

REDRESS

Ending torture, seeking justice for survivors

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cc: Mike Penrose
The Sustainability Group
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24 May 2022

Dear Home Secretary, Foreign Secretary, and Chancellor of the Exchequer,

RE: REPURPOSING £2.5 BILLION FROM SALE OF CHELSEA FC FOR VICTIMS IN UKRAINE

We request that the UK government engages civil society including victim and survivor groups on the repurposing of £2.5 billion ('the funds') following Roman Abramovich's sale of Chelsea Football Club.¹

It is reported that the funds will be forfeited to the UK government and earmarked for a charitable foundation to aid victims of the war in Ukraine. This presents a unique opportunity for the UK to have a profound impact on the lives of victims, ensuring their right to reparations is upheld.² It will position the UK as a world leader on the repurposing of Russian assets to support victims.

¹ Club Statement, 7 May 2022, available at:

<https://www.chelseafc.com/en/news/2022/05/06/club-statement>.

² Reparations can include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, see the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights

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Roman Abramovich was sanctioned by the UK government on 10 March 2022 as a “pro-Kremlin Oligarch” with a “close relationship” to Vladimir Putin.³ According to the Foreign Commonwealth and Development Office (FCDO) Sanctions List, Abramovich received financial benefits from Putin and the Russian government. He has also made funds and resources available which could contribute to the destabilising of Ukraine.

It is estimated that Russia’s invasion has caused US\$92 billion damage to Ukraine’s infrastructure.⁴ War crimes committed against civilians include rape, summary execution, unlawful violence, and looting.⁵ 12.8 million people are estimated to have been displaced from their homes.⁶

The amount forfeited from the sale of Chelsea FC represents more than five times the value of the humanitarian and economic support already provided to Ukraine by the UK.⁷ Accordingly, the funds have the potential to dramatically improve the situation for victims and survivors. It is critical that these funds are managed effectively and are delivered to those most in need.

To ensure the funds are used effectively to address urgent needs, as well as long-term rehabilitation and restoration of the country, the UK government must ensure it engages with Ukrainian and international civil society that is well-placed to guide the government and represent the interests of victims and survivors. The importance of meaningful victim, survivor and civil society involvement in the delivery of reparations is reflected in international law and human rights principles, and is deemed crucial to upholding victims’ rights.⁸ Similarly, principles and practices adopted in the corruption context recognise that civil society can, and should, provide insight into the repurposing of confiscated

Law and Serious Violations of International Humanitarian Law, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>. Victims’ rights to reparation are enshrined in: Article 8 of the Universal Declaration of Human Rights; Article 2 of the International Covenant on Civil and Political Rights; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 24 of the International Convention for the Protection of All Persons from Enforced Disappearances; Article 14 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 75 of the Rome Statute of the International Criminal Court; Article 3 of the 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land; and Rule 150 of ICRC Customary International Humanitarian Law.

³ The UK Sanctions List, available at: <https://www.gov.uk/government/publications/the-uk-sanctions-list>.

⁴ Madeline Halpert, ‘Russia’s Invasion Has Cost Ukraine Up To \$600 Billion, Study Suggests’, 4 May 2022, available at: https://www.forbes.com/sites/madelinehalpert/2022/05/04/russias-invasion-has-cost-ukraine-up-to-600-billion-study-suggests/?sh=34bb83292dda&utm_source=ForbesMainTwitter&utm_medium=social&utm_campaign=socialflowForbesMainTwitter.

⁵ ‘Ukraine: Apparent War Crimes in Russia-Controlled Areas’, Human Rights Watch, 3 April 2022, available at: <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>.

⁶ ‘Ukraine: Millions of displaced traumatised and urgently need help, say experts’, United Nations Human Rights Office of the High Commissioner, 5 May 2022, available at: <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>.

⁷ To date, the UK’s offer of humanitarian and economic support to Ukraine is approximately £400 million, including around £220 million in humanitarian aid. The Queen’s Speech 2022, p.106, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074113/Lobby_Pack_10_May_2022.pdf.

⁸ ‘Articulating Minimum Standards on Reparations Programmes in Response to Mass Violations’, REDRESS, July 2014, pp.11-14, available at: <https://redress.org/wp-content/uploads/2017/12/submission-to-special-rapporteur-on-reparations-programmes-public.pdf>.

assets, offering guidance on the most appropriate repurposing mechanisms, ensuring transparency, and representing victims and survivors and their interests.⁹

Considering the substantial amount of funds to be forfeited, the government should consider different avenues to repurpose the funds which may be complementary and maximise impact.

