



Restoring Justice for Ukraine

The Hague / The Netherlands / 2 April 2024

Political Declaration

1. We, representatives of the Governments of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Ukraine, the United Kingdom and the United States met in The Hague, the Netherlands, on 2 April 2024, for the Ministerial Conference on Restoring Justice for Ukraine, upon the invitation by the Governments of Ukraine and the Netherlands and by the European Commission.
2. Recalling the Ministerial Ukraine Accountability Conference, held in this city on 14 July 2022, and in particular the Political Declaration adopted at that Conference, we reiterate the strong condemnation, set out in the Declaration, of the ongoing acts of aggression by the Russian Federation against Ukraine; these acts, including the attempted illegal annexation of regions of Ukraine, are blatant violations of the Charter of the United Nations, notably the prohibition of the use of force, constitute breaches of international law entailing the state responsibility of the Russian Federation, threaten international peace and security, challenge the respect for the rules-based international order, and undermine democratic values.
3. Recalling UN General Assembly Resolution ES-11/1 of 2 March 2022 on “Aggression against Ukraine”, Resolution ES-11/2 of 24 March 2022 on “Humanitarian consequences of the aggression against Ukraine” and Resolution ES-11/3 of 7 April 2022 on “Suspension of the Rights of membership of the Russian Federation in the Human Rights Council”, we welcome the ensuing adoption by the General Assembly of Resolution ES-11/4 of 12 October 2022 on “Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations”, Resolution ES-11/5 of 14 November 2022 on “Furtherance of remedy and reparation for aggression against Ukraine”, and Resolution ES-11/6 of 23 February 2023 on “Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine”.

4. We call on the Russian Federation to immediately cease its war of aggression against Ukraine and recall in this regard the legally binding Order of the International Court of Justice of 16 March 2022 to immediately suspend its military operations.
5. Recalling President Zelenskyy's Peace Formula, in particular point 7 on restoring justice for Ukraine and important accountability issues across other pillars of the Peace Formula, we remain committed to enhancing collective action to ensure accountability for all violations of international law committed in or against Ukraine, including violations of human rights law and international humanitarian law, which may amount to international crimes, and wish to ensure that our common effort will promote effective actions and increased coordination to address such violations, including both judicial and broader transitional justice approaches as appropriate; thus, the Conference marks our unwavering commitment to upholding international law and restoring justice for Ukraine and its people.

1. Investigation and prosecution of international crimes, including the crime of aggression

6. We reiterate our strong condemnation of all international crimes committed in the context of the war of aggression by the Russian Federation against Ukraine; we particularly condemn in the strongest terms all unlawful attacks on civilians and humanitarian and medical personnel, as well as on civilian objects, medical facilities, schools and other educational institutions, electric power plants, agricultural and other critical infrastructure and cultural heritage sites; we equally condemn the illegal abduction and detention, enforced disappearance, torture, ill-treatment and execution of Ukrainian citizens in the Russian Federation and the territories of Ukraine temporarily occupied or controlled by the Russian Federation, the unlawful transfer of Ukrainian children within those territories and their deportation from those territories to the Russian Federation, all forms of conflict-related sexual violence and gender-based crimes, and unlawful attacks causing widespread, long-term, and severe damage to the natural environment.
7. We underline that all alleged international crimes committed in the context of the aggression by the Russian Federation against Ukraine, including war crimes, crimes against humanity and the crime of aggression, must be fully investigated and, where appropriate, prosecuted in accordance with relevant international standards and victims' rights; we welcome the meaningful steps that have been taken towards justice and accountability for international crimes by the Ukrainian authorities, including the Prosecutor-General's Office, and by the Office of the Prosecutor of the International Criminal Court, the members of the Joint Investigation Team, supported by Eurojust and benefitting from the newly established Core International Crimes Evidence Database (CICED), the Commission of Inquiry on Ukraine created by the UN Human Rights Council, the UN Human Rights Monitoring Mission in Ukraine, the European Union, the Council of Europe, the Organization for Security and Co-operation in Europe, including its Moscow Mechanism, the Atrocity Crimes Advisory Group, including its Multinational Fund, the International

Commission on Missing Persons, the international community more broadly, and the national authorities of investigating and prosecuting States.

