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Political decisions for the implementation of international justice regarding Russian aggression

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The article is devoted to the characteristics of influential world organizations' political decisions aiming at implementing international justice in relation to Russian aggression. Russian invasion of Ukraine on February 24, 2022, caused a strong reaction from very many countries, which was manifested by numerous political statements from the UN, the Council of Europe, the European Union, and other international unions. A review of various collective documents condemning Russia's violations of international law, the UN Charter, the Council of Europe Charter makes it possible to determine both statements whose goals are to express the political position of the world community, and documents that are procedurally necessary, logical links in the unwieldy system of international justice for ensuring accountability for those guilty of war crimes. An overview of the UN General Assembly resolutions adopted at the Eleventh Extraordinary Special Session of the UN General Assembly lets conclude that the voting mechanism outcomes at such a session laid the foundation for the creation of the accountability system in the conditions of a deadlocked Security Council. Other initiatives of the UN, as well as the Council of Europe, the EU, and other unions constitute a part of necessary procedural mechanism for launching legitimate international justice. It has been proven that the mentioned international unions are preparing a legislative and a documentary basis for considering materials by international judicial institutions and call on countries to support the creation of a special international criminal tribunal for the crime of aggression against Ukraine. It has been shown that the international democratic community has come up with political decisions that are a necessary foundation for launching the mechanism of international justice in relation to Russian aggression.

Key words: political decisions, Russian-Ukrainian war, international justice, UN General Assembly, Council of Europe, European Union.

Introduction. The Russian Federation invasion of sovereign Ukraine on February 24, 2022, caused a strong reaction from very many countries, which was manifested in numerous political statements from the UN, the Council of Europe, the European Union, and other international unions. Some of these documents go beyond the pathos of a severe condemnation of the aggressor and are characterized with the initiation of necessary procedural steps for implementing legitimate international justice. In the conditions of the global trend of strengthening authoritarian political regimes, the process of implementing the idea of the inevitability of punishment for violators of international law is an urgent issue that deserves research attention.

Purpose and tasks. The purpose of the article is to identify and characterize the most important political decisions aimed at ensuring justice in accordance with international standards when considering crimes committed by the Russian Federation. To achieve the goal, research tasks are stated: to review political decisions of influential international organizations, determine the stages of developing the idea of international accountability system formation, describe the stages and achievements of the implementation of intentions.

Research methods. The methodological basis of the research is represented by general and special scientific research approaches. The study of political decisions aimed at ensuring accountability in relation to Russian aggression was carried out,

mainly, with the help of a systemic approach, which shows the existing political initiatives in the context of the interaction of input factors and reactions-decisions at the exit, an empirical approach that allowed analyzing documents to identify actors' positions. The functional method was used to consider events from the point of view of a value system through the states interaction habits in the modern world, and comparative and historical approaches made it possible to analyze the facts in a time dimension, compare and identify changes in rhetoric depending on the stage of the period studied.

Analysis of recent research and publications. Among the large number of works by Ukrainian and foreign social scientists devoted to the Russian-Ukrainian war, one can single out the articles of famous Ukrainian scientists Valerii Smolii, Oleksii Yas, Pavlo Hai-Nizhnyk, Stepan Vidnianskii, Myroslava Lendiel, Igor Todorov, Nataliia Nikolaienko, and others, and identify the following areas of research: war in the policy of Russia to restore the dependence of the post-Soviet space, the periodization of military confrontation, the factor of war for the politics of different interstate unions or the information front of war. Instead, the issue of political initiatives of influential interstate unions to launch the mechanism of an international judicial institution has not been covered yet in scientific literature.

Results. An overview of various collective manifestations condemning Russia's violations of international law, the UN Charter, the Council

of Europe Charter, and the Geneva Conventions makes it possible to determine both statements whose goals are to express the political position of the community, demonstrate its cohesion and inform the general public, and documents that are gradual, procedurally necessary, logical links in the unwieldy system of international justice to prosecute all perpetrators for international crimes. Although it is obvious that in the complex world of modern international politics, concrete steps in such a matter are impossible without proper justification by political rhetoric and crystallization of political will.

The most notable, from the point of view of defining the global political line, were the resolutions of the General Assembly of the United Nations: «Aggression against Ukraine» dated March 2, 2022, and «Humanitarian consequences of the aggression against Ukraine» dated March 24, 2022. The documents were adopted at the Eleventh Extraordinary Special Session of the UN General Assembly. The mechanism of an extraordinary session is used to make decisions in a situation threatening international peace and security in the absence of the necessary unity among the members of the UN Security Council. The tool for expressing a collective position at the world forum was used as a response to Russian aggression. After all, the Eleventh Extraordinary Session regarding Ukraine was convened due to Russia's veto on the draft resolution condemning its invasion of Ukraine within the frames of the UN Security Council.

In the resolution of the UN General Assembly of March 2, 2022, the world community condemns the military actions initiated by Russia, its violation of the norms of international law and the UN Charter [8]. The resolution was supported by 141 countries, and although the vote showed the support of the vast majority of UN member states, it also found 35 countries abstaining from defining their position. For example, in the list of states that did not vote «for» or «against» there we find China and the countries of Central Asia (Kazakhstan, Kyrgyzstan and Tajikistan) – they abstained officially, or Uzbekistan and Turkmenistan, whose position, among others, is hidden under the wording «absent». At the same time, a permanent core of Russian supporters was determined, which remained indispensable (Belarus, North Korea, Eritrea, Syria) or changed due to a slight increase in other votes involving all participants of the organization.

