

Text adopted by the plenary session

of the resolution

on the opening of a political dialogue with the European Commission concerning the investigation of war crimes, crimes against humanity, genocide and related crimes in Ukraine

The Flemish Parliament

- considering:

1° the Charter of the United Nations (UN) and the principles of international law;

2° the UN Treaty on the Prevention and Punishment of the Crime of Genocide (the Genocide Treaty) of 9 December 1948 and the Additional Protocols thereto;

3° the Geneva Treaties of 1949 and the Additional Protocols thereto;

4° the Minsk Memorandum of 19 September 2014 and the package of measures to implement the Minsk Agreements that was agreed upon and signed in Minsk on 12 February 2015 and endorsed in its entirety by resolution ratified by UN Security Council Resolution 2202 (2015) of 17 February 2015;

5° the Rome Statute of the International Criminal Court of 17 July 1998 and the 2010 Kampala Amendments relating to the crime of aggression;

6° the principles of international law acknowledged in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal (the Nuremberg Principles), which have been developed by the UN Commission on International Law and which define what constitutes a war crime;

7° UN Security Council Resolution 1820, adopted on 19 June 2008 by unanimous vote;

8° UN General Assembly resolutions of 2 March 2022 on the aggression against Ukraine, and of 24 March 2022 on the humanitarian consequences of the aggression against Ukraine;

9° the resolution adopted by the UN Human Rights Council on 4 March 2022 on the situation of human rights in Ukraine as a result of the Russian aggression, in which the council decided to establish an independent international commission of enquiry;

10° the resolution of the Parliamentary Assembly of the Council of Europe of 28 April 2022 on the aggression of the Russian Federation against Ukraine: Accountability for grave violations of international humanitarian law and other international crimes;

11° the Versailles Declaration of 11 March 2022;

12° the report of the Organisation for Security and Cooperation in Europe (OSCE) of 13 April 2022 on violations of international humanitarian law and human rights, war crimes and crimes against humanity committed in Ukraine since 24 February 2022;

13° the reports of Human Rights Watch on Ukraine of 3 April and 21 April 2022, and the reports of Amnesty International of 6 May and 13 June 2022;

14° the statements by the President of the European Council and by the President of the European Commission condemning the Russian aggression and the flagrant violation of international law in the strongest terms;

15° the call by the UN Security Council and the North Atlantic Treaty Organisation (NATO) to immediately halt all Russian attacks against Ukraine;

16° the sanction packages promulgated by the European Union (EU);

17° the resolution of the Flemish Parliament, unanimously adopted on 24 February 2022, (Parl.St.VI.Parl. 2021-22, no. 1167/2) concerning the condemnation of the Russian invasion of Ukraine;

18° the resolution of the Senate, adopted on 25 February 2022, concerning the condemnation of the Russian invasion of Ukraine;

19° the resolution adopted by the House of Representatives on 17 March 2022 concerning the condemnation of the aggression of the Russian Federation against Ukraine;

20° the resolution adopted by the European Parliament on 19 May 2022 concerning the fight against impunity for war crimes in Ukraine (2022/2655(RSP));

21° the legislative resolution adopted by the European Parliament on 19 May 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and of the Council regarding the collection, preservation and analysis of evidence related to genocide at Eurojust, crimes against humanity and war crimes;

22° the report 'Conflict-related Sexual Violence' of the United Nations, published on 29 March 2022 (S/2022/272);

23° the report 'An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent' of the Newlines Institute for Strategy and Policy and The Raoul Wallenberg Center in May 2022, which concludes that there is a serious risk of genocide in Ukraine and that Russia bears state responsibility for violations of the 1948 Genocide Convention, and calling on the international community to act;

- considering that:

1° in international relations, states should refrain from the threat or use of force against the territorial integrity or political independence of any other state or the political independence of any other state;

2° all parties involved in an armed conflict must respect the obligations of international humanitarian law at all times;

3° there are well-founded reasons to assume that the Russian Federation and its armed forces in Ukraine have committed systematic and massive crimes against humanity and war crimes in Ukraine have been and continue to be committed in the course of current hostilities;

4° the Russian armed forces and pro-Russian groups in these illegal unprovoked and unjustified war by Russia against Ukraine have been carrying out, since 24 February 2022, indiscriminate attacks against civilians, including abductions, sexual abuse, extrajudicial killings and torture, both in areas of Ukraine which they have recently invaded as well as previously occupied areas of Ukraine;

5° thousands of people have been killed or injured. About 7.7 million Ukrainian citizens are internally displaced and almost 6 million Ukrainians have fled their country. In addition, 400,000 Ukrainian citizens were forcibly deported from Ukraine to the Russian Federation, including more than 200,000 children. The Russian armed forces and affiliated groups have repeatedly prevented the establishment of humanitarian corridors and have thus blocked or hindered the evacuation of the civilian population from the besieged areas;

