

RUSSIA'S AGGRESSION IN UKRAINE: AMNESTY INTERNATIONAL'S KEY RECOMMENDATIONS FOR EU LEADERS TO:

1. **Secure comprehensive justice and reparations for victims**
2. **Provide sustainable humanitarian and economic assistance**

This briefing outlines Amnesty International's main concerns and recommendations to EU leaders, ahead of the 20 March Foreign Affairs Council and 23-24 March European Council discussion on Russia's aggression in Ukraine.

As Russia's full-scale invasion against Ukraine enters its second year, its war of aggression continues to be characterized by a flagrant disregard for human life, with repeated war crimes and other violations of international humanitarian law inflicting unimaginable suffering on the entire civilian population of Ukraine. Over the past year Amnesty International has documented war crimes and other violations of international humanitarian law by Russian forces, including [extrajudicial executions](#), [deadly strikes on civilian infrastructure](#) and [places of shelter, deportations and forcible transfers of civilians](#), and unlawful [killings committed on a vast scale through the shelling of cities](#).

By the end of 2022, the UN had estimated close to 18,000 civilian casualties including at least 6,884 deaths mostly caused by the use of explosive weapons in built up areas with wide area effects (but stated that actual figures were likely significantly higher). Tens of thousands of cases of war-related crimes have been filed, including of sexual and gender-based crimes, but the number of victims of the ongoing conflict will likely be much higher.

Russia's targeted attacks on critical infrastructure have seriously damaged over 40% of Ukraine's energy facilities and caused widespread harm to civilians. These practices, along with Russia's blocking of aid, have left civilians in conflict-affected areas cut off from water, electricity and heating as the country faced freezing temperatures. Power outages, exacerbated Ukraine's healthcare crisis, undermined children's right to education and placed additional pressure on at-risk-groups, including women, older people, people with disabilities and children. Many people living in Russian-occupied areas remain in dire need of humanitarian assistance or medical care yet are being denied the right to travel to Ukrainian government-controlled territories.

As Russian armed forces and their proxies appear to be stepping up their offensive in Ukraine, EU efforts to hold perpetrators of gross human rights violations and war crimes to account and to provide sustainable humanitarian assistance to Ukraine will be as urgent as ever.

In light of this, Amnesty International urges the EU and its member states to remain steadfast in their commitment to:

SECURE COMPREHENSIVE JUSTICE AND REPARATIONS FOR VICTIMS:

The EU and member states should take steps to ensure that *all* perpetrators of crimes under international law, including the crime of aggression, are held individually accountable in independent, impartial, and fair trials, while guaranteeing meaningful justice and reparations for victims. To achieve this, EU leaders must:

- 1) **Prioritize the needs and rights of victims in the investigation and prosecution of international crimes:** Comprehensive justice for Ukraine will only be achieved through a victims-centred approach. This entails providing effective support, protection and empowerment to victims while guaranteeing their right to truth, justice, and reparations at both national and international levels. In line with [Directive 2012/29/EU on victims' rights](#) and the [November 2022 Council Conclusions on the fight against impunity](#), the EU and its member states should, closely cooperate with affected communities and victims' groups and take coordinated action to ensure that:
 - **Victims and survivors are adequately informed of their right to provide evidence and testimony**

to investigating and prosecuting authorities. All EU member state authorities involved in collecting, documenting and preserving evidence and witness testimony should engage as early as possible in outreach and public information campaigns to affected communities, including towards survivors in Ukraine and those in exile

- **Evidence is collected sensitively and does not further traumatize victims** including survivors of conflict-related sexual violence.
- **Victims and survivors are able to meaningfully participate in criminal processes and trials by national or international courts** and their needs are considered, including through witness and victims' protection programs and efforts to ensure their participation is substantive and effective.
- **Information and support provided by competent authorities is accessible and provided in a manner which can be understood by victims**, with particular consideration for those who may be particularly vulnerable as well as those who may have disabilities of any kind.
- **Victims and survivors are able to access psychological and psycho-social support and rehabilitation**, by ensuring adequate EU and EU member state support for such programmes.
- **Victims and survivors are guaranteed their right to truth, justice and reparations.** This entails ensuring prompt, independent, impartial and effective investigations, bringing all those suspected of criminal responsibility to justice through fair trials and providing victims full, prompt and effective restitution, compensation, rehabilitation and guarantees of non-repetition for harms they suffered through relevant reparation mechanisms.
- **The EU and its member states exchange experiences and best practices** in relation to victims' support and protection.

