



**Wilton
Park**

Report: Action on Accountability: The Pursuit of Criminal Justice for Ukraine

Wednesday 2nd – Friday 4th July 2025

In association with

International Bar
Association's Human Rights
Institute and
Foreign, Commonwealth &
Development Office



In association with



Foreign, Commonwealth
& Development Office



International Bar Association's
Human Rights Institute

Report

Action on Accountability: The Pursuit of Criminal Justice for Ukraine

Wednesday 2nd – Friday 4th July 2025

In association with

International Bar Association's Human Rights Institute and Foreign, Commonwealth and Development Office

Contents

Executive summary	5
International criminal accountability for atrocity crimes in Ukraine	5
Ukraine's domestic approaches to accountability and international efforts to support it	5
Ways forward on international cooperation	6
Victim-centred Transitional Justice; accountability for Conflict Related Sexual Violence (CRSV) and the treatment of vulnerable groups	7
Introduction	8
Themes	8
International criminal accountability for atrocity crimes in Ukraine	8
Recommendations	10
Ukraine's domestic approaches to accountability and international efforts to support it	11
Recommendations	12
Ways forward on international cooperation	13
Recommendations	13
Victim-centred transitional justice; accountability for CRSV and the treatment of vulnerable groups	14
Recommendations	15
Appendix	17

Report

Executive summary

A multidisciplinary group of international experts convened at Wilton Park to discuss domestic and international measures to investigate and prosecute atrocity crimes resulting from Russia's illegal invasion of Ukraine, and what further international support to Ukraine was needed.

Recognising the challenges facing Ukraine during the current conflict, the following highlights the group's recommendations for consideration by all accountability stakeholders:

International criminal accountability for atrocity crimes in Ukraine

Recommendations

- All stakeholders, including governments, parliaments, and civil society **should** actively disseminate information, including on social media, about avenues for justice and accountability, including examples of pro-active approaches and success stories. They **should** also enhance and coordinate efforts to disseminate counter-narratives to disinformation campaigns related to the conflict in Ukraine.
- When established, the Special Tribunal for the Crime of Aggression against Ukraine ("the CoA Special Tribunal") should consider
 - developing a strong communication strategy, access to dedicated communications and media expertise, media training for staff, a high-quality and accessible website, and other resources helping with visibility and enhancing understanding of the Tribunal's role
 - creating a high-level expert working group to consider standards and modalities for the possibility of victim participation, whilst not undermining the efficiency of proceedings.

Ukraine's domestic approaches to accountability and international efforts to support it

Recommendations

- A case priority strategy **should** be developed on which trials to pursue, including which in absentia trials are of most importance

Report

- Changes to the Ukrainian criminal procedure codes **should** be prioritised, including in relation to the right of victims/survivors; guidance developed on how to build a case strategy; and coordination improved between agencies on data sharing (including exploring the option for new technological solutions to assist with this work)
- There **should** be support to embed a culture of wellbeing and care within the legal community. In particular, peer-to-peer support on the ground should be prioritised to support Ukrainian judges, prosecutors and lawyers, and investigators.
- The Atrocity Crimes Advisory Group (ACAG) **should** be supported to continue its coordination and good work, but also encouraged to find new ways to channel and facilitate pro bono and wider international support to Ukraine
- A protocol **should** be developed, involving both legal and technology experts, on how AI can be used sustainably and ethically in criminal justice cases. There may be multilateral organisations (such as the Council of Europe) that are well-placed to do this
- Support **should** be given to the OPG to roll out the SMEREKA e-case management system next year.

Ways forward on international cooperation

Recommendations

- At the request of the Office of the Prosecutor General (OPG), a donor review **should** be commissioned to map current international support and assistance to the criminal justice system. This could take the form of an independent review commissioned by the OPG and led by an international expert, with support from donor countries. This would have a remit to identify what is working well, where the gaps are and where duplication could be avoided
- Fora **should** be created to enable multidisciplinary dialogues between all stakeholders (creatives, donors, lawyers, parliamentarians, states, civil society, arts bodies, psychologists, journalists, communication experts and others) to facilitate accurate, creative and timely narratives that resonate with the public.

