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The Russian Federation's aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes

Reply to Recommendation¹: Recommendation 2231 (2022)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly [Recommendation 2231 \(2022\)](#) on “The Russian Federation's aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes”. It has forwarded the text to the Committee of Legal Advisers on Public International Law (CAHDI), the Steering Committee for Human Rights (CDDH) and the European Committee on Crime Problems (CDPC) for information and possible comments.

2. The Committee informs the Assembly that an event on “Ensuring coherence in accountability for the Russian aggression against Ukraine: the ad hoc Special Tribunal for the crime of aggression against Ukraine and the Compensation Commission for Ukraine” was organised by the Permanent Representation of Ukraine to the Council of Europe and was held under the auspices of Ireland's Presidency of the Committee of Ministers, with the participation in person of the Deputy Minister of Justice of Ukraine, on 12 September 2022. At this event, Ukraine's proposal to establish an ad hoc Special Tribunal for the punishment of the crime of aggression against Ukraine was presented to delegations, as well as its proposal for an international mechanism of compensation for damages caused by the Russian military invasion of Ukraine and seizure of Russian assets abroad.

3. Following a discussion of the proposals at their 1442nd meeting on 14 and 15 September 2022, the Deputies adopted the following decisions:

“Reiterating their unwavering commitment to the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders;

Noting that the Russian Federation bears responsibility for the act of aggression against Ukraine and that it is under an obligation in international law to ensure immediate and unconditional cessation of this aggression, that it should provide guarantees of its non-repetition and must ensure full reparation for the damage, loss or injury, whether material or moral, caused by Russia's violations of international law;

Referring to the principle that accountability should be comprehensive and in co-ordination with the work of the International Criminal Court, and to the priorities established during, respectively, the high-level Ukraine Accountability Conference in The Hague on 14 July 2022 and the Ukraine Recovery Conference held in Lugano on 4-5 July 2022,

The Deputies

1. reaffirmed the need for a strong and unequivocal international legal response to the aggression against Ukraine, permitting no place for impunity for serious violations of international law, emphasising that legal responsibility of the perpetrators of such violations is of utmost importance;

1. Adopted at the 1445th meeting of the Ministers' Deputies (5 October 2022).



- 2. stressed the urgent need to ensure a comprehensive system of accountability for serious violations of international law arising out of the Russian aggression against Ukraine in order to avoid impunity and to prevent further violations;*
 - 3. noted with interest the Ukrainian proposals to establish an ad hoc special tribunal for the crime of aggression against Ukraine and a comprehensive international compensation mechanism, including, as a first step, an international register of damage;*
 - 4. welcomed ongoing efforts, in co-operation with Ukraine, to secure accountability for the crime of aggression against Ukraine and to secure full reparation for the damage, loss or injury caused by Russia's violations of international law in Ukraine;*
 - 5. called on the member States and the Council of Europe to remain actively seized of the matter and actively engage in further developing a comprehensive system of accountability in accordance with the standards of international law, including the European Convention on Human Rights;*
 - 6. decided to resume examination of the issues above at forthcoming meetings.”²*
4. When resuming examination of the above issues at forthcoming meetings, the Committee of Ministers will bear in mind the specific elements highlighted in the Assembly's recommendation (paragraphs 2.1 to 2.4) and will keep the Assembly informed of any further developments.

2. See [CM/Del/Dec\(2022\)1442/2.3](#).