2) Continue to provide robust and sustained support to justice mechanisms: Amnesty International welcomes the unprecedented support that the EU and its member states have mobilized to secure international justice in the Ukraine context. The International Criminal Court (ICC) and domestic legal systems have provided immediate and viable avenues for accountability by undertaking investigations and case-building. However, achieving justice will require long-term political will and practical support, including adequate budgetary resources; sustained cooperation with justice mechanisms and processes; and the provision of technical and legal capacity where required. It is imperative that investigations consider not only low-level direct perpetrators but those higher up the chain of command and that, wherever trials are held, they adhere to international human rights and fair-trial standards. In light of this, EU leaders should:

- **Step up the EU's financial and political support to the International Criminal Court, including through increased budgetary support:** Amnesty International welcomes the EU and its member states support to the ICC, including their [collective referral of the situation](#) in Ukraine to the ICC, and their continued high-level political support to the Prosecutor's ongoing investigations. However, the ICC's Ukraine investigation will create further demand on the Court's already over-stretched resources which it requires to guarantee the stability of its ongoing work in various situation countries. We therefore urge the EU and its member states to increase their support to the ICC for all situations before the Court, including the Ukraine situation. This includes providing increased budgetary support; effective and efficient cooperation; and high-level political support to the court's work. EU leaders must also continue to urge Ukraine to ratify the Rome Statute, implement the Statute in its domestic legal framework and fully cooperate with the Court's investigations.
- **Initiate or further strengthen domestic investigations into all core crimes by all parties to the conflict under the principle of universal jurisdiction:** The primary obligation for investigating and prosecuting crimes under international law lies with states and it is therefore significant that [14 EU member states](#) have initiated domestic investigations. Amnesty International urges all EU member states to commence (wherever possible), domestic '[Structural investigations](#)' into the situation in Ukraine. Investigations should aim to secure, at the earliest opportunity, all available evidence for possible future proceedings, including in instances where specific cases may not yet be foreseen, or suspected perpetrators may not yet be present on the territory of EU member states. A comprehensive structural investigation into the Ukraine situation should focus, for example, on structures related to potential crimes committed in Ukraine and groups of potential

perpetrators. EU member states exercising universal jurisdiction, should urgently collect, document and preserve evidence and witness testimony from those persons who may be within their jurisdiction. EU member states should adopt the necessary legislative measures to fully implement the definition of core international crimes and modes of liability enshrined in the Rome Statute and ensure adequate resources and political support is provided to domestic investigative and prosecutorial bodies looking into crimes under international law.

