

Supranational Criminal Law Lecture on

Pursuing Accountability for the Crime of Aggression against Ukraine

21 September 2023, 19:00

T.M.C. Asser Instituut, The Hague,

INTRODUCTION

On 4 May 2023, when he visited The Hague, Ukrainian President Zelenskyy spoke about the pursuit of accountability for international crimes committed in Ukraine. He then [remarked](#): “Only one Russian crime led to all of these crimes: this is the crime of aggression, the start of evil, the primary crime. There should be responsibility for this crime.”

Even though Ukraine [can prosecute](#) individuals for the planning, preparation or initiation of an aggressive war or armed conflict, or conspiring for any such purposes, as well as waging an aggressive war or aggressive hostilities (Article 437 of the Criminal Code of Ukraine), the framing of this provision, and the issue of immunity *ratione personae* would make prosecution in national courts of high-level foreign officials, such as Putin, complicated. Moreover, the ICC [does not have jurisdiction over the crime of aggression in this situation](#) as both Russia and Ukraine have not ratified the Rome Statute, and the UN Security Council will not refer the situation to the ICC because of Russia’s veto.

As a result of this, discussions on establishing a tribunal for the crime of aggression have been gaining momentum. One of the topics under discussion, among both politicians/policy makers and academics, is the exact model this tribunal could and should take.

For example, during the same visit to The Hague at the beginning of May, President Zelenskyy clarified he wanted a fully international criminal tribunal and not a hybrid/internationalised model (a court rooted in Ukraine’s judicial system, but including international elements as well), the model [advocated for](#) by U.S. Ambassador-at-Large for Global Criminal Justice Beth Van Schaack a few days earlier.

In this [supranational criminal law \(SCL\) lecture](#), co-organised by the [Ukrainian Embassy in The Hague](#) and the [International Humanitarian and Criminal Law Platform](#), these different models as well as any other mechanisms that could be considered in pursuing accountability for the crime of aggression will be critically explored.

PROGRAMME

- 19:00 - 19:05 **Welcome by Dr. Christophe Paulussen, senior researcher T.M.C. Asser Institute**
- 19:05 - 19:10 **Welcome by H.E. Mr. Oleksandr Karasevych, Ambassador of Ukraine in The Hague**
- 19:10 - 19:25 **Keynote speech by Dr. Anton Korynevych, Ambassador-at-Large of the Ministry of Foreign Affairs of Ukraine**
- 19:25 - 19:35 **Response by Prof. Larissa van den Herik, Leiden University**
- 19:35 - 19:45 **Response by Prof. André Nollkaemper, University of Amsterdam**
- 19:45 - 19:55 **Response by Dr. Astrid Reisinger Coracini, University of Vienna**
19:55 - 20:05 **Response by Dr. Owiso Owiso, International lawyer and independent consultant**
- 20:05 - 20:30 **Q&A**
- 20:30 - 21:30 **Reception**