

# ACCOUNTABILITY FOR THE INTERNATIONAL CRIMES COMMITTED IN UKRAINE

## JOINT EFFORTS TO MAKE IT HAPPEN



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Summary report from the conference  
13 November 2024, Warsaw

 HELSIŃSKA FUNDACJA  
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## INTRODUCTION

The conference, "*Accountability for International Crimes Committed in Ukraine Joint Efforts to Make it Happen*," was held on November 13, 2024, at the headquarters of the National Prosecutor's Office in Warsaw. The [Helsinki Foundation for Human Rights](#) and [the Foundation Sunflowers](#) organized the event with the support and honorary patronage of the [Minister of Justice](#).

The event was co-organized by member organizations of [the Coalition for Victims, Survivors, and Witnesses \(KOOS\)](#). This includes [the Foundation "Opora in Poland"](#), which is dedicated to documenting testimonies from Ukrainian citizens affected by the war who are currently residing in refugee centers in Poland. The testimonies are subsequently forwarded to officials from the Internal Security Agency and/or representatives from the National Prosecutor's Office.

The partners of the conference included [the Center for Research on International Criminal Law at the Institute of Law Studies of the Polish Academy of Sciences](#), [EU Project Pravo-Justice](#), [the Coalition for International Criminal Court](#), and [the Polish Bar Association](#). [Wolters Kluwer](#) provided media patronage for the event.

More than 100 participants attended the conference, including representatives from judicial authorities in Poland and Ukraine, international organizations, academia, and civil society groups.

This report aims to summarize the conference's conclusions and provide information to policymakers. The detailed program of the conference is included in Appendix 2.

This report outlines the conclusions derived from the discussions, emphasizing the necessity for a comprehensive and multidimensional approach to developing a system of accountability for international crimes and support mechanisms for the victims and survivors of international crimes.

It is important to clarify that the recommendations provided by the conference participants are not prioritized in this report in any manner. Instead, these recommendations have been systematically grouped into thematic areas based on the discussions held during the conference, ensuring that each topic is treated equally and without implying any hierarchy among them.

*The report uses the term "victim", but in a broader sense than in legal language. During the discussion, the importance of the language used and its impact on the perception of people affected by conflict-related violations of international law was repeatedly emphasized. It was pointed out that the term "victim" can have a stigmatizing character, emphasizing helplessness and lack of agency. Therefore, the preferred term was "survivor", which better reflects the individual agency and process of recovering from traumatic experiences. Readers of the report should therefore understand the term "victim" as a term covering both people who have experienced violence and those who actively participate in the process of rebuilding their lives, with respect for their dignity and agency. Conference organizers and participants expressed their interest and commitment to continue collaborating with Polish authorities on implementing the report's recommendations aimed at enhancing access to justice for victims and survivors of international crimes.*

## **The Geopolitical Context of the Prosecution of International Crimes**

International crimes—war crimes, genocide, crimes against humanity, and the crime of aggression—pose a significant threat to the international order as well as regional and national security. Poland has a legal obligation to prosecute international crimes in its national courts in accordance with the treaties that form part of its legal framework, including the Rome Statute. Furthermore, the effective prosecution of these crimes is both morally justified and advantageous regarding security, justice, and the country's international standing

In the context of the ongoing armed conflict in Ukraine, the prosecution of international crimes is becoming a strategic priority for Poland. By actively engaging in this process, Poland strengthens its position as a country committed to upholding the principles of international law. This is particularly significant within the framework of Polish foreign policy, where solidarity with victims of aggression and the promotion of the rule of law are essential elements, considering the geopolitical landscape in Europe and beyond. Moreover, Polish involvement in this process can help shape the identity of Polish citizens as a society that respects human rights and the rule of law.

### **Actions taken by Poland so far**

Poland, a country neighboring Ukraine and Russia, has hosted around one million refugees from Ukraine. Poland has taken measures to address impunity for the perpetrators of international crimes committed during the Russian Federation's aggression against Ukraine. These efforts include support for national and international investigations.

- In 2022, the Polish National Prosecutor's Office opened a criminal case concerning the aggression of the Russian Federation against Ukraine and war crimes committed during this invasion.
- The evidence collected is intended to support investigations by the International Criminal Court (ICC), proceedings in Ukraine, and other

European countries that exercise universal jurisdiction or other forms of extraterritorial jurisdiction.

- Poland has also declared its support for creating an international (or internationalized) tribunal for the crime of aggression, an important signal of strengthened international cooperation in this area.
- Civil society organizations in Poland are also actively involved in the process of preventing impunity. Their activities focus on documenting violations of international humanitarian law and human rights law (which can amount to core crimes defined by international criminal law). This documentation aims to support survivors' access to justice mechanisms, thus strengthening the protection of their rights and increasing the effectiveness of actions against perpetrators of international crimes.

### **Aims of the conference and topics covered**

The conference was organized to address the increasing demand for sharing knowledge and experiences about international criminal law standards and their application within the Polish justice system. Its purpose was to initiate:

- coordination of initiatives aimed at ensuring accountability for the international crimes committed in the context of the armed conflict in Ukraine,
- a holistic approach to justice that considers the rights and needs of victims (*victim/survivor-centred approach*).

