

Resolution on the fight against impunity for war crimes in Ukraine

2022/2655(RSP) - 19/05/2022 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the fight against impunity for war crimes in Ukraine.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA, ECR groups and Members.

Since 24 February 2022, when Russia started a new phase of the illegal, unprovoked and unjustified war of aggression against Ukraine, its armed forces and its proxies have been conducting indiscriminate attacks against civilians, including abductions, extrajudicial executions, and torture in both the newly invaded and previously occupied areas of Ukraine.

Numerous reports document summary executions of civilians during the Russian occupation of villages and towns, arrests of civilians without due procedure and with ill-treatment that amounts to torture, cases of rape of civilians, including children, by the Russian armed forces and their proxies, and the use of unguided artillery, cluster munitions and anti-personnel landmines during Russian attacks in populated areas.

In the first three months of the war, the Ukrainian prosecutor-general opened at least 9 300 investigations and identified hundreds of suspects from Russia for alleged war crimes, which include looting, murder, torture and rape.

Parliament reiterated its condemnation of the unprovoked, illegal, and unjustified Russian war of aggression against and invasion of Ukraine and demanded that Russia immediately terminate all military activities in Ukraine and unconditionally withdraw all forces and military equipment from the entire internationally recognised territory of Ukraine. It also condemned the horrifying, systemic use of sexual and gender-based violence as a weapon of war by the Russian armed forces and their proxies and affirmed that rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide and should thus be prosecuted in accordance with the provisions of international law and the Rome Statute of the International Criminal Court (ICC).

Support to the ICC Prosecutor

The resolution called for support to be given to the ICC Prosecutor in investigating and prosecuting suspected perpetrators of war crimes, crimes against humanity and, possibly, genocide, by providing political support, making available any evidence in their possession, including open source intelligence, information and data, satellite imagery and intercepts of communications, and providing adequate human and financial resources to the ICC's general budget in order to fully protect its independence and impartiality.

Furthermore, Member States are called on to collect evidence and support an investigation of the ICC Prosecutor in order to establish whether the war crimes and crimes against humanity committed by Russian forces and their proxies in Ukraine amount to genocide.

Special international tribunal

The ICC does not have jurisdiction over the crime of aggression in this situation, as neither Ukraine nor the Russian Federation have ratified the Rome Statute and the amendments thereto related to the crime of

aggression. This gap should be addressed by setting up a special international tribunal, which would be mandated to investigate and prosecute the alleged crimes of aggression committed against Ukraine by the political leaders and military commanders of Russia and its allies.

The EU institutions, in particular the Commission, are called on to:

- support the creation without delay of an appropriate legal basis, with the support of established multilateral forums such as the UN and the Council of Europe, to allow for the setting up of a special international tribunal for the punishment of the crime of aggression committed against Ukraine by the political leaders and military commanders of Russia and its allies;
- provide all the necessary human and budgetary resources and administrative, investigative and logistic support for the establishment of this tribunal;
- seek political support from like-minded international partners and organisations, in particular the UN General Assembly, for the establishment of this tribunal.

Extending Eurojust's mandate

Parliament welcomed the Commission's proposal of 25 April 2022 to extend Eurojust's mandate and operational functions with regard to the analysis, preservation and sharing of evidence in support of investigations and prosecutions of core international crimes, in particular **genocide**, crimes against humanity, war crimes and related criminal offences. The extension of the mandate should be coupled with an adequate increase in funding for Eurojust.

Lastly, while welcoming the sanctions packages against Russia, Parliament called for the swift adoption of the sixth sanctions package and for the Commission to urgently establish a legal instrument allowing for frozen Russian assets and funds to be confiscated so that they can be used as reparations and for the reconstruction of Ukraine.