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Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Iulian BULAI, Romania, Alliance of Liberals and Democrats for Europe

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1. Reference to Committee: Assembly decision. Reference 4871 of 7 April 2025. In accordance with Rule 50.4 of the Assembly's Rules of Procedure, the report of a committee shall not contain an explanatory memorandum if the report is prepared under the urgent procedure.

A. Draft resolution[2]

1. More than eleven years after its start, the illegal, unprovoked and unjustified war of aggression of the Russian Federation against Ukraine continues to rage, causing endless damage and suffering to Ukraine and its people. Many wrongful acts committed by the Russian Federation, including the act of aggression itself, the attempted annexation of Ukrainian territories and the attempt to commit genocide against the Ukrainian nation – as evidenced, inter alia, by the deportation of Ukrainian children, the systematic destruction of cultural identity and the targeted mass killings of civilians – violate *erga omnes* obligations and peremptory norms of general international law. Thus, these acts affect not only Ukraine, but the entire international community and entail a duty for all States to co-operate in order to bring such serious breaches of international law to an end and to avoid impunity. Failure to ensure accountability for these acts would undermine the multilateral order based on international law, creating the preconditions for their repetition in the future thus causing a serious threat to the maintenance of international peace and security.

2. Recalling its previous Resolutions 2436 (2022), 2482 (2023) and 2556 (2024), the Parliamentary Assembly expresses its full support for all the existing accountability mechanisms that address the consequences of the aggression: the Ukrainian prosecuting and judicial authorities; prosecuting and judicial authorities other States on the basis of universal jurisdiction; the International Criminal Court (ICC); the European Court of Human Rights; and other bodies such as the United Nations (UN) Independent International Commission of Inquiry on Ukraine and the International Centre for the Prosecution of the Crime of Aggression against Ukraine.

3. The Council of Europe, with the Assembly as its driving force, has worked tirelessly for the establishment of a more comprehensive system of accountability and justice for Ukraine, including through the creation of the Register of Damage for Ukraine at the Reykjavik Summit in 2023, the proposal for the establishment of a Special Tribunal for the Crime of Aggression and the participation in the Core Group consultations, actions aimed at securing the return of Ukrainian children, including the appointment of a Special Envoy of the Secretary General and, most recently, participation in the negotiations on the setting-up of an international claims commission.

4. During talks with the United States administration in March 2025, Ukraine expressed readiness to accept the US proposal to enact an immediate, interim 30-day full ceasefire, which can be extended by mutual agreement of the parties, and which is subject to acceptance and concurrent implementation by the Russian Federation. Ukraine accepted the US proposal without additional conditions, and the Russian Federation should accept it without additional conditions. In addition to addressing issues such as a partial ceasefire on energy and critical infrastructure facilities and safe navigation in the Black Sea, the agreement reached between the United States and Ukraine on 23-25 March in Riyadh reaffirmed the commitment to concrete humanitarian security measures aimed at reducing harm to civilians and facilitating dialogue. While Ukraine has demonstrated its good faith and readiness to uphold these commitments, the Russian Federation has repeatedly violated the agreed terms of partial ceasefire and continued its military attacks against Ukraine, including missile strikes on civilian infrastructure, resulting in civilian casualties, particularly in Kyiv, Kharkiv and Kryvyi Rih, as well as other cities and regions, further demonstrating its lack of willingness to engage in genuine peace efforts. The Assembly welcomes the US commitment and considers that any peace negotiations must unconditionally address the human dimension of the war, including the release of all prisoners of war and unlawfully detained civilians, as well as the safe return and reintegration of children unlawfully deported to the Russian Federation and Belarus or forcibly transferred to the Ukrainian territories temporarily occupied by the Russian Federation.

5. The Assembly takes note of the ongoing negotiations between Ukraine and the United States regarding a possible agreement on mineral resources. It underlines the importance of ensuring that any such agreement is consistent with Ukraine's commitments to European Union integration, particularly concerning economic sovereignty and adherence to European Union competition and single market rules.

6. The Assembly underscores that the cessation of temporary protection status for Ukrainians should be contingent upon the establishment of a lasting, just and comprehensive peace in Ukraine. Premature termination of this status based solely on a ceasefire or temporary truce may expose Ukrainians to continued risks and instability. Therefore, the Assembly urges member States to ensure that any modifications to protection status are based on verifiable and lasting peace agreements, thereby safeguarding the well-being and security of displaced Ukrainians.