Poland faces numerous challenges that need to be resolved to improve the effectiveness of investigations of international crimes, enable their prosecution, and guarantee the rights of the victims and survivors. These challenges include both legal and practical dimensions.

In the legal sphere, the primary issue is activating universal jurisdiction in Poland to facilitate the formulation of charges against alleged perpetrators and initiate international searches of the accused individuals.

Another challenge is developing a methodology for investigating international crimes that considers the unique aspects of these proceedings and adopts a victim/survivor-centered approach. Obtaining testimonies from survivors is essential for the successful investigations of international crimes. Therefore, it is vital to implement protocols that protect them from further victimization. These initiatives should occur alongside providing comprehensive support for victims and witnesses, including medical, psychosocial, and legal assistance.

Until now, the Polish justice system has failed to sufficiently address the perspectives and needs of victims and survivors, both in prosecuting international crimes committed overseas and those occurring within Poland, such as sexual violence, human trafficking, and torture. Consequently, there is a lack of a unified support system within Polish institutions, including social support and healthcare, that adequately serves victims, especially those in vulnerable situations.

To reflect these challenges, the conference consisted of two segments:

- The first segment included two panels on the challenges of prosecuting perpetrators of international crimes,
- The second segment was focused on the rights, perspectives and needs of the victims, which were also discussed during two panels.

In all panels, experts highlighted the importance of coordinating activities and providing relevant training. They noted that a victim/survivor-centered approach requires close cooperation between key institutions.

Recommendations were repeatedly emphasized in subsequent panels, particularly regarding the improvement of support and protection for witnesses and victims, as well as the strengthening of the operational capacities of law enforcement authorities.

### **Opening of the conference**

The conference was officially opened by **the Minister of Justice, Adam Bodnar**, who in his speech stressed the importance of joint international efforts to prosecute international crimes committed during the armed conflict in Ukraine. The minister pointed to the key role of Poland in protecting and strengthening the ICC and the need to prepare the Polish prosecutor's office to effectively use the instruments of international law, including universal jurisdiction. He also emphasized the importance of the work of the Criminal Law Codification Commission in this area.

**Oleksiy Khomenko, First Deputy General Prosecutor of Ukraine**, stressed the importance of international cooperation in the prosecution of war criminals and the important role of the ICC. He drew attention to the need to involve the international community, including Polish, in documenting and accounting for crimes committed in Ukraine.

**Maciej Nowicki, President of the Management Board of the Helsinki Foundation for Human Rights**, drew attention to the need to take into account the rights and needs of victims in criminal proceedings. He stressed the need to provide them with medical, psychological and social support. He pointed out that there are people in Poland who have been harmed by the most serious violations of international law, not only from Ukraine, but also from Belarus and other countries.

**Dr. Ewa Hofmańska, President of the Sunflowers Foundation**, emphasized in her speech that respect for the rights of victims must be an integral part of the process of restoring justice. She noted that the prosecution of the perpetrators of international crimes committed in Ukraine should go hand in hand with providing support to the victims of this war, which is crucial for building their sense of security and rebuilding their prosperity.

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## PANEL I. TAKING STOCK - PROSECUTING INTERNATIONAL CRIMES COMMITTED IN THE CONTEXT OF THE AGGRESSION BY THE RUSSIAN FEDERATION AGAINST UKRAINE

*The panel provided an overview of the criminal investigations ongoing at the ICC, in Ukraine, and other States exercising universal jurisdiction. The panellists discussed the success stories and persistent challenges to ensuring the effective administration of justice in these cases. Furthermore, they shared experience in designing strategies to conduct such complex investigations. The involvement of CSOs to support documentation of violations and outreach to survivors was also discussed.*

Moderator: **Professor Patrycja Grzebyk** (University of Warsaw)

Panelists:

- **Andryi Leshchenko**, General Prosecutor's Office of Ukraine
- **Ryszard Rafalski**, National Prosecutor's Office in Poland
- **Jacek Baranowski**, Analytical Project on Core International Crimes (AP CIC), Europol - European Counter Terrorism Centre
- **Tinna Goletiani**, Fight against International Crimes Sub-Component, Pravo-Justice Ukraine

### Conclusions from the discussion

With the growing number of Ukrainian refugees and people affected by the war, Poland is facing the challenge of adapting procedures and legal provisions in order to identify perpetrators and conduct investigations on an international scale effectively.

Currently, the Polish prosecutor's office features an investigative team consisting of four prosecutors from the Mazovian Branch of the National Prosecutor's Office's Department for Organized Crime and Corruption in Warsaw, supported by officers from the Internal Security Agency (ABW) and the Police.

Since February 2022, the team has been investigating war crimes and war of aggression perpetrated by the authorities and officials of the Russian Federation. Simultaneously, the prosecutors involved in this team are engaging in other investigations related to organized crime.

The conference participants highlighted the insufficient human resources within the investigative team and stressed the need for its enhancement, particularly through specialised training in handling proceedings related to international crimes. In this context, the heightened risk of vicarious trauma stemming from direct

interaction with survivors and their experiences is also noted. To this end, access to psychological support for the members of the investigative team is essential

In order to ensure the effectiveness of the prosecution of perpetrators present on Polish territory, cooperation with international institutions such as Europol, the EU Agency for Criminal Justice Cooperation (Eurojust) and the Ukrainian prosecutor's office should be further strengthened.

