

MEMORANDUM
on cooperation
between the Prosecutor General's Office (Ukraine) and
the Attorney General's Office of the United Kingdom of
Great Britain and Northern Ireland
over the gravest crimes of concern to the entire international community

The Prosecutor General's Office (Ukraine) and the Attorney General's Office of the United Kingdom of Great Britain and Northern Ireland (hereinafter – «Participants»),

- based on generally recognized norms of international law;
- based on the principle of respect for state sovereignty;
- considering the fact of armed aggression by the Russian Federation against Ukraine and the need to ensure the goals of justice in related crimes and other human rights violations, in particular the inevitability of criminal punishment of those who commit these crimes;
- promoting the application of the principles set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;
- in order to ensure effective cooperation between the Prosecutor's Offices of Ukraine and the relevant authorities of the United Kingdom of Great Britain and Northern Ireland (the "UK") over the gravest crimes of concern to the entire international community, in accordance with the requirements of the treaties on cooperation in the field of criminal law in force for the two states, especially the European Convention on Mutual Assistance in Criminal Matters of 1959;
- recognising, in the UK, the respective roles of the police and prosecuting authorities, independent of each other and of government, whereby the police investigate criminal offences and the prosecuting authorities decide which cases should be prosecuted, as well as providing pre-charge and investigative advice to the police where appropriate;

Decided on the following:

1. The Participants will, within their competence and in accordance with the laws applicable in the territories of their States, provide each other with the fullest possible assistance in connection with criminal proceedings applicable to any of the crimes related to this international armed conflict, including crimes against humanity, war crimes, crimes of aggression and genocide ("related crimes"), including the submission of all available evidence, part or whole material of the criminal case, necessary for trial.
2. The Participants will, within their competence and in accordance with the laws applicable in the territories of their States, collect and record evidence of violations of international humanitarian law, as well as to exchange relevant information.
3. The Participants will fulfil requests for mutual legal assistance in criminal matters on this category of crimes at the earliest opportunity.

4. The British Participant is going to, within its competence and in accordance with the laws applicable in its territory, inter alia, receive testimony from witnesses and victims who are in the territory of the UK, as well as other persons who have information or other evidence of related crimes committed during the international armed conflict and persons involved in them.

5. In the case of identification of persons suspected of committing related crimes during the international armed conflict, the Participants will, within their competence and in accordance with the laws applicable in the territories of their States, ensure their prosecution in the territory of the state that has jurisdiction over the relevant crime, or an appropriate international forum. In this regard, the Participants will use international treaties on extradition, which are in force for the two states or appropriate international forum. Requests for the transfer of proceedings will be considered promptly in the ordinary manner, bearing in mind the urgency and seriousness of the situation.

6. Where a person is identified in the UK who is suspected of committing a related crime during the international armed conflict for which there is concurrent jurisdiction between the UK and Ukraine, the Participants will enter into early engagement and consultation between prosecutors and investigators to determine the most appropriate venue for prosecution. If a prosecutor is not already assigned at the time that a concurrent jurisdiction issue becomes apparent, each Participant accepts that the matter will be referred to a prosecutor to participate in early engagement.

The Memorandum does not affect the rights and obligations of the Participants hereto or their States arising from other international agreements.

This Memorandum will come into operation on the date of its signing and shall be concluded for an indefinite period.

Each Participant may at any time send a written notice to the other Participant concerning its intention to terminate this Memorandum. In this case, the Memorandum shall expire 6 months after the date of receipt of such written notice. Each Participant may refuse to execute this Memorandum in the event the requesting Participant is not considered by the other Participant as the legitimate representative of their State.

Signed in the city of Kyiv and the city of London on 10 March 2022 in two copies, each in Ukrainian and English languages, all texts being equally authentic.

**For the Prosecutor General's Office
(Ukraine)**

**For the Attorney General's Office of the
United Kingdom of Great Britain and
Northern Ireland**



**The Rt Hon Suella Braverman QC MP
Attorney General for England and
Wales and Advocate General for
Northern Ireland**