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2. Draft resolution adopted by the committee on 8 April 2025.

7. The Assembly considers that the continuation or revival of the Nord Stream 1 and 2 pipelines project is unacceptable. Such actions would increase Europe's dependence on Russian energy resources, undermining the European Union's energy security and contradicting its strategic objective of diversifying energy supply sources. The Assembly calls on all member States to oppose any efforts to resume the project, emphasising the importance of unity and resilience against energy-related geopolitical pressures.

8. The Assembly stresses that any possible future peace negotiations must not compromise the commitment to hold the Russian Federation and those responsible for its crimes and violations of international law fully accountable. In line with Resolution 2588 (2025), the Assembly considers that in order to be lasting and comprehensive, peace must be just and based on the principles of international law, including respect for territorial integrity and sovereignty, and human rights. Any final settlement must not result in impunity.

9. In this context, the Assembly welcomes the successful outcome of the Core Group's meeting in Strasbourg between 19 and 21 March 2025 and the finalisation of the necessary legal documents for the establishment of the Special Tribunal for the Crime of Aggression within the framework of the Council of Europe, after almost two years of consultations. The agreed texts include a draft bilateral agreement between Ukraine and the Council of Europe, the Special Tribunal's draft statute and a draft enlarged partial agreement on the management of the Special Tribunal. The three documents have now been submitted for political consideration in Ukraine and in the States participating in the Core Group. Participation in the enlarged partial agreement will be open to non-member States, therefore ensuring cross-regional support and international legitimacy. The Assembly considers that the model of the tribunal envisaged by the Core Group, with the participation of international judges and the application of international law, contains features that make it sufficiently international. By establishing such a tribunal, the Council of Europe will not only support its member State, Ukraine, in its efforts to ensure accountability, but will also uphold the international legal order, on the premise that the pursuit of peace based on justice and international co-operation is vital for the preservation of human society and civilisation, as recalled in the Preamble to its Statute (ETS No. 1).

10. The Assembly expresses its hope that the final texts on the Special Tribunal will address some of its demands stated in previous resolutions, including with regard to functional immunities, the definition of the crime of aggression, trials in absentia, fair trial rights and co-operation with the ICC. With regard to the temporal scope of its jurisdiction, the Assembly refers to its Resolution 2482 (2023) and Resolution 2556 (2024) and reiterates that the full-scale invasion launched on 24 February 2022 constitutes a continuation of the war of aggression by the Russian Federation against Ukraine that began on 20 February 2014. Any compromise reached on other issues should be understood as not undermining the ability of the Special Tribunal to effectively investigate and punish the crime of aggression and should be without prejudice to the current state and future development of international law.

11. The Assembly warmly welcomes the launch in The Hague, between 24 and 26 March 2025, of formal negotiations on an International Treaty to establish a Claims Commission for Ukraine within an Intergovernmental Negotiation Committee, with the participation of more than 50 States from different continents and the European Union. This is an important step towards the establishment of the second component of a comprehensive compensation mechanism, as repeatedly called for by the Assembly in its previous resolutions and as foreseen in the Statute of the Register of Damage. The Assembly considers that the best model for establishing such a commission would be an open Council of Europe convention, which could ensure the necessary cross-regional support while benefiting from the leadership and expertise of the Organisation in this area.

12. With regard to the enforcement of the compensation for the damage caused by the aggression, the Assembly notes that as a result of the Russian Federation's full-scale invasion of Ukraine, the total cost of reconstruction and recovery in Ukraine over the next ten years, as of 31 December 2024, has been estimated to be €506 billion. It further recalls that several Council of Europe member and non-member States decided to immobilise approximately US$300 billion in Russian State assets, as part of the sanctions adopted in response to the full-scale invasion. However, it notes with concern that the decision to freeze an important part of these assets will expire unless renewed every six months by the Council of the European Union, thus allowing the Russian Federation to use the return of these assets to financially sustain its war against Ukraine, as well as its attack on European security and the international legal order.