The necessity of investing in modern technologies and specialised training for the investigative team in using OSINT (Open Source Intelligence) was also discussed, enabling more effective collection and securing of evidence such as video materials, satellite images, and social media content. Simultaneously, attention was drawn to the absence of uniform procedures that would allow the inclusion of OSINT evidence in criminal cases proceedings.

The issue of allocating funds for establishing a secure and properly protected database for the collection and storage of evidence and for the implementation of technology to facilitate the rapid processing of large digital data sets was also discussed.

The problem of the lack of comprehensive legal, social, psychological and medical support for witnesses and victims has been repeatedly emphasized. The panelists pointed out that the prosecutor's office lacks experts in psychology and forensic medicine, in particular specialists trained to work with people experiencing war trauma and torture. This is crucial to mitigate the risk of secondary traumatising of witnesses and victims.

The importance of strengthening collaboration with international partners and civil society organizations was highlighted, particularly regarding the lack of established procedures and the need to build trust and coordination guidelines. Working with civil society organizations that have vital information on violations of international law enhances evidence collection. It helps establish connections with victims and witnesses, which is essential for ensuring accountability. These organizations provide specialized expertise and experience in delivering psychosocial support, which represents a significant shortcoming in the Polish legal system

Investments in these areas will not only increase the effectiveness of the Polish justice system in prosecuting international crimes, but will also prove useful in conducting other complex investigations, such as cases of human trafficking, sexual violence or terrorism.



## **Recommendations to the Polish Government based on the interventions of the conference participants**

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**In order to strengthen operational and human resources, the following should be considered:**

- Establishing a dedicated team at the Office of the National Prosecutor focused on conducting proceedings related to the most serious international crimes and coordinating the efforts of other law enforcement agencies in this area. This team should have the necessary human, financial, training and technological resources to effectively conduct proceedings in this domain.
- Increasing the number of specialised prosecutors and investigators dealing with the most serious international crimes while ensuring that gender balance is considered in the team's structure.
- Providing access to psychological assistance for prosecutors and investigators dealing with the most serious international crimes.
- Setting up dedicated investigative teams at the national level that can respond quickly to international requests for legal assistance.
- Strengthening the evidence analysis and cross-border investigations by hiring experts to analyze digital data (Open Source Intelligence – OSINT, satellite imagery, video recordings) and training existing staff in using these technologies.
- Increase financial and operational resources to rapidly process large amounts of evidence, including by funding new technologies and data analysis tools.

**Documenting and securing evidence should be improved by:**

- Establishing a system to secure evidence of international crimes, particularly by creating a dedicated national platform for storing evidence (such as recordings, witness statements, documents, and satellite images) in accordance with international standards.
- Securing OSINT evidence through an appropriate method of recording and archiving content from social media, online testimonies, and other available sources in a manner that permits its use as trial evidence in the future date.
- Training prosecutors and investigators in the acquisition and preservation of digital evidence, including the use of tools for the analysis of satellite images and video materials.
- Implementing standard protocols to facilitate the incorporation of OSINT evidence in criminal proceedings proceedings.

**Improving international cooperation and information exchange requires:**

- Further strengthening collaboration with Europol and Eurojust by establishing sustainable communication channels and mechanisms to facilitate a quicker flow of information and evidence regarding international crimes.
- Using Europol's central analytical platform, which enables the processing of data from sources such as OSINT and satellite imagery.
- Continuously fostering cooperation with civil society organisations (both Polish and foreign) and creating a clear procedure that allows them to provide evidence swiftly and efficiently manner.

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## PANEL II EXERCISE OF UNIVERSAL JURISDICTION

*The panel focused on the obligation (and opportunity) of States to prosecute the most serious international crimes within their domestic legal systems to help fight impunity. The panellists presented various models of exercising universal jurisdiction, examining their effectiveness and relevance. They also discussed the scope and limitations of applying the principle of universal jurisdiction, including in the context of the ongoing investigations carried out by the Ukrainian justice system and the ICC.*

Moderator: Professor **Paweł Wiliński** (Sunflowers Foundation, Adam Mickiewicz University of Poznań, Member of the Codification Commission of Criminal Law)

Panelists:

- Professor **Piotr Hofmański**, former Judge and President of the ICC
- Judge **Tomas Zander**, Stockholm District Court, Sweden
- **Dominik Zajac**, PhD, Criminal Law Codification Commission
- Professor **Hanna Kuczyńska**, Polish Academy of Science, Foundation Sunflowers
- **Antonia David**, Senior Program Manager, The Docket, Clooney Foundation for Justice

### Summary of the discussion

The panelists stressed that Poland's role in prosecuting international crimes has significant legal, social, and political advantages, directly impacting victims' access to justice

It was pointed out that the proposed reforms in prosecuting these crimes should be treated as an investment in the efficiency and effectiveness of the justice system. This is particularly important given the Polish justice system's lack of previous practice in this area. Increasing the number of trained staff, clarifying the legal framework and procedures, and ensuring adequate operational resources were again mentioned as priority areas of consideration for the authorities in Poland.

