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17 March 2022

Legal and human rights aspects of the Russian Federation's aggression against Ukraine

Motion for a resolution

tabled by Mr Emanuelis ZINGERIS and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Russian Federation's aggression against Ukraine raises numerous legal and human rights issues, including:

- a grave violation of international law, including of the UN Charter;
- a serious violation of Article 3 of the Statute of the Council of Europe and of the commitments made by the Russian Federation upon accession;
- the purported justification of the aggression by an alleged “genocide” against the Russian-speaking population in the Donbass region;
- the right to self-defence of Ukraine;
- the involvement of Belarus;
- risk of serious violations of the European Convention of Human Rights, which led the European Court of Human Rights to indicate interim measures to the Russian Federation;
- violations of international humanitarian law, including the Geneva Conventions of 1949 and Additional Protocol I of 1977, by the use of indiscriminate weapons in densely populated areas;
- alleged war crimes in the form of intentional attacks on civilians and vital civilian infrastructures, including hospitals and civilian nuclear installations, and the crime of aggression;
- the need to prevent impunity of the perpetrators of these crimes by making the best use of the International Criminal Court, national courts with universal jurisdiction, or other international investigative mechanism including if necessary creating a special international tribunal;
- ongoing and possible additional procedures aimed at establishing the international responsibility of the Russian Federation, including before the European Court of Human Rights and the International Court of Justice;
- implementation of sanctions against high-ranking officials and others aiding and abetting the aggression;
- the derogation by Ukraine under Article 15 of the Convention.

The Parliamentary Assembly therefore resolves to examine all relevant legal and human rights issues raised by the conflict in Ukraine started by the Russian military aggression.

Signed (see overleaf)



*Signed*¹:

ZINGERIS Emanuelis, Lithuania, EPP/CD
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1. ALDE: Alliance of Liberals and Democrats for Europe
EC/DA: European Conservatives Group and Democratic Alliance
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group