8. We especially commend the Ukrainian authorities' dedication to the domestic investigation and prosecution of international crimes in the context of the ongoing war of aggression, and reiterate the importance of ensuring that all necessary support, including capacity-building and expertise to conduct thorough investigations and fair trials in line with international standards, is provided to the Ukrainian Prosecutor-General's Office in the course of its work, as well as to other actors involved in the pursuit of accountability for international crimes committed in Ukraine and of justice for victims and survivors, including through action by national courts and authorities, international and regional organisations and other actors supporting investigations and documentation.
9. We welcome the pledges made by States at this ministerial Conference in further support for investigating and prosecuting international crimes and ensuring justice for victims and survivors, and call on all States to continue supporting Ukraine in these endeavours towards restoring justice.
10. We recognise that sharing major achievements and challenges in the accountability process with the general public plays a crucial role in maintaining the momentum for future political, financial and practical support and broad participation in democratic and justice institutions; we will therefore support public outreach efforts to share information, to the extent permitted by ongoing investigations, on progress made so far and challenges ahead, to facilitate continued dialogue and outreach between authorities and the public on delivering victim-centered justice and accountability.
11. We reiterate our acknowledgement of the unprecedented referral of the situation in Ukraine to the Prosecutor of the International Criminal Court by forty-three States Parties to the Rome Statute of the Court, and of the active role of the Office of the Prosecutor, in full independence, in investigating alleged international crimes committed in Ukraine and in ensuring international cooperation and judicial assistance to national authorities in accordance with Part 9 of the Statute. We take note of the arrest warrants issued by the Court in respect of Vladimir Putin, Maria Lvova-Belova, Sergei Kobylash and Viktor Sokolov in the context of the situation in Ukraine. We underline our commitment to enable the Office of the Prosecutor to effectively fulfil its mandate.
12. We welcome the efforts by States to assist the Prosecutor of the International Criminal Court, including by making available forensic and other experts with a view to providing, for the benefit of the Court, support, including on-site forensic investigations in the areas of Ukraine affected by Russia's aggression, and we encourage all States to consider participating in, or contributing to, such activities.
13. We take note of Ukraine's commitment to ratify the Rome Statute, including the Amendments on the crime of aggression adopted by the Review Conference of the Rome Statute held in Kampala, Uganda on 11th June 2010, and encourage Ukraine to

expediently complete ratification of the Statute on its path to membership of the European Union.

14. We re-affirm that Russia must be held to account for its war of aggression against Ukraine. It is incumbent upon us, the international community, to uphold the Charter of the United Nations and to ensure that no impunity exists for the crime of aggression against Ukraine. We therefore welcome the establishment, in July 2023, of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) at Eurojust in The Hague, as a coordination platform for Ukraine and five members of the Joint Investigation Team (JIT), with close involvement of the United States and the Office of the Prosecutor of the International Criminal Court; now fully operational, the ICPA is working diligently to support national investigations into the crime of aggression related to the war in Ukraine and ensure that no time is lost in effectively preparing, and contributing to, future prosecutions of the crime of aggression.
15. We remain committed, in the context of the Core Group in which many of our Governments participate, to work towards the establishment of a special tribunal for the investigation and prosecution of the crime of aggression against Ukraine, that would contribute to accountability of the highest levels of military and political leadership; we welcome significant progress made in this regard, and we encourage interested States and international organisations to strengthen their efforts to secure a sound legal basis and broad international support for the completion of this process; we welcome the conditional offer of the Netherlands to host a special tribunal.
16. We welcome the opening for signature, on 14 February 2024, of the “Ljubljana-The Hague Convention On International Cooperation In The Investigation And Prosecution Of The Crime Of Genocide, Crimes Against Humanity, War Crimes And Other International Crimes” as an effective legal framework for judicial cooperation between national authorities for the prosecution of these crimes, and strongly encourage all States to consider signing and ratifying the Convention as swiftly as possible.

