

Political Declaration of the Ministerial Ukraine Accountability Conference

1. We, representatives of Governments of Albania, Australia, Austria, Belgium, Colombia, Bosnia Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Iceland, Ireland, Italy, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Mexico, Marshall Islands, Montenegro, New Zealand, North Macedonia, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and the United States, met in The Hague, the Netherlands on 14 July 2022 for the Ministerial Ukraine Accountability Conference.
2. We strongly condemn the acts of aggression of the Russian Federation against Ukraine. These acts are blatant violations of the Charter of the United Nations, including the prohibition of the use of force, and are as such a breach of international law entailing the state responsibility of Russia. They threaten international peace and security, gravely damage the rules-based international order and undermine democratic values. We welcome Ukraine's efforts to hold Russia responsible for the flagrant violations of international law, including before the International Court of Justice and the European Court of Human Rights.
3. We welcome the adoption by the UN General Assembly of resolution ES-11/1 of 2 March 2022, on the "Aggression against Ukraine", and the relevant UN Human Rights Council resolutions adopted on 4 March and 12 May 2022.
4. We all are committed to enhancing collective action to promote accountability for all alleged international crimes committed in Ukraine and wish to ensure that our common effort will promote increased coordination and effective action to address such crimes around the world.
5. The conference further marks our commitment to upholding international law and demonstrating its relevance to people's lives.
6. We underline that all international crimes, such as war crimes and crimes against humanity, should be investigated and prosecuted in accordance with the relevant international standards. We commend and support the courageous work of Ukrainian prosecutors and law enforcement authorities to document and investigate international crimes in cooperation with the international community as well as to prosecute all alleged perpetrators of such crimes committed on the territory of Ukraine.
7. We welcome the rapid and meaningful steps that have already been taken towards accountability for international crimes committed in Ukraine by the Prosecutor-General's Office, Ukraine (PGO), the Office of the Prosecutor of the International Criminal Court (ICC), the European Union, the UN Human Rights Council, including its Commission of Inquiry, the UN Human Rights Monitoring Mechanism in Ukraine, the Organisation for Security and Co-operation in Europe (OSCE), the International Commission on Missing Persons, the Council of Europe, the international community more broadly and national authorities of States. We acknowledge the prominent role played by the PGO in mobilizing and coordinating efforts and expertise for timely and effective investigations.

8. We acknowledge the unprecedented referral of the current situation in Ukraine to the Prosecutor of the ICC by 43 States Parties to the Rome Statute of the ICC (Rome Statute).
9. We acknowledge the role that can be played by the Office of the Prosecutor of the ICC, in full independence, in providing cooperation and assistance to national authorities in accordance with Part 9 of the Rome Statute, and note with appreciation the expressed intention of the Prosecutor of the ICC to expand such assistance to national authorities.
10. We acknowledge the role of the European Union, Europol and Eurojust, and other mechanisms aimed at ensuring efficient coordination of accountability efforts on the ground, such as the EU-US-UK Atrocity Crimes Advisory Group, in supporting investigations of alleged crimes committed in Ukraine as well as in coordination with and support to the PGO and the ICC.
11. We underline our collective commitment to continue to support a range of domestic and international mechanisms, including the ICC in its work in accordance with the Rome Statute, to ensure that those responsible for international crimes are held accountable.
12. We underline the importance of collecting, storing and preserving evidence according to appropriate and relevant standards, which is crucial to delivering accountability, and acknowledge that information collected on human rights violations and abuses and international humanitarian law violations can also be utilised for other purposes, including early warning and early targeted action as well as the whole range of transitional justice processes. In this context, we recognize the need for evidence intended for use before national or international judicial organs to be collected according to internationally recognized standards and national standards and practices specific to each jurisdiction in order to ensure its admissibility in court.
13. We deeply appreciate the contribution of Ukrainian citizens, residents and others, who document the crimes committed, in real time and not without danger, and recognise the important role played by a wide range of Ukrainian and international non-governmental organisations as well as investigative journalists in the documentation of alleged international crimes and the provision of support to victims.
14. We underline the importance of ensuring that all necessary support, including capacity-building to conduct thorough investigations and fair trials, is provided to the PGO in the course of its work, as well as to other actors involved in the pursuit of accountability for the crimes committed in Ukraine, including through action by national authorities, international and regional organizations and other actors involved in investigations and documentation efforts.
15. We underline the need to ensure that evidence is collected and used with due respect for the human rights and fundamental freedoms of the persons involved, including the rights and freedoms of suspected persons and those of victims.
16. We recognize the risk of over-documentation, re-interviewing of witnesses, victims, and survivors by various actors, and of exposing those that have already suffered to re-traumatisation through unnecessary recounting of their experiences, as well the risk of secondary victimization, intimidation and retaliation during investigations and trials. We urge all those involved in the documentation of harms to adopt a survivor-centred, trauma-informed approach in keeping with international best practices.

