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*Plenary sitting*

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**B9-0285/2022**

13.5.2022

## MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the fight against impunity for war crimes in Ukraine  
(2022/2655(RSP))

**Anna Fotyga, Angel Dzhambazki, Anna Zalewska, Beata Kempa, Bogdan Rzońca, Charlie Weimers, Dominik Tarczyński, Elżbieta Rafalska, Eugen Jurzyca, Hermann Tertsch, Jacek Saryusz-Wolski, Jadwiga Wiśniewska, Ryszard Czarnecki, Tomasz Piotr Poręba, Valdemar Tomaševski, Veronika Vrecionová, Witold Jan Waszczykowski**  
on behalf of the ECR Group

**European Parliament resolution on the fight against impunity for war crimes in Ukraine (2022/2655(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the Russian war of aggression against Ukraine,
  - having regard to the Versailles Declaration of the Heads of State or Government of 10 and 11 March 2022 on the Russian military aggression against Ukraine,
  - having regard to the G7 Leaders' Statement of 8 May 2022,
  - having regard to the Commission statement of 25 April 2022 on Russian war crimes,
  - having regard to the joint statement of 4 March 2022 issued by Ukrainian Foreign Minister Dmytro Kuleba and former UK Prime Minister Gordon Brown calling for the creation of a special tribunal for the punishment of the crime of aggression against Ukraine,
  - having regard to the Nuremberg principles developed by the International Law Commission of the United Nations, which determine what constitutes a war crime,
  - having regard to the Rome Statute of the International Criminal Court (ICC),
  - having regard to the Charter of the United Nations,
  - having regard to the Helsinki Final Act of 1 August 1975 and subsequent documents,
  - having regard to the 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,
  - having regard to the UN Convention on the Prevention and Punishment of the Crime of Genocide,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas since the unjustified invasion of the Republic of Ukraine by the Russian Federation, the ensuing war has continuously escalated and resulted in increasing casualties and military armaments; whereas between 2014 and early 2022 the war had resulted in 14 000 civilian casualties, with tens of thousands more since the beginning of the current invasion; whereas at least 226 children have died and 417 have been injured since 24 February;
- B. whereas the Russian army continues to carry out deliberate shelling and aerial attacks against residential areas and civilian infrastructure, such as hospitals, schools, nurseries and residential areas, which has led to the complete or almost complete destruction of

Mariupol, Volnovakha and other cities and villages;

- C. whereas Russian soldiers continue to commit war crimes by looting, raping and executing members of the civilian population, including shooting at people trying to flee conflict areas via pre-established humanitarian corridors;
- D. whereas Russian forces have deliberately attacked areas where people were sheltering from war, such as the theatre and maternity hospital in Mariupol, the train station in Krematorsk and many other places, despite having full knowledge of the presence of civilians and their targets having no military significance;
- E. whereas Russian forces are widely employing cluster munitions, disrupting previously agreed humanitarian corridors, targeting nuclear plants, and attacking monuments, museums, churches and other cultural properties;
- F. whereas current mass executions of civilians in the outskirts of the capital of Ukraine, such as in Bucha, the near-total destruction of the city of Mariupol and the extermination of its heroic inhabitants, and the mass deportations, alongside similar atrocities committed by the Soviet Union such as the Katyn massacre, the genocide of the Great Terror, mass deportations and the Holodomor, were authorised by the highest levels of Russia's political and military leadership;
- G. whereas neighbouring countries are coping with a huge influx of refugees fleeing Ukraine, with over 3.2 million refugees moving to Poland, over 880 000 to Romania, over 570 000 to Hungary, 450 000 to the Republic of Moldova, 400 000 to Slovakia and 300 000 to Czechia;
- H. whereas the Ukrainian authorities, as well as governmental and non-governmental centres in other countries, are gathering all available information about war crimes committed by the Russian Federation in Ukraine;
- I. whereas the war crimes committed by the Russia Federation meet the definition of genocide as contained in Article II of the Genocide Convention;
- J. whereas many leaders of the EU and its Member States, the US, Canada, the UK and other organisations and countries have visited places of the most hideous Russian war crimes and have seen evidence of the most cruel and violent treatment of civilians in Europe since the end of the second world war;
- K. whereas Russian political and military leaders responsible for current war crimes were never punished for similar atrocities committed earlier in Chechnya or Syria;
- L. whereas over 6.5 million people, including 2.5 million children, are internally displaced in Ukraine;
- M. whereas more than 10 700 crimes have been registered since the war began by the office of Ukraine's prosecutor general, led by Iryna Venediktova, and a handful of cases have now been filed or are ready to be submitted in what marks a watershed moment two months into the war;

