

Reference: TIGO IOR 10/2025.6824

Mr António Costa

President of the European Council

Heads of state or government of European Union (EU) member states

Brussels, 25 June 2025

Dear President Costa,

Dear Heads of state or government of EU member states,

DIPLOMATIC EFFORTS ON UKRAINE SHOULD PRIORITIZE JUSTICE, VICTIMS' RIGHTS AND A PEOPLE FIRST APPROACH

We are writing to you ahead of the forthcoming discussions on Ukraine at the 26-27 June European Council and amid ongoing diplomatic efforts to end Russia's war of aggression against Ukraine. We would urge you to use this summit to agree on concerted EU action aimed at shaping diplomatic negotiations on Ukraine and to ensure that broader EU efforts in pursuit of a 'just and lasting peace' are firmly grounded on international humanitarian and human rights law and a commitment to international justice and accountability. To this end, we call on you to ensure that forthcoming European Council conclusions and statements explicitly commit to achieving justice for victims and survivors of aggression and other crimes under international law, bringing all those individually responsible to account in fair trial proceedings; addressing the plight of Ukrainian children; civilian detainees; and prisoners of war in all diplomatic negotiations and wider efforts on Ukraine, and upholding the international rules-based system in EU policies.

The European Council will take place against the backdrop of [escalating Russian attacks on civilians and civilian infrastructure in Ukraine](#). In recent months, Russia has continued to [systematically](#) target population centres in Ukraine with missiles and drones, leading to a [staggering rise in civilian casualties](#) and plummeting living conditions, which have left [children](#), [older people](#) and other at-risk groups paying a particularly high price. Amnesty International has continued to document widespread violations of international human rights and humanitarian law in Ukraine, including acts that amount to war crimes and crimes against humanity. This has included the [deliberate targeting of civilians](#) and critical infrastructure, [the use of indiscriminate weapons](#), enforced disappearances, extrajudicial executions, the forcible transfer and deportation of civilians and the [torture and other ill-treatment of Ukrainian civilian detainees and prisoners of war](#).

In response to this litany of violations, the EU and its member states have taken crucial steps to hold perpetrators of crimes under international law to account. Yet today, these efforts risk being jeopardized by the **Trump administration's continued efforts to undermine international justice, as well as efforts by Russia and other states**. Indeed, recent months have seen the U.S. align with Russia [in opposing UN resolutions on Ukraine](#) meant to uphold respect for international law, while also [withdrawing from](#) international mechanisms established to support investigations into international crimes. In particularly brazen attacks on the international justice system, Russia has issued arrest warrants for a number of ICC officials, including the ICC's Prosecutor and judges and in February 2025, the US Trump administration [imposed sanctions](#) on the International Criminal Court (ICC) with specific designations of the ICC [Prosecutor](#) and [four judges](#) of the Court, including one judge from a European Union member state (Beti Hohler, Slovenia). The Executive Order imposing sanctions on the ICC also threatens sanctions against others working for or engaging with the Court. This reckless attack on the ICC will affect the ICC's ongoing operations and independent investigations across all situations on the Court's docket, including Ukraine. US sanctions are an affront to all victims and survivors who look to the ICC for truth, justice and reparations.

These developments heighten fears that international law, **justice, and victims' rights may be sidelined in ongoing efforts to end the war**. However, without putting an end to all ongoing violations and guaranteeing the human rights of victims, as well as ensuring accountability, including of senior government and military leaders and those most responsible, a lasting and just peace cannot be achieved. This would deny scores of victims and survivors their rights to truth, justice and reparations, while prolonging the agony and ongoing suffering of Ukrainian civilians, including prisoners, children and other at-risk groups, including those under Russian occupation. This would mean, in particular, sacrificing the rights of Ukrainian civilians abducted by Russian security services, [prisoners of war tortured](#) and [unlawfully convicted](#), children [threatened for studying Ukrainian](#) online, [teachers in Russian-occupied Ukraine subjected to forced labour in schools reopened under a Russian curriculum](#), and [attacks on culture, heritage and identity](#) of ethnic Ukrainians, Crimean Tatars and other minorities who [face brutal suppression](#) as Russia seeks to alter the demographics in occupied territories. What is more, any negotiations that would allow impunity for perpetrators who have committed crimes under international law would risk perpetuating further atrocities in the future.

