



HUMAN RIGHTS HOUSE NETWORK

President Petro Poroshenko
11 Bankova street
01220 Kyiv
Ukraine

26 June 2014

No peace plan without accountability for human rights:

Ukrainian authorities should refer situation on the internationally recognised territory of Ukraine to the International Criminal Court (ICC) until the state becomes a member of the ICC by acceding to the Rome Statute

Mr President,

We, the undersigned members and partners of the Human Rights House Network (HRHN), condemned in the strongest terms human rights violations which took place throughout Ukraine since 29 November 2013,¹ and now call upon you to extend the mandate of the International Criminal Court investigations (taking into account events in Crimea and Eastern Ukraine) and to ratify the Rome Statute, in order to encourage such investigations, as an essential part of bringing peace to the country.

We welcome the repeated pledges of Ukrainian authorities to investigate all human rights violations committed since 29 November 2013 and hold those accountable, throughout the country and irrespective of which side the violator belongs to in the ongoing armed conflict in East Ukraine. The current situation of impunity must end.

The International Criminal Court is the only international body able to not only document grave human rights violations, amounting to core international crimes (war crimes, crimes against humanity, or genocide), but also investigate individuals responsible for such crimes. In order to restore peace and strengthen trust into State institutions, those responsible for such human rights violations have to be held accountable. We have for a long time called for a comprehensive reform of the judicial system in the country, which still remains to be initiated. Unfortunately, the national judicial system now shows its limits and in our view it is clear that it does not have the adequate knowledge, independence and resources to investigate all human rights violations since 29 November 2013 throughout the country.

Therefore, it is necessary to activate the international justice system, based on the complementarity principle, to guarantee that investigation into core international crimes committed by all parties in Ukraine, including by members of law enforcement and State agents, is credible and transparent, bringing those responsible to justice.²

The Court's jurisdiction should however not be limited in time, as it is now. On 17 April 2014, the Government of Ukraine indeed lodged a declaration under Article 12(3) of the Rome Statute accepting the jurisdiction of the ICC over crimes committed on its territory from 21 November 2013 to 22

¹ The Human Rights House Network has reacted in multiple cases to violences and called upon all parties to show restraint, echoing especially the United Nations High Commissioner for Human Rights in regard to those holding weapons in the country. A review of our interventions is available at <http://humanrightshouse.org/Articles/20167.html>.

² "Ukraine: Human rights must be basic principle to end violence", 19 May 2014, available at <http://humanrightshouse.org/Articles/20167.html>.

February 2014.³ We now call upon the Government to issue a declaration extending ICC jurisdiction from 21 November 2013 until the date of the entry into force of the Rome Statute for Ukraine.

We also call upon the authorities in Ukraine to accede to the Rome Statute as soon as possible. By doing this, Ukraine will make an important step to permanently depart from the culture of impunity that is prevailing.

In addition to the investigation into human rights violations, and action taken to end the use of violence in the country, Ukraine needs to undertake a massive reform of its legislation and practice in many fields. Ukraine's law enforcement agencies have needed radical reform for a long time now: It is not about changing the names of institutions and units or about window-dressing, but about systemic changes, starting from the principles for establishing and structuring enforcement agencies, and ending with approaches to evaluating their performance.

We therefore support Ukraine's efforts to propose a resolution at the United Nations Human Rights Council's on-going session, although we deeply regret the draft resolution's silence about the role of civil society in the country and the need for an investigation by the Court.

In Ukraine, human rights NGOs have proven their strong commitment to the rule of law and the respect of all human rights for all people, as well as their high level of professionalism and excellence. No country can build a sustainable future without full inclusion of civil society in decision-making, especially Ukraine in its present situation. Furthermore, States and leaders in all sectors of society must acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and rule of law, and avoid stigmatisation, as stated by the Human Rights Council resolution 22/6 of 21 March 2013.

Finally, we also welcome the reference in the draft resolution on Ukraine at the Human Rights Council to the extremely worrying human rights situation in Crimea and join Ukrainian authorities, the United Nations, the Organisation for Security and Cooperation in Europe, and other international voices, in condemning the enforcement of legislation of the Russian Federation on the territory of Crimea, at variance with the United Nations General Assembly resolution 68/262.

The role of civil society is essential in documenting human rights violations in Crimea and providing support to victims of such violations. A field mission has been launched by Ukrainian and Russian human rights defenders in co-operation, with which we expect full cooperation by all governmental agents in Ukraine.

