

## LAW – IMPOSITION OF SANCTIONS AGAINST RUSSIAN INFILTRATION IN UKRAINE

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### CHAPTER I

#### INTRODUCTION

“Russia and Ukraine had a promulgated rich history of shared borders and sophisticated politics that divided them both on a very distinct scale. From Russian Empire Independence to the formation of the Soviet Union has paced its roots in conflict and communalism of freedom struggle to the blood bath of millions that centred much of the history within these shared boundaries. Accounts from 1917 from an independent state to a USSR reformed country struggled with many consequences as the result of cruel political ideals under the reign of Stalin, and hefty socialistic policies that underwent collectivization killing millions, mainly targeting ethnic Ukrainians who were known to be the “bread basket” of the Realm, Soviet Union. While the world war slithered in with Nazi Germany, which was annexed and controlled Ukraine thereon with axis forces making it more difficult to the devastating effect of the war, after the world war ended, the soviet took back its existing countries until a chain of events like Chornobyl and other political segments that lead to independence in 1991, a move that leads to the referendum of votes by 92, while Russia, Ukraine, and Belarus ratified an accord recognizing that the Soviet Union has dissolved.

“Russia and Ukraine, two former Soviet republics, are once again at odds in 2014. The Ukrainian Protesters overthrew President Viktor Yanukovych, who was known for having close ties with the Russian government, and over 100 people were killed in a rally in Kyiv's main square. Until Russia annexes the Crimean Peninsula and the major cities join forces with Russian forces to go to war against Ukraine. The war-torn countries formed a treaty to sign in the series of cease-fire agreements known as the Minsk Accords, which most people regard as ambiguous. On April 21, 2019, Volodymyr Zelensky is elected, and in 2022, Russian President Vladimir V. Putin seeks to prevent Ukraine's drift toward the west, while Mr. Putin demands security guarantees," including an assurance from NATO that Ukraine will never join the group, and that the alliance withdraws troops stationed in countries that

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joined after 1997, to which Russia”<sup>1</sup> infiltrates Ukraine to stop such effect from happening within the Ukrainian government, and Russia thereupon declares war against Ukraine, bringing back the crises that they were always known to have, into darkness once again.

## **STATEMENT OF THE PROBLEM**

The entire point of the research revolves around the crux of political movements and the legal sanctions around them. Russia infiltrated Ukraine with baseless standpoints, as a part of the political game, comprising the reasons of national security, history, and ethnicity as a whole. The problem here is to solve whether such infiltration is legally binding to any laws, all the more towards the realm of international law. Such Political standpoints of illegal invasions were seen in parts of the world like the Iraqi invasion of Kuwait led by Saddam Hussein, and the disputes that linger between Israel-Palestine, Cyprus, and civil wars that still pertain today in Syria and Iraq. This research is a case presented with certain investigations toward a tyrannical form of governance and mindsets that have committed genocide of thousands, and the main aim is to counter such illegal wars and human rights violations on par with international laws and treaties as to how Russia’s political siege can lead to detrimental effects in eyes of law.

## **RELEVANCE OF STUDY**

The relevance of this research study is to mainly understand how international law is formulated how international law and other forums can be made in a fruitful cause to save millions and how such sanctions are embedded within international law. The relevance is to understand the importance of sanctions and how can war crimes be avoided within the world strata by international law and its important focus to preserve and protect human rights.

## **OBJECTIVES OF THE STUDY**

*The objectives of this study are:*

- *To focus on international law and understand the construct of the legal basis against war crimes.*
- *To understand the historic and political frustration among the disputes against both the states of Ukraine and Russia.*

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<sup>1</sup> Matthew Mpoke Bigg, A history of the tensions between Ukraine and Russia. *The New York Times* (2022)

- *To understand the importance of international committees like the United Nations and the international criminal court of Justice and their standpoint in enforcing such power over tyrannical governance and illegal war.*

## **HYPOTHESIS**

The Infiltration of Russia has more or less to do with historic reverence that had been partaking from the dawn of the Russian nation, and such invasion is not only against the Ukrainian grudge for joining the west but towards the western movement as a whole. The assumption of the result paves its way toward sanctions which will be strict in the sense to be enforced by the authorities to which President Putin will be liable for such war crimes committed during the onset of the invasion. International law's sole purpose is to protect and preserve human rights and international relations and policies embedded and comprised within different nations and their boundaries. The authorities to execute and review such actions are responsible to enforce strict sanctions when violated and investigating such matters.