Victim-centred Transitional Justice; accountability for Conflict Related Sexual Violence (CRSV) and the treatment of vulnerable groups

Recommendations

- A comprehensive, victim-centred Transitional Justice plan **should** be developed, building on the 2019-20 transitional justice roadmap
- Trauma-informed, survivor-centred and inclusive approaches **should** be embedded in legal education and training, new laws and policies, and policy, diplomatic, legal and judicial processes
- The “best interests of the child” test **should** guide engagement with child victims.
- The Criminal Procedure Code **should** be anchored in trauma-informed, survivor-centred approaches. The passing and implementation of the Standard Operating Procedures on the Investigation and Prosecution of Conflict Related Sexual Violence as a joint order would also play a valuable role
- Peer support networks **should** be established for different survivor groups to facilitate access to criminal justice, medical and psychological care, among other needs
- A plan for providing long-term, context-sensitive psycho-social support **should** be considered, likely in-community, given the numbers of Prisoners of War and survivors.

Introduction

Wilton Park convened an international dialogue on justice and accountability for Russia's war in Ukraine in association with the UK Foreign, Commonwealth and Development Office (FCDO) and the International Bar Association Human Rights Institute (IBAHRI) in July 2025.

The aims of this conference were to:

- focus on the range of criminal justice measures being pursued to investigate and prosecute war crimes resulting from Russia's illegal invasion of Ukraine, both domestically and internationally
- provide a forum for international partners and the legal community to share experiences of working on criminal accountability measures
- discuss the way forward in light of the changing geopolitical situation, ensuring comprehensive legal responses to violations of international law, taking a truly victim/survivor-centric approach.

Convened under the Wilton Park Protocol, participants comprised a multidisciplinary group of Ukrainian, regional and international law and policy experts and practitioners representing states, judiciaries, state legislators, prosecutorial bodies, civil society, academia, regional and international organisations.

Participants also had the opportunity to hear firsthand testimony from a child survivor of unlawful deportation who had been repatriated. Paintings from Hannah Rose Thompson's 'Tears of Gold' exhibition, provided context by sensitively portraying the lived experience of war of two Ukrainian women and their families.

Themes

International criminal accountability for atrocity crimes in Ukraine

The International Criminal Court

Participants discussed the successes of the ICC's investigation into the situation in Ukraine, such as the issuing of arrest warrants, and its challenges including the current political pressures; limited resources; ways to improve public understanding of its role

Report

and remit; and its critical work on incorporating a victim-centred approach to pursuing justice.

The workload of the small team working on the Ukraine investigation, including the deportation of Ukrainian children was described as “similar to that of the *ad hoc* tribunals but without comparable resourcing”. Yet expectations of the ICC remained high. One participant recalled that “time is of the essence as more and more children are becoming lost and untraceable”, making it harder to secure evidence for trial and for family reunification.

It would remain important for the ICC to demonstrate to States Parties how it was working efficiently. However, an honest conversation was also needed on “the true cost of doing international justice properly” and for realistic expectations of the Court.

The Special Tribunal for the Crime of Aggression against Ukraine (“the CoA Special Tribunal”)

Experts discussed the significant recent progress toward the establishment of the CoA Special Tribunal under the framework of the Council of Europe, and lessons to be drawn from previous *ad hoc* tribunals. From the outset, the CoA Special Tribunal would require high levels of political and public support as well as clarity around its remit, mandate, and its relationship with the ICC (relevant participants made it clear that it had been designed to complement, rather than duplicate the ICC’s work). This would be key for expectation management and ongoing efforts to engage states beyond Europe.