We suggest that the government considers existing examples of repurposing mechanisms to provide a model for the present case. For example, following the seizure of the proceeds of Kazakh oil corruption by the US and Switzerland, \$115 million was returned to the Kazakh people via a specially-established fund, the BOTA Foundation. The Foundation was required to be independent of the government of Kazakhstan, was managed by a respected international NGO and was established with the assistance of the World Bank. The Foundation supported disadvantaged youth through investment in health, education and social welfare.¹⁰ A similar project, tailored to the needs of the people of Ukraine, could be designed in the present case.

The government could also consider current efforts by the Ukrainian government to set up a compensation/reparation mechanisms and/or other existing mechanisms such as the Global Survivors Fund (GSF). Since the launch of the Preventing Sexual Violence in Conflict (PSVI) Initiative in 2012, the UK has led global efforts to address sexual violence in conflict and has renewed its commitment to survivors of conflict-related by joining GSF's board in 2021. GSF has been working with Ukrainian civil society partners to support survivors of conflict-related sexual violence since 2020 and is currently exploring how it can best support Ukrainian authorities in ensuring victims of sexual violence get concrete and life-changing support. It would therefore be important that some of the repurposed assets are earmarked for survivors of rape and other forms of sexual violence.

Another potential avenue for repurposing the funds is making a voluntary contribution to the International Criminal Court's (ICC) Trust Fund for Victims (TFV). The UK led the efforts of 43 States Parties to refer the situation in Ukraine to the ICC in April 2022. The funds could be earmarked for the TFV's assistance mandate, which enables victims and their families who have suffered physical, psychological, and/or material harm as a result of war crimes, to receive rehabilitation and support.¹¹ The TFV's assistance programmes do not require a direct link to an ICC conviction or judicial

⁹ Principle 10 of the Global Forum for Asset Recovery Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases encourages the inclusion of non-government stakeholders and civil society in the asset return process, para. 22, available at: <https://star.worldbank.org/sites/star/files/the-gfar-principles.pdf>.

The UK's Framework for Transparent and Accountable Asset Return recognises that civil society organisations "have an important role to play in asset return, in particular providing insight into the most appropriate mechanism of return and ensuring transparency", para. 38, available at: <https://www.gov.uk/government/publications/framework-for-transparent-and-accountable-asset-return/framework-for-transparent-and-accountable-asset-return>.

Principle 10 of the Civil Society Principles for Accountable Asset Return state that a wide range of stakeholders, including independent civil society organisations, should be involved in determining how recovered assets should be used to best repair the harm caused and to benefit the people of the country. Where possible and where victims' groups do not exist, independent civil society should also be empowered to help identify, and where possible, to represent victims and their interests, available at: https://www.hrw.org/sites/default/files/media_2020/11/Civil%20Society%20Principles_20201109.pdf.

¹⁰ US Department of Justice, 'Justice Department Settlement Successfully Releases More than \$115 Million in Alleged Corruption Proceeds to People in Kazakhstan', 9 December 2015; 'The BOTA Foundation: Final Summative Report', IREX, 12 February 2015, available at: <https://www.irex.org/sites/default/files/node/resource/bota-foundation-final-report.pdf>.

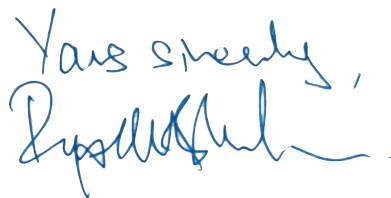
¹¹ TFV Assistance Mandate, available at: <https://www.trustfundforvictims.org/node/50>.

proceedings.¹² Making a voluntary contribution to the ICC TFV would have the benefit of utilising existing mechanisms and expertise.

In light of this, REDRESS calls for:

1. A commitment from the government:
 - a. Taking steps to ensure that the funds will be delivered to Ukrainian victims, including victims of conflict-related sexual violence,
 - b. Confirming that the funds will be donated to an organisation or charitable foundation that is independent and victim-centred, and
 - c. Confirming that it will engage civil society in guiding the repurposing of the funds.
2. The prompt establishment of a Working Group between government, civil society and survivors to ensure the funds are distributed in an effective and timely manner.

We remain at your disposal to discuss the matter further.

A handwritten signature in blue ink, appearing to read 'Yours sincerely, Rupert Skillbeck'.

Rupert Skillbeck
Director, REDRESS

¹² TFV Assistance Programmes, available at: <https://www.trustfundforvictims.org/en/what-we-do/assistance-programmes>.