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Council of Europe, Ukraine Establish Ukraine War Tribunal

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Vladimir Zelensky and Alain Berset after signing the agreement on the creation of a special tribunal in the Council of Europe. **Video grab**

The Council of Europe and Ukraine on Wednesday signed an agreement to create a special tribunal to prosecute Russian leaders for the "crime of aggression against Ukraine."

The United Nations Charter defines a crime of aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State."

Ukrainian authorities requested the establishment of a special tribunal on May 13, 2025, as part of an ongoing effort to hold Russian authorities accountable for launching the invasion of Ukraine.

The agreement to establish the tribunal was signed by Ukrainian President Volodymyr Zelensky and Alain Berset, Secretary General of the Council of Europe, during a ceremony at the council's headquarters in Strasbourg, France.

Russia was expelled from the Council following its full-scale invasion of Ukraine in 2022.

The tribunal is expected to conduct official investigations, collect evidence and prepare indictments against top Russian political and military leaders who are deemed responsible for starting the war.

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However, while in office, top Russian leaders are immune from prosecution due to an immunity clause protecting sitting heads of state, heads of governments and foreign ministers.

The tribunal will have the authority to prosecute Russian President Vladimir Putin, Prime Minister Mikhail Mishustin and Foreign Minister Sergei Lavrov once they leave office, or if the Russian Federation lifts their immunity.

The agreement aims to fill a legal gap left by the International Criminal Court (ICC), as the Hague-based court cannot look at the crime of aggression in Ukraine due to jurisdictional limitations.

The new tribunal will consist of 15 judges chosen by a committee representing the countries that sign on to its creation.

"This historic signature reminds us that international law must apply to all — with no exceptions, and with no double standards," said Berset.

"This is a tribunal to judge between victims and aggressors, between impunity and accountability, because without accountability, there can be no lasting peace for Ukraine and Europe as a whole," he added.

Russia's Foreign Ministry said later on Thursday that Moscow would disregard the tribunal and its rulings.

"The work and decisions of this body will be meaningless to us. We will regard the accession of any state to it as a hostile act," Foreign Ministry spokeswoman Maria Zakharova told journalists.

AFP contributed reporting.

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