



Anniken Huitfeldt  
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CC:

- Lilia Honcharevych, Chargé D'affairs, Ukrainian Embassy in Oslo, [lilia.honcharevych@mfa.gov.ua](mailto:lilia.honcharevych@mfa.gov.ua)
- Ine Eriksen Søreide, Chair of Standing Committee of Foreign Affairs and Defence, Norwegian Parliament, [ine-marie.eriksen-soreide@stortinget.no](mailto:ine-marie.eriksen-soreide@stortinget.no)

Dear Minister of Foreign Affairs Anniken Huitfeldt,

Centre for Civil Liberties, The Norwegian Helsinki Committee, and the Norwegian section of the International Commission of Jurists (ICJ Norway) are deeply concerned about the ongoing Russian aggression against Ukraine, which causes large-scale human suffering and represents a blatant violation of international law. We appreciate Norway's humanitarian and other support to Ukraine, including military equipment and training to uphold Ukraine's right to self-defence.

In this letter, we want to raise issues related to accountability for the crime of aggression. The prospects of the Russian leadership standing trial for their crimes of aggression remain minimal since the International Criminal Court (ICC) does not have formal jurisdiction over this crime in Ukraine, even though it is a primordial crime leading to other international crimes all over Ukraine.

The war in Ukraine has led to renewed support for international justice and the International Criminal Court (ICC), including financial contributions and secondments. Ukraine authorities and local human rights organisations receive substantial international support for their efforts to document war crimes and submit cases for prosecution. International organisations and several European states have established investigations to help minimise the [impunity gap](#). We appreciate that Norwegian police take part in such efforts.

However, even with this unprecedented mobilisation for justice, there is a risk that those who ordered the attack on Ukraine will not be prosecuted. The ICC can refer to the crime of aggression as the [context](#) of the crimes it investigates and refer to it as an aggravating circumstance when sentencing Russian leaders who are found guilty of war crimes.

However, it remains uncertain if the ICC Prosecutor will include aggression in this way, and it does, in any case, not represent a complete account of the crime.

According to the Rome Statute of the ICC, the crime of aggression consists of “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.”

“Acts of aggression” includes, among others, “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof”. It can also include “bombardment ... against the territory of another State or the use of any weapons by a State against the territory of another State”, “blockade of the ports or coasts ... of another state” or “attack ... on the land, sea or air forces, or marine and air fleets of another State”.

*Dear Minister*, these international legal provisions constitute precise descriptions of what the leadership of the Russian Federation, led by President Vladimir Putin, is responsible for in Ukraine. Well-documented and legally analysed [model indictments](#) against President Putin and his inner circle for the crime have already been presented. The main question is, therefore, where the crime can be prosecuted and how to strengthen accountability for the crime of aggression in the future.

With this letter, therefore, we ask you to ensure that Norway does its utmost to help answer these questions by:

- Supporting the establishment of a Special Tribunal for the crime of aggression against Ukraine. So that it, in the [words](#) of the President of Ukraine, Volodymyr Zelenskyy, “can punish those who, unfortunately, cannot be reached by the International Criminal Court and all other available judicial institutions of the world”. Several [proposals](#) for how to establish such a tribunal have been presented and have sparked extensive international [debate](#) and engagement. The European Commission President Ursula von der Leyen recently presented a [proposal](#) for the EU to “set up a specialised court, backed by the United Nations, to investigate and prosecute Russia’s crime of aggression.”
- Ratify the Kampala Amendments of the Rome Statute of the ICC and include the crime of aggression in Norway’s penal code, alongside crimes against humanity, genocide, and war crimes, which are already well codified in Norwegian law. In this way, Norway will increase the scope of the ICC’s jurisdiction and strengthen the fight against impunity.

We are aware that in the UN and other international forums, many states of the ‘global south’ criticise the mobilisation for justice in Ukraine as another example of ‘double standards’ by Western countries. However, downgrading justice in Ukraine will not help in other situations where Western states have failed to invest sufficiently in justice mechanisms or where they may have committed international crimes themselves.

On the contrary, we adhere to the [view](#), expressed in a recent statement by the Coalition for International Criminal Justice (CICJ), that “what we are now witnessing in Ukraine should become the new normal... The ‘global South’ needs to see that European states, the United States, Canada, Australia, Japan, and other Western-aligned states care equally for justice irrespective of where core international crimes occur, who the perpetrators are, and who suffers the victimisation.”

This must also apply to the crime of aggression. Establishing a Special Tribunal for Ukraine must be the first step in enforcing the prohibition of the crime of aggression everywhere.

Best regards,



Oleksandra Matviychuk  
Head of CCL



Berit Lindeman  
Secretary General NHC



Terje Einarsen  
Head of the Board ICJ Norway