Against this background, it is all the more important that the **EU remains steadfast in its commitment to fighting impunity** for all crimes under international law and to upholding the rights of victims and survivors to truth, justice and reparations. This means ensuring that European Council conclusions and statements explicitly support ongoing investigations and prosecutions and commit to reinvigorating the EU's support to domestic and international accountability initiatives and mechanisms as well as to international humanitarian and human rights law more broadly.

In this regard, [recent moves](#) to establish the **Special Tribunal for the Crime of Aggression against Ukraine** are encouraging as steps towards addressing some of the far too many accountability gaps confronting the delivery of justice for Ukrainians. However, Amnesty International is deeply concerned by the availability of 'personal immunities' within the Tribunal's [legal framework](#). Such immunity provisions must be urgently removed or risk compromising future justice for victims of aggression. Furthermore, for the Tribunal to be truly effective, it must ensure victims-centered justice, be able to investigate and prosecute senior government leaders responsible for the crime of aggression, up to and including heads of state, heads of government, and ministers of foreign affairs, and firmly adhere to fair trial standards, by refraining from trials *in absentia*. Beyond the Special Tribunal, it will also be crucial for EU leaders to reiterate and demonstrate through concrete actions their full and **unconditional support to the ICC** as a cornerstone of the international criminal justice architecture and the only permanent international court with a mandate to investigate and prosecute individuals for war crimes, crimes against humanity and genocide. The failure of EU leaders to explicitly express support for the ICC in [recent European Council statements](#) or to take concrete action to protect the Court, its staff and EU operators from U.S. sanctions by, for example, activating the [EU blocking statute](#), sends a deeply troubling message amid continued attacks on the independence and integrity of the Court. Indeed, the EU blocking statute must be urgently implemented by the European Commission and EU states should also urgently consider adopting national-level blocking statute laws.

Moreover, the EU and its member states should **play a leading role in ensuring that ongoing diplomatic efforts adopt a people first approach**. This means prioritizing the rights of victims and survivors of international crimes, including by promoting their or their representatives' meaningful participation in judicial processes, guaranteeing their access to reparations and involving them in discussions related to peace and reconstruction efforts. It also means, ensuring that ongoing negotiations address the plight of Ukrainian children and other civilians forcibly transferred or deported to Russia or Russian-occupied areas, Ukrainian civilians unlawfully detained in Russian custody, and prisoners of war on both sides, in particular those gravely wounded or sick. Since May 2025, [diplomatic efforts have led to the release](#) of hundreds of civilians and gravely wounded and sick prisoners of war on both sides. However, uncounted number (likely, thousands) of Ukrainian civilians remain unlawfully detained in Russian custody while thousands of forcibly transferred and deported Ukrainian [children](#) and civilians remain separated from their families. Meanwhile, Ukrainian prisoners of war and civilian detainees in Russian custody continue to face torture, prolonged incommunicado detention, enforced disappearance and other inhumane treatment, which [Amnesty International](#) and the [UN Commission of Inquiry](#) found, amounts to war crimes and crimes against humanity. The EU and its member states should maintain consistent international scrutiny over these abuses and ensure that the plight of Ukrainian children, civilian detainees, and prisoners of war is a central priority in ongoing diplomatic efforts.

Finally, given that Russia's aggression against Ukraine also represents an attack on the international rules-based system, it will be crucial that the EU's policy on Ukraine is backed by a resolute and **unwavering commitment to defend the universality of human rights and the international legal order in the EU's broader foreign policy**. In that regard, European efforts to build partnerships and galvanize international support for Ukraine, must be [grounded on a broader vision](#) which seeks to restore

faith in the multilateral and international legal order. EU leaders should consistently promote respect for international humanitarian and human rights law, regardless of where violations occur, and resolutely reject the double standards that continue to undermine the EU's international credibility as a human rights champion. In this regard, it will be paramount that EU leaders continue to guarantee compliance with international human rights and humanitarian law in their own defence policies. Recent [steps by some EU member states](#) to withdraw from the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions send a deeply worrying signal of retreat from adherence to international humanitarian law. In times of conflict and in their aftermath, these treaties are particularly important to protect civilians from weapons which are by their nature indiscriminate.