- **Cooperate with and provide full political and practical support to the [UN-established Independent International Commission of Inquiry on Russia's invasion of Ukraine](#):** Amnesty International welcomes the EU and its member states' continued political and financial support to the work of the Independent International Commission of Inquiry (COI). As the resolution on the situation of human rights in Ukraine to renew the COI is negotiated at the 52nd session of the UN Human Rights Council, Amnesty International urges the EU and its member states to engage with the mechanisms' findings and to secure as wide support for the renewal of its mandate as possible. The EU and its member states should furthermore encourage reference in the resolution to forced displacement and its impact on vulnerable groups, including older people, people with disabilities, and children.
 - **Support Ukraine in further strengthening its existing architecture of justice and enhancing its capabilities to investigate and prosecute core international crimes in line with international standards:** A long-term justice solution in the Ukraine context must include Ukrainian investigations, prosecutions, and trials - likely with significant international assistance and alongside complementary international justice processes at the ICC and other international fora. The EU continues to provide support to the Ukrainian Prosecutor General's Office and other Ukrainian authorities involved in the investigation and prosecution of international crimes, including through the EU Advisory Mission in Ukraine (EUAM). Meanwhile, Ukraine's EU accession process opens the door for further financial and technical assistance aimed at supporting reforms to Ukraine's judiciary and other objectives outlined in the [Commission's opinion](#) on Ukraine's accession. The EU should ensure that this support and other [EU assistance](#) contributes to further strengthening Ukrainian domestic legislation for the investigation and prosecution of crimes under international law. This should include ensuring that legislation related to the definition of crimes under international law, and to Ukraine's cooperation with international mechanisms and processes are brought in line with international legal standards.
- 3) **Coordinate the collection and preservation of evidence among relevant EU and member state authorities and cooperate with national-level investigations, including through the Joint Investigation Team and the ICC:** It is crucial that the various authorities involved in the pursuit of international justice, work together to share insights, coordinate strategies and address gaps in expertise and capacity. In this regard, important efforts have been made by the ICC to coordinate with national authorities on investigations. Similar efforts have also been made to enhance judicial cooperation and facilitate the preservation, analysis, [storage](#) and sharing of evidence by EU member state national authorities [cooperating within Eurojust](#) and with the [Joint Investigation Team](#) established by Lithuania, Poland, Ukraine, Estonia, Latvia, Slovakia, and Romania. The various bodies involved in the collection and preservation of evidence should consider standardized practices and procedures in their operation and archiving. At the EU-level, Eurojust – through its network of EU national level prosecutors and war crimes units 'Genocide Network', as well as its 'JITs Network' - plays a pivotal role in centralizing information collection, coordinating EU domestic initiatives on Ukraine, exchanging information, knowledge, experience and best practices among national practitioners and [engaging with NGOs](#) and information providers. Given this crucial role, we would urge EU member states to increase their support and resource allocation to the Genocide Network Secretariat.
- 4) **Consider new national and international mechanisms for more comprehensive justice:** The EU and its member states should support national and international mechanisms which meet victims' needs for comprehensive justice, while holding perpetrators of all crimes under international law – including, but not limited to, the crime of aggression – individually accountable. The investigation and prosecution of the crime of aggression should take place before an independent and impartial mechanism, with full fair trial guarantees.

- 5) **Make the EU and its member states' response to securing justice in Ukraine a blueprint for all conflicts across the world:** With wars raging in every corner of the world, the initial unprecedented response of the EU and its member states with regard to Russia's aggression in Ukraine, should become the minimum standard in the pursuit of international justice. A selective approach, risks to undermine international justice and the effectiveness and credibility of EU efforts to support justice in Ukraine.

PROVIDE SUSTAINABLE HUMANITARIAN AND ECONOMIC ASSISTANCE

The EU and its member states have taken a [leading role](#) in providing humanitarian and economic assistance to Ukraine. EU leaders must now ensure that existing and upcoming assistance schemes are implemented in an inclusive and sustainable manner, ensuring full respect for human rights standards. To this effect, the EU and its member states must:

- 1) **Identify the specific needs of at-risk groups and ensure they are among those prioritised in the provision of humanitarian assistance, recovery and reconstruction efforts:** When offering support, the international community must identify the specific needs of at-risk groups - such as women, older people, people with disabilities, and children. These particular groups must be among those prioritized, and all relief and other financial and technical assistance foreseen in the framework of Ukraine's EU accession process, should be tailored to meet their specific needs, including by:
 - **Facilitating the voluntary evacuation of people belonging to at-risk groups**, including older people, women, people with disabilities and children. [Amnesty International](#) has found that older people are often reluctant or unable to flee their homes. As a result, they remain behind in conflict-affected areas in larger numbers and make up a disproportionate number of civilian deaths and injuries, according to data collected by OHCHR. Older people often stay behind in destroyed and dangerous housing conditions, living in houses without roofs, windows, electricity, heat, or running water. Older people must be given the option of voluntary evacuation with full access to information, and the ability to evacuate in conditions that meet their specific needs, including through the provision of assistance.
 - **Provide accessible housing and emergency shelters, taking into account the specific needs of people with disabilities and older people:** In providing housing, the EU must ensure that the specific needs of people with disabilities, including older people with disabilities, are met, notably through the provision of physically accessible housing. The EU's "[RescEU shelter reserve](#) and other efforts to support the provision of emergency shelter to internally displaced persons must ensure that the specific needs of people with disabilities and older people are identified and met. This includes ensuring that emergency shelters are accessible for persons with limited mobility or disabilities. In line with the objectives outlined in the [European Commission's opinion](#) on Ukraine's accession, the EU should also assist the Ukrainian authorities in supporting persons with disabilities, implementing a process of deinstitutionalisation and transitioning towards community based care of persons with disabilities. This should include funding and assistance to help prevent the institutionalisation of displaced persons with disabilities, which is currently taking place at high rates.
 - **Ensure that the provision of medical aid to Ukraine takes into consideration the needs of people belonging to at-risk groups.** The EU has provided medical aid to Ukraine through [RescEU](#) to help respond to the exceptional medical needs in Ukraine. The EU must ensure that such aid is delivered in a way that considers the specific needs of at-risk groups, including by ensuring continued access to specialised healthcare for people with disabilities and access to sexual and reproductive health and rights, especially relevant in cases of sexual and gender-based violence.
 - **Ensure that medical aid covers both physical and psychological health, taking into consideration the specific needs of people belonging to at-risk groups.** The EU has [acknowledged](#) the importance of psychological and psycho-social support and rehabilitation, and has [committed](#) to provide assistance in psychological rehabilitation as a key component to the recovery and reconstruction of Ukraine. Psychological support will be essential to assist a generation deeply affected by war and at-risk