## **RESEARCH METHODOLOGY**

The Methods of research are done and arranged by the doctrinal form of study, it is purely in the form of theoretical structuring and composition.

## **RESEARCH QUESTIONS**

*The Research questions are*

- *Whether war a legal binding with the environment of international law?*
- *What are the sanctions Russia will possibly face under the ambit of international law from the Ukrainian standpoint?*
- *Whether the International forums like the UN enforce sanctions against Russian Infiltration in Ukraine, and how will it fluctuate the world strata?*

## **CHAPTER II**

- **Whether war a legal binding within the environment of international criminal law.**

- **Whether the International forums like the UN can enforce sanctions against Russian Infiltration in Ukraine, and how will it fluctuate the world strata.**

*“Nationalism is power-hunger temper by self-deception”*

- *George Orwell*

Wars have been a natural tendency of human behaviour that touches certain parts that confer ideals, religious standpoints, and greediness or showcase power whilst under a great political interest causing a huge turmoil. The political ideals like imperialistic sense to nationalistic enforcement pave the way to a majoritarian tyrannical government that has not only resulted in war but worse than that like genocide. War has always resulted in conflicts and to end a war, someone from the other side has to incite another war to subside. Just because of political indifferences and ideals there is a huge population who died without proving their innocence and thus to solve and protect human rights, there was indeed a way to solve such mass killings through the way by establishing laws and enforcing sanctions to commit forbid them from doing such crime or even establish a history that prevails the future leader from inflicting their minds from doing mass murder.

Despite the fact that the prohibition of certain behaviours in the conduct of armed conflict dates back many centuries, the concept of war crimes emerged in the late nineteenth and early twentieth centuries, when international humanitarian law, also known as the law of armed conflict, was defined.

*“The Hague Conventions, signed in 1899 and 1907, forbade warring parties from employing specific weapons and tactics. Several international treaties containing similar provisions have been approved since then. The Geneva Convention of 1864, as well as subsequent Geneva Conventions such as the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, are concerned with the protection of civilians who are not or have ceased to be involved in hostilities. Some, but not all, violations of its norms are classified as war crimes under Hague and Geneva convention Laws”<sup>2</sup>.*

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<sup>2</sup> United Nations Office on Genocide Prevention and the responsibility to protect, United Nations, <https://www.un.org/en/genocideprevention/war-crimes.shtml>

**“However, there is no single text in international law that codifies all war crimes. Lists of war crimes can be found in international humanitarian law, international criminal law treaties, and international customary law”<sup>3</sup>**

“The 1949 Geneva Conventions have been approved by all UN Member States, although the Additional Protocols and other international humanitarian law treaties have not. Many of the standards contained in these treaties, on the other hand, have been treated as customary law and, as such, are obligatory on all States (and all parties to add to the changes conflict) regardless of whether they have ratified the treaties or not. In addition, many standards of customary international law apply to both international and non-international armed conflicts, enhancing the protection provided in non-international armed conflicts, which are governed solely by common article 3 of the four Geneva Conventions and Additional Protocol II”<sup>4</sup>.

First and foremost, let’s dive into the aspects of international criminal law, international criminal law being the subject of public international law<sup>5</sup>.

***“The five sources of ICL used by international and hybrid criminal courts generally are***

- 1) treaty law;***
- 2) customary international law (custom, customary law);***
- 3) general principles of law; 4) judicial decisions (subsidiary source); and***
- 5) learned writings (subsidiary source)”<sup>6</sup>.***

“The sources of law can sometimes overlap and interact in a dynamic way. A treaty, for example, may reflect, become, or influence the evolution of customary international law, and vice versa. The development of treaties and customary international law may be influenced by an international court's decision. Treaties and customs are the primary sources of international criminal law for international and hybrid courts, in addition to their governing instruments (which may include treaties). The five sources of ICL roughly correspond to the classic expression of international law sources found in Article 38(1) of the International Court of Justice (ICJ) Statute:

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<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Robert Cryer, et al., *an introduction to international criminal law and procedure 4* (2d ed. 2010).

