**Concept Note**

**PROTECTING THE UN CHARTER THROUGH ACCOUNTABILITY:**
**THE SPECIAL TRIBUNAL FOR THE CRIME OF AGGRESSION**

***Side Event on the Margins of the 63rd Session of the Human Rights Council***

**15 September 2026, 13:00 - 14:00, BUILDING A, ROOM III**

Co-organized by the Permanent Mission of Ukraine, the Permanent Delegation of the Council of Europe, the Permanent Mission of the Kingdom of the Netherlands, the UK, the Permanent Mission of the Principality of Monaco and the International Bar Association.

Background

More than eighty years after its adoption, the United Nations Charter remains highly relevant in addressing contemporary global challenges. Its principles continue to provide the legal and normative foundation for international peace and security, the protection of human rights, sustainable development, and cooperation among states. In an era marked by armed conflicts, humanitarian crises, climate change, cyber threats, and growing geopolitical tensions, the Charter serves as a common framework through which states seek to manage disputes and pursue collective solutions. Although the effectiveness of the United Nations is often subject to political constraints, the Charter continues to embody the fundamental values of multilateralism, sovereign equality, and the rule of law in international relations. As such, it remains an indispensable instrument for promoting international order and cooperation in the twenty-first century.

Article 2 of the United Nations Charter is of particular importance because it sets out the fundamental principles that govern the conduct of both the United Nations and its Member States. These principles serve as the foundation for maintaining international peace and security, protecting the sovereignty and territorial integrity of States. It also includes the prohibition of the use of force as one of the fundamental principles of the United Nations Charter and a cornerstone of the international legal order.

Russia's aggression in and against Ukraine, ongoing since 2014 and dramatically escalated through its full-scale invasion in 2022, constitutes a grave violation of the

fundamental principles of the United Nations Charter. It has also reignited a broader discussion on accountability for the crime of aggression – the leadership crime from which many other international crimes flow.

In response, a broad coalition of States has worked towards the establishment of the Special Tribunal for the Crime of Aggression against Ukraine. The Special Tribunal seeks to fill an existing accountability gap and reaffirms the principle that those responsible for acts of aggression should be held accountable under international law.

Significant progress has been achieved towards the establishment of the Special Tribunal under the auspices of the Council of Europe, including the adoption of the Enlarged Partial Agreement on the Management Committee of the Special Tribunal. This development marks an important step towards operationalizing the Tribunal and reflects the commitment of a growing coalition of States to ensuring accountability for the crime of aggression.

International support for the initiative was also reflected in the Human Rights Council's March 2026 resolution, which expressly welcomed efforts to establish the Special Tribunal.

Objectives

The event aims to examine the relationship between the prohibition of the use of force and the protection of territorial integrity and political independence of any State under the UN Charter and contemporary accountability efforts, with particular focus on the Special Tribunal for the Crime of Aggression against Ukraine.

Against the backdrop of renewed challenges to the international legal order, the event will explore the enduring significance of the United Nations Charter's prohibition of the use of force and its relationship with contemporary accountability efforts. Focusing on the Special Tribunal for the Crime of Aggression against Ukraine, the discussion will assess the role of accountability frameworks in upholding the UN Charter.

The discussion will explore:

• The relevance of Article 2 of the UN Charter with regards to accountability for the crime of aggression and how this contributes to the promotion and protection of human rights;

• The relevance of accountability for aggression to all States, particularly in preserving a rules-based international order founded on the sovereign equality of States

• The relevance of the Special Tribunal – as a case study - in addressing existing accountability gaps and advancing accountability for the crime of aggression globally.

Expected Outcome

The event aims to promote a broader understanding of the importance of accountability for the crime of aggression and to encourage discussion on the role of the Special Tribunal in safeguarding the principles of the UN Charter and strengthening respect for international law.

Format

The event will bring together representatives of States, international non-governmental organisations, legal practitioners and experts in international law. It will consist of a moderated panel discussion followed by an interactive exchange with participants.

Opening Remarks:

- **H.E. Mrs. Erica Schouten, Permanent Representative of the Kingdom of the Netherlands**

List of speakers:

- **Dr. Mark Ellis, Executive Director, International Bar Association:** Protecting the UN Charter Through Accountability (discussing why accountability for aggression matters to all UN Member States and how the Special Tribunal contributes to protecting the principles of the UN Charter).
- **Dr. Anton Korynevych, Director-General for International Law and Legal Counteraction to Aggression, Ministry of Foreign Affairs of Ukraine:** Closing the Accountability Gap: Why the Special Tribunal Matters (explaining the existing accountability gap for the crime of aggression and how the Special Tribunal is designed to address it, and its place within the broader international accountability architecture).
- **Ms. Irene Suominen, Deputy Head of Accountability for Ukraine Unit, Council of Europe**: The Special Tribunal: From Political Commitment to Institutional Reality (providing an update on the establishment of the Special Tribunal and the role of the Council of Europe in bringing the initiative into operation).
- **Prof. Andrew Clapham, Professor of International Law, Geneva Graduate Institute**: Way forward: The Legacy and Future of Accountability from an academic perspective (examining the continuing relevance of accountability for the crime of aggression in contemporary international law).

Closing Remarks:

- **H.E. Mr. Yevhenii Tsymbaliuk**, **Permanent Representative of Ukraine**

Moderation:

**H.E. Mr. Kumar Iyer, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland**

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