

INFORMATION OF UKRAINE

On relevant to the promotion of the ratification and full implementation of the Rome Statute in accordance with the paragraph 6, sub-paragraph (h) of the Plan of Action for achieving universality and full implementation of the Rome Statute:

(i) information on obstacles to ratification or full implementation facing States;

During the ratification of the Rome Statute, the Government of Ukraine encountered a notable obstacle: the principle of complementarity of the ICC required constitutional changes, because under the original Constitution the jurisdiction of international courts was constrained.

To overcome this obstacle, in 2016 the Verkhovna Rada adopted a constitutional amendment concerning Article 124 of the Constitution of Ukraine. It inserted wording under which Ukraine may recognise the jurisdiction of the International Criminal Court subject to the conditions determined by the Rome Statute.

This amendment entered into force on 30 June 2019, at which point all remaining constitutional barriers to ratification of the Rome Statute were removed.

(ii) national or regional strategies or plans of action to promote ratification and/or full implementation;

By Order of the Acting Prosecutor General No. 12 of 14.01.2025, the Prosecutor General's Office established an interagency working group on harmonisation of legislation in the context of law enforcement practice in connection with Ukraine's ratification of the Rome Statute of the International Criminal Court (hereinafter - the interagency working group), which includes representatives of law enforcement agencies, the judiciary, parliament, academics, experts from national and international governmental and non-governmental organisations.

The interagency working group is currently developing amendments to the legislation, in particular by harmonising Article 437 of the Criminal Code of Ukraine (crime of aggression) and Article 438 of the Criminal Code of Ukraine (war crimes) with the provisions of the Rome Statute.

In particular, such amendments provide for the specification of the forms of aggression and the persons who are the subjects of this crime, and war crimes should be enshrined in the form of a list of specific acts, as reflected in Article 8 of the Rome Statute.

(iii) technical and other assistance needs and delivery programmes;

-

(iv) planned events and activities;

Signing of an Agreement between the Cabinet of Ministers of Ukraine and the Office of the Prosecutor of the International Criminal Court on the secondment of personnel to the Office of the International Criminal Court in Ukraine.

(v) examples of implementing legislation for the Rome Statute;

The legal framework governing Ukraine's cooperation with the International Criminal Court (ICC) is composed of the following legislative instruments: Law of Ukraine "On Ratification of the Rome Statute of the International Criminal Court and the Amendments Thereto" dated 24 August 2024, No. 3909-IX, which formalized Ukraine's ratification of the Rome Statute and designate the central authorities for the purpose of cooperation with the ICC.

Chapter IX-2 of the Criminal Procedure Code of Ukraine (CPC), introduced by the Law of Ukraine No. 2236-IX of 3 May 2022 and subsequently amended, which provides a detailed legal and procedural framework for cooperation with the ICC. This chapter regulates:



ДОКУМЕНТ СЕД МЗС АСКОД

Підписувач Кориневич Антон Олександрович
Сертифікат 3FAA9288358EC003040000008C673B001CA9E200
Дійсний з 03.04.2025 0:00:00 по 02.04.2027 23:59:59



72/61219-673-101974-ВН від 19.09.2025

- the scope and procedure for cooperation,
- the designation of competent authorities,
- the modalities for execution of requests (including arrest, transfer, and judicial assistance),
- rights of individuals subject to cooperation,
- the execution of ICC functions in Ukraine, and
- the possibility of temporary surrender.

Law of Ukraine No. 2598-IX dated 20 September 2022, which further amended Article 624 CPC to optimize cooperation with the ICC during procedural actions on Ukrainian territory.

Furthermore, Law of Ukraine No. 4012-IX amended the Criminal Code of Ukraine with a view to incorporating into national legislation the core crimes under the jurisdiction of the International Criminal Court - genocide, crimes against humanity, war crimes, and the crime of aggression – by bringing their definitions and the corresponding procedural framework into conformity with the Rome Statute.

These provisions are applied in accordance with the Rome Statute and with full respect for the principles of complementarity and cooperation enshrined therein.

(vi) bilateral cooperation agreements between the Court and States Parties;

1. On January 20, 2000 the Rome Statute of the International Criminal Court was signed on behalf of Ukraine.

2. The cooperation with the International Criminal Court started in 2006, when the Law on accession to the **Agreement on the Privileges and Immunities of the International Criminal Court** was adopted.

