup>32</sup> [Imposing Sanctions on the International Criminal Court – The White House; ICC condemns the issuance of US Executive Order seeking to impose sanctions on the Court | International Criminal Court](#). See also [Doc. 16124 - Motion for a resolution](#), this reference has been sent to the Committee on Legal Affairs and Human Rights for report.

<sup>33</sup> [Russia must immediately release Ukrainian political prisoners, stop grave breaches of human rights and ethnic persecution in Crimea - Department for the Execution of Judgments of the European Court of Human Rights](#).

<sup>34</sup> <https://hudoc.echr.coe.int/eng-press?i=003-6946898-9342602>.



### 4.3 UN bodies and investigations

28. The **UN Independent International Commission of Inquiry on Ukraine**, whose mandate has been extended by the UN Human Rights Council in April 2025, published its last report in March 2025. The Commission concluded that enforced disappearances and torture conducted by Russian authorities committed constitute crimes against humanity. Both were perpetrated as part of a widespread and systematic attack against the civilian population and pursuant to a coordinated State policy. In areas that came under their control, Russian authorities detained large numbers of civilians whom they perceived as a threat to their military objectives in Ukraine or generally “hostile” to Russian occupation. They transferred many of them to multiple detention facilities in areas they occupied in Ukraine or deported them to the Russian Federation, where they subjected them to additional violations and crimes. Various Russian entities have systematically failed to communicate the fate or whereabouts of those detained. In detention facilities in Russian-occupied areas in Ukraine and in the Russian Federation, Russian authorities have systematically used torture against most categories of detainees to extract information, coerce, and intimidate. The most brutal forms of torture were used during interrogations, which were often led by the Federal Security Service and the Investigative Committee of the Russian Federation. Furthermore, the report found that Russian authorities have systematically used sexual violence as a form of torture against male detainees and documented additional cases of war crimes of rape and sexual violence, committed as a form of torture, against female detainees.

29. The Commission also examined a growing number of incidents concerning the killing or wounding by Russian armed forces of Ukrainian soldiers who were captured or attempted to surrender, which constitutes a war crime, noting an increase concerning such incidents since late 2023. The testimonies of former Russian soldiers, combined with the wide number of incidents documented and their recurrence, indicate that the Russian forces have acted pursuant to a policy to kill surrendering or captured soldiers. The Commission’s recommendations to the Russian Federation included, among others, the release or return of all Ukrainian deported and detained civilians, the return of the remains of deceased Ukrainians to their families, and an end to the killing or wounding of prisoners of war and personnel hors de combat.<sup>35</sup>

30. The **UN Human Rights Committee (HRC)** will also have the opportunity to assess the legal consequences of the Russian aggression from the perspective of the right to life guaranteed by Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Three NGOs have jointly filed a complaint before the HRC alleging that Russia violated the right to life of 18 Ukrainian victims in its missile strikes in Vinnytsia in 2022.<sup>36</sup> The reasoning is based on General Comment 36 of the HRC, according to which any killing in pursuit of an “act of aggression” is “*ipso facto*” an arbitrary deprivation of life under Article 6 of the ICCPR. This would cover deaths of not only civilians but also military personnel and regardless of whether the military attack was in conformity with IHL.

### 4.4 OSCE Moscow Mechanism

31. Since March 2022, the Mechanism has been activated six times – four times with respect to the violations of international law committed during the Russian war of aggression against Ukraine and twice concerning the human rights situation in the Russian Federation and Belarus. The most recent report issued under the Moscow Mechanism was presented on 25 April 2024 and relates to the arbitrary deprivation of liberty of Ukrainian civilians by the Russian Federation.<sup>37</sup> The Mission concluded that a large number of Ukrainian civilians have been and continue to be arbitrarily deprived of their liberty by the Russian Federation.<sup>38</sup> These civilians are detained without any legal grounds and in the absence of virtually any procedural guarantees.<sup>39</sup> The Mission furthermore concluded that Ukrainian civilians arbitrarily deprived of their liberty are subjected to various unlawful practices such as extrajudicial killings, enforced disappearance, torture, or sexual crimes. All

