

Country: The United Kingdom of Great Britain and Northern Ireland (UK)

Issue: Investigating and Prosecuting War Crimes in Ukraine

Committee: International Criminal Court (ICC)

ISSUE AND POSITION: On February 24, 2022, the Russian Federation initiated a large-scale invasion into the territory of Ukraine, severely escalating the tension of the Russo-Ukrainian War, which began on February 20, 2014, and has, thus far, resulted in the annexation of the Ukrainian province of Crimea, which Russia has historically claimed as theirs. The ongoing conflict has created a humanitarian crisis, which is arguably the worst European crisis of its time since that of WWII. This crisis has largely been credited to the actions of the Russian Federation, as there is growing evidence of the Russian Army purposely targeting civilians and civilian institutions, severely worsening the crisis. Therefore, the United Kingdom of Great Britain and Northern Ireland proposes to work diligently with the international community, and, more specifically, with State Parties of the Assembly of State Parties (ASP) within the International Criminal Court, in order to ensure Russian accountability for the war crimes the Russian Federation has committed against the people of Ukraine.

BACKGROUND INFORMATION: The International Criminal Court was established on July 1, 2002, in Rome, Italy, after the ratification of the *Roman Statutes of the International Criminal Court (RSICC)*, written on July 17, 1998. The court was created to prosecute the crimes and war crimes of individuals within the jurisdiction of its State Parties. With the waging war in Ukraine, many humanitarian issues persist; thus far, there have been at least 42,000 deaths, at least 54,000 injuries, at least 150,000 buildings destroyed, totaling over 150 billion dollars worth of damages, and, of the 44 million population, 14 million have been displaced, of which 100,000 have immigrated to the UK. The perpetrator, Russia, has also committed several war crimes, escalating the need for humanitarian aid. As of January 2023, there have been a total of 623 documented war crimes, 215 of which were direct attacks on civilians, 37 of which were direct attacks on children, and 41 of which were attacks on food/water facilities. Throughout the conflict, the UK has expressed its direct support for Ukraine. It has vocally advocated for the punishment of Russian officials, including President Vladimir Putin, for the crimes committed on Ukrainian soil. The country has aided refugees, sent humanitarian help totaling around 400 million pounds, and military help totaling around 2.3 billion pounds. The UK is the largest financial supporter of Ukraine in the war after the United States. Alongside 43 other State Parties, the UK has sent a referral to Prosecutor Karim Khan KC requesting an investigation into the war crimes committed by individuals of the Russian Federation. Because of the dire need for help in Ukraine, and the immense amount of people negatively affected by the conflict, it is necessary to prosecute those causing it.

PROPOSED ACTION ON THE ISSUE: To confront the heinous actions by the Russian Federation, the United Kingdom proposes the Prosecuting Russia on the Basis of War Crimes in Ukraine (PRBWCU) Plan, which will consist of several parts in order to ensure that the people of Ukraine receive the retribution they deserve for the crimes committed against them. To do this, the PRBWCU Plan will first implement an amendment to the *RSICC* in order to be able to expedite trials. Titled Article 63 *bis*, the amendment will succeed Article 63, and will allow for a trial to occur even in the case that the accused individual is not detained if all other necessary components of the trial, including witnesses, documents, and other forms of evidence are available. Additionally, the trial must be held publicly in order to ensure the transparency of the ICC. After the trial is completed, if found guilty, the individual's sentence will begin once they are detained. Moreover, the plan calls for the arrest warrants and prosecution of several high-ranking Russian officials, including Colonel-General Gennady Valeryevich Zhidko, Colonel-General Sergey Surovikin, Lieutenant-General Yevgeny Nikiforov, and President Vladimir Putin. Charges against these individuals, outlined by Article 8 of the *RSICC* and the *Geneva Convention*, will include: murder, due to evidence from civilian targeting; excessive and unnecessary destruction of property, due to evidence of targeting of civilian institutions and buildings; charges relating to rape; charges relating to torture; and many more. Although these officials likely did not complete any of these crimes themselves, they oversaw the completion of through the troops they were leading. Additionally, the PRBWCU Plan will create a "Ukraine Reparation Fund", which will be funded by any monetary punishments of Russian individuals, in agreement with Article 79 of the *RSICC*. The fund will be used to rebuild Ukraine after the end of the war. Finally, the plan will call for a unified response of the ICC with the International Criminal Police Organization (INTERPOL), in which INTERPOL will aid in the detainment of individuals with arrest warrants issued by the ICC, and the ICC will prosecute those individuals after their detainment. This symbiotic relationship will increase the efficiency of both organizations.

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