

Accountability for the Crime of Aggression against Ukraine

Panel discussion

June 1, 2023, 09:15-10:45,

Palais des Nations, Room VIII (Entrance Door A11) and [online](#)

Organized by the Permanent Missions of Lithuania, Liechtenstein,
Belgium, Costa Rica, Guatemala and Ukraine

Concept Note

Purpose

The aim of the event is to raise awareness among the international community in Geneva about the possible legal options of accountability for the crime of aggression committed against Ukraine, including the possibility of establishment of a special tribunal.

Background information

International law is clear about the obligation of all States to refrain from the threat or use of force against the territorial integrity or political independence of any State. Any actions, incompatible with this obligation, constitute a grave breach of international law.

On 24 February 2022, Russia started a war of aggression against Ukraine, which was followed by wide-scale destruction of cities and critical infrastructure, mass-killings of civilians and deliberate attacks on civilian infrastructure causing mass casualties, forcible transfers of Ukrainians to Russia, including children, abuse of prisoners of war, torture, sexual violence and other serious violations of the international humanitarian law and international human rights law.

The rules-based international order cannot survive without ensuring accountability for its most blatant violations. The Russian Federation must be held to account for any breaches of international law in or against Ukraine, including for the crime of aggression in violation of the Charter of the United Nations.

Aggression is a leadership crime, which paves the way for further large-scale systematic violations of international law, including atrocity crimes. Currently existing jurisdictional gap in prosecuting the crime of aggression risks to become a major source of injustice, as neither International Court of Justice (ICJ), nor International Criminal Court (ICC) can address the issue within its current jurisdiction.

Main issues to be discussed:

- What are the legal options with regard to accountability for the crime of aggression? What are their advantages and limitations?
- What is the jurisdiction regarding the crime of aggression of existing international legal mechanisms, such as ICC or ICJ, and are there possibilities to expand it?
- Are there any precedents that could be applied to the current situation?
- Would the elaboration of other tools, such as establishment of a Special Tribunal, be an option for ensuring accountability?
- What does Ukraine's legal system allow for?