

Letter no. 44 of 22 January 2024

**G7 Ambassadors Support Group to Ukraine  
Ambassadors of Italy, Germany, Canada,  
France, Japan, the United Kingdom, the United  
States of America and the EU Ambassador,  
Head of the EU Delegation to Ukraine**

### **Your Excellencies,**

First of all, I would like to assure you of our highest respect, and to thank you for all the support provided by the Government of France to Ukraine, in particular since the beginning of the full-scale invasion of Russia to Ukraine.

The Ukrainian Bar Association is the oldest voluntary professional association that for more than 20 years seeks to strengthen the rule of law and human rights protection in Ukraine, as well as boost development of the legal profession. Since February 2022, UBA's ultimate objective is to resist the aggression of the Russian Federation by legal means, and to ensure accountability for core international crimes committed in Ukraine.

Since the very first days of the full-scale invasion, Ukrainian and international legal communities have been urging the establishment of the Special Tribunal for the Crime of Aggression against Ukraine so that to fill the gap in the international accountability mechanisms and to ensure full comprehensive accountability.

In the course of the last two years, the efforts on establishment of the Special Tribunal were supported by the key international institutions, such as the European Union, European Parliament, Parliamentary Assembly of the Council of Europe, Parliamentary Assembly of the Organisation for Security and Co-operation in Europe, and the North-Atlantic Treaty Organisation Parliamentary Assembly, as well as multiple states of the world. In parallel, the Special Tribunal was backed by leading legal international associations, e.g. the [International Bar Association](#), the American Bar Association ([1](#), [2](#)), the [New York State Bar Association](#), and others. It goes without saying that the Ukrainian Bar Association made the relevant [statement](#) as well.

In its [joint statement](#) of 9 May 2023, the Core Group on accountability for the crime of aggression against Ukraine/establishment of the Special Tribunal for the Crime of Aggression against Ukraine endorsed 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".

Despite such popular support to the Special Tribunal – and clear provisions of international law that criminalise the crime of aggression against UN members states – it is very unfortunate that the Special Tribunal has not been established yet.

The legal community of Ukraine is mindful of the fact that prosecuting the crime of aggression, which has never been done since the World War II, is a major challenge before the world. Not only the relevant mechanisms for the case of the Russian aggression against Ukraine do not exist and need to be created from scratch, but also the government of the biggest world country with nuclear power is the perpetrator in the present case.

At the same time, the world's reaction to the war of the Russian Federation against Ukraine will define the future of the international justice and security system. Unless the

crime of aggression is addressed in line with the UN Charter in this particular situation, it will become a legal fiction.

Ukrainian legal community is concerned with the delay in establishing the Special Tribunal and lack of consensus among Ukraine's closest partners in this respect. In the course of two years following the full-scale invasion, various experts in international law developed thorough concepts on possible models of the Special Tribunal and other relevant details. To name a few, there are concepts of the [Global Accountability Network](#) and [the Yale Club](#) which provide comprehensive proposals on the establishment of the Special Tribunal to build on.

We are acutely aware that the longer it takes for the international community to create the Special Tribunal, the higher the chances for the Russian leadership to avoid accountability. In view of a number of political developments expected in the world in 2024, we fear that further delays in adopting a principle decision on the establishment of the Special Tribunal will lead to the loss of momentum.

The situation in Gaza already showed us that the support of the international community to Ukraine may seize as other priorities distract attention of the world.

**In view of the above, we call on G7 to:**

1. **Facilitate the establishment of the Special Tribunal in the first half of 2024.** The United Nations – as the world's primary organisation tasked with maintaining international peace and security – is best suited for mandating the Special Tribunal and giving broad support for its establishment. At the same time, if the UN-backed Tribunal is not possible, we call on G7 states to establish a Multinational Tribunal based on an agreement with the Government of Ukraine.
2. **Initiate amendments to the Rome Statute of the International Criminal Court** to bring the procedure on prosecuting the crime of aggression in line with the procedures envisaged for other core international crimes, as [suggested](#) by Parliamentarians for Global Action. The crime of aggression has to be realistically prosecutable in the future.

In our turn, we stand ready to provide any support that the Ukrainian legal community might offer in this process.

With best regards,

**UBA President**



**Mykola Stetsenko**

\* Ukrainian Bar Association (UBA) is a non-governmental non-profit organisation. Since its establishment in 2002, the main objective of the UBA has been to strengthen the rule of law in Ukraine, promote the protection of human rights and development of the legal profession. The Association unites 7,000+ members of various legal backgrounds, has 23 regional branches and 28 specialized committees. The latest annual report on the activities of the UBA (for 2022) can be viewed at the [link](#).