II. Compensation of damage

17. We recall the recognition, in the UN General Assembly Resolution ES-11/5 of 14 November 2022, of the Russian Federation’s obligation to bear the legal consequences of all of its internationally wrongful acts in or against Ukraine, including making reparation for the injury and for any damage caused by such acts, as well as the recognition of the need for the establishment of an international mechanism for reparation and the Assembly’s recommendation that an international register of damage, in co-operation with Ukraine, should be created.
18. We welcome, in this regard, the establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine by the Fourth Council of Europe Summit of Heads of State and Government, meeting in Reykjavik on 17 May 2023, through

an Enlarged Partial Agreement of the Council of Europe and we recall the “Riga principles” formulated by the informal meeting of the Ministers of Justice of the Council of Europe on 11 September 2023 in Riga, Latvia, as a political guidance for the Register’s work; the Register has its seat in The Hague; it will serve as a record of evidence and claims information on damage, loss or injury caused, on or after 24 February 2022, in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters, to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities, by the Russian Federation’s internationally wrongful acts in or against Ukraine.

19. We commend the opening, less than a year after its establishment, of the Register to receive, process and record claims concerning damage as a result of Russia’s war of aggression.
20. We encourage all States having supported General Assembly Resolution ES-11/5, if they have not yet acted upon this resolution, to join the Register, either as a Participant or as an Associate Member.
21. As a next step, we reiterate the need, as set out in General Assembly Resolution ES-11/5, for establishing an international mechanism for reparation for damage, loss or injury, arising from the internationally wrongful acts of the Russian Federation in or against Ukraine, of which the work of the Register, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute an integral part. We welcome the conditional offer of the Netherlands to host a compensation mechanism. We take note with interest of the preparatory work on the elements of a Claims Commission presented today and express our readiness to explore options for the establishment of such a body.
22. In that regard, we confirm that Russian sovereign assets in our jurisdictions will remain immobilised, insofar as they exist and in accordance with our legal systems, until the Russian Federation has ceased its aggression against Ukraine and pays for the damage it caused to Ukraine.
23. We welcome discussions within the international community on possible uses of immobilised Russian sovereign assets and the proceeds thereof for the benefit of Ukraine, in accordance with international law and our respective legal systems.

III. Promotion of international dialogue on accountability for Ukraine

24. We recall that the participating States of the Ukraine Accountability Conference of 14 July 2022 committed to work towards the establishment of a Dialogue Group on Accountability for Ukraine with the objective of promoting dialogue across the various national and international accountability and documentation initiatives and provision of services to victims and survivors in Ukraine, as well as the identification of opportunities for enhanced coherence and synergies of efforts on accountability for crimes committed

in Ukraine; we note with satisfaction the launch of the Dialogue Group at the United for Justice Conference in Lviv on 3 March 2023, and its unique feature of bringing together key stakeholders involved in pursuing accountability for crimes committed in Ukraine, such as national authorities, international and regional organisations and civil society, which galvanises the international community's continuous support to Ukraine's efforts to investigate and prosecute international crimes and provide justice for the people of Ukraine.

25. We welcome progress made by the Dialogue Group in the exchange of information that ensures enhanced coherence and synergies through its four workstreams: 1) Assistance to the Ukrainian Prosecutor General's Office, 2) Actions by Regional and International Institutions, 3) National Investigations, 4) Civil Society Documentation Efforts.
26. We welcome the establishment of the Secretariat of the Dialogue Group in Kyiv, hosted by the Ukrainian Prosecutor General's Office and facilitated by the Netherlands, which is ready to commence its activities in providing administrative support to the work of the Group under the guidance of the constituent workstreams; we also welcome the convening, in the framework of this ministerial Conference, of the first meeting of the Dialogue Group at ministerial level; we reconfirm the Dialogue Group's mandate of promoting dialogue across the various accountability initiatives relevant to the situation in Ukraine.

IV. In conclusion

27. We welcome the tremendous efforts invested and substantial progress made, first of all by all relevant Ukrainian authorities, in restoring justice for Ukraine, in facilitating the investigation and prosecution of international crimes by Ukraine as well as internationally, in taking various initiatives aimed at ensuring accountability for the crime of aggression, in laying the groundwork for compensation for damage incurred, and in forming international partnerships with States, international organisations, and justice mechanisms, with a view to ensuring accountability for actions committed by the Russian Federation or under its control or direction.
28. Conscious of the fact that the bulk of the work still lies ahead of us and that it will take considerable efforts from the entire international community to support Ukraine's continued fight for justice during the ongoing war of aggression, we are committed to remaining united in our quest for justice for Ukraine for as long as it takes.