

Written testimony of Andriy Kostin – Prosecutor General of Ukraine before the House Committee on Foreign Affairs Subcommittee of Europe, Energy, the Environment and Cyber for the Hearing on Accountability for Atrocity Crimes Committed by Russia in Ukraine

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Chairman Keating, Ranking Member Fitzpatrick and distinguished members of the subcommittee. I greatly appreciate this opportunity to appear before you today to testify on the topic of accountability for atrocity crimes committed by Russia in Ukraine.

At the outset, I wish to convey my sincere gratefulness to the United States, its government and people, for your unwavering and crucial political, security and financial support of Ukraine.

Since 2014 Ukraine is fighting for its territorial integrity and lives of its people. From February 24, 2022, 211 days have passed since unprecedented full-fledged military aggression, kinds of which Europe has not experienced after the Second World War. This is not a simple war; by choosing this path, Russia has challenged the current world order.

Russia has reverted to tactics of violence and terror. Daily they are inflicting unimaginable suffering to Ukrainians and destroying civilian and critical infrastructure. This is done to break the resistance of Ukraine and affect its future as prosperous and democratic State.

In these circumstances, State institutions of Ukraine are still functioning steadily. All law-enforcement agencies are diligently implementing their functions and upholding law and order.

To date, we are investigating over 32 thousand instances of war crimes, which include indiscriminate shelling, premediate murders, torture, rape, looting, forced deportation etc. These crimes have resulted in the death of over 7 thousand people, including 380 children. This number excludes casualties in occupied territories like in Mariupol, where we do not have access. Estimated number of casualties in these territories is assessed by tens of thousands.

As a result of our actions, we already have 158 individuals charged as suspects and 9 - convicted for war crimes.

With the recent liberation by the Ukrainian army of Eastern and Southern territories, we are discovering residues of further hideous crimes. So, our docket is getting heavier.

Let us remember atrocious nature of Russia's military action:

Mass killings and torture in Bucha and other towns of Kyiv region

Bombing of Mariupol maternity hospital;

Bombing of Mariupol Drama Theatre

Shelling of Kramatorks Railway Station;

Strike on railway station in Chaplyne;

Bombing of the shopping center and supermarket in Kremenchuk;

Attack on Olenivka camp, where Ukrainian prisoners of war were located;

And finally, over 400 mass graves discovered in Iziium, Kharkiv region, with signs of torture and limbs and heads detached.

I am confident you all have seen tragic photos from Mariupol. Currently, we have just 5 cases in relation to crimes committed in Mariupol. You might ask why is this the case. The answer is simple; the city is still under Russian occupation. We cannot determine the extent of crimes or a number of victims and hold perpetrators accountable unless we enter. And Mariupol is not the only city in this situation. The only way to achieve accountability is by taking back these territories and for this we require weaponry. Here, the logic is simple: with arms we will achieve the victory, which will further pave the way to accountability.

Atrocities started as a result of aggression. Therefore, it is paramount that Russia is held accountable for this crime as well. Due to jurisdictional constraints, the International Criminal Court is barred from its investigation. Therefore, the creation of the special international tribunal to investigate and punish the crime of aggression is a central for Ukraine. We need to send a clear message that a blatant violation of international law shall not be allowed anymore.

Daily, the war is causing tremendous human and material damage to Ukraine and Ukrainians. Rebuilding of our country will be painstaking and costly. Therefore, we need to establish a sound legal mechanism for compensation for full and effective reparation of harm caused by Russia.

Finally, on a separate note, I would like to underscore that we also highly appreciate efforts of designating Russia as a “state sponsor of terrorism,”. Sowing terror and chaos are modus operandi of Russia and this war shows this.

I wish to conclude by underscoring that Ukraine has shown its readiness and capacity to investigate and prosecute international crimes. It is however our common responsibility to put an end to the syndrome of impunity. Architects of Russia’s political and military policy have been way too long getting away with their blatant disregard of international law. We should resort to all avenues to enforce accountability for those who orchestrated and enabled commission of crimes and to provide measure of justice to victims. And, in this, we count on your support.

Thank you!