The central question is: *How does Poland intend to address the matter of international justice?* Should it pursue complete sovereignty in carrying out investigations and take a leading role in the international justice landscape, or should it concentrate on supporting the ICC and the law enforcement agencies of other nations?

The German and Swedish models of universal jurisdiction were highlighted as examples that facilitate the prioritization of cases and the establishment of rules for initiating proceedings. The practical value of adopting the model of universal jurisdiction – enabling the prosecution of crimes regardless of whether victims or

perpetrators on Polish territory – is particularly significant given the ongoing armed conflict in Ukraine. A significant number of victims of international crimes, including survivors of sexual violence and displacement, are currently in Poland. It was emphasized that these individuals have limited opportunities for seeking justice both before the ICC, where the number of proceedings is limited, and in Ukraine, where the judicial system remains overburdened.

The panelists pointed out that many of the victims live and work in Poland, and their lives and interests are currently connected to our country. Poland's active involvement in the proceedings could not only support global efforts to combat impunity but also contribute to the practical protection of the rights of victims who currently have direct contact with the Polish legal system.

An effective response could significantly improve the operational efficiency of law enforcement agencies, leading to better resource utilization and capacity in the prosecution of international crimes

### **Recommendations of panelists and conference participants**

**Comprehensive legislative reforms should be considered to allow the exercise of universal jurisdiction, including:**

- Clarifying the legal basis of universal jurisdiction, including the definition of the catalogue of offences covered by universal jurisdiction and the conditions of its application to avoid interpretative ambiguities and dependence on references to international conventions.
- Transferring "non-extradition" requirement from Articles 110 and 113 of the Criminal Code to procedural provisions — currently, this clause creates interpretative ambiguities and hinders the effective conduct of proceedings.
- Harmonizing criminal procedures – developing guidelines for prosecutors and judges on issuing arrest warrants and initiating proceedings based on universal jurisdiction.
- Introducing legislation to improve the prosecution of international crimes, including crimes such as torture, sexual violence and the forced displacement of children<sup>1</sup>.
- Simplifying procedures for extraditing perpetrators from other countries and facilitating the transfer of evidence and procedural matters files.

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<sup>1</sup> Detailed recommendations in this regard can be found in an expert opinion commissioned by the Helsinki Foundation for Human Rights entitled "[Effective prosecution of international crimes in Poland: necessary changes in the Polish legal system and approach to international criminal law](#)".

**Increasing the transparency of the system requires:**

- Creating a registry of cases concerning international crimes prosecuted under universal jurisdiction, which will allow for monitoring the actions and progress of law enforcement authorities.
- Introducing authorization procedures for each case related to universal jurisdiction to limit, for example, the initiation of proceedings solely based on media reports and reduce the risk of imposing an excessive burden on the legal system.

**Good international practices should be considered, including:**

- Applying prosecutorial discretion in determining priorities for proceedings related to universal jurisdiction, will enable the rational use of justice system resources and prevent excessive workload.
- Implementation of provisions similar to the German [StPO § 153f](#), which regulates the rules for exercising universal jurisdiction, including the prosecutorial discretion when deciding to initiate proceedings.

**Reducing the risk of jurisdictional conflicts requires:**

- Regulating the ne bis in idem rules by introducing provisions specifying how to resolve situations where the perpetrator is prosecuted simultaneously in Poland and in another country (to avoid duplication of proceedings).
- Strengthening cooperation with the ICC and other countries – introducing mechanisms to regulate extradition requests.

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## PANEL III SUPPORT FOR WITNESSES AND VICTIMS IN CRIMINAL PROCEEDINGS

*The panel focused on developing an adequate support system for witnesses and survivors in criminal proceedings. This includes hiring trained social workers and psychologists to assist these individuals, guiding them through the criminal justice process and providing them with necessary psychological and social assistance before, during, and after criminal proceedings. Panelists reflected on best practices based on the experience of international tribunals, courts, and domestic legal systems.*

Moderator: **Anna Adamska-Gallant**, PhD (Pravo-Justice UE Project)

Panelists:

- **Veronika Plotnikova**, Coordination Center for Witness and Victim Support, PG of Ukraine
- Dr **Wiola Rębecka**, Polish Center for Torture Survivors (online)
- **Agata Bzdyń**, Feminoteka
- **Charu Lata Hogg**, All Survivors Project (online)
- **Ajna Mahmić**, TRIAL International, Bosnia and Herzegovina

### Summary of the discussion

The panelists emphasised the crucial importance of witness and victim testimony in international crime trials. They observed that participating in these trials often involves confronting stress, war trauma, and the fear of facing perpetrators, which can impede the ability to provide testimony that is deemed complete and reliable in criminal proceedings. Moreover, it was stated that Poland, as a state supporting international justice and the ICC, should aim to offer extensive support to victims and witnesses of international crimes.

