

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: “I have decided to proceed with opening an investigation.”

By [Karim A.A. Khan](#)

Global Research, March 03, 2022

[ICC](#) 28 February 2022

Region: [Europe](#)

Theme: [Law and Justice](#)

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Today, the dangers of military escalation are beyond description.

What is now happening in Ukraine has serious geopolitical implications. It could lead us into a World War III scenario.

It is important that a peace process be initiated with a view to preventing escalation.

Global Research condemns Russia’s invasion of Ukraine.

A Bilateral Peace Agreement is required.

Last Friday, I expressed my increasing concern, echoing those of world leaders and citizens of the world alike, over the events unfolding in Ukraine.

Today, I wish to announce that I have decided to proceed with opening an investigation into the Situation in Ukraine, as rapidly as possible.

Ukraine is not a State Party to the Rome Statute of the International Criminal Court (“ICC” or the “Court”), so cannot itself refer the situation to my Office. But it has twice exercised its prerogatives to legally accept the Court’s jurisdiction over alleged crimes under the Rome Statute occurring on its territory, should the Court choose to exercise it. The [first declaration](#) lodged by the Government of Ukraine accepted ICC jurisdiction with respect to alleged crimes committed on Ukrainian territory from 21 November 2013 to 22 February 2014. The [second declaration](#) extended this time period on an open-ended basis to encompass

ongoing alleged crimes committed throughout the territory of Ukraine from 20 February 2014 onwards.

I have reviewed the Office's [conclusions](#) arising from the preliminary examination of the Situation in Ukraine, and have confirmed that there is a reasonable basis to proceed with opening an investigation. In particular, I am satisfied that there is a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine in relation to the events already assessed during the preliminary examination by the Office. Given the expansion of the conflict in recent days, it is my intention that this investigation will also encompass any new alleged crimes falling within the jurisdiction of my Office that are committed by any party to the conflict on any part of the territory of Ukraine.

I have already tasked my team to explore all evidence preservation opportunities. The next step is to proceed with the process of seeking and obtaining authorisation from the Pre-Trial Chamber of the Court to open an investigation. An alternative route set out in the Statute that could further expedite matters would be for an ICC State Party to refer the situation to my Office, which would allow us to actively and immediately proceed with the Office's independent and objective investigations.

I will also be asking for the support of all States Parties and the international community as a whole as my Office sets about its investigations. I will be calling for additional budgetary support, for voluntary contributions to support all our situations, and for the loan of gratis personnel. The importance and urgency of our mission is too serious to be held hostage to lack of means.

I will continue to closely follow developments on the ground in Ukraine, and again call for restraint and strict adherence to the applicable rules of international humanitarian law.

If anyone has information relevant to the Situation, this can be submitted to my Office via: otp.informationdesk@icc-cpi.int.

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