



PRESIDENCY OF LITHUANIA
Council of Europe
May – November 2024

PRÉSIDENTE DE LA LITUANIE
Conseil de l'Europe
Mai – Novembre 2024

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DECLARATION OF THE MINISTERS OF JUSTICE OF THE COUNCIL OF EUROPE

On the Occasion of the Informal Conference “Towards Accountability for International Crimes Committed in Ukraine”

5 September 2024
Vilnius, Lithuania

We, the Ministers of Justice of the Member States of the Council of Europe*, convened in Vilnius, Lithuania, under the auspices of the Lithuanian Presidency of the Committee of Ministers of the Council of Europe, to address critical justice and accountability issues related to Russia’s aggression against Ukraine;

Recalling the fundamental principles enshrined in the Statute of the Council of Europe, particularly the protection of human rights, the rule of law, and the commitment to peace through justice and international cooperation, as outlined in the Preamble;

Emphasizing the obligation of all States under Article 2(4) of the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations;

Referring to United Nations General Assembly Resolution ES-11/6 of 23 February 2023 on Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine;

Reasserting our steadfast commitment to justice and international law, including international human rights law and international humanitarian law, as outlined in the Reykjavik Declaration adopted at the 4th Summit of Heads of State and Government of the Council of Europe in 2023;

Noting the arrest warrants already issued by the International Criminal Court in the context of the situation in Ukraine for Vladimir Vladimirovich Putin, Maria Alekseyevna Lvova-Belova, Sergei Ivanovich Kobylash, Viktor Nikolayevich Sokolov, Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov for international crimes within the Court's jurisdiction;

Referring to the recognition, in the United Nations General Assembly Resolution ES-11/5 of 14 November 2022, of the Russian Federation's obligation to bear the legal consequences of all of its internationally wrongful acts in or against Ukraine, including making reparation for the injury and for any damage caused by such acts, as well as the recognition of the need for the establishment of an international mechanism for reparation and the Assembly's recommendation that an international register of damage, in co-operation with Ukraine, should be created;

Recalling, in this regard, the establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine by the Resolution CM/Res(2023)3, adopted by the Committee of Ministers of the Council of Europe on 12 May 2023, commending the opening of the Register, less than a year after its establishment, and stressing the importance of all States that supported General Assembly Resolution ES-11/5 to join the Register, either as Participants or as Associate Members;

Emphasising the importance of providing compensation for the damage caused by the Russian Federation's aggression and expressing determination to continue working towards the establishment of an international reparation mechanism;

Recalling the establishment, in July 2023, of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) at Eurojust in The Hague, as a coordination platform for States to support national investigations into the crime of aggression against Ukraine and ensure that no time is lost in effectively preparing and contributing to future prosecutions of the crime of aggression;

Recognizing the ongoing work of the Core Group, in which many of our governments participate, exploring options for the establishment of a Special Tribunal for the Crime of Aggression against Ukraine;

Highlighting the decisions of the Council of Europe Ministers' Deputies adopted at their 1497th meeting on 30 April 2024 to authorise the Secretary General to prepare any necessary documents to contribute to consultations within the Core Group on a possible draft Agreement between the Council of Europe and the Government of Ukraine on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine, including its Statute, and on a possible draft Enlarged Partial Agreement governing the modalities of support to such a Tribunal, its financing and other administrative matters;

Welcoming the Declaration of the Informal Conference of the Council of Europe's Ministers of Justice on 11 September 2023, in Riga, Latvia, on the occasion of the Conference "*On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families, and Supporting the Resilience of its Justice System*";

Reaffirming our unwavering dedication to democracy, human rights and the rule of law, particularly in the face of the blatant and widespread commission of international crimes in and against Ukraine;

Recognising the importance of ensuring accountability for international crimes, including the crime of aggression, and the protection of the rights of victims of these crimes;

We declare the following:

1. We commend the process of Ukraine's ratification of the Rome Statute of the International Criminal Court as an important step forward for international law and international justice.
2. We strongly support the investigation of the International Criminal Court aimed at bringing to justice perpetrators of international crimes within its jurisdiction committed on the territory of Ukraine. We call on all States to assist the Court in cooperating with its ongoing investigation and prosecuting those responsible.
3. We reaffirm the necessity of establishing an effective Special Tribunal for the Crime of Aggression against Ukraine, capable of delivering justice by holding accountable those who bear the greatest responsibility. The establishment of a Special Tribunal should respect international law and enjoy broad cross-regional support to guarantee its legitimacy.
4. We welcome the contributions of the Council of Europe and the European Union to the consultations within the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine, including preparation and presentation of a draft bilateral

Agreement between the Council of Europe and the Government of Ukraine concerning the Establishment of a Special Tribunal, its draft Statute and a draft Enlarged Partial Agreement outlining the modalities of cross-regional support for such a tribunal.

5. We encourage Member States, other States, and international organisations to actively support and contribute to the consultations within the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine and, in due course, to the financing and operational resources of a Special Tribunal through an instrument established for these purposes, with the Enlarged Partial Agreement being one possible option.

6. We reaffirm the critical importance of ensuring that any future proceedings of an established Special Tribunal adhere to applicable international law. These proceedings should be based on the principles and rights enshrined in the European Convention on Human Rights and the case law of the European Court of Human Rights. Particular emphasis should be placed on the right to a fair trial by an independent and impartial court, access to a lawyer, the timely examination of cases, and the enforcement of final and binding judicial decisions without undue delay.

7. Fully respecting fair trial guarantees and emphasising the undisputable advantages of in-person trials, we acknowledge that, under certain conditions and where the applicable law so permits, certain procedural steps *in absentia* in the prosecution of international crimes may serve the interest of justice, and we perceive the merit for further discussions on this matter.

8. We encourage further ratifications of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the European Convention on Extradition and its Protocols, as well as invite States to consider signing and ratifying the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.

9. We welcome the work of the Council of Europe in expert bodies such as the European Committee on Crime Problems relating to the operation of the Council of Europe’s conventions on international cooperation in criminal matters, with consideration given also to potential revisions to address emerging challenges more effectively.

10. We acknowledge the challenges of collecting, sharing and verifying evidence in cases of international crimes and emphasise the importance of developing innovative, effective, and secure mechanisms to facilitate the collection, verification and sharing of evidence among jurisdictions. We also commend the progress that has been made in this regard, including by Ukraine’s authorities and the establishment of Core International Crimes Evidence Database (CICED) at Eurojust.

11. We emphasise the need for enhanced cooperation among States, international organisations, and civil society to effectively collect and share evidence and other information, in order to prosecute perpetrators of international crimes committed in Ukraine and enforce judgments.

We, the Ministers of Justice, resolve to work collectively to implement the principles outlined in this Declaration and encourage the Council of Europe to continue contributing to consultations within the Core Group on the establishment of a Special Tribunal for the Crime of Aggression, in the context of efforts towards accountability for international crimes committed in and against Ukraine.

* **List of Member and Observer States who have supported this declaration:** Albania, Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America. This declaration was agreed in the presence of Věra Jourová, Vice-President of the European Commission.