

Australian legal team in hunt for Ukraine war crimes



William Lye and Cheri Ong are part of a team commissioned by the Australian Federation of Ukrainian Organisations to gather evidence of war crimes. Picture: NCA NewsWire / David Crosling

EXCLUSIVE, [ALASDAIR BELLING](#), The Australian, APRIL 18, 2022

A team of Australian legal experts has joined a global hunt for evidence of Russian war crimes in Ukraine to present to the International Criminal Court.

Melbourne lawyer William Lye QC and nine other experts – one of whom hails from Switzerland – are interviewing the nearly 2500 refugees who have arrived in Australia about what they had seen and are gathering physical evidence of atrocities. “There are recent reports of Ukrainians that have come to Australia from places like Mariupol where the devastation has been widespread,” Mr Lye said.

“We will assist those people ... and provide a mechanism to collect information relevant to the matters that the ICC prosecutors are investigating.”

The team, commissioned by the Australian Federation of Ukrainian Organisations, has named the case “Project Sunflower” after the national flower of Ukraine.

Ukrainian authorities confirmed at the weekend that the bodies of more than 900 civilians had been found in the Kyiv region since Russian forces withdrew earlier this month. Most were shot and appeared to have been executed.

The Project Sunflower team will examine these kinds of discoveries as potential evidence of Russian forces violating the Rome Statute, the legal basis of the ICC.

The statute established four core crimes: genocide, war crimes, crimes against humanity and the crime of aggression. Ukraine and Russia are not signatories of the statute.

However, Kyiv has granted the ICC jurisdiction to investigate any potential genocide, crimes against humanity or war crimes occurring on Ukrainian soil.

The findings of Mr Lye's team will be presented to ICC Chief Prosecutor Karim Kahn QC to form part of a formal investigation.

"Previous conflicts have ended before investigations happen, but this is one of the few times where it's co-current," Project Sunflower lawyer Cheri Ong said.

The ICC investigation will examine Russian activity in the region from 2013, preceding Russia's annexation of Crimea in 2014.

"My office had already found a reasonable basis to believe crimes within the jurisdiction of the court (have) been committed, and had identified potential cases that would be admissible," a statement from Mr Khan's office read.

US President Joe Biden, who previously referred to Russian President Vladimir Putin as a war criminal, last week accused his counterpart of genocide.

"It's become clearer and clearer that Putin is just trying to wipe out the idea of being Ukrainian ... the evidence is mounting," Mr Biden said. "More evidence is coming out ... we'll let the lawyers decide internationally whether or not it qualifies (as genocide), but it sure seems that way to me."

The President's comments were welcomed by the Ukrainian federation in Australia, with co-chair Stefan Romaniw calling for Mr Putin to be personally tried before the ICC.

"Whether or not he started with using rape and murder as a tool ... it's now time to take serious international action and he should be brought to the courts as a war criminal," he said.

Prosecuting Mr Putin would be a complex task, as the ICC does not try defendants in absentia.

Foreign Minister Marise Payne will be attending a meeting of NATO foreign ministers in Brussels over Russia's... actions in Ukraine. Russia has come under renewed scrutiny over alleged war crimes in recently liberated towns around Kyiv, where civilian tortures and massacres are alleged to have taken place. Ms [More](#)

Mr Lye indicated that more feasible targets could include lower-level officials, such as generals and sergeants overseeing atrocities on the ground.

"Individuals such as Azatbek Omurbekov – the accused 'Butcher of Bucha' – are more possible to bring before the court," he said. "We will identify the people who may have the kind of evidence that the ICC requires ... they could also be Russians who are against the war and know all these things and come forward.

"We're collecting all the evidence we can, looking at what's available from visits to sites, collecting bullets, getting statements from victims if we can find them ... and preserving it all for eventual prosecution."