Trials *in absentia* would be permitted, as per the CoA Special Tribunal’s Statute. It was noted that this was an unfamiliar practice for some states. The principle of complementarity, and the primacy of the ICC were key in the relevant Core Group negotiations on the CoA Special Tribunal, and the drafters took into account various tribunals’ precedent, rules, and procedures, including: ICC Rule 61 (former ICTY Rule 61) on the confirmation hearing process to proceed with the accused in absentia, the ongoing *Kony* case at the ICC, as well as discussions with victims groups and civil society organisations.

Universal jurisdiction

Experts discussed the role that universal jurisdiction could play, with Germany leading the way in recent years. Challenges included legislative limitations, resourcing at

Report

national level, cooperation on the physical location of suspects, and prohibitions of trials *in absentia* in some domestic legal systems.

One commentator noted that states that did not have universal jurisdiction should focus on other ways to pursue justice, including criminal accountability via statutes that provide for broader jurisdiction – extraterritorial jurisdiction (e.g. Foreign Corrupt Practice Act in the USA), present-in jurisdiction (war crimes statutes) – as well as utilising existing statutes creatively such as money laundering statutes to “follow the money”. States with limited universal jurisdiction could do more to utilise the powers they already had.

Communication and outreach

For both the ICC and CoA Special Tribunal, but also other justice efforts including under the principle of universal jurisdiction, stakeholders were encouraged to proactively communicate their work. This could include communicating the ‘big picture’ (i.e. how efforts fitted into the ‘web of accountability’) and factual and digestible narratives of cases, emphasising their judicial independence and how cases met international fair trial standards. This would help counter disinformation campaigns fuelled by social media and AI that seek to “introduce shades of grey” and undermine the legitimacy of accountability mechanisms. Actively raising public consciousness of the crimes committed in the conflict was considered essential to maintain public support for judicial processes. This would in turn be critical in maintaining political support for the relevant mechanisms.

Recommendations

- All relevant stakeholders, including governments, parliaments and civil society **should** actively enhance and coordinate efforts to **disseminate counter-narratives** to disinformation campaigns including on social media. This could be supported by closer work between legal and media professionals to ensure both timely and accurate reporting of cases; and donor requirements on communication and outreach. Where appropriate, the coordination and amplification of messaging could help to achieve greater impact.
- When established, the CoA Special Tribunal **should consider**
 - having a strong **communication strategy** and **communications and dedicated media expertise** to engage and inform the public, journalists, lawyers, victims’ organisations, professional bodies, universities etc.
 - providing **media training** to the prosecutor, judges and senior staff

Report

- investing in a high-quality and accessible **website** to explain the Tribunal's role and allow interested audiences to follow cases, receive updates, access judgments and understand procedures easily.
- creating a **working group** to consider standards and modalities for the possibility of victim participation, whilst not undermining the efficiency of proceedings (as per Article 22 of the Tribunal's statute).

Ukraine's domestic approaches to accountability and international efforts to support it

Discussions centred on the following:

- The Office of the Prosecutor General of Ukraine (OPG) had already recorded over 170,000 incidents of potential war crimes, with 679 indictments and conducted a number of successful trials with 188 war crimes convictions (at the time of the conference). But the **scale of the challenge** was immense. Ukraine was creating **special units** within regional offices on specific issues, such as the deportation of children, war crimes against cultural heritage and civilian infrastructure. The establishment of the Victim and Witness Coordination Centres had also proved helpful.
- However, ongoing work was urgently needed on **prioritisation of cases**, setting clear criteria and close engagement with the ICC; as well as the need for flexibility for prosecutorial discretion in criminal procedure codes; and training on data entry into databases to digitalise manually-collected data.
- **Coordination** remained a challenge with the number of actors in the accountability space; greater coordination was needed to reduce duplication and ensure the best collective support for Ukrainian efforts, in the context of an increasingly competitive resource environment.
- **Other challenges** included: access to witnesses and sites in the occupied territories; limited trauma-informed support services; prosecutors working in active war zones; the vilification of (particularly Ukrainian) defence lawyers “even though without them there can be no fair trial”; a lack of specialised kit such as sufficient bullet-proof vests, evidence-gathering equipment and software for systematising evidence collection for investigators.

