

Merkblatt „Opfer- und Zeug*innen-Beteiligung an internationalen Strafverfahren im Kontext Ukraine“

zusammengestellt von Rechtsanwalt Jens Dieckmann, Bonn

A. International Criminal Court - Ukraine

Information for victims¹

Українська моваРусский - **Ukraine**

On **9 April 2014**, Ukraine, which is not a State party to the Rome Statute, lodged a declaration under article 12(3) of the [Rome Statute of the International Criminal Court](#) ("Rome Statute"), accepting the jurisdiction of the Court over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014 (the "*Maidan events*").

On **25 April 2014**, the Office of the Prosecutor ("OTP" or "Office") of the ICC opened a preliminary examination into the situation in Ukraine.

On **8 September 2015**, the Government of Ukraine lodged a second declaration under article 12(3) of the Statute accepting the exercise of jurisdiction of the ICC in relation to alleged crimes committed on its territory from 20 February 2014 onwards, with no end date.

On **11 December 2020**, the OTP announced that the preliminary examination has been concluded and that there was a reasonable basis to believe that a broad range of conduct constituting war crimes and crimes against humanity within the jurisdiction of the Court have been committed in the context of the situation in Ukraine.

On **28 February 2022**, the Prosecutor announced that he has decided to proceed with opening an investigation in the Ukraine situation. He indicated, in particular, that he is 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 his Office (above). He also stated that his investigation would also encompass any new alleged crimes falling within the jurisdiction of the ICC that are committed by any party to the conflict on the territory of Ukraine, on an ongoing basis.

On **2 March 2022**, based on [referrals](#) received from multiple States, the Prosecutor [announced the opening of an investigation](#). In accordance with the overall

¹ <https://www.icc-cpi.int/victims/ukraine>

jurisdictional parameters conferred through the State referrals, and without prejudice to the focus of the investigation, the scope of the situation encompasses any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person from 21 November 2013 onwards.

Victims' participatory rights and communication with the Court

The ICC is the first permanent international criminal court which envisages an active role for victims in judicial proceedings. Victims can address the Court already during an investigation by the Prosecutor, in terms of their rights to participate in potential future judicial proceedings, and to receive reparations in case of a conviction.

At the current investigation stage, victims can communicate with the Court in a number of ways:

- Any individual, group or State can send information to the Office of the Prosecutor regarding any alleged crimes in the Ukraine Situation falling under the jurisdiction of the Court. Persons with such information, including affected communities of the situation, can communicate to the Office of the Prosecutor any relevant information for the purposes of the investigation on the following [dedicated portal](#).
- Victims of violence in Ukraine that may amount to war crimes, crimes against humanity or crime of genocide may also reach out to the Court with a view to being recognized as victims for the purposes of participation in potential future criminal proceedings against one or more suspects.

For more information relating to these rights before the ICC, victims can contact the Victims Participation and Reparations Section ("VPRS") - the section within the ICC Registry responsible for assisting victims in the process of applying for participation in judicial proceedings, and reparations in case of a conviction, at VPRS.information@icc-cpi.int.

- **Relevant application forms for victims to participate in potential future proceedings as above can be found on the ICC's [general victim page](#)** under the heading 'Participation' (underneath the case-specific blue boxes), alongside relevant guidelines. Relevant links are provided hereunder for ease of reference. Currently, all relevant documentation is accessible in English; versions in the relevant situation-related languages will follow soon.

Application Form for Individuals: [English](#), [Ukrainian](#), [Russian](#)

Application Form for Individuals - Fillable: [English](#), [Ukrainian](#), [Russian](#)

Guidelines on how to complete the form for individuals: [English](#), [Ukrainian](#), [Russian](#)

Application Form for Organizations: [English](#), [Ukrainian](#), [Russian](#)

Guidelines on how to complete the form for organizations: [English](#), [Ukrainian](#), [Russian](#)

Please note that before filling in a victim application form, it is advised that you contact the VPRS so that you can be provided with information and advice as to what participation in ICC proceedings generally entails, and what this means at the current stage of the process as

well as potential future stages. In addition, the VPRS provides training and advice as to how to fill in the form correctly (see also the written Guidelines above), which is very important in order for victims' expectations to be met with adequate Registry advice. Please note that any forms received at the investigation stage are generally not yet transmitted to the Pre-Trial Chamber absent any judicial proceedings relating to one or more cases.

Victims' safety and security

Please note that the security of victims is crucial. It is important to take preventive measures such as avoiding mentioning their involvement with the ICC to others/publicly. It is also important to avoid anything that could expose victims and put them or other people at risk, e.g. talking to the media, posting on social media, etc. about their contacts with the ICC.