6° the Russian Federation has committed mass atrocities against the civilian population, including murders, enforced disappearances, deportations imprisonment, torture, rape and desecration in the temporarily occupied territories, in particular the cities of Buchaya, Borodjanka, Hostomel, Irpin, Mariupol and many other Ukrainian settlements;

7° the Russian armed forces and pro-Russian groups have deliberately kidnapped, imprisoned and murdered journalists, mayors and civil rights activists. Journalists and media workers are protected under international humanitarian law by Article 79 of Additional Protocol I to the Geneva Conventions;

8° the war will also have devastating and long-term consequences for the environment and public health;

9° the Prosecutor of the International Criminal Court announced on 2 March 2022 that, on the basis of the referrals he received from the States Parties, has started an investigation into the situation in Ukraine;

10° Russia has withdrawn its signature from the Rome Statute in November 2016. Ukraine is not a party to the Rome Statute, but has exercised its right under the same Rome Statute twice to accept the exercise of jurisdiction by the International Criminal Court with respect to crimes alleged to have taken place on its territory, in accordance with Article 12, paragraph 3, of the Statute;

11° the UN Human Rights Council declared on 4 March 2022 in favour of the establishment of an International Commission of Inquiry on Ukraine whose task is to investigate violations of human rights and of international humanitarian law in the context of the Russian invasion of Ukraine;

12° the United Nations, through Sima Bahous, Director of UN Women, on 11 April 2022, called upon the United Nations to conduct an independent investigation into sexual violence in Ukraine;

13° Liz Truss, the Foreign Secretary of the United Kingdom, announced on 29 April 2022 that the United Kingdom has appointed a team of experts, including experts in the field of sexual violence, to assist Ukraine in gathering evidence;

14° it is important to move swiftly and make progress in order to gather evidence for the investigation and prosecution of all persons responsible for allowing, committing and hiding war

crimes and concealment of war crimes and other violations of human rights and of international humanitarian law in Ukraine;

15° Russia, in the UN Security Council, with regard to the situation in Ukraine vetoes any substantive action;

16° the situation is so grave that the Union must as a matter of urgency take all necessary measures to ensure that whoever commits crimes against humanity and war crimes in Ukraine is held accountable;

17° Eurojust has the expertise and experience to investigate and prosecute cross-border crimes, including genocide, crimes against humanity, war crimes and related criminal offences, and related criminal offences. Such support shall include the preservation, analysis and storage of evidence in order to ensure its admissibility by judicial authorities and its reliability;

- once again condemns in the strongest possible terms Russia's unprovoked, illegal and unjustified war of aggression against Ukraine and its invasion, and demands that Russia immediately cease all military activity in Ukraine, and to withdraw all armed forces and military equipment unconditionally from the entire internationally recognised territory of Ukraine, as ordered by the International Court of Justice on 16 March 2022;

- strongly condemns the sexual violence used as a weapon of war by Russian soldiers and mercenaries;

- calls upon the International Criminal Court:

1° to urgently investigate all alleged crimes against Ukrainian civilians, including war crimes, crimes against humanity and sexual violence;

2° to urgently investigate whether crimes committed by the Russian Federation against the Ukrainian people have genocidal features and should therefore be classified as genocide;

- believes that rapid action is crucial in order to take all necessary measures to ensure that those who have committed human rights violations and crimes in Ukraine are held accountable;

- calls upon national parliaments and international organisations to condemn the crimes committed by the Russian Federation against the Ukrainian people;

- calls upon the European Union and its Member States:

1° to continue the sanctions against the Russian Federation;

2° to continue to provide Ukraine with the necessary humanitarian assistance;

- expresses its deep respect for the Ukrainian nation in its struggle for freedom, commemorates the fallen and mourns the victims;

- calls upon the European Commission:

1° to support the investigation by the Prosecutor of the International Criminal Court into alleged war crimes against humanity and genocide committed in Ukraine as well as the work of the Investigation

Commission of the Office of the UN High Commissioner for Human Rights and the efforts of independent civil society organisations working for the collection and preservation of evidence of war crimes;

2° to provide all necessary assistance in order to strengthen the judicial capacity and the means of Ukraine to effectively investigate and try crimes;

3° to facilitate the establishment of a special international tribunal for the punishment of the acts of aggression committed by the political leaders and military commanders of Russia and the Ukraine;

4° to take the necessary initiatives for frozen Russian assets and resources to be confiscated and used as compensation and for the reconstruction of Ukraine;

5° to plead, within the framework of humanitarian aid operations, for sufficient means to provide medical, psychological and legal support to victims of sexual abuse in Ukraine, and to support the appeal of the United Nations High Commissioner for Refugees Nations High Commissioner for Refugees (UNHCR) to provide reproductive services in Poland for women who have fled Ukraine;

- calls upon the Commission to examine this resolution in the context of the political dialogue and to indicate how it will take it into account;

- calls upon the Speaker of the Flemish Parliament to forward this resolution to the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy, to the President, Government and Parliament of Ukraine and to the Prosecutor of the International Criminal Court.