

Resolution of the participants of the Roundtable “*Relevance of the implementation of the provisions of international criminal and humanitarian law in the Criminal Code of Ukraine on the prosecution for international crimes*”

07 February 2020, Kyiv

In the sixth year of armed conflict with Russia and affiliated insurrectional groups, Ukrainian legislation still lacks legal instruments to prevent and punish “war criminals”. The Criminal Code does not provide for liability for crimes against humanity, and provisions on war crimes do not fully meet the requirements of international law, especially those contained in the Rome Statute of the International Criminal Court that reflects the most complete legislative and jurisdictional framework against impunity for international crimes.

The Bill on Amendments to Certain Legislative Acts of Ukraine on the Implementation of the International Criminal and Humanitarian Law, reg.no. 2689, which amends the Criminal Code of Ukraine and enables national law enforcement agencies and courts to effectively prosecute people who have committed grave crimes under international law, is intended to solve this problem.

Tens of thousands of victims of Russian armed aggression await its approval. It is by this law that Ukraine should prosecute representatives of illegal armed groups who, inter alia, detain and torture people in basements in the occupied territories. It is by this law that Ukraine should bring to justice those guilty of gross violations of international law that may have occurred during the battles of Ilovaik and Debaltseve, of the shooting of residential quarters in Mariupol, of the destruction of the bus near Volnovakha, as well as those guilty of war crimes and crimes against humanity that have been perpetrated in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol. These include, among others, the crime of persecution of Crimean Tatars and Ukrainian activists, torture and enforced disappearances, as well as the transfer of Russian citizens to the temporarily occupied peninsula.

The swift adoption of this legislation, or its significant progress, will have a positive influence on the process of Ukraine's membership in the Rome Statute system against impunity. The delay in the adoption of this law has already led to serious consequences, preventing these crimes from being investigated and prosecuted properly. Only international crimes are not subject to statutory limitations, so only the accurate qualification of these actions today will enable to bring those responsible to justice in the future, even after a considerable number of years, as long as evidence will still be available to prove the individual criminal responsibility of perpetrators. Moreover, the obligation to prosecute international crimes under customary international law and relevant treaties translate into the absolute prohibition to apply domestic amnesties to these crimes, despite the inclusion of the amnesty provision by the Russian Federation representatives in the framework of the Minsk Protocol.

This bill was initiated by MPs, developed by human rights activists, scholars, and international experts in order to implement the Action Plan on the implementation of the National Human Rights Strategy for the period up to 2020, the Decision of the National Security and Defence Council of Ukraine as of January 25, 2015 “On Emergency Measures of Countering Russian Threat and Manifestations of Terrorism Supported by the Russian Federation”, and a number

of resolutions of the Parliamentary Assembly of the Council of Europe, as well as the EU-Ukraine Association Agreement.

We appeal to the Members of Parliament to support the Bill №2689 and to focus our efforts on passing it in the parliament as soon as possible. We must give those people who have suffered in the war with Russia hope for justice.