



30 September 2021

Dear Mr. President

Dear Members of the Ukrainian Parliament – the Verkhovna Rada,

The undersigned international non-governmental organizations have welcomed the Parliament's adoption on 20 May 2021 of Law No. 1164-IX "On amendments to certain legislative acts of Ukraine concerning the implementation of provisions of international criminal law and humanitarian law".<sup>1</sup>

The Law aims to harmonize the Criminal Code of Ukraine with international criminal law, paving the way to accountability for perpetrators of grave international crimes, including those committed in Donbas and Crimea, and giving hope for justice to thousands of victims of grave abuses.

Inasmuch as the Law has not been signed by the President of Ukraine however, it remains inoperative. Our organizations are deeply concerned by this extensive delay,<sup>2</sup> which appears to be contrary to domestic law. Indeed, under Article 94 of the Constitution of Ukraine, the President should have signed the Law within 15 days of its receipt or returned it for reconsideration to the Verkhovna Rada. Otherwise, the Law should be considered approved by the President and must be signed and officially promulgated.

Under international law, States have the primary responsibility to investigate, prosecute and punish the perpetrators of serious international crimes and provide redress to victims. At this stage, in the absence of the President's signature and an appropriate legal framework for prosecuting international crimes, this obligation cannot be adequately discharged by Ukraine.

We respectfully urge the President to execute and promulgate the Law in order to fulfill Ukraine's obligations while strengthening the domestic justice system and respect for human rights and the rule of law. The President's signature will send a strong message to the people of Ukraine and the international community that your country has made a firm commitment to effectively investigate and prosecute perpetrators of international crimes, and ensure justice for victims of atrocities.

Yours sincerely,

FIDH - International Federation for Human Rights  
HRW – Human Rights Watch  
IPHR – International Partnership for Human Rights  
PGA – Parliamentarians for Global Action  
WIGJ – Women's Initiatives for Gender Justice

1 Prior to its adoption, draft law No. 2689 "On amendments to certain legislative acts on the Enforcement of International Criminal and Humanitarian Law."

2 These concerns have been echoed by the OHCHR's Human Rights Monitoring Mission to Ukraine in its recent report. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine, 1 February – 31 July 2021, 23 September 2021, para 72, available at <https://www.ohchr.org/Documents/Countries/UA/32ndReportUkraine-en.pdf>.