- Recognition of the **remarkable work of Ukrainian lawyers, prosecutors and judges** but acknowledgement that “burnout is a threat to the integrity of the Ukrainian justice system.” There was an urgent need to address **wellbeing** concerns and systemic stress among legal professionals, particularly the immense toll on female judges often with family responsibilities and living under daily threat. Whilst training and mentoring had a role, peer-to-peer support on the ground was thought to deliver the most sustained impact.
- Recognition of the work of OPG’s Conflict Related Sexual Violence (CRSV) Division, including the production of Standard Operating Procedures, as a model of best practice which **might be replicated** in other workstreams.
- **Generative AI** had the potential to play a transformative role with the large scale and complexity of criminal cases, but had not been adequately tested in terms of reliability, data protection, transparency of public decision making, the potential unintended consequences for vulnerable and underrepresented groups; and the significant costs of “vendor lock-in”.
- The **Register of Damage** – more work was needed on operationalising this as well as raising awareness among victims of the benefits of registering claims despite the absence of clarity on reparations.
- The need for **Transitional Justice** work to commence - however imperfect - amidst the current conflict (noting also the work following the 2014 invasion).

Recommendations

- The OPG **should** consider developing a case priority strategy on which trials to pursue, including which *in absentia* trials are of most importance
- Changes to the Ukrainian criminal procedure codes **should** be prioritised, guidance developed on how to build a case strategy; and coordination improved between agencies on data sharing
- There **should** be support to embed a culture of wellbeing and care within the legal community. In particular, peer-to-peer support on the ground should be prioritised to support Ukrainian judges, prosecutors and lawyers
- The Atrocity Crimes Advisory Group **should** be supported to continue its coordination and good work, but also encouraged to find new ways to channel and facilitate *pro bono* and wider international support to Ukraine
- A protocol **should** be developed, involving both legal and technology experts on how AI can be used sustainably and ethically in criminal justice cases. There may be multilateral organisations (such as Council of Europe) that are well placed to do this

Report

- Support **should** be given to the OPG to roll out the SMEREKA e-case management system next year.

Ways forward on international cooperation

Discussions focused on the following:

- With progress on the establishment of the new CoA Special Tribunal, attention would turn to financing and operationalising through the **Enlarged Partial Agreement**; and encouraging other states to join.
- Coordination and the functions of existing accountability mechanisms. **Close cooperation** between Ukraine, the CoA Special Tribunal, ICC and Council of Europe would be essential.
- **Communications and outreach.** It would continue to be important to clarify the relationship between the CoA Special Tribunal and other legal mechanisms and architecture such as the ICC and the Register of Damage; and how it was but one part of the ‘web of accountability’.
- Given the **multitude of initiatives and actors** working to support accountability work, clarity was needed on what specific support is needed and what has already been provided.
- The need for a more systematic approach to **tracking perpetrators** (similar to the ICTR/ICC tracking programme).

Recommendations

- At OPG request, a donor review **should** be commissioned to map current international support and assistance to the criminal justice system. This could be by way of an independent review commissioned by the OPG and led by an international expert, with a view to helping to identify what is working well, where the gaps are and where duplication could be avoided.
- Communicating the impact of accountability and justice efforts in a timely, accurate and resonant way **should** be the work of all stakeholders. Fora should be created to enable multidisciplinary dialogues between relevant stakeholders (creatives, donors, lawyers, parliamentarians, states, civil society, arts bodies, psychologists, journalists, communication experts and others) to facilitate accurate, creative and timely narratives that resonate with the public.

Victim-centred transitional justice; accountability for CRSV and the treatment of vulnerable groups

Throughout the conference, special attention was paid to justice for victims and survivors. The following vulnerable groups were identified and recognition given to intersectionality issues that may arise in individual cases:

- children (including children born of rape and those left in the occupied territories)
- disabled people
- elderly people
- LGBTQI+ people
- prisoners of war (POWs)
- survivors of sexual and gender-based violence (SGBV)
- victims of torture and cruel, degrading and inhuman treatment; and
- women.