GENERAL INFORMATION ON THE ICC

The Court's Structure

The Court is composed of four organs: (i) the Presidency; (ii) Chambers (Appeals Division, Trial Division, Pre-Trial Division); (iii) the Office of the Prosecutor; and (iv) the Registry. The Office of the Prosecutor acts independently as a separate organ. The Registry is composed of many sections, including the Victims Participation and Reparation Section, the Office of Public Counsel for victims and the Victims and Witnesses Unit.

The Court's Jurisdiction

The general mission of the ICC is to investigate and, where warranted, prosecute individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. The Court is participating in a global fight to end impunity, and through international criminal justice, the ICC aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again. The ICC does not prosecute States, Governments or political parties. It can only investigate and prosecute natural persons of 18 years of age or above. Its mandate is to investigate and, where warranted, prosecute individuals for their alleged individual criminal responsibility for mass crimes which fall under the ICC jurisdiction.

The Principle of Complementarity

The principle of complementarity is one of the main pillars for the Court's operation. If a State which has jurisdiction over the situation/case investigates, prosecutes and tries the same person for substantially the same conduct, then the ICC shall defer to the domestic judicial authorities, provided that the State is not unwilling and/or unable to genuinely carry out the proceedings.

Cooperation

The Court does not have police or executive forces who implement the Court's decisions and orders (such as a warrant of arrest). The ICC is dependent on the States Parties to cooperate fully with the Court. The Court may also invite any State not party to the Rome Statute to provide assistance to the Court.

For further general information on the structure and functioning of the Court, as well as on the crimes within the jurisdiction of the ICC please click [here](#).

B. Kontaktaufnahme mit der Anklagebehörde am ICC als Zeug*in und/oder wegen Beweismitteln:

ICC OTP Statement: 24 May 2023²

ICC Prosecutor Karim A.A. Khan KC announces launch of advanced evidence submission platform: OTPLink

I am pleased to announce the launch of [OTPLink](#), a new application for online and email-based evidence submissions by all external stakeholders and witnesses to my Office.

OTPLink will provide a clear, single-access point, replacing various systems and processes that were previously in use for the receipt of information, including submissions pursuant to Article 15 of the [Rome Statute](#). This innovative application blends the use of advanced modern-day technology and international law, provides users with a seamless and secure method for submitting potential evidence in real-time from any web-enabled device, effectively bringing relevant events closer to the courtroom. The platform ensures that information is gathered quickly, safely, and securely. OTPLink streamlines the traditional manual review process by allowing the Office to handle larger information volumes utilising Artificial Intelligence (AI) and Machine Learning (ML) to offer greater insights into the information received, significantly reducing the time required to review and act on it. The platform maintains compliance with international evidence handling standards by using a digital chain of custody trail that collects and preserves information. This preserves the integrity of the evidence and creates a dependable and tamper-proof record of the collection and handling process.

It is my hope that the launch of OTPLink will further empower all of our stakeholders, whether affected communities, civil society, or national authorities, allowing you to share information more easily and securely with my Office, and strengthening the basis for our common work to deliver justice for Rome Statute crimes. Today's launch marks a milestone in OTP's wider technological upgrade under Project Harmony which represents a key priority for my tenure. To pursue justice more effectively, we must harness the power of cutting-edge technology. In today's world, it is not a luxury, it is a requirement. We need a modern, secure, and dynamic set of collection and analytical tools, allowing us to deliver greater success in our investigations and prosecutions. Through Project Harmony, the Office is elevating its capacities to quickly review and disclose larger quantities of evidence left by crimes committed in modern-day conflicts. In addition to OTPLink, the project includes other components that will provide a centralised storage for information and evidence, and integrate a range of investigative and analytical tools for secure use in the cloud."

² [ICC Prosecutor Karim A.A. Khan KC announces launch of advanced evidence submission platform: OTPLink | International Criminal Court \(icc-cpi.int\)](#)

OTPLink Video: OTPLink

Source: Office of the Prosecutor | Contact: OTPNewsDesk@icc-cpi.int

C. Die Beteiligung von Opfern/Zeugen aus dem Ukraine-Konflikt in völkerstrafrechtlichen Verfahren in Deutschland

Das **BKA** hat eine eigene Website eingerichtet, wo auch geschützt Kontakt aufgenommen werden kann.

Es wird auch auf den ICC verwiesen und die dortigen Möglichkeiten, geschützt digitalen Kontakt aufzunehmen.³

Auf dieser BKA-Seite ist auch ein mehrsprachiger Informations-Flyer herunterzuladen.⁴

³ [BKA - Kriegsverbrechen im Zusammenhang mit dem Krieg in der Ukraine](#)

⁴ [FlyerZeugengewinnung Ukraine.pdf](#)