*The victim/survivor-centered approach focuses on prioritizing the rights and needs of victims throughout justice processes. This considers their traumatic experiences, along with safeguarding their privacy and personal information. Practically, this approach encompasses, among other things, reducing the chances of re-victimization and retraumatization, integrating the victims' perspective at all stages of proceedings, and offering comprehensive legal, psychosocial, and medical support. This approach also increases the effectiveness of prosecuting international crimes by allowing for the collection of complete testimonies. Simultaneously, it improves trust in the judicial system, further improving investigative effectiveness activities.*

The experiences shared at the conference from countries such as Ukraine, Bosnia and Herzegovina, and Colombia demonstrate that support systems including, among other things, identity protection, the ability to testify without direct contact with the accused, and access to psychological help, significantly enhance access to justice and minimise the risk of secondary traumatisation witnesses. During the discussion, the need to adapt procedures to the needs of people in vulnerable situations, such as survivors of *conflict-related sexual violence (CRSV)* or torture, as well as people at risk of discrimination, was repeatedly emphasized.

The discussion also covered practical support elements, highlighting that having psychologists or social workers present during testimonies enhances victims' feelings of security. This, in turn, leads to more complete and credible testimonies and more effective criminal proceedings

The panelists highlighted that such a support system fosters citizens' trust in state institutions and enhances the social sense of justice. Implementing coherent protection and support mechanisms would also align with Poland's international commitments and could serve as a model of good practice to be applied in other criminal proceedings, such as cases of human trafficking or sexual violence.

The panellists unanimously agreed that establishing such a system is both urgent and essential for safeguarding the safety, dignity, and adequate support of victims and witnesses throughout all stages of the criminal process proceedings.

### **Recommendations of panelists and conference participants**

**The creation of a comprehensive support system based on a victim/survivor-centred approach should include:**

- Holistic support involves offering access to psychological, legal, and social assistance throughout every stage of the process—before, during, and after the criminal trial—based on the latest and best international practices
- Create a central institution to coordinate the provision of psychological, legal, and social support for victims and witnesses, ensuring this assistance is readily available near their homes. This necessitates improving collaboration among courts, prosecutors, police, social welfare centres, and civil society organisations by establishing a support coordinator role within the relevant prosecution and court departments focusing on international crimes and other crimes causing serious psychosocial and health impacts.

**Increasing the availability of psychological support requires:**

- Investing in training and hiring trauma specialists.
- Developing procedures and training prosecutors, judges, defense lawyers, and psychologists to minimize the risk of secondary trauma for victims of

international crimes, especially those who are survivors of sexual violence torture.

- Ensuring the availability of friendly rooms for interviewing victims and survivors to minimise re-traumatisation

**In order to ensure the safety and protection of the identity of victims and witnesses, it is necessary to:**

- Introduce the option for anonymous testimony (e.g., videoconferencing with image and voice anonymisation) to safeguard victims and witnesses from stigmatisation and retaliation perpetrators.
- Conduct hearings in separate rooms using screens or a videoconferencing system, allowing the victim to avoid confronting the perpetrator directly.
- Ensure the safety of witnesses in situations where they may face retaliation from perpetrators. This could involve unique relocation programs and access to specialized witness protection services units.

**Effective prosecution of perpetrators of CRSV and forced displacement of children requires:**

- Prioritise CRSV and implement special procedures for prosecutors to investigate cases of sexual violence.
- Support Ukrainian authorities in facilitating the return of children to their families, including the provision of legal and psychological care for children residing in Poland.
- Create secure pathways for CRSV reporting using tools such as helplines and online forms etc.

**Strengthening legal and information support should include:**

- Access to free legal assistance at every stage of the process enables survivors and victims to exercise their rights and understand the procedures of criminal proceedings.
- Victim status reporting system – establish a dedicated digital platform (app or website) to allow victims and witnesses to track the progress of their cases.
- Produce brochures, informational videos, and educational materials in languages accessible to victims and witnesses to enhance their understanding of the process and their rights.



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## PANEL IV JUSTICE FROM THE PERSPECTIVE OF VICTIMS

*This panel focused on survivor-centred justice, which is broader than seeking accountability for the perpetrators in criminal proceedings. The instruments and guidelines of international law define the rights of people subjected to the most serious violations to reparations mechanisms designed to address the destructive impacts of these violations. Developing effective reparation mechanisms is a complicated and lengthy process, while survivors often require urgent support, such as medical care or psycho-social support. This panel suggested what host countries such as Poland can do to ensure these urgent needs are met and whether adopting such a survivor-centred approach in the Polish legal system is a broader benefit.*

Moderator: Professor **Aleksandra Meżykowska** (Polish Academy of Science, Polish Representative to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine)

Panelists:

- **Franziska Eckelmans**, ICC Trust Fund
- **Marlene Yahya Haage**, Register of Damages
- **Oleksandra Romantsova**, Center for Civil Liberties, Ukraine
- **Nataliia Melnyk**, Bluebird, Ukraine
- **Lyra Nightingale**, REDRESS

### Summary of the discussion

The panelists emphasized that due to ongoing armed conflicts, forced displacement, and international legal commitments, Poland must be ready to offer extensive support—not solely through legal avenues—to individuals who have suffered from torture, sexual violence, the disappearance of family members, or other breaches of international law. It was highlighted that as an EU member and a signatory to international treaties, Poland is required to adhere to UN guidelines on reparations, including rehabilitation for survivors of international crimes.<sup>2</sup>

Survivors of international crimes without a dedicated support system face significant challenges in accessing legal, medical, and psychological assistance, which prolongs their suffering and exacerbates their marginalization. The long-lasting physical and psychological health consequences greatly affect individual

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<sup>2</sup> More on this topic in the report by the Helsinki Foundation for Human Rights: [In Search of Justice. Rights of persons who have experienced violations of international law during the Russian Federation's aggression against Ukraine](#) (pp. 18-19).

survivors' ability to adapt socially and economically, especially in the context of forced migration.