3. In 2014 and 2015, the Verkhovna Rada of Ukraine, based on the possibility provided for in Article 12(3) of the Rome Statute, approved two applications to the ICC to recognize its jurisdiction over specific situations:

- 1) Declaration of the Verkhovna Rada of Ukraine to the International Criminal Court on the recognition by Ukraine of the jurisdiction of the International Criminal Court over crimes against humanity committed by senior state officials, which led to particularly grave consequences and massacres of Ukrainian citizens during peaceful protests between November 21, 2013 and February 22, 2014, No. 790-VII of February 25, 2014;
- 2) Resolution of the Verkhovna Rada of Ukraine “On the Statement of the Verkhovna Rada of Ukraine ‘On Ukraine's Recognition of the Jurisdiction of the International Criminal Court over Crimes Against Humanity and War Crimes Committed by Senior Officials of the Russian Federation and Leaders of the DPR and LPR Terrorist Organizations, which Led to Particularly Grave Consequences and Massacres of Ukrainian Citizens’ of February 4, 2015, No. 145-VIII.

4. On 23 March 2023, the Prosecutor General of Ukraine, Kostin Andriy, and the Registrar of the International Criminal Court ("ICC" or "the Court"), Peter Lewis, signed a **cooperation agreement on the establishment of an ICC country office in Ukraine**.

5. On August 21, 2024 of the **Rome Statute of the International Criminal Court was ratified**.

6. The Resolution of the Cabinet of Ministers of Ukraine of 13.08.2025 No. 857-r approved the draft **Agreement between the Cabinet of Ministers of Ukraine and the Office of the Prosecutor of the International Criminal Court on the secondment of personnel to the Office of the International Criminal Court in Ukraine**.

This step aims to deepen cooperation in investigating international crimes committed in connection with the Russian Federation's aggression against Ukraine, and to strengthen coordination with international partners to hold those responsible accountable.

The Agreement establishes the legal framework for involving personnel from the National Police, prosecutors, and representatives of other competent authorities in the work of the ICC

Prosecutor's Office in Ukraine. They will provide expert assistance in gathering evidence and conducting investigations.

The document outlines the procedure for seconding personnel, their legal status, guarantees of independence, and provisions for social and medical support. A separate section addresses the provision of immunities and privileges, as well as the introduction of financial mechanisms to ensure the Agreement's implementation without additional costs to the state budget.

The draft Agreement is based on the ICC's standard staff secondment agreement, which was refined by the Ministry of Justice in collaboration with the Office of the Prosecutor General and agreed upon with ICC representatives.

The Agreement is concluded in accordance with Article 44 of the ICC Rome Statute, ratified by the Verkhovna Rada of Ukraine, which forms part of national legislation. It will ensure the proper presence and effective operation of the ICC Prosecutor's Office in Ukraine, facilitate the enhancement of international legal mechanisms for holding accountable those responsible for war crimes and crimes against humanity, and mark a significant step in Ukraine's further integration into the international criminal justice system.

The document will strengthen efforts in evidence collection, ensure proper protection of victims' rights, and bolster Ukraine's position in upholding the principle of the inevitability of punishment for the gravest international crimes.

(vii) solutions to constitutional issues arising from ratification;

During the ratification of the Rome Statute, the Government of Ukraine encountered a notable obstacle: the principle of complementarity of the ICC required constitutional changes, because under the original Constitution the jurisdiction of international courts was constrained.

To overcome this obstacle, in 2016 the Verkhovna Rada adopted a constitutional amendment concerning Article 124 of the Constitution of Ukraine. It inserted wording under which Ukraine may recognise the jurisdiction of the International Criminal Court subject to the conditions determined by the Rome Statute.

This amendment entered into force on 30 June 2019, at which point all remaining constitutional barriers to ratification of the Rome Statute were removed.

(viii) national contact points for matters related to promotion of ratification and full implementation.

Article 618 of the Criminal Procedure Code of Ukraine clearly designates two central authorities responsible for cooperation with the ICC, depending on the stage and nature of the proceedings:

- **The Office of the Prosecutor General of Ukraine** is responsible for cooperation during the investigation and trial phases.
- **The Ministry of Justice of Ukraine** is responsible for cooperation during the enforcement of ICC judgments or other decisions.

Accordingly, Ukraine applies a model, whereby all requests for cooperation are processed through one of the two central authorities, depending on subject-matter jurisdiction. This ensures a structured and coordinated approach to cooperation. Additionally, pursuant to Cabinet of Ministers Resolution No. 187 of 21 February 2025, the **Ministry of Foreign Affairs of Ukraine** is responsible for interaction with the Assembly of States Parties to the Rome Statute, in coordination with the Ministry of Justice and the Office of the Prosecutor General (on a consent basis).

While no formal network of operational focal points is established by law, dedicated structural units within the relevant institutions (Office of the Prosecutor General, Ministry of Justice, Ministry of Foreign Affairs) are tasked with handling matters related to cooperation with the ICC, ensuring institutional continuity and efficient processing of requests.