<sup>35</sup> [Ukraine: Enforced disappearances committed by Russian authorities amount to crimes against humanity, says UN Commission of Inquiry | OHCHR.](#)

<sup>36</sup> [NGOs file landmark complaint to UN Human Rights Committee on Russian aggression in Ukraine - Ukraine | ReliefWeb.](#)

<sup>37</sup> [Moscow Mechanism: "Report on violations and abuses of international humanitarian and human rights law, war crimes and crimes against humanity, related to the arbitrary deprivation of liberty of Ukrainian civilians by the Russian Federation" | OSCE.](#)

<sup>38</sup> According to the Mission, the precise number of civilian Ukrainians in Russian detention remained difficult to determine, while noting that in March 2024, 35 000 Ukrainians were listed as “*missing under special circumstances*” in the Unified Registry of the Missing Persons of the Ukrainian Ministry of Internal Affairs and that 16 000 of them were registered as civilians, while the remaining were listed as POW and children. For the different figures on civilians unlawfully detained according to various agencies and sources, see pp. 18-19 of the report.

<sup>39</sup> The report identified the reasons that appear to be used to justify these detentions: (a) perceived support to the Ukrainian armed forces and/or affiliation with the armed forces; (b) perceived support of Ukraine and/or rejection of Russia’s “special military operation”; (c) perceived involvement in or support for international terrorism and/or extremism; (d) the intention to force cooperation; and (e) the intention to spread fear in the population of the temporarily occupied territories.

these practices constitute a clear violation of IHRL and IHL. According to the Mission, these practices also highly likely amount to war crimes, including the crime of “*unlawful confinement*” (Article 8(2)(a)(vii) of the ICC Statute), and, due to their massive, widespread and systematic nature, to crimes against humanity, including the crime of “*imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law*” (Article 7(1)(e) of the ICC Statute).

32. The report also recalled that individuals arbitrarily deprived of liberty are entitled to immediate and unconditional release. Instances of release of Ukrainian civilians remain sporadic and isolated, and these small number of releases also include instances where Russia has accorded the detained Ukrainian civilians the status of POW in a manner which is not in conformity with IHL. In its list of recommendations addressed to Russia, the Mission included the following: to compile, provide and update comprehensive lists of the names and whereabouts of all Ukrainian civilians detained by the Russian Federation and to share such lists with the Ukrainian National Information Bureau and the Central Tracing Agency of the ICRC; and to ensure immediate, safe and unfettered access for the ICRC to all facilities where Ukrainian civilians are being detained. The Mission recommended to Ukraine, *inter alia*, to continue with its efforts to seek information about and compile lists of all Ukrainian civilians detained by the Russian Federation, to urgently increase its multi-agency efforts to collect and duly verify data; and to make full use of the international mechanisms which might provide redress to the victims of arbitrary deprivation of liberty and of the dispute settlement mechanism envisaged in Article 30 of the UN Convention against Torture.

#### **4.5 Ukrainian investigations and proceedings**

33. According to the statistics of the Prosecutor General’s Office, as of 28 April 2025, law enforcement agencies have registered more than 165 634 cases of crimes of aggression and war crimes, including 85 cases of propaganda of war (Article 436 of the Criminal Code of Ukraine), 114 cases of planning, preparation or initiation and conduct of an aggressive war (Article 437 of the CC), 160 620 cases of violation of the laws and customs of war (Article 438 of the CC) and 4 815 cases of other crimes. There are 21 928 registered cases of crimes against national security, including sabotage, collaborative activities and assistance to the aggressor State. In the main case of aggression against representatives of the military and political leadership of the Russian Federation there are 735 suspects, including ministers, deputies, military commanders, Kremlin propagandists and heads of law enforcement agencies. Most of the cases are investigated by the Security Service of Ukraine (SBU) under the procedural supervision of the Prosecutor General’s Office prosecutors.

