



## Ukraine: Commission presents options to make sure that Russia pays for its crimes

Brussels, 30 November 2022

The Commission presented today different options to Member States to make sure that Russia is held accountable for the atrocities and crimes committed during the war in Ukraine. The Commission is proposing to create a new structure to manage frozen and immobilised public Russian assets, invest them and use the proceeds for Ukraine. The Commission, while continuing to support the work of the International Criminal Court, is ready to work with the international community on setting up an ad hoc international tribunal or a specialised 'hybrid' tribunal to investigate and prosecute Russia's crime of aggression.

### Accountability for international crimes

Ukraine as well as 14 Member States have already started investigations into international crimes committed by Russia. They are supported by Eurojust through joint investigative teams.

All EU Member States are parties to the **International Criminal Court (ICC)** and the EU fully supports the ICC in its investigations into war crimes and crimes against humanity. However, Russia does not accept the jurisdiction of the ICC. This means that, as things stand, the **crime of aggression**, which is a crime committed by the highest political and military leadership, cannot be prosecuted by the ICC.

This is why the Commission is proposing alternative options to ensure that justice is served:

- A **special independent international tribunal** based on a multilateral treaty or
- A **specialised court** integrated in a national justice system with international judges – a hybrid court – could be put in place.

For both options, strong backing of the United Nations would be essential.

### Paying for the damage done

Russia and its oligarchs must compensate Ukraine for the damage and destruction that is being caused.

In March 2022, the Commission set up the 'Freeze and Seize' Task Force to ensure EU-level coordination of Member States' actions. With its help the EU Member States have frozen €19 billion of assets belonging to Russian oligarchs. Around €300 billion of the Russian Central Bank reserves are blocked in the EU and other G7 partners. To make the most out of this funds and start rebuilding Ukraine already now, the Commission is proposing, among others:

- **In the short-term:** set up a structure to manage the frozen public funds, invest them and use the proceeds in favour of Ukraine.
- **In the long-term:** once the sanctions are lifted, the Central Bank assets will need to be returned. This could be linked to a peace agreement, which compensates Ukraine for the damages it has suffered. The assets that would need to be returned, could be offset against this war reparation.

### Next Steps

The options will now be presented by the Commission to the Member States for discussions and to decide on the next steps.

### Background

In October 2022, the [European Council requested the Commission to present options](#) for using frozen assets for the reconstruction of Ukraine, in line with EU and international law. Today's options are presented in response to that request.

[On 25 May 2022](#), the Commission proposed to make the violation of restrictive measures an EU crime

and to revise and strengthen the current EU rules on confiscation and asset recovery. The Commission published also a Communication, laying out how a future Directive on criminal sanctions could look like. Making evasion of sanctions an EU crime would make it easier for national authorities to confiscate frozen assets. On 28 November, Member States agreed to extend the list of EU crimes to the violation of EU sanctions. The Commission is determined to act fast and adopt the proposal for a Directive in the coming days.

In order to enhance Union-level coordination in the enforcement of these restrictive measures, the Commission set up the '[Freeze and Seize Task Force](#)' in March 2022. Besides ensuring coordination among Member States, the Task Force seeks to explore the interplay between restrictive measures and criminal law measures. So far, Member States reported frozen assets worth almost €19 billion. On 11 April, Europol, jointly with Member States, Eurojust and Frontex, launched Operation Oscar to support financial and criminal investigations targeting criminal assets owned by individuals and legal entities covered by EU sanctions.

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