Creating a robust support framework for survivors of international crimes strengthens social cohesion and fosters trust in the legal system and public institutions. Initiatives such as the Trust Fund for Victims (TFV) at the ICC and the Register of Damage for Ukraine (RD4U) at the Council of Europe exemplify collaborative efforts to provide comprehensive assistance to victims. However, the TFV is available only to select survivors engaged in criminal cases at the ICC, and the RD4U is still not operational. Therefore, it is essential to ensure that victims and survivors of international crimes can obtain immediate help—encompassing psychological, medical, social, and legal support—regardless of their location.

It was also pointed out that the experience of other countries shows that some support services can be provided by specialized non-governmental organizations financed from public funds. At the same time, it is necessary to train public officials, medical professionals and other specialists in identifying victims and recognizing their needs, as well as ensuring an appropriate flow of information to direct victims to appropriate forms of assistance.

By implementing these support systems in Poland, an efficient and accessible domestic framework can be established for all victims, including those who have suffered international crimes abroad, as well as survivors of sexual violence, human trafficking, torture, or other serious crimes occurring within Poland.

### **Recommendations of panelists and conference participants**

**Consideration should be given to creating a survivor support system based on a holistic approach, including:**

- Specialist organisations (state or non-governmental funded, e.g. from the Justice Fund) where victims can receive support in one place ("one-stop shop"):
  - Free legal services.
  - Dedicated support lines – establishing a 24-hour helpline to enable victims to report their needs and receive assistance.
  - Access to adequately trained psychologists, therapists, and crisis intervention specialists.
  - Access to medical assistance, physical rehabilitation, and prosthetic care – providing funding for victims who have sustained physical injuries (e.g. loss of limbs, dental injuries), including the purchase of dentures and access to rehabilitation services programmes.

**Access to reparation mechanisms available in Ukraine and at the level of international institutions (e.g. the Register of Damages at the Council of Europe) should be ensured, including:**

- Legal assistance for victims seeking compensation claims for both material and non-material damages in Ukraine and internationally institutions.
- Support for individuals with special needs—those in vulnerable situations (e.g. people with disabilities, children, victims of CRSV) ought to receive additional help (e.g. translation of applications into foreign languages, support for sign language) interpreter).

**The creation of a central register of victims is necessary in order to:**

- Registering the data of victims of international crimes residing in Poland and estimating the scale of needs.
  - Coordinating urgent and longer-term assistance available in Poland (psychological, medical, legal, and social support).
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## Appendix 1. Press release



### **Can Poland prosecute perpetrators of international crimes? The HFHR and the Sunflowers Foundation, in collaboration with the Ministry of Justice of Poland, initiate a discussion on the application of universal jurisdiction in Poland**

Poland has welcomed approximately one million refugees from Ukraine. Many have directly faced or witnessed international crimes, prompting Poland to implement measures aimed at ensuring accountability for perpetrators of the crimes committed during the Russian Federation's aggression against Ukraine. On November 13, 2024, a conference organized by the Helsinki Foundation for Human Rights and the Sunflowers Foundation, under the honorary patronage of the Ministry of Justice, will address the challenges in establishing an effective system for prosecuting international crimes in Poland and supporting victims and survivors. The discussions will feature Minister of Justice Adam Bodnar, Acting Prosecutor General of Ukraine Oleksiy Khomenko, Deputy Prosecutor General Jacek Bilewicz, representatives from international institutions, and experts in international law and NGOs from Poland, Ukraine, and other European states.

Maciej Nowicki, President of the Board of the Helsinki Foundation for Human Rights:

*Poland's engagement in the prosecution of international crimes in Ukraine is essential for fulfilling our international obligations to prevent impunity. Moreover, Poland hosts many individuals from Ukraine and elsewhere who have endured severe violations of international law, including torture, sexual violence, and enforced disappearances. As the war in Ukraine intensifies, more victims with such experiences continue to arrive in Poland. The Polish legal system must be equipped to prosecute these crimes effectively and, in certain cases, to bring the perpetrators before national courts under universal jurisdiction."*

In 2022, the National Prosecutor's Office of Poland launched a criminal investigation into the Russian Federation's acts of aggression against Ukraine and the crimes committed throughout this conflict. The evidence being gathered aims to support investigations by the International Criminal Court, the Prosecutor General's Office in Ukraine, and countries exercising universal jurisdiction, meaning those that apply laws allowing for the prosecution of international crimes committed on the territory of other states before their

own courts. Nonetheless, Poland continues to confront numerous challenges and systemic gaps that hinder access to justice for victims.