34. The recent re-evaluation and realigning of the US foreign aid has led to the suspension of some US-funded projects involving justice and accountability efforts of the PGO. The Assembly should therefore call on member States and other like-minded States to fill the gap left by the US and increase their assistance to the PGO, including for the most urgent needs such as equipment and software, military experts and long-term support for the ICPU (from which the US has also withdrawn).

35. The majority of war crimes (Article 438 CC) trials are conducted *in absentia*, due to the fact that most of the defendants are in Russia or in temporarily occupied territories of Ukraine. As of January 2025, the War Crimes Statistics indicated that 543 indictments had been submitted to Ukrainian courts, resulting in 141 verdicts. However, only 19 Russians were convicted in person, while the rest were convicted *in absentia*.<sup>40</sup> Some of the Russians who are in pre-trial detention or convicted in Ukraine may also be released for a prisoner of war exchange through the Coordination Headquarters for the Treatment of POW. Concerns have been raised about the conduct of *in absentia* trials, mainly with regard to the procedure for notifying the suspect/accused and the mechanism for reviewing verdicts *in absentia*. It has been suggested that alternative methods for informing the accused (other than publishing a summons in the newspaper *Uriadovyi Kurier* and on the website of the PG’s Office) should be considered, and that the legal mechanism for reviewing a court verdict *in absentia* should be improved.<sup>41</sup> Ukraine must ensure that all *in absentia* trials comply with the guarantees of Article 6 of the ECHR, not only for the sake of respecting the individual rights of the accused but also for reasons of reputation, perceived impartiality and credibility.<sup>42</sup>

36. The Supreme Court of Ukraine has taken important decisions in cases concerning the crimes committed during the war. On 28 February 2024 the Grand Chamber of the Supreme Court defined the criteria for the subject of a crime under Article 437 of the CC (crimes of aggression). It established that acts defined in Article 437 of the CC can only be committed by persons who, by virtue of their official authority or actual social

<sup>40</sup> [Court trials in absentia — how Ukraine prosecutes Russian occupiers for war crimes — Суспільне Новини](#).

<sup>41</sup> See Ukrainian Bar Association and others, *Report on the results of the second phase of the project “The trial Monitoring in War Crimes Cases”*, June 2024, pp. 31-35.

<sup>42</sup> See for an overview of European standards regarding in absentia trials: <https://rm.coe.int/criminal-proceedings-in-absentia-comparative-study-of-legislation-and-1680b2d094>.

position, are able to exercise effective control over or manage political or military actions and/or significantly influence political, military, economic, financial, informational and other processes in their own country or abroad, and/or manage specific areas of political or military actions. Although Article 437 does not explicitly define who can be held liable, the Supreme Court accepted that only individuals in leadership roles can be prosecuted for crimes of aggression under Ukrainian law, therefore aligning the domestic interpretation with Article 8 bis of the Rome Statute. As a result of this clarification, the Supreme Court overturned the convictions of the defendants Ihor Biedulin and Mykola Vynohradov, both citizens of Ukraine who had joined an armed group created by Russian military personnel.

37. In the same case, the Supreme Court formulated some conclusions on the qualification of their actions under Article 438 of the CC (violation of the laws and customs of war). It observed that this provision of the CC establishes criminal liability not for an act of aggression, but for violations of the laws and customs of war during an ongoing armed conflict, regardless of its legality or illegality as such. These laws and customs impose respective obligations, prohibitions and restrictions on all combatants, both members of regular armies and members of any other armed formations, regardless of their legal status and the presence or absence of a certain official position. In this case, the convicts, as part of an organized criminal group, had kidnapped six people with the use of weapons, illegally deprived them of their liberty and engaged them in military work, thus violating the laws and customs of war established by international law. The Supreme Court therefore upheld the decisions of lower courts, which convicted them under Article 438 of the CC.