groups who may require specialised support, such as children and survivors of sexual and gender-based violence. The EU must ensure that it takes into account the specific needs of such groups in its efforts to support psychological rehabilitation.

- **Ensure that the provision of humanitarian assistance takes into consideration the basic needs of all people, including by increasing cash assistance offered to older people:** While Ukraine provides universal pensions to all people over a certain age, and UN programmes offer short-term financial assistance to at-risk groups, these payments are often insufficient to meet the basic needs of older people. The EU should consider increasing its support to cash assistance programmes for older people in order to help them uphold an adequate standard of living and pay costs for rent and other essentials. In providing assistance the EU should also ensure that the needs of people who menstruate are taken into account, through provision of menstruation management products, which are difficult to access due to [limited supplies and increased prices](#).
 - **Facilitate the creation of robust family tracing and reunification procedures for civilians transferred to Russia or Russian-occupied areas:** Amnesty International has [found](#) that many Ukrainians, including children, older people and people with disabilities, have been deported from Ukraine to Russia or forcibly transferred into Russian-occupied areas, and cannot return home safely. EU assistance should facilitate the creation of robust family tracing and reunification procedures to foster the return of Ukrainian children to Ukraine or reunification with guardians abroad. It should also facilitate the creation of similar mechanisms for older people and people with disabilities. This includes by cooperating and offering financial, legal, administrative, and practical assistance to reliable organisations and networks of Ukrainian and [Russian](#) human rights defenders and civil society organisations involved in facilitating the reunification of unaccompanied Ukrainian children with their families.
- 2) **Cooperate with Ukrainian civil society and ensure that survivors' needs are prioritised in the provision of economic and humanitarian aid:** Cooperation with Ukrainian civil society organizations will be essential in prioritizing survivors' needs and to ensuring the practical delivery of economic and humanitarian aid. The international community must ensure this collaboration is done in a way that ensures that transparency, effectiveness and victim-sensitivity is integrated throughout the EU's humanitarian assistance, recovery, justice and reparation efforts. The EU and its member states must:
- **Ensure collaboration with and support for Ukrainian civil society:** The EU has [acknowledged](#) the crucial role that Ukrainian civil society will play in Ukraine's reconstruction. Beyond reconstruction efforts, the EU should also ensure transparent and effective collaboration with Ukrainian civil society in all processes related to the delivery of humanitarian assistance. Given its unique expertise, Ukrainian civil society is well placed to ensure that assistance effectively targets the specific needs of the population and promotes a victim-centred approach to truth, justice and reparations.
 - **Ensure the participation of women in decision-making processes surrounding the provision of economic and humanitarian aid:** Amnesty International has [documented](#) the grave risks faced by women amid Russia's invasion of Ukraine, including difficult and dangerous journeys to safety, an increased burden of care, increased exposure to sexual and gender-based violence. The EU must ensure that women can proactively and meaningfully participate in decision-making processes at all levels, to ensure that their specific needs and perspectives are reflected and met in the provision of economic and humanitarian aid.
- 3) **Ensure that adequate resources are made available to Ukraine for rebuilding essential infrastructure, revitalising the economy, and guaranteeing the right to an adequate standard of living and the right to health,** among other human rights.