



DECLARATION OF
THE INFORMAL
CONFERENCE OF
MINISTERS OF
JUSTICE
OF THE COUNCIL

OF EUROPE

On the occasion of the Conference: *"On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families, and Supporting the Resilience of its Justice System"*

(11 September 2023, Riga, Latvia)

We, the Ministers of Justice of Member and observer States of the Council of Europe^[1], assembled in Riga, Latvia, to address the consequences of the brutal, unprovoked and unlawful war of aggression of the Russian Federation against Ukraine, reaffirm in line with the Reykjavik Declaration adopted at the 4th Summit of the Council of Europe, our unwavering commitment to restoring justice and respect for international law, including international human rights law and international humanitarian law, and human rights, support to accountability consistent with the Peace Formula of President Zelenskyy, and redress to all victims without discrimination, and contributing to the well-being of all Ukrainians.

Deeply concerned by the profound impact of the ongoing war of aggression against Ukraine and its population, its regional and local communities, cultural and religious heritage, environment and civil infrastructure, we declare the following:

1. We condemn in the strongest terms the aggression of the Russian Federation against Ukraine, and we call for full accountability of the Russian Federation and its political and military leadership for their actions. In pursuit of justice, and in a manner compatible with international law, we welcome the international efforts to hold to account Russia's political and military leadership and the progress towards the establishment of a tribunal for the prosecution of the crime of aggression against Ukraine. We commend, in this respect, the establishment of the International Centre for the Prosecution of the Crime of Aggression against Ukraine.
2. We recall the guidance and standards set out by the Council of Europe, notably the case-law of the European Court of Human Rights and the practice of the Committee of Ministers of the Council of Europe, on the issues of accountability, reparations and remedies for gross and serious human rights violations; we welcome the on-going efforts of the Council of Europe to consolidate,

disseminate and implement these standards and call on member States to avail themselves of them and make use of the Council of Europe's expertise.

3. We welcome the establishment of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine as an Enlarged Partial Agreement of the Council of Europe, as an initial step towards ensuring accountability and full reparation of damage, loss or injury caused, on or after 24 February 2022, in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters, to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities, state-owned or controlled entities, by the Russian Federation's internationally wrongful acts in or against Ukraine, and we will continue working, in co-operation with Ukraine and relevant international organisations and bodies, towards the establishment by a separate international instrument of a future international compensation mechanism.
4. All states that are eligible according to the Register's Statute and that supported the *United Nations General Assembly Resolution A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine"* recognizing the need for Russia to bear the legal consequences of all of its internationally wrongful acts in or against Ukraine, including making reparation for the injury and any damage caused by such acts in Ukraine, are invited to join the Register of Damage.
5. In order to effectively achieve comprehensive accountability, including the focused and efficient functioning of the Register of Damage, we invite Member States to consider the following principles (*Riga Principles*):
 - **Victim-Centred Approach:** *The Register should be guided by a victim-centred approach, in a manner consistent with States' obligations to provide remedies and redress to victims, in particular the most vulnerable, such as women and children. Its organisation, functioning and structure, and rules for eligibility of claims for inclusion in the Register, evidence, and procedures shall enable the Register to document, promptly and with due priority, claims for human rights violations and abuses, such as those involving loss of life, enforced disappearance, conflict-related sexual violence, serious injury, torture, arbitrary arrest and detention, while pursuing the timely and efficient registration of other claims, such as damage to property, infrastructure, environment and cultural heritage.*
 - **Firm Legal Basis:** *The Register should operate based on the overarching provisions of international law that any State responsible for the internationally*

wrongful acts is under the obligation to make full reparation for the injury caused by such acts.

- **Authority and Legitimacy:** *The international legitimacy and authoritative nature of the Register of Damage as a mass claims processing tool should be enhanced, including by taking due account of the case law of the ECHR and other applicable international law.*
 - **Support to Ukrainian National Authorities:** *All necessary assistance should be provided to national authorities to facilitate the coordination of domestic efforts to support the Register's functioning.*
 - **Coherence, Complementarity and Interoperability:** *With a view to a comprehensive system of redress, the coherence and complementarity of actions and methodologies for claims processing should be carried out as appropriate, including through IT tools, at the domestic level, in the operations of the Register of Damage and in other international mechanisms, enabling their interoperability.*
 - **Civil Society Engagement:** *Civil society and non-governmental organisations, including human rights defenders, as well as victims and victim rights organisations should be meaningfully consulted by relevant national and international bodies.*
 - **Work towards an effective reparation:** *We recall the importance of the Register of Damage as the first step to ensure that Russia will pay for the damage it has caused in Ukraine through its unlawful war, and that the work of the Register, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute the first component of a future international compensation mechanism, that will help ensure full and effective reparation for Ukraine and the victims, to be established by a separate international instrument in cooperation with Ukraine.*
6. We are convinced that all allegations of crimes, including war crimes, crimes against humanity and genocide committed by Russian forces in Ukraine, must be fully investigated and, where warranted, prosecuted on national and international levels in order that those responsible are held accountable for their actions. Justice must be served for all victims and with the purpose to deter future war crimes. To that end, we support the investigations and evidence gathering efforts conducted by the Ukrainian authorities, other national authorities and the Prosecutor of the International Criminal Court.
7. In this respect we underline the significance of the ICC Prosecutor's arrest warrants in connection with the alleged war crimes of unlawful deportation and

unlawful transfer of children from or to the temporarily controlled or occupied areas of Ukraine. We condemn in the strongest terms their forcible placement under custody or adoption by Russian citizens, and violations of their dignity and rights. We call on all relevant stakeholders, including international organisations continuing their work in the Russian Federation and Belarus to actively participate in identifying the current locations of the unlawfully deported and transferred Ukrainian children and to provide assistance with their safe return.

8. We are committed to safeguarding the well-being of all Ukrainian children by welcoming them and their families to seek refuge in any member State of the Council of Europe. Once the circumstances will allow, and with their best interests as the primary consideration for repatriation, we will facilitate their safe return to Ukraine.
9. We welcome the efforts of the Ukrainian authorities, to ensure the operation of the justice system, including transitional justice, in times of war and public emergency and reiterate our steadfast commitment to supporting the Ukrainian justice system during times of both war and post-war reconstruction; we commend the work of the Prosecutor General's Office aiming at victim-centred approach to accountability, including though its initiative to develop a national Register of Victims and Survivors of war crimes.
10. We underline that strict compliance with applicable requirements of the European Convention on Human Rights of the right to a fair trial by an independent and impartial court, notably as regards access to justice, examination of cases within reasonable time and ensuring implementation of the final and binding judicial decisions without undue delays are essential components of achieving justice and redress to victims.
11. We recall the importance of the role of the Rome Statute as part of the commitment and international efforts to advancing accountability.
12. We will continue to support the effective implementation of the Council of Europe Action Plan for Ukraine entitled "Resilience, Recovery, and Reconstruction for the period 2023-2026".

[1] List of Member and observer States* who have supported this declaration: Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary*, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal,

Romania, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, USA**.

*Hungary's support for this declaration should be understood in conjunction with its national reservation to the Reykjavík Declaration and in light of the fact that Hungary is not party to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine as an Enlarged Partial Agreement of the Council of Europe.

** The US joins this Declaration, noting that Council of Europe guidance and standards, including the European Court of Human Rights case law, do not apply to observer states.