Ewa Hofmanska, PhD, President of the Sunflowers Foundation, which implements the Sunflowers Project:

*"We anticipate that this conference will enhance collaboration between Polish and international law enforcement agencies, specialists in international criminal law, humanitarian law, human rights—specifically for those affected by armed conflict—and NGOs. Our aim is for the insights and experiences shared by participants to motivate reforms in Polish law and facilitate the creation of a strategy for prosecuting international crimes as well as a comprehensive program to support individuals affected by war in Poland. We are dedicated to an integrated approach to justice that considers the rights and needs of those victimized by war crimes and associated human rights abuses."*

In June 2024, the Helsinki Foundation for Human Rights published [recommendations](#) prepared by experts in international criminal law regarding procedural issues and the foundation for prosecuting international crimes committed outside Poland's territory under the principle of universal jurisdiction. The document also includes proposals for changes to the approach to international criminal law, the scope and method of criminalising international crimes within Polish criminal law, and the organisation of investigative bodies' work.

Prof. Hanna Kuczynska, INP PAN, member of the Board of Directors of the Sunflowers Foundation:

*At present, Polish criminal law does not facilitate the effective prosecution of international crimes under the principle of universal jurisdiction. Establishing a robust system for prosecuting international crimes is essential—this would enable Poland to fulfill its international obligations while also fostering a sense of justice and offering victims hope for compensation for their suffering.*

HFHR and the Sunflowers Foundation belong to the Coalition for Victims, Survivors and Witnesses (KOOS). One of KOOS's objectives is to foster collaboration with law enforcement agencies and enhance public awareness about international crimes perpetrated in Ukraine due to Russian aggression. Additionally, it aims to highlight how these crimes affect victims' lives. A key initiative of KOOS is to ensure that Poland acknowledges the rights of victims and survivors as mandated by international obligations

Kaja Kowalczevska, PhD, Coordinator of the Coalition for Victims, Survivors and Witnesses:

*"Effective prosecution of international crimes also requires cooperation between law enforcement agencies and NGOs involved in documenting international crimes. As NGOs, we coordinate these activities among ourselves to reach as many victims as possible and help them share testimonies with law enforcement, while avoiding the risk of re-victimization."*

NGOs are essential in aiding individuals affected by severe crimes. For instance, those who have endured torture often turn to NGOs for support, given that the Polish state fails to recognize their specific needs. In June 2024, the HFPC released a report detailing the experiences of refugees from Ukraine impacted by significant breaches of international law, currently residing in Poland: **"In Search of Justice. The rights of those who experienced violations of international law during the Russian Federation's aggression against Ukraine."**

Aleksandra Iwanowska, PhD, Member of the Board of the HFHR:

*In Poland, individuals who have suffered severe violations of international law remain invisible to state institutions, hospitals and social welfare centres. We maintain regular contact with those facing the health and psychological repercussions of the crimes they suffered. For the past six months, we have been seeking support for a person who lost most of his teeth due to torture inflicted by Russian military officers. The symptoms resulting from such injuries hinder this individual's ability to function normally. At the same time, treatment for these injuries is not covered by the National Health Service, and the cost of private healthcare far exceeds his financial means. Justice entails not only punishing the perpetrators of crimes but also providing support to the victims. The Polish support system must be prepared to help restore these individuals, as much as possible, to their lives prior to the crime.*

ORGANIZERS:

HONORARY PATRONAGE:



## ACCOUNTABILITY FOR THE INTERNATIONAL CRIMES COMMITTED IN UKRAINE

### JOINT EFFORTS TO MAKE IT HAPPEN

13 NOVEMBER 2024, WARSAW, POLAND

The conference, hosted by Poland, is an opportunity to bring together Polish, Ukrainian and international policymakers, legal experts, academics, and civil society organisations (CSOs) to take stock and discuss the importance of domesticating international criminal law to fight impunity for international crimes committed by the Russian Federation armed forces in Ukraine. The aims are to:

- Enhance coordination of accountability initiatives in Poland and with other European actors.
- Reflect on necessary policy change and capacity building in Poland to increase the effectiveness of these initiatives, comparing experiences from other countries where international crimes are prosecuted before domestic courts.
- Promote a holistic approach to ensuring the rights of the victims and survivors.

Poland, as a country bordering Ukraine and hosting nearly one million refugees, has taken action to fight the impunity of the perpetrators of international crimes committed in Ukraine. In 2022, the Office of the Polish Prosecutor General initiated criminal proceedings concerning Russia's war of aggression against Ukraine and war crimes committed in the context of the war. The purpose is to support investigations conducted by the International Criminal Court (ICC), the Ukrainian justice system, and European countries that exercise universal jurisdiction. Civil society organisations in Poland have also documented violations of international humanitarian law (IHL) and international human rights law (IHRL) to support access to justice and reparations for the survivors.

At the same time, Poland faces challenges that must be addressed to ensure more effective investigation and prosecution of international crimes. The challenges are legal (e.g., related to exercising universal jurisdiction, developing a methodology of investigating international crimes) and practical (e.g., implementing standards to prevent re-victimization in collecting evidence and developing guidelines to ensure victims and survivors can access medical and psycho-social assistance).

The conference participants will be asked to share their knowledge and expertise to inform solutions to both challenges. Two panels will focus on the legal aspects, and two panels will examine the needs and rights of the survivors.

The conference's language is English, and simultaneous translation (Ukrainian, Polish) will be provided. The participants will represent the legal profession from Poland, Ukraine, and other European countries, as well as international institutions, academia, and civil society organisations.

