

Security Council

Arria on accountability for Ukraine

27/04/2022

Intervention of Belgium

Mr. President,

Excellencies,

Distinguished Rapporteurs,

Belgium fully aligns itself with the statement delivered by the European Union as well as with the statement delivered by Denmark on behalf of the Group of Friends on accountability following the aggression against Ukraine.

We wish to make three additional remarks in our national capacity.

First, let me point out that since Russia's unjustified and unprovoked aggression against Ukraine in February, reports of attacks on civilians, including children, have been growing, causing outrage. The conflict is negatively impacting women and girls in particular. There have been numerous reports of conflict-related gender-based violence, such as rape, sexual violence and sexual harassment. We strongly call for the respect of the rule of law, international humanitarian law and international human rights law by all parties involved in the conflict. We further reaffirm our solidarity with Ukraine and the Ukrainian people.

Secondly, my country considers it necessary to conduct investigations and to gather evidence which will allow justice to be served.

My delegation commends the efforts undertaken by the Prosecutor General of Ukraine to investigate these facts and to prosecute those suspected of the most serious crimes. Belgium welcomes the judicial cooperation established in the form of the joint investigation team between Ukraine and other European States, and within the framework of coordination organized by EUROJUST in which the Belgian Federal Prosecutor's Office is actively participating. The findings are clear: the OSCE report established within the framework of the Moscow mechanism, co-invoked by Belgium, mentions confirmed cases of violations of international humanitarian law. We further look forward to the results of the Commission of Inquiry, established by the Human Rights Council. It is vital that it receives the funding it needs to function properly.

Belgium is one of the 41 States that referred the situation in Ukraine to the International Criminal Court last March. We express our full support for its work and for the independence of the Court. In this regard, Belgium has just announced a contribution of €500,000 to the Trust Fund created by the Office of the Prosecutor, to enable it to cope with the significant increase in its workload.

It is important to coordinate the various efforts underway to ensure that current initiatives are mutually reinforcing and meet sufficiently high standards so that the evidence collected can actually be used in criminal proceedings.

It is also important to rely on all existing bodies, such as the International Criminal Court, the International Court of Justice, and the Human Rights Council to establish state and individual responsibility.

Finally, we are particularly concerned about the situation pertaining to children. Children are among the most vulnerable victims of armed conflicts. A reality which holds true in the case of the Russian aggression. According to the latest information, verified by the United Nations, 201 children have already been killed, and the actual number is likely much higher. Hundreds of schools and educational facilities have been subjected to indiscriminate attacks. We must ensure that the perpetrators of these crimes are held accountable. Unfortunately, children are still not given their rightful place in judicial proceedings. Belgium therefore calls for children to be systematically recognized as a full category of victims before national, hybrid and international courts, as well as before transitional justice mechanisms.

Mr. President, Excellencies

Belgium will remain committed to accountability for the most serious crimes under international law in all situations and therefore also in Ukraine. In the immediate future, a cessation of hostilities is essential in order to prevent more civilians from becoming victims of this senseless war.

I thank you for your support.