On this background, we call upon you Mr President and the Government, with no further delay, to issue a declaration to extend the jurisdiction of the International Criminal Court from 21 November 2013 until the date of Ukraine's accession to the Rome Statute either through appeal of the competent body of the Government or by adopting the Draft Law #4081a.

We further call upon you to:

- **Take all necessary measures to support the work of human rights NGOs, journalists and bloggers and other media, including by investigating any threats, intimidation, harassment and violence against them, including arbitrary detentions, abductions, attacks and killings;**
- **Strongly and publicly acknowledge the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection;⁴**
- **Ensure that the reform process in the country, as well as all dialogue about the future of the country, is inclusive and transparent, giving space to civil society.**

³ International Criminal Criminal press release of 25 April 2014, available at http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/pages/pr999.aspx.

⁴ In line with United Nations Human Rights Council resolution 22/6 of 21 March 2013, paragraph 5.

Sincerely,

Human Rights House Kyiv (on behalf of the following NGOs):

- Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL)
- Centre for Civil Liberties
- Human Rights Information Center
- Institute of Mass Information
- Kharkiv Human Rights Protection Group
- La Strada Ukraine
- Ukrainian Helsinki Human Rights Union

Education Human Rights House Chernihiv (on behalf of the following NGOs):

- Chernihiv Public Committee of Human Rights Protection
- Center of Humnistic Tehnologies "AHALAR"
- Center of Public Education "ALMENDA"
- Human Rights Center "Postup"
- Local Non-governmental Youth organizations M'ART
- Transcarpathian Public Center
- Ukrainian Helsinki Human Rights Union

Azerbaijan Human Rights House (on behalf of the following NGOs):

- Association for Protection of Women's Rights - APWR
- Human Rights Centre
- Legal Education Society
- Media Rights Institute
- Women's Association for Rational Development (WARD)

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius

- Belarusian Association of Journalists
- Belarusian PEN Centre
- Belarusian Helsinki Committee

Human Rights House Belgrade (on behalf of the following NGOs):

- Belgrade Centre for Human Rights
- Helsinki Committee for Human Rights, Serbia
- Human Rights House Belgrade and Lawyers' Committee for Human Rights –YUCOM

Free Word Centre London (on behalf of the following NGOs):

- Index on Censorship
- Vivarta

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Media Institute
- Human Rights Center
- Union Sapari – Family Without Violence

Human Rights House Oslo (on behalf of the following NGOs):

- Human Rights House Foundation
- Norwegian Helsinki Committee
- Health and Human Rights Info

Human Rights House Voronezh (on behalf of the following NGOs):

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh – Chernozemie
- Youth Human Rights Movement

Human Rights House Yerevan (on behalf of the following NGOs):

- Helsinki Citizens' Assembly – Vanadzor
- Journalists's Club Asparez
- Public Information and Need of Knowledge - PINK

Human Rights House Zagreb (on behalf of the following NGOs):

- APEO / UPIM Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- CMS – Centre for Peace Studies
- Documenta – Centre for Dealing with the Past
- GOLJP – Civic Committee for Human Rights
- Svitanje – Association for Protection and Promotion of Mental Health

The Rafto House in Bergen - Norway (on behalf of the following NGOs):

- Rafto Foundation, Norway

The House of the Helsinki Foundation For Human Rights - Poland (on behalf of the following NGOs):

- Helsinki Foundation for Human Rights, Poland

Institute for Peace and Democracy, Azerbaijan

Legal Protection and Awareness Society, Azerbaijan

Public Union of Democracy Human Rights Resource Centre, Azerbaijan

Copies have been sent to:

- Mr Oleksandr Turchynov, Chairman of Verkhovna Rada
- Office of the Commissioner for Human Rights of the Council of Europe
- Private Office of the Secretary General of the Council of Europe
- Chairman of the Organisation for Security and Cooperation in Europe (OSCE)
- OSCE Special Monitoring Mission to Ukraine
- OSCE's Office for Democratic Institutions and Human Rights
- United Nations Human Rights Monitoring Mission in Ukraine
- Delegation of the European Union in Ukraine
- Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Kyiv, Brussels, Geneva and Strasbourg
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network (HRHN) unites 87 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's mandate is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.

The Human Rights House Kyiv and the Education Human Rights House Chernihiv are members of HRHN. 10 independent Ukrainian human rights NGOs are members of both Human Rights Houses.

The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders and the emerging Balkan Network of Human Rights Defenders.

HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.