38. During our meeting with the Supreme Court in Kyiv, we also had the opportunity to discuss recent cases of compensation for damages caused by the war of aggression. The Court (Civil Cassation) has determined that, in cases concerning compensation for damages caused by the armed aggression of the Russian Federation against Ukraine, the principle of State immunity does not apply to the Russian Federation. Acts of armed aggression committed by the Russian Federation do not constitute an exercise of its sovereign rights protected by State immunity, as no foreign State has the right to carry out an armed aggression against another country. The Court emphasized that Russia's military aggression and occupation of Ukrainian territories constitute not only a violation of Ukraine's sovereignty and territorial integrity but also a breach of fundamental principles and norms of international law.

#### **4.6 Proceedings in third States under the principle of universal jurisdiction**

39. Investigations in other States (over 20) have been opened on the basis of the principle of universal jurisdiction over crimes under international law committed in Ukraine. The first conviction outside Ukraine for war-related crimes came from a Finnish court (Helsinki District Court) on 14 March 2025. A Russian national was sentenced to life imprisonment for committing war crimes in eastern Ukraine in 2014. He was a senior member of the Russia far-right mercenary group Rusich and the charges relate to an ambush and firefight that occurred in the Luhansk region, which killed 22 Ukrainian soldiers and injured four others. The PGO of Ukraine hailed this ruling as a "key milestone" and added that Ukrainian officials had ensured that the court had heard from victims and witnesses in Ukraine.<sup>43</sup> This example should be commended and followed by other States whose legislation provides for universal jurisdiction.

40. There are currently seven States (Ukraine, Lithuania, Poland, Estonia, Latvia, Slovakia and Romania) participating in the Joint Investigating Team (JIT) set up with the support of Eurojust. The JIT is aimed at facilitating investigations and prosecutions in the States concerned on the alleged international crimes committed in Ukraine (war crimes, crimes against humanity and genocide), through exchange of information and evidence. The Office of the Prosecutor of the ICC and Europol also participate in the JIT. As a result of close cooperation between the JIT parties, the Lithuanian Prosecution Service has issued Notices of suspicion *in absentia* against six suspects, and the PGO of Ukraine has issued a Notice of suspicion against another individual for war crimes. 4 000 witnesses have been interviewed so far by the national authorities participating in the JIT.<sup>44</sup>

### **5. Missing persons, prisoners of war and civilians in captivity under the Russian Federation's jurisdiction**

41. The Assembly, in Resolution 2573 (2024) adopted on 2 October 2024, examined the specific issue of missing persons, prisoners of war and civilians in captivity as a result of the war of aggression. It noted that (as of 18 September 2024) a total of 65 956 servicemen and civilians had been registered missing or captured, although the actual number is thought to be much higher. 3 672 persons had been released from Russian

<sup>43</sup> [Russian mercenary sentenced to life by Finnish court for war crimes in Ukraine.](#)

<sup>44</sup> [Three years since the full-scale invasion of Ukraine: Concrete steps supported by Eurojust on the road to accountability | Eurojust | European Union Agency for Criminal Justice Cooperation.](#)



captivity between 24 February 2022 and 17 September 2024, including 168 Ukrainian civilians. The Assembly demanded “immediate and unimpeded” access for the International Committee of the Red Cross (ICRC) to all places of detention. It also considered that the treatment inflicted on Ukrainian prisoners of war and civilians amounts to torture and war crimes. Since the Russian Federation has so far failed to confirm the identity and location of prisoners of war and civilians detained in connection with the ongoing war, these unaccounted persons should be considered as “missing persons”. In this connection, the Assembly recalled that enforced disappearances do not only violate human rights law (IHRL) and international humanitarian law (IHL) but they may also constitute a crime against humanity. The Assembly therefore urged the Russian Federation to provide the ICRC and relevant UN mechanisms with access to all places of detention, in line with IHL and IHRL. It also invited the ICRC to consider making an exception to its confidentiality approach by publicly providing information on the obstacles it is facing in gaining access to Ukrainian prisoners of war, if this does not go against the interests of the PoWs themselves. This could include, for instance, the publication of disaggregated data in ICRC reports, making it possible to know whether the visits listed in the reports concern Russian or Ukrainian prisoners of war. Finally, the Assembly stated that it would remain seized of this topic until the last person was released.

