

Speech by Amal Clooney
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Thank you very much Mr Ambassador, for inviting me to speak today. It is an honour to be working with the Ukrainian government and for the Ukrainian people as they battle for their freedom. When the government asked me to advise them on ways to pursue justice, I felt – as many lawyers do – not just that there was an opportunity to help, but a duty to do so.

Because Excellencies, Madame President, Ukraine is, today, a slaughterhouse. Right in the heart of Europe.

Putin's aggressive war is so outrageous that even after warnings from the US, and Russia's long criminal record, Ukrainians could not believe this could happen. I still read news headlines not knowing how to process them. Could it be that thousands of children are being forcibly deported to Russia? Are teenage girls being raped in the street in front of their family and neighbours? Was a building that had the word 'children' painted on it bombed? Are civilians in Mariupol being systematically starved and tortured to death?

Unfortunately the answer is yes.

And the world *has* responded. 141 countries voted in the UN General Assembly to condemn Russia's aggression. The UN created a commission to document crimes. The International Court of Justice and the European Court of Human Rights ordered Russia to suspend military operations and safeguard civilian lives. 43 countries have referred Ukraine to the International Criminal Court – the biggest grouping of states to ever do that – and at least 13 countries have started their own war crimes investigations. Russia has been expelled from the Human Rights Council and the Council of Europe. Countries have sent weapons and ammunition to help the Ukrainian defence. Companies have pulled their businesses out of Russia. And a network of governments has imposed the toughest financial sanctions ever seen on a major economy.

Yet the UN was created – this room we are in was built – because of a genocide in Europe and to *prevent* future wars of this kind. This council has heard so many speeches with that

now-hollow refrain: ‘never again’. But here we are: faced with evidence of the crime of aggression, war crimes and crimes against humanity. And mounting evidence, each day, of genocide.

How did we get here? I believe we got here by ignoring justice for too long.

For too long, we have watched as perpetrators of mass human rights abuses have murdered, raped and tortured without consequence. From Darfur – to Myanmar – to Yemen. The perpetrators committed these crimes believing they would get away with it. And they were right.

10 years ago, I was at the Kremlin with Kofi Annan, whose job was to try and mediate a peaceful solution to the Syria conflict. Of course, neither Syria nor Russia had any intention of making peace: they had too much to gain through war. So for 11 years Syrians have suffered unabating brutality. They have been forced to listen to speeches in rooms like this about victims deserving justice and perpetrators paying the price. They are still waiting. As I watched the coverage of the Bucha massacre, it reminded me of the Houla massacre, in Syria. This Council met in an emergency session to decry the killings; and people thought it would be a turning point for accountability. It wasn’t. And now the *same Russian general* known as *The Butcher* who mounted a brutal attack on civilians in Aleppo is massacring innocent families in Mariupol.

What worries me is that the resolute action we’ve seen in the first 50 days of this war will turn out to be the *high point* instead of the *starting point* of the diplomatic and legal response. That your actions will slowly fade into a predictable pattern: a wealth of investigations, committees and reports. But a dearth of prosecutions, convictions and sentences. Politicians *calling* for justice but not delivering it. My fear is that you will get busy. And distracted. That each day there will be a bit less coverage of the war, and people will become a bit more numb to it. And that Ukraine will end up alone in pursuing the perpetrators of these atrocities.

We cannot let that happen. Each state that professes to respect human rights must make sure that it does not become a safe haven for war criminals. Perpetrators should face arrest in every port. And Ukrainians should have access to the billions of dollars they will need to rebuild their state. So let this be a long-awaited turning point – for the benefit of Ukrainians

and the credibility of this institution. Let us sustain – and escalate – the momentum: so that a better *system* of justice is within reach.

A Canadian judge once said that it is not what you stand for that's important, but what you stand *up* for. And standing *up* for Ukraine means that governments should be taking concrete steps towards justice.

- Standing up for Ukraine means that states should support the International Criminal Court – clearly and unequivocally. This means the United States should drop unprincipled objections to the Court's jurisdiction and offer, along with others, the resources and evidence needed to support the prosecutor's work.
- Standing up for Ukraine means answering Ukraine's call to ensure that those responsible for the crime of aggression – who are currently beyond the reach of the ICC – can also be brought to justice before a court of law, and that evidence of this crime is collected and preserved.
- Standing up for Ukraine means that states should be filing interventions in support of Ukraine's cases against Russia at the European Court of Human Rights and the International Court of Justice.
- Standing up for Ukraine means making your country a hostile environment for war criminals.
 - o This can be done by signing up to a treaty on crimes against humanity that has been over 70 years in the making, to allow for national prosecutions of this crime and better evidence-sharing between states.
 - o And it can be done by expanding national laws to capture more perpetrators of international crimes. In the UK, there have only been three successful prosecutions for international crimes - ever. The US has had only three cases under their Torture Act and zero cases charging war crimes, crimes against humanity or genocide. So I commend the legislation being proposed by Senator Durbin – and supported by Senator Graham - that would bolster the

ability to prosecute such cases in the United States— and I hope that others will follow this lead.

- Excellencies, standing up for Ukraine also means the UN General Assembly making clear that sovereign immunity should not prevent Russian state assets being made available to Ukraine and its people – and that the assets of all those who support the war are at risk.
- Standing up for Ukraine means that the United Nations should establish a compensation commission. So that Ukrainians, after this war, can have a chance to rebuild their lives.
- And standing up for Ukraine means extending a welcoming hand to its refugees – until it's safe enough for them to go home.

Excellencies, when President Zelensky addressed you he compared Russia's soldiers to ISIS. Well I have spent the last 7 years representing victims of ISIS' genocide. Our great success was that this body, the UN Security Council – in a rare show of unity – agreed to set up an investigation. This happened the year my children were born – I remember coming to the Council to watch the vote during my first trip as a working mother. But my children are now almost 5, and so far most of the evidence collected by the UN is in storage – because there is no international court to put ISIS on trial. And when survivors ask me to explain this I can only say that I am ashamed – I am ashamed that there is no system of justice to respond to mass rape and slaughter.

But I believe that today we have an opportunity to change this. And that we must do so. Because there is no greater value that the UN could promote than the rule of law. And it is under threat so long as those responsible for the most heinous crimes are not held accountable for them. We often speak of what the international *community* should do to address the horrors of war. But it is not *institutions* who act. It's *individuals* – those with a conscience who are determined enough to make a difference. Peace – like war – must be waged. It doesn't just happen. And justice, too, is something we must fight for.

Let me end with a reflection from the first international case that I worked on. As a young lawyer in The Hague I was assigned to the trial of Slobodan Milošević – whose murderous

campaign to create a Greater Serbia is today being compared to Putin's ambitions over Ukraine. Milošević was the first head of state to be put on trial in an international court. No one thought it possible that a former President could be in the dock in the Hague, facing charges of genocide. But it happened. And eventually his two most senior henchmen – Mladić and Karadžić – followed him there. They are today serving life sentences for their crimes.

So sometimes, justice takes time. You may have to wait for someone to be out of office. You may have to wait for some of their underlings to defect. You may have to wait for them to get old. Or to travel.

But if we remain very focused, and very resolute, justice may yet be within our reach.

Thank you.