



**TRIAL**  
International



**CONFLICT IN  
UKRAINE: PURSUING  
ACCOUNTABILITY IN  
NATIONAL  
JURISDICTIONS  
ACROSS THE WORLD**

Project for 2022

## WHO ARE WE ?

TRIAL International is a non-governmental organization that provides legal assistance to victims whilst fighting impunity for crimes under international law. We are one of those rare new generation of NGOs that go further than reporting on human rights violations: we investigate mass crimes, often going to conflict zones, draft and file criminal, civil and human rights cases, and bring direct legal support to victims. Through strategic litigation and the use of innovative legal tools like, universal jurisdiction, and complementarity, we can be more reactive.

The conflict in Ukraine is a real test to the international justice sector. As Elsa Taquet [explained](#) last year in Zurich, at the AIJA annual conference, there is a way to have a more direct impact on the conflict. By tightening the accountability's web for perpetrators, in various domestic jurisdictions around the world, we can use justice as a tool for deterrence. For this reason, TRIAL International is looking for financial support from legal firms in Europe to pursue a strategic litigation initiative. Specifically, we are requesting contributions to quick off our project of 250 000 USD.

## OUR ACTION IN UKRAINE

Our initiative aims at focusing on short term legal actions that can spark deterrence and have a more direct impact on the conflict. In the past three months, we have mapped 166 jurisdictions across the world who can activate universal jurisdictions, documented targeted patterns of violations committed in Ukraine (rather than individual incidents of war crimes), collected, and preserved linkage evidence connecting those patterns to perpetrators and command structure, and identified key victims and witnesses in strategic jurisdictions. We now need to bring criminal cases forward by activating universal jurisdiction abroad, or by working with Ukrainian authorities to investigate and prosecute those crimes themselves. In this regard, we have met the Ukrainian War Crimes Unit, as well as other national authorities and war crimes units abroad and have identified ways to strengthen their strategic litigation of war crimes at the national level. We have a responsibility to use our expertise working with these different legal tools to maximize chances to hold perpetrators accountable in multiple jurisdictions. Only by capitalizing on the different legal avenues available, we can design targeted action to maximize paths towards accountability.



### The Chernihiv case: a need for strategic litigation

The occupation by Russian forces of the Chernihiv region during the first phase of the full-scale invasion, from Feb. 24<sup>th</sup> to April 24<sup>th</sup> presents a clear need for strategic litigation. With victims and survivors currently living in countries where absolute UJ can be activated ; with a US citizen amongst the victim ; and with low level perpetrators currently detained in Ukraine as prisoners of war, while mid to high level perpetrators are in Russia, but likely to travel abroad, the Chernihiv test case is the best illustration of the need for strategic litigation to tighten the accountability web and maximize our chances to held perpetrator accountable, in various domestic jurisdictions in Ukraine and abroad.

Our methodology for case-building includes a complex and throughout analysis of patterns of violations committed by Russians units deployed in the area; the collection of linkage evidence to identify mid to high level perpetrators responsible for these patterns and the implementation of a tracing/tracking system for these targeted individuals to monitor their movements outside Russia.

## KEY RESULTS & DELIVERABLES

- **PHASE I:** Within weeks, we will coordinate with our partners for immediate legal action in different jurisdictions, consolidate our linkage evidence, and continue identifying victims in the selected jurisdiction.
- **PHASE II:** Within two to three months, we will file the first legal complaints for patterns of violations against civilians in key criminal UJ jurisdictions, submit additional documentation to strengthen investigations, assist the prosecution authorities in different countries, and consolidate our litigation strategy.
- **PHASE III:** Within six months, we will implement the full litigation strategy initiative while securing long-term funding, as well as assisting accountability efforts both locally and abroad, and helping to strengthen local capacities by providing legal assistance to War Crimes Units in Ukraine and abroad, maximizing opportunities to hold perpetrators accountable in multiple jurisdictions with a system of tracing and tracking and develop strategic litigation against corporate and private actors involved in the conflict.

## TRIAL'S ADDED VALUE

This project offers an opportunity to significantly advance the international justice space overall, particularly by making domestic jurisdictions the key players to pursue accountability. They are closer to the victims affected, reactive and more effective. Equally, this is an important test case to demonstrate that accountability efforts undertaken early on in times of conflict can create a deterrent effect on warring parties. The project will also contribute to building long-term cooperation between civil society actors and national prosecutors. Strong of its experience working both with universal jurisdiction and complementarity, TRIAL International is in a key position to design a strong strategic litigation project. To maximize impact, TRIAL International started coordinating their efforts at the very beginning of the war and developed a clear plan of cooperation and coordination with other actors, with respective complementary mandates and expertise. The coalition includes the following Ukrainian and international NGOs: Truth Hounds, Artic Wind, The Docket, and the Sentry (Clooney Foundation for Justice).

## TIMELINE & BUDGET

TRIAL International is anticipating international institutional support for medium to long term strategy, but the added value of this project lies in the speed with which the first legal actions can be implemented. In the intervening period, the organisation is looking for financial support from AIJA members to continue their work. TRIAL is now raising a target of 50 000 euros in immediate donations to continue its work and to open multiple cases in Ukraine and abroad. You can contribute personally with individual donations or through your law firms with bigger support to help raise our project budget of 250 000 euros.

**You can support us right now by donating!**

<p><b>TO DONATE, click <a href="#">here</a></b> IBAN: CH85 0900 0000 1716 2954 3 BIC: POFICHBEXXX Bank name: Postfinance SA Address: Mingerstrasse 20, CH – 3030 Bern / Suisse Beneficiary : TRIAL International, Rue de Lyon 95, 1203 Genève / Suisse Reference: UKR-CN</p>	
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For further information on the project, please contact Elsa Taquet, [e.taquet@trialinternational.org](mailto:e.taquet@trialinternational.org) and on funding opportunities, please contact Petra Schroeter [p.schroeter@trialinternational.org](mailto:p.schroeter@trialinternational.org)