42. This issue has also been addressed by some of the international mechanisms mentioned in the previous section (OSCE Moscow Mechanism, ECtHR in the case of *Ukraine v. Russia* (re Crimea) and the UN Independent International Commission of Inquiry; see paragraphs 31, 24-27, 28-29 above). Recent international media investigations coordinated by Forbidden Stories have also shed light on the prison system established by Russia for Ukrainian civilian prisoners, outside any legal framework. According to this investigation, there are at least 26 detention centres where torture and ill-treatment are systematic. Detention centre number 2 in Taganrog, a Russian town in the Rostov region and bordered by the Azov Sea, is known to be one of the worst. According to these investigations, Ukrainian journalist Viktoriia Roshchyna, who had gone missing in August 2023 in the occupied territories and whose body was returned to Ukraine in February 2025 with removed organs and signs of torture, was detained in Taganrog.<sup>45</sup>

43. According to the figures of the Ukrainian Coordination Headquarters for the Treatment of Prisoners of War, provided at our fact-finding mission in April 2025 and later updated, 4 552 persons have been released from Russian captivity since 24 February 2022, including 173 civilians. There have been 63 POW/civilians exchanges, and 529 persons (168 PoWs and 361 civilians) have been returned outside exchange procedures. 8 835 bodies of Ukrainians have been repatriated, among which 206 tortured to death or killed in captivity. 186 locations where Ukrainian civilians and soldiers are detained, both in Russia and the occupied territories, have been identified. According to the Ukrainian Ministry of Internal Affairs (Missing Persons Commissioner), the current number of missing persons (including both POW and civilians) is estimated at 74 000.<sup>46</sup>

44. The ICRC’s Central Tracing Agency Bureau collects, centralizes, safeguards and transmits information on military personnel and civilians missing in the context of the armed conflict between the Russian Federation and Ukraine. As of February 2025, it had documented around 50 000 cases of missing persons, without providing a breakdown of missing persons by nationality. 90% of those missing were military personnel. In 2024, the number of missing persons was 23 000, which means that the number has more than doubled according to the ICRC.<sup>47</sup> The ICRC has visited more than 3 000 PoWs in captivity on both sides.<sup>48</sup> Specific figures for civilian detainee visits do not seem to be available. The ICRC constantly calls on the parties to the conflict to fully comply with their obligations under IHL, notably by granting full, regular and unimpeded access to all those held captive, and by providing the ICRC with timely information on the fate and whereabouts of those in their hands, whether alive or dead. It is important to recall that under IHL and the Geneva Conventions, the ICRC must be granted regular access to all persons deprived of their liberty.<sup>49</sup>

45. In the context of the ongoing negotiations between the US, Russia and Ukraine, the issue of the return of POWs, unlawfully detained civilians (as well as of the unlawfully deported or forcibly transferred Ukrainian children), has been mentioned. In the bilateral talks between the US and Ukraine on 23-25 March 2025 in Riyadh, the US expressed its commitment to help achieve the exchange of PoWs, the release of civilian detainees, and the return of forcibly transferred Ukrainian children.<sup>50</sup> This was however not mentioned in the published outcomes of the parallel bilateral talks between the US and Russia.

<sup>45</sup> [How Russia Secretly Disappears Thousands of Ukrainian Civilians - Forbidden Stories](#).

<sup>46</sup> 63 000 as of February 2025 : [63,000 Ukrainians considered missing - Interior Ministry | Ukrainian news](#).

<sup>47</sup> [Red Cross says missing people in Ukraine and Russia war doubles to 50,000 over past year | Reuters](#).

<sup>48</sup> [Families of people missing or captured in the Russia-Ukraine international armed conflict visit ICRC headquarters in Geneva | ICRC](#).

<sup>49</sup> [Customary IHL - Rule 124. ICRC Access to Persons Deprived of Their Liberty](#). Third Geneva Convention, Article 126; Fourth Geneva Convention, Article 76(6) and Article 143.

<sup>50</sup> [Outcomes of the United States and Ukraine Expert Groups On the Black Sea – The White House](#).

