

**“Ensuring accountability for the Russian Federation’s aggression against Ukraine: the role of the Council of Europe”**

Joint hearing: Committees on Political Affairs and Democracy + Legal Affairs and Human Rights: Tuesday 25 April 2023, 8:30 – 9:30 am

*Opening remarks for the President of the Parliamentary Assembly, Mr Tiny Kox*

Ladies and gentlemen,

Dear colleagues,

Thank you for allowing me to say a few words in the opening of this hearing.

The rule of law is cemented through the achievement of justice.

Justice is dependent on holding perpetrators of wrongs to account. They must be held responsible for their actions and pay for the damage caused. The pursuit of peace based on justice and international co-operation is vital for the preservation of human society and civilisation, quoting the Preamble of our Statute.

426 days since the Russian Federation started its large-scale invasion of Ukraine and waged a brutal war of aggression, we have received numerous credible reports and seen potential evidence for atrocities being committed by members of the Russian Armed Forces and affiliated groups.

Just last week the international community learned of the existence of a Russian “pre-trial detention centre” in Kherson, where Ukrainians were reportedly detained and tortured between March and November 2022.

This is the latest of a series of evidence potentially establishing the Russian Federation’s responsibility for various war crimes, crimes against humanity, possible genocide, and other serious violations of international law. This is all connected to the Russian leadership’s personal liability for the crime of aggression, as our Assembly has time and time again reiterated.

The Assembly has the unanimous intention to guide the fight against impunity of Mr Putin and all relevant political and military actors’ crimes committed during the aggression and for the crime of aggression itself, that which enabled all others. The Assembly’s decisive action supporting the expulsion of the Russian Federation from the Organisation, the adoption of resolutions condemning the war and the actions of

Russian State officials, and its steadfast support for the creation of accountability mechanisms -such as the special tribunal on the crime of aggression and the Register for damages suffered by Ukraine - show that the Council of Europe is committed to doing everything it can to ensure that justice and the rule of law prevail.

The international community has begun to take concrete steps to hold Mr Putin and other political actors to account, such as the recent arrest warrant by the International Criminal Court against the President Putin and the Russian Commissioner for Children's Rights, Maria Lvova-Belova. The charges they are facing are based on reasonable grounds for the ICC Prosecutor to believe they are responsible for the "unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation", which constitute war crimes under the Rome Statute.

Along with the ICC, Ukrainian and other national courts are taking steps to investigate war crimes and hold war criminals to account.

Let me conclude by asking a question: what shall be the Council of Europe's contribution to the international legal response to the aggression and its consequences?

The Assembly is committed to making accountability for the crime of aggression against Ukraine the central theme of the upcoming Reykjavik Summit. The Assembly expects the Summit to lead to:

- Firstly, garnering support for the establishment of a special tribunal on the crime of aggression. Such a tribunal would be complementary to the ICC and should have jurisdiction over Russian leaders and Belarusian accomplices responsible for launching the war of aggression. Immunities should not be applicable, in line with the practice of other international criminal tribunals. The Council of Europe should have an active role in the establishment of the tribunal.
- Secondly, reaffirming its position that the atrocities ordered, tolerated or committed by Russian officials, officers and soldiers constitute war crimes and crimes against humanity. Some of the atrocities also present elements of a genocidal intent. The Summit should support the work of international and national courts mandated to investigate these crimes and prosecute the perpetrators.

- Thirdly, calling on States to strengthen their support to Ukrainian and international authorities, to deliver justice, by providing expertise and technical support.
- Fourthly, ensuring the fair compensation for all the damage caused by the aggression, by setting up as a first step an international Register to record and document evidence of the damage under the auspices of the Council of Europe. This should be followed in the future by the establishment of an international compensation mechanism.

The crimes committed by the Russian Federation and its leaders against Ukraine and its citizens must not go unpunished. It is the duty of this Assembly to make the best use of its influence to help fight impunity and enable justice and the rule of law to prevail.

For these reasons, we are more than eager to hear from the Council of Europe Director General of Human Rights and Rule of Law as well as the Director of Legal Advice and Public International Law to give us insight on the role and powers of the Council of Europe in leading the international accountability process.