

16 March 2022

STATEMENT

The Bar Human Rights Committee of England & Wales joins international condemnation of Russian invasion of Ukraine

The Bar Human Rights Committee of England and Wales (“**BHRC**”) condemns the unlawful invasion of Ukraine by Russia, which has been ongoing since 2014 and intensifying since 24 February 2022. We join with the Bar Council of England and Wales, the Bar of Northern Ireland, the Faculty of Advocates and the Bar of Ireland in so doing.¹

At least 549 civilians are known to have been killed to date, 41 of whom were children, and at least 957 civilians have been injured.² Over two million civilians have fled Ukraine.³ There is also clear evidence of attacks on civilian buildings and a failure to ensure safe humanitarian corridors for refugees.⁴

This armed attack has no justification in international law. It is a flagrant violation of the UN Charter’s prohibition of the use of force (Article 2(4)), and of the territorial integrity of Ukraine, prohibited by the UN Charter. It has already caused the deaths of many people – civilians and soldiers, and more than a million refugees have fled Ukraine.

¹ Invasion of Ukraine by Russia - Statement of the Four Bars, 25 February 2022, <https://www.advocates.org.uk/news-and-responses/news/2022/feb/invasion-of-ukraine-by-russia-statement-of-the-four-bars>; Rt. Hn. Gordon Brown, Professor Dapo Akande et al., Combined Statement and Declaration, 4 March 2022 <https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf>

² United Nations High Commissioner for Human Rights, Ukraine: civilian casualty update, 10 March 2022, <https://ukraine.un.org/sites/default/files/2022-03/Ukraine%20-%20civilian%20casualty%20update%20as%20of%2024.00%209%20March%202022%20ENG.pdf>

³ The United Nations High Commissioner for Refugees, Ukraine Refugee Situation, <https://data2.unhcr.org/en/situations/ukraine>

⁴ CNN News, ‘Russia’s bombing of maternity and children’s hospital an ‘atrocious,’ Zelensky says’, 10 March 2022, <https://edition.cnn.com/2022/03/09/europe/russia-invasion-ukraine-evacuations-03-09-intl/index.html>; The Guardian, ‘Humanitarian corridors’ leading to Russia or Belarus rejected by Kyiv, 7 March 2022, <https://www.theguardian.com/world/2022/mar/07/russia-humanitarian-corridors-ukraine-war-mariupol-kyiv>

BHRC endorses the statements made by the UN High Commissioner and various UN Special Procedures regarding Russian military aggression in Ukraine in breach of international law.⁵

We welcome the decision of the ICC Prosecutor, Karim A.A. Khan QC, to proceed with opening an investigation into 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 2013⁶, and support the steps taken by 41 ICC State Parties to refer the situation to the Court.

We endorse the initiative of individual states to open investigations into potential crimes under the principle of universal jurisdiction.

We support the European Court of Human Rights in directing interim measures to Russia to refrain from military attacks against civilians and civilian objects, within the territory under attack or siege by Russian troops.⁷

We join urgent calls for Russia to cease its military operations in Ukraine, to withdraw its forces immediately from the territory of Ukraine, and meanwhile to allow humanitarian organisations to reach civilians safely, and provide and respect safe corridors for refugees.

End

Notes for Editors:

The Bar Human Rights Committee of England and Wales (BHRC) is the independent, international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges, and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is autonomous of the Bar Council. For more information on BHRC, visit our website at <http://www.barhumanrights.org.uk>

⁵United Nations High Commissioner for Human Rights, UN experts call for end to Russian aggression against Ukraine and urgent protection of human rights, 28 February 2022

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28170&LangID=E>; UN News, General Assembly resolution demands end to Russian offensive in Ukraine, 2 March 2022, <https://news.un.org/en/story/2022/03/1113152>

⁶ International Criminal Court, Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: “I have decided to proceed with opening an investigation.”, 28 February 2022, <https://www.icc-cpi.int/Pages/item.aspx?name=20220228-prosecutor-statement-ukraine>

⁷ The European Court grants urgent interim measures in application concerning Russian military operations on Ukrainian territory

<file:///C:/Users/Stephen%20Cragg/Downloads/The%20Court%20grants%20urgent%20interim%20measures%20in%20application%20concerning%20Russian%20military%20operations%20on%20Ukrainian%20territory.pdf>