In light of the above, we urge EU leaders at the forthcoming European Council to agree on determined action aimed at shaping ongoing diplomatic and other negotiations on Ukraine and ensure that the EU's approach to achieving a 'just and lasting peace' is grounded in respect for international humanitarian and human rights law. To this end, EU leaders should ensure that European Council conclusions and statements:

- 1) **Reaffirm the EU's commitment to achieving justice for all crimes under international law and explicitly support ongoing investigations at both domestic and international level.** EU leaders should commit to:
 - **Full and unconditional EU support to the ICC as a cornerstone of the international criminal justice architecture** and the only permanent international court with a mandate to investigate and prosecute individuals for core international crimes. In line with [recent commitments](#) and the EU and all its member states' [legally binding obligations](#), EU leaders should commit to safeguarding the independence and integrity of the Court and guarantee full cooperation with the Court across all situations. EU leaders should also take decisive action to protect the Court and its staff from U.S. sanctions and other threats by activating the [EU blocking statute](#) and adopting similar instruments at national and regional level, that aim to shield European operators from the effects of extraterritorial sanctions.
 - **Ensure the effectiveness of the Special Tribunal for the Crime of Aggression:** This must include removing the reported availability of personal immunities and ensuring that the Tribunal is able to investigate and prosecute senior government leaders responsible for the crime of aggression, up to and including heads of state, heads of government, and ministers of foreign affairs. The Tribunal should also firmly adhere to international fair trial standards, by refraining from trials in absentia and ensure victims-centered justice, including by guaranteeing the transparent and inclusive participation of victims, survivors and civil society, in both the establishment of the Tribunal and its future proceedings.
 - **Initiate, reinvigorate and further strengthen domestic investigations into core crimes under the principle of universal jurisdiction in EU member states.** This would entail ensuring that adequate resources and political support is provided to domestic investigative and prosecutorial bodies investigating and prosecuting crimes under international law, and wherever possible conducting 'structural investigations' into the Ukraine situation, as well as replicating this approach in relation to other situations.
 - **Provide full political and practical support to the [UN-established](#) Independent International Commission of Inquiry on Russia's invasion of Ukraine.**
 - **Further strengthen Ukraine's justice architecture and its capabilities to investigate and prosecute international crimes** as part of Ukraine's EU accession process and the technical and financial support foreseen under the Ukraine Facility. A long-term and comprehensive approach to justice requires building Ukraine's capacity to undertake effective and impartial investigation, prosecution and trials in full compliance with international standards, alongside complementary international justice mechanisms and processes.
- 2) **Underline the EU's commitment to guaranteeing the rights of victims and survivors of crimes under international law.** This should include providing effective support to victims, promoting their or their representatives' meaningful participation in the investigation and prosecution of international crimes and guaranteeing their access to reparations. It should also include ensuring victims and survivors are meaningfully involved in discussions over peace, reconstruction and the future of Ukraine.
- 3) **Commit to ensuring that the plight of Ukrainian children, civilian detainees, and prisoners of war is addressed in ongoing negotiations:** This includes maintaining consistent international scrutiny over the plight of Ukrainian children and other civilians forcibly transferred or deported to Russia or Russian-occupied areas, Ukrainian civilians unlawfully detained in Russian custody, and the situation of prisoners of war on both sides, including the torture and other inhumane treatment of Ukrainian civilian detainees and prisoners of war, which amount to war crimes and crimes against humanity. EU leaders should ensure ongoing diplomatic efforts seek:

- The immediate release of all Ukrainian civilians unlawfully detained in Russia or Russian-occupied areas.
 - The return of all unlawfully transferred or deported Ukrainian children and other persons.
 - The repatriation of all gravely wounded or gravely sick prisoners of war, in line with the Third Geneva Convention.
 - The establishment of mixed Medical Commissions to evaluate the medical needs of prisoners of war.
 - Access to prisoners of war for international humanitarian organisations, including the ICRC.
- 4) **Commit to promoting and protecting the universality of human rights and upholding the international legal order in the EU's broader policies.** EU leaders should consistently uphold and promote respect for international humanitarian and human rights law, across all conflicts and in all their partnerships with third countries. The EU and its member states should also abide by these standards in their own defence policies. This includes by reaffirming support for arms control treaties that are vital for the protection of civilians such as the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions, while also working towards a global, legally binding treaty to regulate the development and deployment of Autonomous Weapons Systems, including banning those that directly target and attack humans.
- 5) **Guarantee the long-term sustainability of relief, recovery and reconstruction assistance to the people of Ukraine.** This must be done through the effective implementation of the EU's Ukraine Facility, ambitious pledges at the forthcoming Ukraine Recovery Conference taking place in Rome on 10-11 July 2025 and by allocating sufficient funds during the negotiation of the EU's Multi-Annual Financial Framework.

We remain at your disposal should you require any further information and thank you in advance for your continued action on human rights.

Yours sincerely,



Eve Geddie

Director

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