

Statement by the Minister of Foreign Affairs of Ukraine Dmytro Kuleba

Ministerial Round Table on the strategic vision of the Court for the next decade

Excellencies,

Colleagues,

Ladies and gentlemen,

Many famous writers and philosophers from the past have helped to shape the present as we know it. They once imagined space flights, wireless calls, high-speed travel, and cures for numerous diseases. Such things are now just a part of everyday life. Their dreams came true. However, not all of them.

Despite modern civilization's achievements, their dream of a peaceful, safe, and secure world has yet to be realized. Today's world is still full of atrocities, injustice, and insecurity. However, it should not undermine the efforts of civilized nations to address this challenge. And make our planet a better place to live.

To that end, Ukraine's President Volodymyr Zelenskyy presented the Peace Formula, which called for comprehensive, just, and long-term peace in Ukraine as well as global security. It offers a strategic vision of the future for both Ukraine and the world. A future founded on justice and respect for international law.

One of the elements of the Peace Formula is the restoration of justice. After all of Russia's atrocities in its aggression against Ukraine, we remain convinced that there can be no lasting peace until justice is established.

Without justice, we will be unable to prevent future crimes. Impunity, as we all know, is the greatest instigator of crime. We have no moral right to allow that impunity in front of the thousands of innocent Ukrainians who have been victimized by Russian aggressors. All perpetrators must be brought to justice without exception.

When we talk about individual accountability for international crimes, we refer to the International Criminal Court (ICC). This Court has already established itself as a well-known and reputable institution dedicated to serving justice and combating impunity.

We are all witnessing countless examples of crimes that fall squarely within the jurisdiction of the ICC these days, as Ukraine faces the greatest aggression since World War II. We place a high value on the ICC, and we appreciate its involvement in investigating the situation in Ukraine for war crimes, crimes against humanity, and genocide.

Ukraine is on its way to becoming a full member of the Court. Ukraine, as one of the countries that voted in support of the Court's Statute at the Rome Conference back in 1998 and became a signatory thereto, is on the path to ratification. Ukraine amended its constitution in 2016 to allow for ratification of the Rome Statute, which will inevitably occur at a convenient time.

Meanwhile, in response to Russian aggression, Ukraine filed two declarations in 2014, recognizing the Court's ad hoc jurisdiction. We are also grateful to the 43 ICC member states that referred Russia's full-scale invasion to the Court throughout March and April 2022.

On our end, we are working closely with the ICC and have introduced a whole package of amendments to our national legislation, in particular the Criminal Procedure Code of Ukraine, to ensure the proper functioning of the ICC within the territory of Ukraine.

Ukraine recently signed an agreement with the ICC to establish a country office. Another step toward facilitating cooperation in investigating and prosecuting the aggressor's crimes.

Without a doubt, the ICC's decision to issue arrest warrants against Vladimir Putin and Maria Lvova-Belova for the war crime of unlawful deportation of over 16,000 Ukrainian children from occupied territories of Ukraine to the Russian Federation is a watershed moment. Not only to our soldiers on the frontlines, who witness Russian atrocities on a daily basis; not only to the many families who have lost loved ones; not only to those who have been forced to flee their homes as a result of the aggression; and not only to those who are living under the occupation regime. This decision sends a powerful message to the entire world that justice is unavoidable.

We urge all 123 countries that are members of the International Criminal Court and have ratified the Rome Statute to comply with the Court's demand that Putin and Maria Lvova-Belova be arrested.

This, however, is insufficient. Ukraine urges the International Criminal Court (ICC) to step up its efforts and issue more arrest warrants for war crimes, crimes against humanity, and genocide. Mariupol, Bucha, Hostomel, Borodyanka, and Izyum. The names of those once quiet and peaceful suburbs and towns are now known all over the world as a result of Russian atrocities committed there.

Along with the ICC's arrest warrant for Putin, he and other Russian political and military leaders must be held accountable for the crime of aggression, which is the root cause of war crimes, crimes against humanity, and genocide committed by the Russian military in Ukraine. All other mass atrocities committed on our soil were made possible by the commission of the crime of aggression.

Accountability for the crime of aggression, as well as other core international crimes, is an inherent part of full and comprehensive accountability for Russia's violations of international law in Ukraine. As a result, the perpetrators of the crime of aggression against Ukraine must not go unpunished.

Unfortunately, the ICC lacks jurisdiction over the crime of aggression against Ukraine. For this reason, we have proposed to our international partners to establish the Special Tribunal for the crime of aggression against Ukraine. The establishment of a Special Tribunal is necessary, as currently there is no international court or tribunal that could try Russia's top political and military leadership for committing the crime of aggression against Ukraine. The creation of a Special Tribunal closes this gap.

The establishment of a Special Tribunal will not impede the International Criminal Court's investigation of the situation in Ukraine. The ICC is looking into allegations of genocide, crimes against humanity, and war crimes in Ukraine. The ICC remains an important international criminal justice body, and Ukraine actively cooperates with it.

The first significant step toward the establishment of the Special Tribunal has already been taken. In The Hague, the International Centre for the Prosecution of the Crime of Aggression Against Ukraine (ICPA) began operations. It is a significant and concrete step in the prosecution of the crime of aggression, as well as the first international initiative on the prosecution of the crime of aggression in the case of its actual perpetration after World War II. The participation of the ICC Prosecutor's Office in the ICPA's activities is critical.

Ukraine's top priority is the establishment of a tribunal that will allow the investigation and prosecution of the Russian Federation's highest political and military leadership for committing the crime of aggression.

Finally, I'd like to revert to the dreams of the writers and philosophers of the near past. It is possible to establish a peaceful, safe, and secure world. Just as a cell phone, a space shuttle, or the Internet were unthinkable just 100 years ago. We must strive for it and go all-in on it. We must work together to remove all impediments. And Ukraine's victory over Russia's unjustified, genocidal, neocolonial war of aggression is a cornerstone of that.

Thank you.