<sup>6</sup> (n.d.). 2009); Cryer, *supra* note 1, at 9-12.

- a) international conventions, whether general or specific, establishing rules expressly recognised by the contesting states;
- b) international custom, as evidence of a general practice accepted as law;
- c) the general principles of law recognised by civilised nations;
- d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as secondary means for determining legal rules. The relevance and importance of these sources in national criminal jurisdictions vary by country. For example, in some jurisdictions<sup>7</sup>.

National legislation incorporating ICL is the direct source of international criminal law. Treaty and customary international law cannot be used as a direct source in this case. In contrast, some courts can apply treaty law but not customary international law, whereas others can apply both.<sup>8</sup> Furthermore, even when national legislation is the source of the applicable law, international criminal law treaties, commentaries on them, and international judicial decisions are frequently used as interpretive aids and are occasionally considered persuasive (but not binding) precedent. Different courts may use these sources in various ways. Consider the scenario below:

When the content and meaning of the applicable national laws (including incorporated or otherwise applicable international law) are unambiguous, national courts may not find it necessary to refer directly to international law sources.

- “National laws and judicial decisions can serve as evidence of customary international law, but international tribunals do not apply them directly. Indeed, the International Criminal Tribunal for the Former Yugoslavia's Appeals Chamber has stated that domestic judicial views or approaches should be handled with the greatest caution at the international level, lest one fail to make due allowance for the unique characteristics of international criminal proceedings.”<sup>9</sup>.

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<sup>7</sup> What is international criminal law? - .global, , <https://ici.global/0.5.1/wp-content/uploads/2018/03/icls-training-materials-sec-2-what-is-intl-law2.pdf>

<sup>8</sup> (n.d.). 2009); Cryer, *supra* note 1, at 64-84.

<sup>9</sup> Erbsloh KG, C. (2009). *ECJ Judgement – Grand Chamber, C-558/07 – 7 July 2009. European Energy and Environmental Law Review*, 18(Issue 5), 270–271. <https://doi.org/10.54648/eelr2009022>

•”The Rome Statute, Elements of Crimes, and Rules of Procedure and Evidence are the basic sources of law at the International Criminal Court. After the original sources have been exhausted, treaties, principles, and rules of international law are applied, followed by general principles of law, including applicable and appropriate state legislation”.<sup>10</sup>. War Crimes, are those violations of International humanitarian law (customary law) that incur individual criminal responsibility under the ambits of international law. As a result, and in contrast to the crimes of genocide and crimes against humanity, war crimes must always take place in the context of armed conflict, either international or non-international. By structuring basic aspects to are the laws that pertain to the formulation of article 8 of Rome statutes that certify war crimes and sanctions when committed and subjected to:

### 2.3 Article 8 of Rome Statute of International Criminal Court War Crimes



1. *“The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.*
2. *For this Statute, ‘war crimes’ means*
3. *Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:*
4. *Wilful killing*

*Torture or inhuman treatment, including biological experiments;*

- i. *Wilfully causing great suffering, or serious injury to body or health;*
- ii. *Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;*
- iii. *Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;*

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<sup>10</sup> Rome Statute, Art. 21



- iv. *Wilfully depriving a prisoner of war or other protected person of the rights to a fair and regular trial;*
  - v. *Unlawful deportation or transfer or unlawful confinement;*
  - vi. *Taking of hostages.*
- a. *Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:*
- i. *Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
  - ii. *Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;*
  - iii. *Intentionally directing attacks against personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission by the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
  - iv. *Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment would be clearly excessive about the concrete and direct overall military advantage anticipated;*
  - v. *Attacking or bombarding, by whatever means, towns, villages, dwellings, or buildings which are undefended and which are not military objectives;*
  - vi. *Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;*
  - vii. *Making improper use of a flag of truce, of the flag or the military insignia and uniform of the enemy or the United Nations, as well as of*