Discussions centred on:

- Accountability and justice for **child victims**. Participants agreed on the importance of training those interviewing children in accordance with international standards; and of challenging one's own assumptions and unconscious bias about the agency and reliability of child witnesses. "The best interest of the child" test was agreed to be the best way forward in any individual case, and may merit further guidance.
- **Sexual crimes**. It was considered important to:
 - train on the Murad Code (the 'Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence'), and the International Protocol on Documenting CRSV, for example, to minimise re-interviewing and re-traumatising witnesses; and
 - avoid creating extra evidential hurdles due to the sexual nature of a crime. This required challenging our own assumptions and biases around SGBV to change how evidence was assessed and how cases built.
- How **alignment with EU and international obligations** as part of the EU Accession process might usefully allow for important consideration of which amendments were needed to primary and secondary legislation.
- For designing holistic criminal justice processes, it was considered important to:

- embed trauma and survivor-centred and inclusive approaches focussed on the rights and dignity of survivors.
- ensure expert psychological support is available to victims; and the communities supporting them in the longer term.
- appreciate the challenges of situation-specific societal stigma around children born of rape, and in seeking support for mental health (including victim blaming and shaming).
- accelerate understanding around the benefits of adopting survivor-centred approaches in criminal justice, such as the likelihood that more victims will feel supported, and so, willing to come forward.
- ensure survivors understand the different criminal justice mechanisms, the reparations process and the assistance programmes available; and how their informed consent was needed to transfer testimony to other mechanisms.
- follow the Murad Code and International Protocol ('International Protocol on the Documentation and Investigation of Sexual Violence in Conflict') and consider developing guidelines for media reporting and anyone engaging with survivors.

Recommendations

- A comprehensive victim-centred Transitional Justice plan **should** be developed, building on the 2019-20 Transitional Justice roadmap. This would help donors understand the issues and ensure a common nationwide understanding around realistic prospects for criminal justice and alternative forms of transitional and transformative justice.
- Trauma-informed, survivor-centred and inclusive approaches **should** be embedded in:
 - legal education and training for all engaged with the justice system, including the Ukrainian judiciary and lawyers
 - new laws, policies and procedures
 - diplomatic, legal and judicial processes.
- The “best interests of the child” test **should** guide engagement with child victims.
- The Criminal Procedure Code **should** be anchored in trauma-informed, survivor-centred approaches. Further work is needed to support victim coordination centres, survivor support and protection and victim representation.

Report

- The passing and implementation of the Standard Operating Procedures on the Investigation and Prosecution of CRSV as a joint order **should** play a valuable role; as would related protocols concerning survivor-centred and trauma-informed forensic examinations.
- Peer support networks **should** be established for different survivor groups to facilitate access to criminal justice, medical and psychological care.
- A plan for providing long-term, context-sensitive psychosocial support **should** be considered, likely in-community, given the numbers of POWs and survivors.

Rashmin Sagoo, International law and policy consultant

Wilton Park | August 2025

Wilton Park reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs' personal interpretations of the proceedings. As such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of the rapporteur. Wilton Park reports and any recommendations contained therein are for participants and are not a statement of policy for Wilton Park, the Foreign, Commonwealth and Development Office (FCDO) or His Majesty's Government.

Should you wish to read other Wilton Park reports, or participate in upcoming Wilton Park events, please consult our website www.wiltonpark.org.uk.

To receive our monthly bulletin and latest updates, please subscribe to www.wiltonpark.org.uk/newsletter

Appendix

"Voice is the main thing we have. I can't take a gun and shoot, but I can speak, cry, sing, paint even."

Dr Hannah Rose Thomas is a British artist and human rights advocate.

Hannah visited Bucharest, Romania, in June 2022, to help World Vision organise art workshops with Ukrainian refugee children. While the children played or painted, Hannah had the opportunity to spend time with their mothers and listen to their stories. Several times Hannah watched a child tenderly wipe away her mother's tears as she spoke.

