

Statement of the Riigikogu On Accountability for the Crime of Aggression against Ukraine

- *Commemorating* all victims of the crimes of aggression, genocide and deportations committed by the Soviet Union and its successor the Russian Federation;
- *Noting* that none of those who planned, prepared, initiated or executed the crimes of aggression of the Soviet Union and the Russian Federation have thus far been prosecuted or served a just sentence;
- *Drawing attention to* the fact that the above is one of the reasons why the Russian Federation is committing the crime of aggression against Ukraine;
- *Recalling* that, according to a generally recognised principle of international law set out in the Charter of the International Military Tribunal of Nuremberg, the crime of aggression, or crime against peace, is the supreme international crime, according to the decision of 1946 of the Nuremberg Tribunal, differing only from other war crimes in that it contains within itself the accumulated evil of the whole;
- *Pointing out* that, by planning, preparing, initiating, and waging the war of aggression, the Russian Federation and its political and military leadership violated and are violating in the most serious manner the prohibition of threat and use of force set out in Article 2(4) of the Charter of the United Nations which is one of the fundamental principles of the United Nations;
- *Pointing out* that the Russian Federation and its political and military leadership are violating the obligation to prevent aggression which they have assumed under Article 1(1) of the Charter of the United Nations, and which is the purpose of the existence of the UN;
- *Pointing out* that, by planning, preparing, initiating, and waging a war of aggression against another European country, the Russian Federation and its political and military leadership violated and are violating all the fundamental principles that were adopted as mandatory in the 1975 Final Act of the Conference on Security and Co-operation in Europe;
- *Recognizing* that thereby the political and military leadership of the Russian Federation has placed itself outside the norm-based world order that was globally agreed upon after the Second World War while its actions breach international peace and security, and threaten established international order;
- *Having in mind* the Resolutions of the United Nations General Assembly ES-11/1 (2022), ES-11/5 (2022), and ES-11/6 (2023), in which the majority of World's nations condemn the aggression by the Russian Federation against Ukraine and emphasizes the importance of full accountability, including personal accountability, for this crime;
- *Having in mind* the Resolutions of the European Parliament of 19 May 2022 (2022/2655(RSP)) and 23 November 2022 (2022/2896(RSP)) and especially 19 January 2023 (2022/3017(RSP)) which call for ending the impunity of the Russian Federation for the war crimes committed, recognise the Russian Federation as a state sponsor of terrorism,

- and call to establish a special international tribunal to prosecute, convict and punish the perpetrators of the crime of aggression against Ukraine;
- *Having in mind* the Resolutions of the Parliamentary Assembly of the Council of Europe 2433 (2022), 2436 (2022), 2463 (2022) and 2473 (2022) which also condemn in the strongest terms the Russian Federation's crime of aggression against Ukraine and call on states around the world to set up an ad hoc international tribunal to prosecute the perpetrators of this crime;
 - *Recalling* that, since 2 March 2022, the Prosecutor of the International Criminal Court has been investigating the crimes committed by the Russian Federation in Ukraine since 21 November 2013, including genocide, war crimes, and crimes against humanity;
 - *Considering* that the International Criminal Court has jurisdiction over the war crimes, crimes against humanity and genocide committed by the Russian Federation on the territory of Ukraine since November 2013 but not over the crime of aggression as defined in Article 8 of the Rome Statute of the International Criminal Court in line with the amendments to the Statute adopted in Kampala;
 - *Underlining* that the establishment of a special international tribunal to investigate the crime of aggression against Ukraine by the Russian Federation and to punish those responsible will not affect the jurisdiction of the International Criminal Court over other international crimes, and will instead complement it;
 - *Recalling* that the International Court of Justice has indicated that the obligations derived from outlawing acts of aggression are obligations owed towards the international community as a whole as opposed to towards individual states;
 - *Supporting* fully the ten-point peace plan by the President of Ukraine Volodymyr Zelenskyy which among other things provides for the establishment of a special international tribunal for the crime of aggression in order to achieve a just peace;
 - *Recalling* that, under the Criminal Code of the Russian Federation, the political and military leadership of the Russian Federation has – by planning, preparing, initiating, and waging the war of aggression – committed a crime against peace and security of humanity, punishable by up to 15-years' imprisonment;
 - *Noting* with regret that the UN Security Council with an aggressor state as a permanent member is incapacitated in ruling over issues relating to the aggression against Ukraine,
 - The Riigikogu finds that:
 - The Russian Federation's war of aggression against Ukraine is the most outrageous act of aggression in Europe since the Second World War and requires an adequate legal response;
 - The crime of aggression is the supreme international crime which is the root cause of all other crimes perpetrated in Ukraine and which leads to the perpetration of further serious crimes, and the prosecution of the perpetrators of this crime is the duty of the international community as a whole;
 - It is the duty of the World to hold to account individually those involved in planning, preparing, initiating or executing the crime of aggression against Ukraine, in addition to perpetrators of genocide, crimes against humanity and war crimes;
 - The crime of aggression is essentially a leadership crime;
 - Already the Charter of the International Military Tribunal of Nuremberg formulated the principle that leaders, organizers, instigators and accomplices of a war of aggression participating in the formulation or execution of a war plan are responsible for all acts performed by any persons in execution of such plan;

- Article 27 of the Rome Statute emphasises in particular that official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official does not grant immunity in the event of a crime of aggression, nor can it constitute a ground for reduction of sentence;
- Without a trial of the perpetrators of the crime aggression it will not be possible to achieve a just and lasting peace both in Ukraine and in the whole Europe;
- Those responsible for the war of aggression of the Russian Federation against Ukraine will have to be brought to justice to break the cycle of aggression of the Russian Federation which has been seen many times in history and because of which the Republic of Estonia and tens of thousands of its citizens have directly suffered;
- It is the moral, legal, and human duty of the countries of the world to ensure that illegal wars of aggression – whether in Ukraine or elsewhere – do not go unpunished and thereby to prevent their repetition;
- Without the international community’s most decisive response to the aggression of the Russian Federation in the 21st century, the sovereignty of all countries, world peace and the norms-based based international order are in danger;
- The political and military leadership, armed forces, and intelligence and security services of the Russian Federation have committed the gravest international crimes in the war of aggression against the people of Ukraine for which they will have to bear full personal responsibility;
- A special international tribunal will have to be established under the auspices of the UN General Assembly to prosecute the crime of aggression committed by the leadership of the Russian Federation.
- The Riigikogu:
 - Sets the establishment and launch of a special international tribunal to prosecute the crime of aggression against Ukraine as a priority in Estonia’s foreign policy activities until just sentences are delivered;
 - Calls on the Government of the Republic and the President of the Republic to raise the issue of the establishment of a special international tribunal at all bilateral meetings with other governments and Heads of State, at all international organisations where the Republic of Estonia is a member, and in all international fora where the Republic of Estonia participates;
 - Calls on the Government of the Republic to strengthen the cooperation with the Ukrainian authorities in the investigation of the crime of aggression and in bringing criminals to justice;
 - Calls on national governments and parliaments around the world, especially Estonia’s allies, to actively support the establishment of a special international tribunal under the auspices of the UN General Assembly;
 - Calls on national parliaments to enforce the Rome Statute of the International Criminal Court and the amendments to it adopted in Kampala in 2010 concerning the crime of aggression.

Lauri Hussar
President of the Riigikogu

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