

Reference: C.N.608.2015.TREATIES-XVIII.13 (Depositary Notification)

AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE
INTERNATIONAL CRIMINAL COURT

NEW YORK, 9 SEPTEMBER 2002

UKRAINE: COMMUNICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above communication was received on 20 October 2015:

(Original: English)

“The Ministry of Foreign Affairs of Ukraine presents its compliments to the Secretary-General of the United Nations, as the Depositary of [...] the Agreement on the Privileges and Immunities of the International Criminal Court of [9] September 2002 [...] and has the honour to inform of the following.

In February 2014 the Russian Federation launched armed aggression against Ukraine and occupied a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol, and today exercises effective control over certain districts of the Donetsk and Luhansk oblasts of Ukraine. These actions are in gross violation of the Charter of the United Nations and constitute a threat to international peace and security. The Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for its actions and their consequences under international law.

The United Nations General Assembly Resolution A/RES/68/262 of 27 March 2014 confirmed the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The United Nations also called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol.

In this regard, Ukraine states that from 20 February 2014 and for the period of temporary occupation by the Russian Federation of a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol – as a result of the armed aggression of the Russian Federation committed against Ukraine and until the complete restoration of the constitutional law and order and effective control by Ukraine over such occupied territory, as well as over certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine as a result of the aggression of the Russian Federation, the application and implementation by Ukraine of the obligations under the above [Agreement], as applied to the aforementioned occupied and uncontrolled territory of Ukraine, is limited and is not guaranteed.

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Documents or requests made or issued by the occupying authorities of the Russian Federation, its officials at any level in the Autonomous Republic of Crimea and the city of Sevastopol and by the illegal authorities in certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine, are null and void and have no legal effect regardless of whether they are presented directly or indirectly through the authorities of the Russian Federation.

The provisions of the [Agreement] regarding the possibility of direct communication or interaction do not apply to the territorial organs of Ukraine in the Autonomous Republic of Crimea and the city of Sevastopol, as well as in certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine. The procedure of the relevant communication is determined by the central authorities of Ukraine in Kyiv.

Therefore, the Ukrainian Side would be grateful if the Secretary-General of the United Nations, as the Depository of [...] the Agreement on the Privileges and Immunities of the International Criminal Court of [9] September 2002 [...] would circulate this notification on the specifics of the territorial application and implementation of the above [Agreement] in Ukraine among all the Contracting States to [this Agreement].”

11 November 2015

A handwritten signature in black ink, consisting of stylized initials and a surname, positioned below the date.

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