Olga and Lana



Olga and Lana left Odesa in March 2022 when airstrikes bombarded the city. Olga tells Hannah: "I didn't want to leave my home in Odesa, especially because my husband is still there, but we were afraid for our two children. I had been walking home with my children and the sound of the rockets was so loud. The ground was trembling. My son was afraid, and the noise woke my sleeping daughter. That night I cried as my husband and I decided I had to leave Ukraine.

Hannah Rose Thomas, *Olga and Lana*, 2022.
Tempera and 24ct gold leaf on panel.

"Now, every day I read the news and cry when my children can't see me. I read about women and children being killed, and rockets falling on and near Odesa, our home. Many of my husband's friends have died. I dream that the war stops and we can go back home."

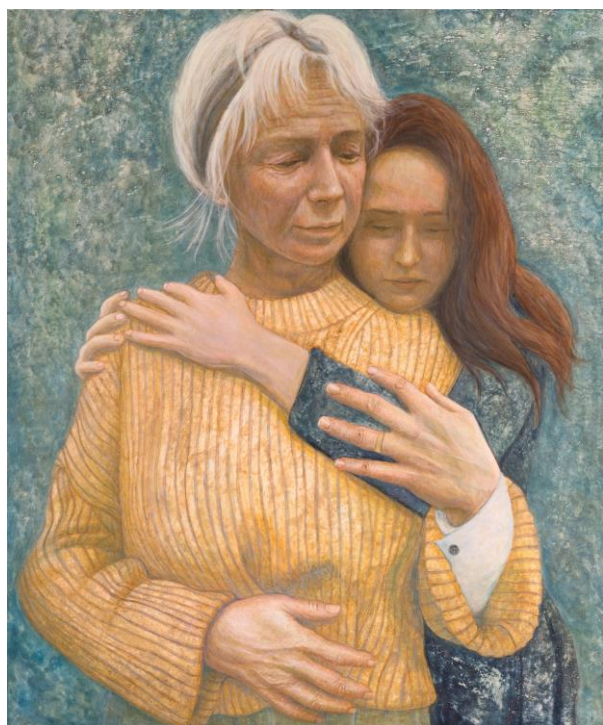
The overwhelming majority of those displaced from Ukraine are women and children - up to 90 percent. Although one may imagine women are safe once they have escaped a conflict area, evidence suggests that violence against women increases in displaced communities.

Report

Action on Accountability: The Pursuit of Criminal Justice for Ukraine
Wilton Park | August 2025

Maria and Nadiia

“The war is endless and thousands of people there are waiting to be heard in prayer. My mother and I were among them. It is a traumatic experience to have to leave home without a plan.”



Maria and her mother Nadia were living in Kyiv when the war began on February 24, 2022. Maria awoke to her mother screaming: "Masha, wake up! The war has started."

Initially they were in denial, but after twelve sleepless days and nights hiding in their basement as a bomb shelter, they decided to leave the country and seek refuge in the United Kingdom.

Hannah Rose Thomas, *Maria and Nadiia*, 2022.
Tempera on panel.

Since the onset of the Russian invasion, one-third of Ukrainians have been forced from their homes. This is the largest movement of refugees in Europe since World War II, with nearly eight million refugees from Ukraine spread across Europe. There has been an outpouring of support, which has led many to hope that this could set a precedent for treating all refugees more humanely. As Maria herself expresses it: "It does not matter what nationality you are; what matters is what you are doing in this present moment. For humanity has no geography and kindness has no nationality."

Report

Action on Accountability: The Pursuit of Criminal Justice for Ukraine
Wilton Park | August 2025

Wilton Park is a discreet think-space designed for experts and policy-makers to engage in genuine dialogue with a network of diverse voices, in order to address the most pressing challenges of our time.

enquiries@wiltonpark.org.uk

Switchboard: +44 (0)1903 815020

Wilton Park, Wiston House, Steyning,
West Sussex, BN44 3DZ, United Kingdom

wiltonpark.org.uk

