

PE2207/B: I demand the Scottish Parliament create a pilot court to try Russian war criminals with Ukraine

Scottish Government written submission, 15 January 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable?

The Scottish Government does not consider what the petition asks for to be practical or achievable, and considers it is better that Scotland, the UK and the international community work together to achieve justice and accountability. The Scottish Government considers that accountability for international crimes committed in the context of Russia's illegal aggression in Ukraine is best achieved locally, or, failing that, by international processes such as those before the International Criminal Court, the proposed Special Tribunal for the Crime of Aggression against Ukraine, and efforts at Eurojust.

While it would be legally possible to create a new domestic court with universal jurisdiction over crimes committed in Ukraine, the policy of the Scottish Government is not to create a new domestic court to prosecute those crimes:

- It is impractical to prosecute crimes without any nexus to Scotland in Scotland given difficulties with gathering evidence for a fair investigation and prosecution, effectively supporting victims and witnesses, and securing accused persons' attendance at proceedings. Criminal justice processes must be able to deliver justice and not simply result in performative processes.
- We would expect most accused persons, victims and witnesses to speak either Russian or Ukrainian, meaning that the conduct of proceedings in Scotland in English is likely to pose difficulties, both practical and financial. This makes the conduct of local proceedings or international proceedings in local languages better for everyone involved and makes it easier for those proceedings to protect the human rights of those involved.
- The cost involved in creating a new court in Scotland would be significant and beyond what the Scottish Government can afford.

While there is already universal jurisdiction for core international crimes in Scotland where there is a nexus to Scotland, matters relating to the investigation and prosecution of those crimes is a matter for independent operational partners such as Police Scotland and the Crown Office and Procurator Fiscal Service.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government is a firm believer in the rule of law both domestically and internationally. It is appropriate that any breach or potential breach of international law is investigated and, as a government, we support the investigation of war crimes and crimes against humanity.

All States must act in accordance with international humanitarian law, and the Scottish Government strongly supports the investigations conducted by international legal bodies. We have signalled our support for efforts to bring those responsible for crimes in Ukraine to justice. This includes through supporting national Ukrainian prosecutors and, if necessary, work undertaken internationally, such as that at the International Criminal Court in The Hague.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Scottish Government resolutely condemns Russia's illegal war against Ukraine – as we have done since its invasion. Scotland stands for democracy, human rights and the rule of law at home and abroad. There are several international efforts seeking accountability for Russian aggression in Ukraine. The UK is active across these activities, particularly at the International Criminal Court, Eurojust and the Council of Europe. The Scottish Government supports all international efforts to secure a strong, just and durable peace, which respects Ukraine's sovereignty.

Organised Crime and International Justice Cooperation Unit