17. We note that engagement between public authorities and civil society organisations should prioritise reducing these risks, while supporting efforts to preserve the integrity of information and evidence for use in criminal proceedings.
18. We welcome in this regard the work towards the development of the Guidelines on Documentation Efforts by Civil Society Actors as well as the Guidelines on engagement by national authorities with victims and witnesses by the Office of the Prosecutor of the ICC and the Eurojust – European Network for Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes (EU Genocide Network).
19. We strongly condemn all forms of sexual and gender-based crimes and crimes against children, including conflict-related sexual violence and the use of sexual violence (CRSV) as a method of warfare, and reaffirm the absolute prohibition of such crimes. We stress the importance of sexual and gender-based crimes in criminal proceedings and underline the need for a victim-centred and survivor-based approach, specialized support and gender-responsive, child-sensitive, age-sensitive and trauma-sensitive treatment that takes into account individual needs of all survivors, including adhering to the standards for gathering evidence from victims/survivors and witnesses of CRSV such as those set out in the Murad code.
20. We strongly condemn all unlawful attacks on civilians and civilian objects, including medical personnel and facilities, schools and other educational institutions, and Ukrainian cultural heritage sites.
21. We emphasise the importance of access to meaningful and effective participation of all victims of international crimes at all stages of the justice process.
22. We recognize the benefit of increasing dialogue and collaboration across initiatives aimed at enhancing accountability for international crimes committed in Ukraine. We should seek to prevent overlap and increase efficiency and thereby enhance the collective impact of initiatives at the international level. International initiatives include efforts by the European Commission, Eurojust, the Joint Investigative Team established with its assistance and in which the ICC participates, Europol, the European Union Advisory Mission to Ukraine, the Office of the Prosecutor of the ICC, the OSCE, the UN Commission of Inquiry, the UN Human Rights Monitoring Mission in Ukraine, the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Council of Europe and the EU-US-UK Atrocity Crimes Advisory Group.
23. We recognize the importance of the existence of effective international legal frameworks for interstate judicial cooperation for the national adjudication of these crimes and note the initiative for a Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity and War Crimes.
24. We acknowledge that the unified commitment to ensure accountability for international crimes committed in Ukraine represents an important moment which enables us to lay down the foundation for improved coordination and accountability and strengthened responses to other international crimes around the world, now and in the future.

In this context we:

25. Commit to work towards the establishment, and definition, of a Dialogue Group on Accountability for Ukraine (“the Dialogue Group”), with the objective of promoting dialogue across the various national, European and international accountability and documentation initiatives relevant to the situation in Ukraine, as well as the identification of opportunities for enhanced coherence of action in these efforts, where appropriate.

26. Further affirm that support for to following actions should be prioritized, including through the work of the Dialogue Group, in order to promote the coherence and effectiveness across the diverse range of actions currently being taken towards accountability in Ukraine, while also addressing the identified needs of Ukrainian authorities and other actors involved in this endeavour:
 - (i) Completion of a comprehensive mapping process of the technical needs of Ukrainian authorities, through close collaboration with the PGO and other Ukrainian national authorities, so as to encourage coherence of action and avoid duplication of efforts;

 - (ii) Provision of additional capacity-building and other targeted support to the PGO and other Ukrainian national authorities to address specific gaps and technical needs that are not currently being addressed through current initiatives;

 - (iii) Promotion of measures aimed at aligning and, where possible and consistent with domestic law, combining interventions from national authorities, regional and international organizations, aimed at strengthening the capacity and resources available for investigations in Ukraine, including to Ukrainian authorities and through expansion of support for the deployment of forensics and investigative teams under the auspices of the ICC and others;

 - (iv) Development and dissemination of guidance to all actors involved, including Ukrainian and other national authorities and civil society organisations to ensure that investigative efforts, and in particular engagement with witnesses, victims and survivors, are aligned with international standards and carried out in a manner that preserves the integrity of potential testimony, including ensuring its admissibility before national and international courts. Where relevant, such initiatives should build on the expertise of the ICC, Europol, Eurojust, the EU-US-UK Atrocity Crimes Advisory Group, and the EU Genocide Network;

 - (v) Promotion of initiatives aimed at fostering closer engagement with civil society organisations and other stakeholders involved in documentation efforts in Ukraine for accountability purposes, to ensure that their work is conducted in a manner that preserves the integrity of such material for use in criminal proceedings. Where relevant, such initiatives should build on the expertise of the ICC, Eurojust, the EU-US-UK Atrocity Crimes Advisory Group and the EU Genocide Network;

 - (vi) Promotion of awareness across national authorities, international and regional institutions with respect to actions being undertaken to document and investigative alleged international crimes committed in Ukraine;

- (vii) Strengthening of efforts to ensure that Ukrainian national authorities, those of other engaged States, and appropriate international organisations, including the ICC, benefit from the specialized psycho-social expertise necessary to effectively engage with those suffering from trauma;
 - (viii) Promote expert dialogue between national authorities, civil society organisations, the EU Genocide Network, and international accountability mechanisms, including the ICC, regarding recurring challenges in documenting and investigating international crimes committed around the world.
27. Note that, reflecting its goal to promote dialogue across all relevant actors, the Dialogue Group will incorporate States as well as international and regional organizations as relevant in its work.
 28. Emphasize that the work of the Dialogue Group relevant to the provision of support to Ukrainian authorities will be led by the PGO.
 29. Underline that the work of the Dialogue Group should be carried out with due regard to, without duplication of, and drawing from work carried out by existing cooperation and coordination mechanisms such as the EU-US-UK Atrocity Crimes Advisory Group and the Joint Investigation Team established with the assistance of Eurojust, in coordination with the ICC.
 30. *Commit* to reviewing and refining the above steps.