- N. whereas as of 5 April 2022, Estonia, Germany, Latvia, Lithuania, Norway, Poland, Slovakia, Spain, Sweden, Switzerland and Ukraine had all declared their intention to start investigations into war crimes committed during the 2022 Russian war of aggression against Ukraine by invoking the principle of universal jurisdiction;
- O. whereas at least 43 states referred the situation in Ukraine to the International Criminal Court (ICC) Prosecutor, who announced on 2 March 2022 that he had opened an investigation into the situation in Ukraine on the basis of the referrals received; whereas neither Russia nor Ukraine are parties to the ICC Rome Statute; whereas the International Court of Justice ruled on 16 March that Russia must ‘immediately suspend the military operations’ it commenced on 24 February 2022 in Ukraine;
- P. whereas Ukraine, Lithuania and Poland set up the Joint Investigation Team (JIT) to facilitate the investigation and prosecution of alleged core international crimes in national and international jurisdictions, with the participation of Eurojust and Office of the Prosecutor of the ICC;
- Q. whereas on 4 March 2022 the UN Human Rights Council voted to create the International Commission of Inquiry on Ukraine with a mandate to investigate violations of human rights and international humanitarian law in the context of the 2022 Russian invasion of Ukraine;
- R. whereas a special tribunal is a criminal court set up on an ad-hoc basis by the United Nations in order to investigate core international crimes – war crimes, crimes against humanity and genocide – in a specific conflict; whereas the Russian atrocities committed in Ukraine and the invasion by Russia as a whole fulfil all required criteria for the setting up of a special tribunal;
- S. whereas sanctions are having an effect, but the purchase of fossil fuels from Russia by some EU countries still provide means to the regime that help finance the war;
- T. whereas academic studies show that the banning of fossil fuel imports from Russia would have an impact on EU economic growth that would correspond to estimated losses of less than 3 % of GDP, while the potential losses to the Russian economy over the same period would amount to 30 % of GDP and would be instrumental in stopping the Russian aggression;
- U. whereas the EU, as well as the UK, the US and other countries, has frozen substantial amounts of Russian assets and funds;
1. Condemns in the strongest possible terms the Russian Federation’s war of aggression against Ukraine, as well as the involvement of Belarus in this war, and demands that Russia immediately terminate all military activities in Ukraine and unconditionally withdraw all forces and military equipment from the entire internationally recognised territory of Ukraine;
  2. Underlines that the military aggression and invasion constitute a serious violation of international law, in particular the Geneva Convention and their additional Protocols and the UN Charter, and calls on the Russian Federation to return to fulfilling the responsibilities of a permanent member of the UN Security Council in maintaining

peace and security and to respect its commitments under the Helsinki Final Act, the Charter of Paris for a New Europe and the Budapest Memorandum on Security Assurances; considers the Russian invasion of Ukraine to be an attack not only against a sovereign country, but also against the principles and mechanism of cooperation and security in Europe and the rules-based international order, as defined by the UN Charter;

3. Expresses its outrage and indignation over the reported atrocities, including the raping and execution of civilians, forced displacement, the looting and targeting of civilian infrastructure, such as hospitals, medical facilities, schools, shelters and ambulances, and the shooting at of civilians trying to flee conflict areas via pre-agreed humanitarian corridors committed to by the Russian armed forces in a number of occupied Ukrainian towns, such as Bucha; insists that perpetrators of war crimes and other serious violations, as well as the government officials and military leaders responsible at all, and even the highest, levels must be held accountable; reiterates its full support for the investigation launched by the ICC Prosecutor into war crimes and crimes against humanity as well as the work of the Office of the High Commissioner for Human Rights Commission of Inquiry;
4. Welcomes and fully supports the efforts of Ukrainian prosecutors and investigators to bring to justice those responsible for war crimes and crimes against humanity, and calls on the EU Member States, the international community and relevant institutions to fully assist the Ukrainian authorities in this process;
5. Calls on the EU Member States and the international community, in close cooperation with Ukraine, to urgently set up a special ad hoc international criminal tribunal to investigate and prosecute the crime of aggression committed by the political and military leadership of the Russian Federation and to provide the necessary financial support to the tribunal;
6. Calls on the EU institutions and the Member States to take all necessary action in international institutions and proceedings, at the ICC or in other appropriate international tribunals and courts, to prosecute the actions of Vladimir Putin and Aliaksandr Lukashenka as war crimes and crimes against humanity and bring the political and military leadership, as well as individual soldiers of the regular army and mercenaries, to justice; calls on the relevant authorities of all states to facilitate the investigations and cooperation with regard to the alleged international crimes committed on the territory of Ukraine as a result of the Russian invasion in order to ensure justice and accountability;
7. Expresses its utmost support for the decision of the ICC Prosecutor to open an investigation into alleged war crimes and crimes against humanity committed in Ukraine and underlines the importance of swift work and progress in order to secure the necessary evidence; calls, therefore, for financial and practical support for the ICC's important work;
8. Strongly condemns the Russian rhetoric hinting at a possible resort to the use of weapons of mass destruction by the Russian Federation and emphasises that any such deployment would be unacceptable and would be met with the severest consequences;

condemns, furthermore, the taking over by Russian forces of active or decomposed nuclear facilities and sites in the territory of Ukraine, highlighting that the good handling of these facilities is a crucial matter of health for the entire region; underlines the crucial role of the International Atomic Energy Agency in securing the safety of nuclear facilities in Ukraine; supports the Ukrainian authorities' call for the UN Security Council to immediately take measures to demilitarise the exclusion zone of the Chernobyl nuclear power station and to allow the IAEA to immediately take full control of the site of the nuclear power station;

9. Calls for an immediate full embargo on Russian imports of oil, coal, nuclear fuel and gas to be introduced as swiftly as possible, and to completely abandon Nord Stream 1 and 2, and to present a plan to continue ensuring Europe's security of energy supply in the short-term and complete independence from Russian fossil fuels in the medium to long term;
10. Expresses its undivided solidarity with the people of Ukraine and their strong aspirations to continue transforming their country into a democratic and prosperous European state; calls therefore for the EU institutions to immediately grant EU candidate status to Ukraine, in line with Article 49 of the Treaty on European Union;
11. Reiterates its unwavering support for the sovereignty, territorial integrity and independence of Ukraine within its internationally recognised borders;
12. Calls on the Member States and the Commission to urgently establish a legal instrument allowing for frozen Russian assets and funds to be confiscated so that they can be used as reparations and for the reconstruction of Ukraine;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Prosecutor General of the International Criminal Court, the governments and parliaments of the EU Member States, the President, Government and Parliament of Ukraine, and the President, Government and Parliament of the Russian Federation.