CO-ORGANIZERS:

MEDIA PATRONAGE:



# AGENDA

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REGISTRATION: 08.30 – 09.00

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## OPENING

09.00 – 09.30

ADAM BODNAR, Minister of Justice Prosecutor General of Poland

OLEKSIY KHOMENKO, First Deputy Prosecutor General of Ukraine

MACIEJ NOWICKI, President of the Board, Helsinki Foundation for Human Rights

EWA HOFMAŃSKA, PhD, President of the Foundation Sunflowers Executive Board

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## INVESTIGATIONS INTO THE INTERNATIONAL CRIMES COMMITTED IN THE CONTEXT OF THE AGGRESSION BY THE RUSSIAN FEDERATION AGAINST UKRAINE

TAKING STOCK

09.30 – 11.00

The panel will provide an overview of the criminal investigations ongoing at the ICC, in Ukraine, and other States exercising universal jurisdiction. The panelists will discuss the success stories and persistent challenges to ensuring the effective administration of justice in these cases. Furthermore, they will exchange experience in designing strategies to conduct such complex investigations. The involvement of CSOs to support documentation of violations and outreach to survivors will also be discussed.

MODERATOR:

PROFESSOR PATRYCJA GRZEBYK

PANELISTS:

- ANDRIY LESHCHENKO, General Prosecutor's Office of Ukraine
  - RYSZARD RAFALSKI, National Prosecutor's Office in Poland
  - JACEK BARANOWSKI, Analytical Project on Core International Crimes (AP CIC), Europol - European Counter Terrorism Centre
  - TINNA GOLETIANI, Fight against International Crimes Sub-Component Lead, Pravo-Justice Ukraine
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COFFEE BREAK 11:00 - 11:15

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## EXERCISE OF UNIVERSAL JURISDICTION

11.15 – 12.45

This panel will focus on the obligation (and opportunity) of States to prosecute the most serious international crimes within their domestic legal systems to help fight impunity. The panellists will present various models of exercising universal jurisdiction, examining their effectiveness and relevance. They will also discuss the scope and limitations of applying the principle of universal jurisdiction, including in the context of the ongoing investigations carried out by the Ukrainian justice system and the ICC.

MODERATOR:

PROFESSOR PAWEŁ WILIŃSKI

(Adam Mickiewicz University of Poznań, Member of the Codification Commission of Criminal Law, Foundation Sunflowers)

PANELISTS:

- PROFESSOR PIOTR HOFMAŃSKI, The Jurisdiction of the ICC and Universal Jurisdiction - Introduction
- JUDGE TOMAS ZANDER, Stockholm District Court, Sweden
- DOMINIK ZAJĄC, PHD, Criminal Law Codification Commission
- PROFESSOR HANNA KUCZYŃSKA, Polish Academy of Science, Foundation Sunflowers
- ANTONIA DAVID, Senior Program Manager, The Docket, Clooney Foundation for Justice

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LUNCH BREAK 13:00 - 14:00

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## SUPPORT FOR WITNESSES AND SURVIVORS IN CRIMINAL PROCEEDINGS

14.00 – 15.30

The panel will focus on developing an adequate support system for witnesses and survivors in criminal proceedings. This includes hiring trained social workers and psychologists to assist these individuals, guiding them through the criminal justice process and providing them with necessary psychological and social assistance before, during, and after criminal proceedings. Panelists will reflect on best practices based on the experience of international tribunals, courts, and domestic legal systems.

MODERATOR:

ANNA ADAMSKA-GALLANT, PHD (Pravo-Justice UE Project)

PANELISTS:

- VERONIKA PLOTNIKOVA, Coordination Center for Witness and Victim Support, PG of Ukraine
- WIOLA RĘBECKA, PHD, Polish Center for Torture Survivors
- AGATA BZDYŃ, Feminoteka
- CHARU LATA HOGG, All Survivors Project
- AJNA MAHMIĆ, TRIAL International, Bosnia and Herzegovina

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COFFEE BREAK 15:30 - 15:45

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## JUSTICE FROM THE PERSPECTIVE OF SURVIVORS OF CRIMES

15.45 – 17.00

This panel will focus on survivor-centred justice, which is broader than seeking accountability for the perpetrators in criminal proceedings. The instruments and guidelines of international law define the rights of people subjected to the most serious violations to reparations mechanisms designed to address the destructive impacts of these violations. Developing effective reparation mechanisms is a complicated and lengthy process, while survivors often require urgent support, such as medical care or psycho-social support. This panel answers what host countries such as Poland can do to ensure these urgent needs are met and whether adopting such a survivor-centred approach in the Polish legal system is a broader benefit.

MODERATOR:

PROFESSOR ALEKSANDRA MEŻYKOWSKA

(Polish Academy of Science, Polish Representative to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine)

PANELISTS:

- FRANZISKA ECKELMANS, ICC Trust Fund
- MARLENE YAHYA HAAGE, Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine
- OLEKSANDRA ROMANTSOVA, Center for Civil Liberties, Ukraine
- NATALIIA MELNYK, Bluebird, Ukraine
- LYRA NIGHTINGALE, REDRESS

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CLOSING 17:15

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