13. In the light of these considerations, as regards the Special Tribunal for the Crime of Aggression against Ukraine, the Assembly:

13.1. calls on all States and international partners that have participated in the Core Group to reach a final political agreement on the draft texts (the draft bilateral agreement between Ukraine and the Council of Europe, the Special Tribunal's draft statute and the draft enlarged partial agreement) without delay and pursue the establishment of the Special Tribunal irrespective of the evolution of any peace negotiations;

13.2. calls on the Secretary General of the Council of Europe and the Government of Ukraine, to conclude the bilateral agreement for the establishment of the Special Tribunal once the necessary internal proceedings have been completed, including the necessary and swift authorisation by the Committee of Ministers;

13.3. calls on all States and international partners that have participated in the Core Group to join the enlarged partial agreement once it is established and to provide the Special Tribunal with the necessary tools and resources, including sufficient financial contributions, highly qualified judges and staff, and cooperation agreements, in particular on witness protection programmes, enforcement of sentences and release of persons acquitted or convicted;

13.4. calls on other member States, observer States and other States to consider becoming members of the future enlarged partial agreement.

14. With regard to other international crimes, such as genocide, crimes against humanity and war crimes, including enforced disappearance, the Assembly:

14.1. welcomes Ukraine's recent ratification of the ICC Statute;

14.2. expresses its full support to the ongoing investigations into the situation in Ukraine by the Office of the Prosecutor of the ICC and calls on all member States and other States to co-operate with the ICC and enforce the arrest warrants issued against Russian suspects, including Vladimir Putin, should any of these suspects come within their jurisdiction;

14.3. condemns any attempts by States not party to the ICC Statute to sanction the ICC and its staff, which may result in the obstruction of its work and lack of co-operation by some States Parties;

14.4. invites all member States and other like-minded States to increase their assistance to the Office of the Prosecutor General of Ukraine and existing international accountability mechanisms, as well as NGO accountability projects in Ukraine, by pooling resources and filling the gap left by the new United States administration's decision to withdraw from certain accountability projects and suspend international aid;

14.5. commends the work of prosecuting authorities and courts of member States in investigating crimes committed in Ukraine on the basis of the principle of universal jurisdiction, such as the recent conviction of a Russian citizen for war crimes in Ukraine by a court in Finland, and invites all member States whose legislation provides for universal jurisdiction to do the same, in close co-operation with the Ukrainian authorities and the ICC, or, where appropriate, in the framework of Eurojust;

14.6. calls on all States to ensure that the Russian Federation and Belarus are held accountable for their systemic use of torture and other forms of ill-treatment to which Ukrainian prisoners of war, Ukrainian civilians and political prisoners in the Russian Federation and temporarily occupied Ukrainian territories, as well as political prisoners in Belarus, have been and are being subjected, by having recourse to the dispute settlement mechanism stipulated in Article 30.1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

15. With regard to the international compensation mechanism for the damage caused by the aggression, the Assembly:

15.1. welcomes the opening by the Register of Damage for Ukraine of seven new categories of claims, including with respect to missing immediate family members, sexual violence, torture or inhumane or degrading treatment and serious personal injury;

15.2. welcomes the engagement of the Register of Damage with NGOs present in Ukraine and other countries, as well as national authorities and international partners, including through the Register's Civil Society Coordination Platform, and encourages the register to continue to intensify its outreach campaign to potential claimants;

15.3. condemns the designation by the Russian Federation of the Register of Damage as an "undesirable organisation";

15.4. welcomes the launch of formal negotiations on a treaty to establish a Claims Commission for Ukraine and calls on all member States participating in these negotiations to work swiftly towards the establishment of an international claims commission and to support the option of an open Council of Europe convention that would ensure cross-regional participation and make full use of the Organisation's expertise.

