

The Vienna-Riga statement of the Core Group on the Establishment of the Special Tribunal for the Crime of Aggression against Ukraine

The participants of the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine,

Referring to United Nations General Assembly Resolutions ES-11/1 of 2 March 2022 on Aggression against Ukraine, which deplores in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter of the United Nations,

Referring to the United Nations General Assembly Resolution ES-11/6 of 23 February 2023, on Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine,

Recalling the Joint Statement on Efforts to Establish a Tribunal on the Crime of Aggression against Ukraine of 9 May 2023, confirming our unwavering support for peace, security and the rule of law in the world,

Recognising the importance of ensuring accountability for the crime of aggression against Ukraine,

Having met in Vienna on the 17th of September 2024 and in Riga on the 22nd of November 2024, state the following:

1. The participants of the Core Group take note of Ukraine's ratification of the Rome Statute of the International Criminal Court testifying Ukraine's commitment to international law and international justice. The participants also take note that this ratification extends to the Kampala Amendment on the crime of aggression.
2. The Core Group continues its work towards establishing an effective Special Tribunal for the Crime of Aggression against Ukraine, capable of delivering justice by holding accountable those who bear the greatest responsibility. The establishment of a Special Tribunal must respect international law and should enjoy broad cross-regional support to guarantee its legitimacy.
3. The participants of the Core Group welcome the contributions of the Council of Europe and the European Commission's services and of the European External

Action Service to its consultations, including the preparation of a draft bilateral Agreement between the Council of Europe and the Government of Ukraine concerning the Establishment of a Special Tribunal, its draft Statute and a draft Enlarged Partial Agreement outlining the modalities of support for such a tribunal.

4. The participants of the Core Group encourage other States and international organisations to actively support and contribute to the Core Group's further consultations. The participants of the Core Group invite other States, in due course, where appropriate and without prejudice to the Core Group's further consultations, to actively consider endorsing the establishment of a Special Tribunal and contributing to the Special Tribunal's financing and operational resources through an instrument established for these purposes, with an Enlarged Partial Agreement under the auspices of the Council of Europe being one possible option.
5. The participants of the Core Group reaffirm the critical importance of any future proceedings of an established Special Tribunal adhering to applicable international law. Future proceedings of an established Special Tribunal should be based on the right to a fair trial by an independent and impartial court, access to a lawyer, the timely examination of cases, the enforcement of final and binding judicial decisions without undue delay, and other applicable international human rights law.
6. The participants of the Core Group remain committed to continuously working actively and effectively towards establishing a Special Tribunal for the Crime of Aggression against Ukraine, including by continuing to consider the drafts prepared by the Council of Europe.¹

¹ The Statement was adopted in the presence of a representative of the Secretary General of the Council of Europe, the European Commission's services and the European External Action Service.