

Concept Note

Restoration of Justice for Ukraine: Ensuring accountability through international courts

Lunch discussion hosted by Ukraine and Albania, Denmark, Guatemala, the Kingdom of the Netherlands, and Marshall Islands as co-chairs of The Group of Friends of Accountability following the Aggression against Ukraine

**26 October 2023, 1.15-2.45 p.m.
Conference Room 7, UNHQ**

I. Objective

International litigation is one of the important ways to ensure accountability for international crimes in and against Ukraine. At present, several court cases are pending at International Court of Justice (ICJ) in The Hague and other international courts and tribunals that may break new legal ground in achieving this objective.

This event will focus on the wider impact and perspectives of current international litigation by enabling discussion amongst legal advisors, legal counsels and academia on future possibilities and efforts to support international courts and tribunals in their work to ensure accountability for international crimes.

Key areas addressed will include:

- Possibilities and limitations of international courts and tribunals as a means to ensuring accountability for international crimes
- Perspectives from pending international court case at the ICJ with a focus on Ukraine v. Russia on the Genocide Convention
- Ensuring the most effective support to the work of international courts and tribunals in their work to ensure accountability for international crimes

II. Background

The ICJ is the United Nations' court for resolving disputes between nations, established in June 1945 by the Charter of the United Nations and seated at the Peace Palace in The Hague.

On 26 February 2022, Ukraine filed an Application instituting proceedings against the Russian Federation concerning "a dispute . . . relating to the interpretation, application and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide" (the "Genocide

Convention"). By Order of 16 March 2022, the ICJ indicated among its provisional measures that "the Russian Federation shall immediately suspend the military operations it began on February 24, 2022 in the territory of Ukraine". Currently, 32 states have intervened in the case. In September 2023, the oral hearing was conducted, including the oral observations of 32 intervening states. Other court cases relating to human rights violations in Ukraine are pending at the European Court of Human Rights in Strasbourg.

III. Structure

The event will be co-hosted by Ukraine and the co-chairs of the Group of Friends of Accountability following the Aggression against Ukraine (Albania, Denmark, Guatemala, the Kingdom of the Netherlands, and Marshall Islands) on behalf of the Group of Friends of Accountability following the Aggression against Ukraine.

The event will take place on Thursday 26 October 2023, 1.15-2.45 p.m. at Conference Room 7, UNHQ. We kindly ask you to register for the event via this registration form [RSVP](#). The deadline for registration is COB 23 October 2023.

IV. Format

13:15 – 13:20	Opening remarks by Legal Advisor, Ambassador Vibeke Pasternak Jørgensen, Ministry of Foreign Affairs of Denmark.
13:20 – 13:30	<u>Keynote speaker</u> : HE Mr. Anton Korynevych, Ambassador-at-Large at the Ministry of Foreign Affairs of Ukraine, Counsel for Ukraine before the ICJ
13:30 – 14:00	<u>High-level panel speakers</u> <ul style="list-style-type: none">• Mr. Harold Hongju Koh, Sterling Professor of International Law at Yale Law School, Counsel for Ukraine in the ICJ-case of Ukraine v. Russia (Genocide Convention)• Ms. Naz K. Modirzadeh, Professor of Practice at Harvard Law School and Founding Director, Program on International Law and Armed Conflict (participation via video link)• Mr. René Lefeber, Legal Advisor of the Minister of Foreign Affairs of the Kingdom of the Netherlands, Counsel for the Netherlands before the ICJ• Mr. Martins Paporinskis, Professor of Public International Law at University College London, Member of the International Law Commission, Counsel for Latvia before the ICJ
14:00 – 14:45	Discussion moderated by Ambassador Vibeke Pasternak Jørgensen
14:45	Closing