46. The Assembly should emphasize again that any peace negotiations must unconditionally address the issue of the release of all PoWs (according to the formula “all for all”), the release of unlawfully detained civilians, as well as the safe return and reintegration of Ukrainian children. This follows the position of the Council of Europe Commissioner for Human Rights in his 10-point framework to embed human rights in the peace process, which he presented to the Committee of Ministers on 30 April 2025.

47. It is also important not to forget about accountability when discussing the release and transfer of PoWs and civilian detainees as part of a peace process. For example, the fate of the Russian PoWs prosecuted for war crimes in Ukraine, and whether they could be transferred to another jurisdiction or to a competent international court, should be addressed at some point. Moreover, it is to be expected that the issue of enforced disappearances and torture of unlawfully detained civilians by Russian officers, which has been widely documented by several international mechanisms and qualified as a crime against humanity, will lead to further proceedings before the ICC. To date, none of the arrest warrants issued by the ICC relate to cases of torture or enforced disappearance of civilians.

48. Finally, it is important to recall that rehabilitation, medical, psychological, social and other support should be provided to all Ukrainian detainees who are released or returned following unlawful deprivation of liberty or ill-treatment by the Russian Federation. In this regard, I note from the information given by the Ukrainian Coordination Headquarters for the Treatment of PoWs that a national model of medical, rehabilitation, psychological and social assistance exists for both PoWs and civilians returned from captivity. Member States and the Council of Europe should provide expertise and financial support to such initiatives, also in collaboration with civil society organisations present in the field.

## **6. Unlawfully deported and forcibly transferred Ukrainian children**

49. Within the civilians missing in the context of the war of aggression, an especially vulnerable group are the children. The Parliamentary Assembly has consistently condemned and addressed the deportation and forcible transfer of Ukrainian children to the Russian Federation, Belarus, and the temporarily occupied Ukrainian territories. It is condemned in Appendix II on the children of Ukraine of the Reykjavik Declaration (2023), and there are two Assembly resolutions exclusively on the matter. In its Resolution 2482 (2023) the Assembly established that there was mounting evidence that these practices could constitute genocide, since the “forcible transfer of children of one group to another group for Russification purposes through adoption by Russian families and/or transfer to Russian-run orphanages or residential facilities like summer camps” could fall under Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. They can also constitute war crimes and crimes against humanity (Resolution 2529 (2024) “Situation of the children of Ukraine”). The same conclusion is drawn in a report by The Humanitarian Research Lab of the Yale School of Public Health (Yale HRL) from December 2024, based on the case of 314 identified children taken from Luhansk and Donetsk oblasts to Russia for coerced adoption and fostering<sup>51</sup>. The report shows that Russian Federation-flagged military transport planes under the direct control of Putin’s office transported groups of children from Ukraine. It also describes how Russian Federation-controlled databases obfuscated Ukrainian children’s identities, including their nationality, in order to facilitate their placement with Russian families and to conceal the government’s program of coerced adoption and fostering. These individual dossiers have been transferred to the ICC Prosecutor’s Office.

50. The ICC, on 17 March 2023, issued warrants of arrest for Putin and Ms Maria Alekseyevna Lvova-Belova, Commissioner for Children’s Rights in the RF, for allegedly being responsible for such unlawful deportations, which the ICC also classifies as a war crime, specifically of unlawful deportation of population (children) and of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (see paragraph 21 above). On the basis of new evidence, including the documented evidence presented in the Yale Humanitarian Research Lab report, the ICC Prosecutor could broaden the case, add new charges and classify these practices as crimes against humanity or genocide<sup>52</sup>. From the perspective of IHL, the Fourth Geneva Convention (GCIV), specifically Articles 49 and 147, strictly forbids the forcible transfer and deportation of civilians from occupied territories, regardless of the reasons for such actions. This protection explicitly extends to children as part of the civilian population. Furthermore, Additional Protocol I to the Geneva Conventions, particularly Articles 78 and 85, includes special measures to safeguard children from the impacts of armed conflict. They allow for the temporary evacuation of children only under exceptional circumstances, subject to stringent conditions and justified solely by serious concerns for the children’s health or safety. The

<sup>51</sup> [Intentional, Systematic, & Widespread: Russia’s Program of Coerced Adoption and Fostering of Ukraine’s Children - Yale School of Medicine; Report Shows Russia’s Coerced Adoption of Ukraine’s Children.](#)

<sup>52</sup> As determined by Dr Yulia Ioffe, in [“Forcible transfer and deportation of Ukrainian children: Responses and accountability measures”](#), p. 12.