*the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;*

- viii. *The transfer, directly or indirectly, by the Occupying Power of parts of its civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;*
- ix. *Intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives;*
- x. *Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental, or hospital treatment of the person concerned nor carried out in his or her interest and which cause death to or seriously endanger the health of such person or persons;*
- xi. *Killing or wounding treacherously individuals belonging to the hostile nation or army;*
- xii. *Declaring that no quarter will be given;*
- xiii. *Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;*
- xiv. *Declaring abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party;*
- xv. *Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;*
- xvi. *Pillaging a town or place, even when taken by assault;*
- xvii. *Employing poison or poisoned weapons;*

- xviii. *Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices;*
- xix. *Employing bullets that expand or flatten easily in the human body, such as bullets with a hard envelope that does not entirely cover the core or is pierced with incisions;*
- xx. *Employing weapons, projectiles and materials, and methods of warfare that are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and materials, and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment by the relevant provisions outlined in articles 121 and 123;*
- xxi. *Committing outrages upon personal dignity, in particular, humiliating and degrading treatment;*
- xxii. *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization or any other form of sexual violence also constitutes a grave breach of the Geneva Conventions;*
- xxiii. *Utilizing the presence of a civilian or other protected people to render certain points, areas, or military forces immune from military operations;*
- xxiv. *Intentionally directing attacks against buildings, materials, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;*
- xxv. *Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;*

- xxvi. Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.*
- b. In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:*
- i. Violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment, and torture;*
  - ii. Committing outrages upon personal dignity, in particular, humiliating and degrading treatment;*
  - iii. Taking of hostages;*
  - iv. The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.*
- c. Paragraph 2 (c) applies to armed conflicts, not of an international character, and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, or other acts of a similar nature.*
- d. Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:*
- i. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
  - ii. Intentionally directing attacks against buildings, materials, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;*

- iii. *Intentionally directing attacks against personnel, installations, material, units, or vehicles involved in humanitarian assistance or peacekeeping mission by the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
- iv. *Intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives;*
- v. *Pillaging a town or place, even when taken by assault;*
- vi. *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constitute a serious violation of article 3 common to the four Geneva Conventions;*
- vii. *Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;*
- viii. *Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;*
- ix. *Killing or wounding treacherously a combatant adversary;*
- x. *Declaring that no quarter will be given;*
- xi. *Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental, or hospital treatment of the person concerned nor carried out in his or her interest and which cause death to or seriously endanger the health of such person or persons;*

- xii. Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;*
- e. Paragraph 2 (e) applies to armed conflicts, not of an international character, and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is a protracted armed conflict between governmental authorities and organized armed groups or between such groups.*
5. *Nothing in paragraphs 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means*<sup>11</sup>.

“Elements of War Crimes consists that binds within Rome statute, and along with the serious violations of article 3 common to the four 1949 Geneva Conventions, related to armed conflict not of international foundations and other serious violations of the laws and customs applicable in armed conflict and some examples of prohibited acts that include murder, cruel treatment, and torture, taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals; pillaging; rape, sexual slavery, forced pregnancy or another form of sexual violence; conscripting or enlisting under the age of 15 years into armed forces or groups or using to participate actively in hostilities”<sup>12</sup>.

## CONCLUSION

The answer to the research questions revolves around the fact that war is not legally binding; rather, it is legally offensive and a crime under international criminal law, as war crimes are punishable by harsh penalties, and the court does have jurisdiction over war crimes committed as part of a plan or as part of a large-scale commission of such crimes. This demonstrates that war is an illegal act under international law and that international forums have the authority to enforce justice, which primarily denotes its clarifications within treaties

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<sup>11</sup> Rome Statute of the International Criminal Court, Art. 8

<sup>12</sup> Ibid

and customary laws within the scope of international criminal law and the jurisdictions that encompass the International Court of Justice. Since the certainty of bringing such massive political power to justice is within the realm of possibility, some procedures impede the functioning oversight of all these activities in the war zone, bringing the impossibility closer, but within the ambits of international criminal law, treaties, and conventions that mandate the establishment of such crimes and the enforcement of serious actions when they are violated.

