

## **Bucha Declaration**

### **on accountability for the most serious crimes under international law committed on the territory of Ukraine**

We, representatives of the States and International organizations, met on 31 March 2023 for the Bucha Summit on Russia's accountability for the crimes in Ukraine

*Reaffirming* the paramount importance of the Charter of the United Nations in the maintenance of international peace and security and the promotion of the rule of law among nations and reaffirming our commitment to the sovereignty, territorial integrity and political independence of Ukraine,

*Recalling* the London Declaration of 13 January 1942 on punishment for war crimes, which, in the midst of a war of aggression, set out international solidarity and resolve to pursue justice,

*Recalling* the UN General Assembly resolution A/RES/95 (1946), entitled Resolution on the Affirmation of the Principles of International Law Recognized by the Charter of the Nuremberg Tribunal, which affirmed the principles of international law recognized by the Nuremberg Charter and Judgment, and recalling further again that aggression is criminalized in many national criminal codes, including that of Ukraine,

*Recalling* the obligations of all States under Article 2 of the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Recalling* the UN General Assembly Resolution 3314 (XXIX) of 14 December 1974, which defines aggression as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter,

*Further recalling* the obligations arising from international humanitarian law and international human rights law,

*Considering* that the UN General Assembly resolution ES-11/1 (2022) deplored "in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter",

*Expressing* grave concern at the immense harm and suffering resulting directly and indirectly from the aggression committed against Ukraine,

*Expressing* grave concern also at the serious crimes under international law that are continuing to be committed on the territory of Ukraine by the members of armed forces of the Russian Federation and its proxies,

*Convinced* that taking all appropriate steps to reinforce the prohibition of the threat or use of force will contribute to the strengthening of international peace and security,

*Convinced* also that ending impunity is essential for coming to terms with any past crimes committed and preventing such crimes from happening in the future,

*Acknowledging* the proceedings initiated by Ukraine against the Russian Federation before the International Court of Justice concerning a dispute related to the interpretation, application, or fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and urging the parties to implement the Order for Provisional Measures of 16 March 2022 immediately,

*Welcoming* the ongoing work carried out by the Independent International Commission of Inquiry on Ukraine to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation pursuant to Human Rights Council Resolution A/HRC/RES/49/1 (2022), and A/HRC/RES/S-34/1, and noting its reporting and assessments,

*Acknowledging* the ongoing investigations carried out by the International Criminal Court, which can exercise jurisdiction over any war crimes, crimes against humanity and genocide committed on the territory of Ukraine since 21 November 2013 and recognizing that the International Criminal Court is not in a position to exercise jurisdiction over the crime of aggression committed against Ukraine

*Underlining* the significance of the recent decision of the International Criminal Court to issue arrest warrants for the President of the Russian Federation V. Putin and Russian Commissioner of Children's Rights M. Lvova-Belova and emphasizing the importance of accountability for all perpetrators for serious violations of international law,

*Welcoming* that individual States, including Ukraine, have opened investigations into the serious crimes under international law that have been committed on the territory of Ukraine,

have resolved as follows:

*Condemn* in the strongest possible terms the serious crimes under international law that have been committed on the territory of Ukraine, including the Bucha massacre which became a symbol of the horrors of the Russian aggression;

*Express* support also for the efforts of the Prosecutor of the International Criminal Court and express deep appreciation for the International Criminal Court's unique and critical activities to ensure the prosecution of the perpetrators of the most serious crimes under international law and preventing their impunity, thus contributing to the deterrence of such crimes;

*Express* support for the efforts of States, including Ukraine, to investigate and prosecute crimes within their respective jurisdictions, committed on the territory of Ukraine or against Ukraine, in accordance with their national legislation and international law;

*Welcome* the international support provided to efforts to ensure comprehensive accountability for serious crimes under international law committed on the territory of Ukraine, including the Joint Investigative Team set up by the European Union's Agency for Criminal Justice Cooperation (EUROJUST) on alleged core international crimes committed in Ukraine and the advisory groups providing support to Ukraine;

*Call* on States and other stakeholders to provide maximum possible support to the activities of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) established at Eurojust to enhance investigations into the crime of aggression by securing key evidence and facilitating the process of case building at an early stage;

*Emphasize* the importance of international cooperation and judicial assistance in conducting effective investigations and prosecutions, and encourage States to provide such support;

*Affirm* that those responsible for planning, masterminding and committing the crime of aggression against Ukraine must not go unpunished, and call on the international community to consider appropriate actions, including through the establishment of an appropriate justice mechanism to ensure effective accountability for the crime of aggression, which is of concern to the international community as a whole;

*Recognise* the need for the establishment of an international mechanism for reparation of damages, loss or injury, and arising from the internationally wrongful acts of the Russian Federation in or against Ukraine and supports the establishment of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damages, loss or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering;

*Emphasize* the need to ensure comprehensive accountability for the most serious crimes under international law committed on the territory of Ukraine through appropriate, fair and independent investigations and prosecutions at the domestic and international level, and stress the need to pursue practical steps towards this goal to ensure justice for all victims and to contribute to the prevention of future crimes;

*Invite* other States and International organizations to join the Bucha Declaration.