

Ukrainian NGOs` Spoken Statement at Ukraine Accountability Conference 2022

Excellencies!

My name is Nadia Volkova and I'm joined by my colleague Oleksandra Drik. We represent the two largest coalitions of the civil society in Ukraine: Ukraine 5AM and Tribunal for Putin coalitions respectively.

Thanks to the support from the Dutch MFA around 40 organisations from all over the world held a unique workshop yesterday dedicated to justice and accountability in Ukraine. Syria, Iraq, Palestine, Afghanistan, Nigeria, Libya, Georgia, the Philippines, Myanmar and many more, they have all preceded the full-scale invasion of Ukraine and they all have a common denominator with Ukraine starting from 2014 – also one of the reasons why this new, much worse, spiral of invasion was possible – impunity. Impunity has no boundaries or timescale.

Failure to prevent one conflict will inevitably result in the next. What we are truly hoping for is that the experience of accumulated suffering from all the previous conflict situations culminating up until now with Ukraine would finally be a wake - up call for each and every one of us in this room and beyond separately and together to make sure that justice and accountability do not fail anymore at being the only effective antidote for impunity.

With the input from the ICC, Eurojust/EU Genocide Network, EUAM, EC DG Just, office of the SRSG Patten, in order to ensure that justice and accountability serve their purpose effectively, we explored several issues and would like you to reflect on them too before making further decisions pertaining to justice and accountability in Ukraine.

- **What should effective justice look like?** Should it be based on international legal standards of due process, or cutting corners and political gains is also acceptable? Due process is the bedrock of any accountability related initiatives. Political gains and cutting corners, rush towards justice no longer makes it the real Justice.
- **Does justice equate accountability?** Our response: it does not. Justice is also about recognition of and reparations for victims.
- **Are we willing to sacrifice some of the quality to achieve and demonstrate quantity?** We owe it to those who have been bearing the brunt of this or any other war to ensure that they get the best quality of justice.
- **Whose interests and whose values is justice supposed to serve and what are they?** For us the only possible options: victims, survivors and people and their dignity, respect, truth, compassion, humanity.
- **Is the existing architecture of justice for Ukraine capable of ensuring the best quality of justice?** The simple answer is NO, it is not.

To help you with the reflections we would like to share a few of our recommendations. Full list will be reflected in the written statement.

- 1.** Ensure that Ukraine ratifies the Rome Statute as a matter of priority as a testament of the commitment to justice and accountability and aligns its legislation with international law to ensure effectiveness of the investigations of grave crimes.
- 2.** Initiate establishment of a hybrid (mixed international-national) mechanism for Ukraine to ensure continuous building of the capacity of national authorities, effective implementation of the principle of complementarity of the ICC and coordination of different initiatives, transparency and impartiality of the investigations, prosecutions and trials.
- 3.** Ensure effective cooperation with and engagement of NGOs in developing any further initiatives pertaining to justice and accountability given our long-standing expertise in national contexts, with the ICC and other international mechanisms, and direct connection with and trust from the victims and affected communities.
- 4.** Ensure integrity, independence, impartiality and transparency of the ICC by refraining from political statements that suggest a one-sided approach to investigations and providing sustainable funding to the court through its regular budget to guard prosecutorial and judicial independence to make tough decisions;
- 5.** Based on continuous evaluation of lessons learned boost global efforts aimed at ensuring justice and accountability at domestic and international levels, including before the ICC, so as to avoid any perception of a two-tier global accountability system in which some victims are more deserving than others.

Thank you for your attention. We believe that to advance our common aim for justice, and to grapple with the reality, these recommendations will help formulate a strategic change to the current approach. Not only will these changes serve justice in Ukraine, but, we believe, can set down markers to adopt effective approaches in other situations as well.