### Chapter III

#### THE SANCTIONS RUSSIA WILL POSSIBLY FACE UNDER THE AMBIT OF INTERNATIONAL LAW FROM THE UKRAINIAN STANDPOINT

In previous chapters, you have seen glimpses of aspects that indulge its sense into the laws that pertain to most of the war crimes structured within the Rome statute of war crimes, to some touchpoints of the Geneva convention to how war crimes are treated and how international authorities render upon such enforceability. “The United States, for example, has recently imposed economic sanctions on Russia, including a ban on new investment and severe sanctions on critical major state-owned enterprises, as well as sanctions on Russian government officials and their families, including President Vladimir Putin’s family members and relatives of Foreign Minister Sergei Lavrov”.

The United Kingdom and the European Union have banned the export of luxury goods and items to Russia, including automobiles, art, and fashion, and the UK has placed a 35 percent tariff on some Russian imports, as well as imposing and detaining many oligarchs believed linked to the Kremlin. While the UK has stopped and restricted “Golden Visas”, which easily allowed the Russians to get British residency right.

**“Attorney General Merrick Garland said that the US has distorted a dangerous digital network called the botnet, which was controlled by the Russian military intelligence agency, he also added; that *The Russian government has recently used similar infrastructure to attack Ukrainian targets. Fortunately, we were able to disrupt this botnet before it could be used,*” he said. “Thanks to our close work with international partners, we were able to detect the infection of thousands of network hardware devices. We were**

*then able to disable the GRU's control over those devices before botnet could be weaponised*<sup>13</sup>”

Most of the world's powerful countries from the US, the UK, Canada European Union to Japan had their weight on their sanctions on Russia which has caused a shaking point in all variables and aspects of trade and commerce to weapon exports, media, and to the most influential Russian Politicians.

*“Linda Thomas-Greenfield, the ambassador representing the US in United Nations, said her remarks during the United Nations security council meeting that Russia's membership on the council hurts its credibility, undermine the entire U.N. and it is just plain wrong.”*

“The resolution to strip Russia of its seat on the Human Rights Council passed with 93 votes in favour, 24 against, and 58 abstentions”<sup>14</sup>.

*“The ICC is a permanent international criminal court based in The Hague. Its legal basis is the Rome Statute of 1998 and it is responsible for four core crimes from genocide, crimes against humanity, war crimes, and crimes of aggression which were already mentioned in the previous chapter in detail, the rendered perception from the ambits of ICC can be questioned to very large sights which include the reasons to placing the Jurisdiction to technicalities that vary within, however, under the current circumstances, there might be a legal path forward, nonetheless”*<sup>15</sup>

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McDermott Rees a Professor of International Criminal Law at Swansea University, UK told Al Jazeera However, *“Even though neither Ukraine nor Russia is parties to the ICC, the ICC does have jurisdiction over this situation because Ukraine issued a declaration under Article 12(3) of the ICC Statute granting jurisdiction to the Court.”*

"Later tribunals, such as the United Nations International Criminal Tribunal for the former Yugoslavia, which prosecuted those responsible for the ethnic cleansing of Albanians in Kosovo under former Serbian President Slobodan Miloevi; the Special Court for Sierra Leone, which prosecuted those responsible for that country's brutal civil war; and the

<sup>13</sup> Staff, A. J. (2022, April 6). US reveals fresh Russia sanctions after atrocities in Ukraine. Russia-Ukraine war News | <https://www.aljazeera.com/news/2022/4/6/us-bans-investments-in-russia-in-fresh-sanction-package>

<sup>14</sup> amanda\_m\_macias. (2022, April 8). Un votes to remove Russia from Human Rights Council. CNBC. <https://www.cnbc.com/2022/04/07/un-votes-to-remove-russia-from-human-rights-council.html>

<sup>15</sup> Falk, T. O. (2022, March 7). Is Putin likely to face the ICC over Russia's actions in Ukraine? ICC News | Al Jazeera. <https://www.aljazeera.com/news/2022/3/7/is-putin-likely-to-face-the-icc-over-russias-actions-in-ukraine>



Extraordinary Chambers in the Courts of Cambodia, which prosecuted the Khmer Rouge's crimes, worked in conjunction with or under the auspices of the UN”<sup>16</sup>.

