

MEMORANDUM OF COOPERATION

between

NEW YORK STATE BAR ASSOCIATION

and

GLOBAL ACCOUNTABILITY NETWORK

and

UKRAINIAN BAR ASSOCIATION

WHEREAS,

- A. On February 24, 2022, the Russian Federation launched a military invasion of a sovereign nation, Ukraine. It has since been reported that the Russian Federation has engaged in conduct that would, if proven in a court or tribunal of competent jurisdiction, constitute violations of international criminal law including aggression, genocide, war crimes and crimes against humanity.
- B. These crimes allegedly committed by the Russian Federation would, if proven in a court or tribunal of competent jurisdiction, constitute violations of the Rule of Law, which the New York State Bar Association (“NYSBA”), the Global Accountability Network (“GAN”) and the Ukrainian Bar Association (“UBA”) (collectively “the Parties”) are committed to uphold and defend.
- C. NYSBA was established in 1876 and is the largest voluntary state bar association in the United States. NYSBA’s mission includes cultivating the science of jurisprudence, promoting reform in the law, facilitating the administration of justice and elevating the standards of integrity, honor, professional skill and courtesy in the legal profession. NYSBA actively promotes adherence to the Rule of Law. NYSBA has a number of sections, including the International Section, which addresses matters of international law and has chapters around the world.
- D. GAN, acting through and by its Ukraine Task Force, has the mission of marshaling objective and credible evidence of international crimes alleged to have been committed by the Russian Federation within and against Ukraine, and to catalogue that evidence in accordance with pertinent sources of international law including, but not limited to,

the Geneva Conventions, the Rome Statute of the International Criminal Court, and the Criminal Code of Ukraine.


- E. The UBA is a non-governmental organization whose members include, for the most part, lawyers practicing in Ukraine. The mission of UBA is to promote adherence to the Rule of Law in Ukraine and development of the legal profession. To this end, UBA conducts legal research and analysis, monitors progress of implementation of various legislative acts and processes in the justice system and beyond, organizes conferences, round tables and other events aimed at discussion of legislation and practices in a particular field of the law, and advocates for sustainable development of the justice sector and protection of rights of members of the profession.
- F. NYSBA, acting through its International Section, and UBA have heretofore entered a Memorandum of Understanding, and NYSBA, acting through its International Section, has established a Chapter in Ukraine.
- G. NYSBA, acting through its International Section, and UBA have also established a Ukraine Task Force.
- H. NYSBA has adopted a resolution calling upon the United Nations General Assembly to authorize the Secretary General of the United Nations to establish, at an appropriate time and place, a hybrid international war crimes tribunal involving Ukraine to exercise jurisdiction to hear and determine whether the Russian Federation and its culpable officials violated international law, including but not limited to the crime of aggression. In addition, NYSBA has sponsored another resolution, adopted by the House of Delegates of the American Bar Association, that condemns the Russian Federation's unlawful invasion of Ukraine and calls upon the United Nations General Assembly to consider what further measures are needed to ensure that those who are found to have committed war crimes, crimes against humanity, genocide and the crime of aggression in the course of the Russian Federation's unlawful invasion of Ukraine are held to account.
- I. The alleged conduct of the Russian Federation underscores the need for a cooperative relationship between the legal professionals of the Parties.
- J. The Parties recognize their common interest in promoting and defending the Rule of Law, particularly against violations of the Rule of Law allegedly committed by the Russian Federation in Ukraine.
- K. The Parties further recognize that the potential for more effectively addressing the alleged war crimes committed by the Russian Federation shall be through the use of a special tribunal, as referred to above.

- L. The Parties further recognize that in order for this special tribunal to function justly and effectively, there is a need for training lawyers, investigators and others about international criminal law, the marshaling of evidence for use in support of prosecutions under international criminal law, and the prosecution of crimes as defined under international criminal law.

NOW, THEREFORE, THE PARTIES, BEING DESIROUS OF MEMORIALIZING AN AGREEMENT RECOGNIZING CERTAIN COMMON INTERESTS AND GOALS AND ENCOURAGING COOPERATION AMONG THEM IN FURTHERANCE OF THOSE COMMON INTERESTS AND GOALS, RESOLVE AND AGREE AS FOLLOWS:

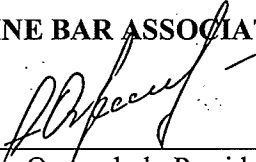
The Parties shall cooperatively establish and maintain appropriate educational programs, including continuing legal education and public legal education, and publish appropriate training materials, aimed at teaching lawyers, investigators and others about international criminal law, the marshaling of evidence for use in support of prosecutions under international criminal law, and the prosecution of crimes as defined under international criminal law.

GLOBAL ACCOUNTABILITY NETWORK

By: 

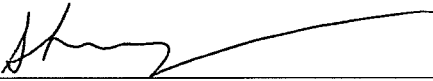
Kate Powers, Executive Director

UKRAINE BAR ASSOCIATION

By: 

Anna Ogrenchuk, President

NEW YORK STATE BAR ASSOCIATION

By: 

Sherry Levin Wallach, President