16. Finally, as regards frozen Russian assets, the Assembly, reaffirming its Resolutions 2434 (2022), 2482 (2023), 2539 (2024), 2556 (2024) and 2588 (2025):

16.1. welcomes the decision of the European Union institutions to direct extraordinary revenues stemming from immobilised Russian State assets for Ukraine as well as the G7's decision to offer Ukraine a US$50 billion loan secured through revenues stemming from the immobilised Russian State assets;

16.2. welcomes the adoption of resolutions by the French National Assembly and the European Parliament calling for the repurposing of frozen Russian State assets and calls on the parliaments of all member States to adopt similar resolutions and to urge their governments to take resolute action;

16.3. calls on Council of Europe member and non-member States currently holding immobilised Russian State assets, pending the creation of an international compensation fund, to immediately take any such measures that might be necessary to:

16.3.1. transfer these assets to an international trust fund, as an extraordinary, lawful and proportionate response to the Russian Federation's ongoing violation of obligations arising under peremptory norms of general international law and its outright refusal to make reparation for the damage caused to Ukraine and its people;

16.3.2. ensure that any State or non-State entity suffering possible negative consequences of the transfer of these assets is properly protected and, if necessary, compensated for any directly associated losses;

16.3.3. ensure that the transferred assets are invested and managed for the ultimate benefit of the victims of the aggression, first and foremost the State of Ukraine and its citizens, pending final distribution;

16.4. calls on the European Union, its member States and other States to maintain and strengthen the current sanctions against the Russian Federation, its allies, entities and individuals supporting or benefiting from the aggression, until the Russian Federation ceases its aggression against Ukraine and complies with its international obligations;

16.5. calls on the European Union, its member States and other States to introduce and strengthen secondary sanctions against individuals, entities and jurisdictions facilitating the circumvention of sanctions imposed in response to the Russian Federation's aggression.

B. Draft recommendation[3]

1. The Parliamentary Assembly draws the Committee of Ministers' attention to Assembly Resolution … (2025) "Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity", which reiterates the need to ensure a comprehensive system of accountability for all violations of international law and international crimes committed as a result of the aggression of the Russian Federation against Ukraine, while stressing that any peace negotiations must not lead to impunity.

2. The Assembly refers to its Recommendation 2279 (2024) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine".

3. The Assembly warmly welcomes the Committee of Ministers' decision of 24 February 2025, in which the Committee of Ministers expressed its determination to continue its efforts to ensure that the Russian Federation and those responsible for crimes and violations of international human rights law and international humanitarian law in the context of the aggression against Ukraine are held accountable.

4. The Assembly calls on the Committee of Ministers to work towards the establishment of the Special Tribunal for the Crime of Aggression against Ukraine as soon as political agreement is finally reached among the States and partners participating in the Core Group, by:

4.1. authorising the Secretary General to conclude the agreement for the establishment of the Special Tribunal with the Government of Ukraine;

4.2. establishing the Enlarged Partial Agreement for the management of the Special Tribunal for the Crime of Aggression against Ukraine and inviting all member and observer States of the Council of Europe, as well as other States and international organisations, to become members.

5. The Assembly calls on the Committee of Ministers to work without delay towards the establishment of a Claims Commission for Ukraine, notably by setting up an *ad hoc* committee for the drafting of an open Council of Europe convention.

6. The Assembly further welcomes the Committee of Ministers' decision of 6 March 2025 in the supervision of the execution of the judgment of the European Court of Human Rights in the interstate case *Ukraine v. Russia (re Crimea),* in which it urged the Russian Federation to restore the application of Ukrainian law in Crimea and to investigate the grave and serious violations of the European Convention on Human Rights (ETS No. 5) committed in Crimea since 2014, in order to identify all those responsible for the purposes of bringing them to justice, in particular perpetrators of enforced disappearances and arbitrary or *incommunicado* detentions, as well as their chain of command and those complicit, and to fully engage and co-operate with any pending international investigations, with national investigations brought under the principles of universal jurisdiction or those pending in Ukraine, and with international inquiries and investigative missions. In this regard, the Assembly invites the Committee of Ministers to engage with and further explore synergies with some of these international investigations or inquiries with a view to ensuring accountability for the serious violations committed by the Russian Federation in Crimea.

7. The Assembly refers to Recommendation 2265 (2024) and reiterates its recommendation to the Committee of Ministers to create and ensure the functioning of a joint registry of individuals who have been included in the sanctions lists of Council of Europe member States, as well as in the European Union's sanctions lists, in connection with the involvement in the deportation, forcible transfer or unjustifiable delay in repatriation of Ukrainian children, and in the unlawful adoption or establishment of guardianship over Ukrainian children. The aims of such a registry would be to harmonise the sanctions policy and to monitor and enhance the effectiveness of the imposed restrictive measures.

3. Draft recommendation adopted unanimously by the committee on 8 April 2025.