“Individuals can also be tried in individual countries for crimes that are covered under universal jurisdiction, such as genocide. Recently, German courts were able to secure convictions for two Syrian military officials for crimes committed against Syrians in Syria — crimes that technically did not involve Germany at all, but which fell under universal jurisdiction because they were so egregious and such an affront to the international order. The ICC, unlike other international tribunals such as the European Court of Human Rights, can only try individuals, not countries. While this has never happened in the court's 20-year history, it is unlikely to happen in the context of Russia's invasion of Ukraine. Because the court lacks an enforcement mechanism, it must rely on national authorities to carry out its arrest warrants. “There are many ICC fugitives,” Zvobgo said, including former Sudanese dictator Omar al-Bashir, who in 2015 evaded capture in South Africa, a signatory to the Rome Statute. Defendants in 11 ICC trials are still on the loose.”<sup>17</sup>.

“However, the court has heard 30 cases, with 10 convictions and four acquittals. That may not seem like much, but given how difficult it is to build the types of cases the ICC prosecutes and the ability of many defendants to evade capture and trial, it is significant. It's also a sign that countries are carrying out their responsibilities under the Rome Statute by conducting their own investigations and prosecutions for atrocity crimes, according to Zvobgo, who cited a case in Colombia in which the ICC closed down a preliminary investigation into grave crimes of international concern — including thousands of alleged extrajudicial killings that occurred over five decades of armed conflict — after determining that the Colombian government was complicit”<sup>18</sup>.

## CONCLUSION

The International Criminal Court (ICC) does not try defendants in absentia, or if they are not present in court. And, because the court lacks a mechanism to enforce arrest warrants, Putin could avoid capture as long as he remains in Russia or other friendly countries — and in power.

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<sup>16</sup> Ioanes, E. (2022, April 9). *Here's what the ICC can actually do about putin's war crimes*. Vox. <https://www.vox.com/23017838/international-criminal-court-icc-putin-war-crimes>

<sup>17</sup> Ibid

<sup>18</sup> Ibid

*“The sanctions imposed against Russia so far have been carefully selected by the sanctioning states and seem to be targeting the highly relevant entities and individuals. Thus, it is possible to argue that these sanctions are “as smart as possible” and definitely legal. Nonetheless, the impact of these sanctions will inevitably have a significant humanitarian cost by imposing great hardships on the daily lives of millions of ordinary Russians. However, considering the magnitude of Russia’s violation of international law, the countermeasures must inevitably be of a similar scale. Otherwise, the only option remaining would be a large-scale war with even greater consequences for all the parties to the conflict. Therefore, the current unilateral sanctions should indeed be deemed proportionate, necessary, and sufficiently smart. Yet, decision-makers must of course always bear in mind that unilateral sanctions are “a specialized instrument best deployed in controlled circumstances, not an all-purpose tool for everyday use. Policymakers should treat them like a scalpel, not a Swiss Army knife”.*<sup>19</sup>

While examining this case alone, the one substantiates clause to be appreciated is that, yes there is indeed an international law to function and sanction such war crimes. The political agenda here is a clear-cut hustle of Political power and prowess. Maybe Putin can avoid such sanctions but yet one day he is to face the law as to war and conquer to the least minimum here is a functional realm of disrespect toward humanity at all costs.

*“Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph”*<sup>20</sup>.

- Thomas Paine

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<sup>19</sup> Daniel W. Drezner, “The Use and Abuse of Economic Coercion”, *Foreign Affairs*, 2021, <https://www.foreignaffairs.com/articles/united-states/2021-08-24/united-states>

<sup>20</sup> Thomas Paine, *The Crisis*, (New York: Prometheus Books, 2008)