GCIV, in its article 50, also prohibits an occupying power from modifying the personal status of children under any condition, including changes to their nationality.<sup>53</sup>

51. According to the Ukrainian website “Children of War<sup>54</sup>,” as of May 2025, 19 546 children have been deported and/or forcibly displaced and only 1 293 have returned. In this regard, the Institute for the Study of War, in its special report from March 2025<sup>55</sup>, highlights that the number is likely to be higher. Yale HRL’s director has placed the number of deported or transferred children closer to 35 000 as of March 2025.<sup>56</sup> To tackle this, the Council of Europe has taken various measures. The Parliamentary Assembly, through Resolution 2529 (2024) on the children of Ukraine, adopted on 25 January 2024, promoted the creation of a parliamentary network to address the situation of children in Ukraine. While one of its objectives is to develop an effective mechanism for the return of children and enhance the return process, there is currently no unified approach, as each successful case tends to be a specialized operation. The NGO “Save Ukraine” and some third countries, such as the State of Qatar, have facilitated successful returns to Ukrainian-controlled territories, but the number is still limited. The vast majority of forcibly displaced and deported children remain in danger. In February 2025, the Council of Europe’s Secretary General appointed Ms Thordis Kolbrun Reykfyrd Gylfadottir, from Iceland, as Special Envoy on the situation of the children of Ukraine.<sup>57</sup> She conducted her first fact-finding mission to Ukraine on 19-20 March 2025<sup>58</sup>. On 11 April 2025, she met with the aforesaid Parliamentary Network as well as with members of the Ukrainian delegation to the Assembly<sup>59</sup>. Another measure by the Council of Europe was announced on 4 November 2024, during the international conference “Deportation of Children during the Armed Conflicts” that took place in Strasbourg and brought together relevant stakeholders on the matter. In the event, following Recommendation 2253 (2023) of the Parliamentary Assembly, the creation of a new HELP training course on deportation of children during armed conflicts was announced. It is part of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” (2023-2026)<sup>60</sup>.

52. Yale HRL had its federal funding cut by the US State Department in February 2025. Following public concern about the potential loss of data, the State Department granted a short-term extension in April 2025 to allow the lab to finalize its evidence preservation and transfer its evidence to Europol or other authorities.<sup>61</sup>

53. It has recently been reported that Russian intelligence services are recruiting Ukrainian children and teenagers to carry out bombings and acts of sabotage in Ukraine, turning some into suicide bombers. This tactic is reminiscent of those used by ISIS. A nationwide campaign has now been launched by the Security Service of Ukraine in schools, warning children of the dangers of Russian tactics.<sup>62</sup>

## 7. Conclusions

54. The Parliamentary Assembly has been a driving force behind the Council of Europe’s accountability agenda for Ukraine. It was the first international body to launch the idea of a special tribunal for the crime of aggression committed against Ukraine, just a few months after the start of the full-scale invasion by the Russian Federation in 2022. It has also supported the creation of a Register of Damage for Ukraine as the first component of an international compensation mechanism, which should include a claims commission and a compensation fund.

55. In the context of the current talks aimed at achieving a ceasefire and launching a peace process, and given the extremely volatile geopolitical landscape, the Assembly should reaffirm more than ever the need to

<sup>53</sup> See “ [Forcible transfer and deportation of Ukrainian children: Responses and accountability measures](#) », p. 54.

<sup>54</sup> [Children of war](#).

