

Statement by Nadia Volkova on behalf of Ukraine 5am Coalition and global initiative “Tribunal for Putin”

Excellencies, Distinguished Delegates, Dear Colleagues and Friends,

My name is Nadia Volkova from Ukrainian Legal Advisory Group and I am honoured to address you today on behalf of Ukraine 5am Coalition and Ukraine’s global initiative Tribunal for Putin. Last year when I was addressing you nine months into the invasion of Ukraine, I urged you to demonstrate that justice response from your states which was perceived by many as “effective justice” and the one to look up to in other situation countries was not just a mirage, but something that had a real effect on the lives of those who suffered from the most heinous crimes for 10 years of the ongoing armed conflict in the territory of Ukraine. A year in, I would like to invite you take a stock of what has and has not been achieved to make justice a reality for the victims of the Russian war against Ukraine.

The International Criminal Court issued two arrest warrants against Russian President and Child’s Commissioner, the OTP are investigating the deportation case in Ukraine and a field office was opened to support its operations on the ground. Ukraine, despite many years of civil society’s campaigning, population’s and some of the Government institutions’ support of the ratification, numerous calls to ratify the Rome Statute by the states and the EU, is still not a State Party to the Rome Statute. Court’s budget is still not sufficient to support Registry’s activities, such as outreach in Ukraine field office. In practical terms, lack of Ukraine’s ratification and lack of outreach means that the OTP will not be able to conduct as effective, independent and impartial investigation as it potentially could, due to selective cooperation and missed opportunities to engage with victims and witnesses. To this end we urge you, Excellencies, firstly, to be more persistent in your efforts to convince the responsible Ukrainian counterparts to ratify the Rome Statute without any further delay. Secondly, to increase the Courts regular budget across all organs so that there is enough financial capacity to sustain their operations in field offices as well as at the HQ.

In relation to complementarity, Prosecutor of the ICC declared many times over the past months, that effective implementation of the principle of complementarity was a priority for his Office. Ukrainian authorities have opened over 110 000 investigations since the beginning of the full-scale invasion excluding all the investigations from pre-invasion period that are still pending. Much of the international effort has been invested into developing the capacity of domestic authorities to effectively investigate and prosecute core crimes, new and existing regional mechanisms have been created and engaged. Yet many existing obstacles, such as the scale of the violations, lack of suitable legislative framework, lack of resources across all affected regions, lack of effective coordination among authorities and ongoing armed hostilities to name a few, render these efforts insufficient. Victims have more trust towards international institutions according to the polls and feedback we receive from them. To this end we urge you to consider solutions which would ensure meaningful implementation of the principle of complementarity based on the robust and critical assessment of the domestic justice system of Ukraine and its capacity to ensure accountability for all **four** core crimes for the sake of achieving real and not perfunctory justice for the victims of this war. Only real Justice can provide hope for Humanity.