<sup>55</sup> [Putin is Still Stealing Ukrainian Children | Institute for the Study of War](#).

<sup>56</sup> [Exclusive: 'A Catastrophic Blow' As US Shuts Unit Investigating War Crimes In Ukraine](#).

<sup>57</sup> Guided by the Reykjavik Declaration, the Appendix II on the Children of Ukraine, and relevant Council of Europe standards, the Special Envoy is tasked with: (a) raising awareness of the challenges faced by Ukrainian children and promoting the Council of Europe’s standards, initiatives, and activities in their support, both within the organization and externally; (b) ensure effective internal coordination and cooperation among all relevant Council of Europe bodies, including with the Consultation Group on the Children of Ukraine and the Register of Damage; (c) foster international cooperation and seek opportunities for synergy with international partners, including representing the Secretary General at international events and maintaining dialogue with partners such as the Coalition for the Return of Children of Ukraine; and (d) propose ways to strengthen the Council of Europe’s efforts in supporting the children of Ukraine.

See “ [Terms of reference and mandate of the Special Envoy of the Secretary General of the Council of Europe on the situation of children of Ukraine](#)”.

<sup>58</sup> [Secretary General’s Special Envoy on the situation of children of Ukraine carried out her first visit to Ukraine](#).

<sup>59</sup> [Special Envoy’s first presentation to the Parliamentary Network on the situation of children of Ukraine](#).

<sup>60</sup> [Conference launches new training course on deportation of children during armed conflicts](#).

<sup>61</sup> [Yale Humanitarian Research Lab resumes work after federal funding halt - Yale Daily News](#).

<sup>62</sup> [Russia’s New Weapon: Child ‘Suicide Bombers’ - New Lines Magazine](#).

deliver justice to Ukraine. The aggressor must be called the aggressor and must not be rewarded for the crimes committed. It is time to reiterate the most fundamental principles of international law that cannot be set aside. The crime of aggression committed against Ukraine, which began in 2014, entails individual criminal responsibility for the political and military leaders of the Russian Federation and other States involved in the aggression. Individual perpetrators of war crimes, crimes against humanity and gross violations of human rights should also be brought to justice, either before the ICC, Ukrainian courts or the courts of third States exercising universal jurisdiction. Peace negotiations must not undermine existing accountability mechanisms for serious crimes under international law, which cannot be the subject of amnesties. Nor must they jeopardise the establishment of a Special Tribunal for the Crime of Aggression against Ukraine, for which the Council of Europe and Ukraine have been working tirelessly for more than two years. We must be proud of the completion of the draft legal texts for this Tribunal, but it's time to reach a final political agreement to set up the Tribunal and provide it with all the necessary tools and resources, regardless of the evolution of any peace negotiations. The Assembly should repeat its call to all member States and other States to support the ST and join the enlarged partial agreement.

56. Justice for Ukraine and the victims of the aggression is not limited to the individual accountability of the perpetrators of the crimes. It must also include reparation for all the damage caused to the Ukrainian State and its citizens. The Assembly should fully support the creation of a Claims Commission for Ukraine within the framework of the Council of Europe and reiterate its call for the urgent transfer and repurposing of all the frozen Russian State assets.

57. Peace negotiations must comply with one of the most important principles of international law, respect for territorial integrity. The prohibition of territorial acquisition resulting from the use of force is a corollary of the prohibition of the use of force enshrined in the UN Charter. The annexation of territories as a result of aggression is a violation of *jus cogens* norms and as such, States have an obligation not to recognise it and to cooperate to bring it to an end. Therefore, any agreement recognising de jure Russia's annexation of Crimea or other temporarily occupied territories of Ukraine by Russia would be manifestly illegal and must not be validated by the international community.

58. Finally, any peace negotiations should address the release of PoWs and unlawfully detained Ukrainian civilians, as well as the safe return of children unlawfully deported to the Russian Federation and Belarus or forcibly transferred to the Ukrainian territories temporarily occupied by the Russian Federation. The Assembly should make certain recommendations on this issue to Ukraine, member States and other stakeholders.