The resolution of the UN General Assembly of March 24, 2022, already displays more specific formulations to the general condemnation of the aggressor, because it was adopted against the background of the events of March, which showed the criminal nature of Russia's waging war. The document describes the state of the humanitarian situation in Ukraine as a result of the military actions of the Russian Federation, which include «the

besiegement of and shelling and air strikes in densely populated cities of Ukraine, in particular Mariupol, as well as attacks striking civilians, including journalists, and civilian objects, in particular schools and other educational institutions, water and sanitation systems, medical facilities and their means of transport and equipment, and the abduction of local officials, as well as attacks striking diplomatic premises and cultural sites» [4, p.2].

The UN General Assembly Resolution of April 7, 2022, was a logical continuation of the two previous documents: it suspended the membership of the Russian Federation in the UN Human Rights Council [9]. Speaking generally, the mentioned initiatives determined the global attitude towards the violations of modern world interaction standards, which became, on the one hand, a political guide for the countries of the world, and on the other hand, enabled further actions of the world community aimed at stopping aggression and punishing the guilty. Thus, in the conditions of a blocked Security Council, with the help of these mechanisms, the foundation has been laid for the creation of a system of responsibility for war crimes.

At the same time, we should admit that the positions of other influential international unions in view of political condemnations of Russia's violation of state sovereignty or of the statements clarifying the nature of warfare are declared for public in parallel or even ahead of declarations from the UN. These were the first months of the war that revealed to the world the consequences of the Russian occupation with mass crimes against the civilian population of Ukraine. International unions responded with numerous resolutions, among which the innovative political rhetoric of the Council of Europe as an organization that is more flexible due to its members' commitment to the principles of democracy, human rights and freedoms is noteworthy. A landmark document was the Conclusion of the Parliamentary Assembly of the Council of Europe «Consequences of the Russian Federation's aggression against Ukraine» dated March 15, 2022, which examines the actions of the Russian Federation in connection with the military aggression against the Republic of Moldova with the occupation of the Transnistrian region, against Georgia in 2008 and against of Ukraine, starting with the annexation of Crimea and the occupation of certain areas of Donetsk and Luhansk regions in 2014 [1, para. 5].

On the basis of declarations condemning the aggressor's violation of the modern world's foundations and the norms of international law, it becomes possible to move on to more specialized issues about the establishment of a proper judicial system. The Resolution of the Council of Europe «The Russian Federation's Aggression against Ukraine: ensuring accountability for serious

violations of international humanitarian law and other international crimes» dated April 28, 2022, has already announced the will of leading politicians, scientists, and human rights defenders to create a special international criminal tribunal to prosecute the crime of aggression [10]. The idea finds further development, and on May 20, 2022, 41 countries and the EU issue a «Joint statement on Ukraine's application against Russia in the International Court of Justice», where they testify their support for the Ukrainian side. Very soon the case started was continued by the initiative of the European Union, the United States and Great Britain, which on May 25, 2022, issued a «Joint statement from the European Union, the United States, and the United Kingdom on the establishment of the Atrocity Crimes Advisory Group». The next collective expression of will was the «Joint statement on supporting Ukraine in its proceeding at the International Court of Justice» (dated July 13, 2022), signed by representatives of 43 democratic countries and the EU. The document states that Russia has no legal grounds for military action in Ukraine.

«The Political Declaration of the Ministerial Ukraine Accountability Conference» of July 15, 2022, is important for establishing the judicial system expected. In addition to emphasizing the need to investigate and punish international crimes in accordance with international standards of justice, the document informs that the Office of the Prosecutor General of Ukraine works with the Office of Prosecutor of the International Criminal Court, the Commission of Inquiry of the UN Human Rights Council, the UN Human Rights Monitoring Mechanism in Ukraine, the OSCE, etc. [7, par. 7]. The document contains a list of organizations involved in the implementation of the deeds planned: «International initiatives include efforts by the European Commission, Eurojust, the Joint Investigative Team established with its assistance and in which the ICC participates, Europol, the European Union Advisory Mission to Ukraine, the Office of the Prosecutor of the ICC, the OSCE, the UN Commission of Inquiry, the UN Human Rights Monitoring Mission in Ukraine, the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Council of Europe and the EU-US-UK Atrocity Crimes Advisory Group» [7, par. 22].

An extremely important emphasis is also contained in the «Memorandum on the Human Rights Consequences of the War in Ukraine» dated July 8, 2022, which characterizes the legal basis created by the international community for launching legal proceedings and draws attention to the initiative «Break the vicious cycle of impunity in Russia for its war crimes», which indicates determination in the implementation of intentions [6, p. 19]. The commissioner recognizes the difficulty in organizing

justice for serious international crimes in the context of an armed conflict, but also emphasizes that «the justice mechanisms and processes deployed in relation to the war in Ukraine should ensure that all perpetrators of international crimes that may have been committed in Ukraine (war crimes, crimes against humanity, genocide, and the crimes of aggression) are brought to justice in fair trials, regardless of their identity, affiliation, or official position» [6, p. 20].

These examples of international cooperation can be considered as the next, necessary stage initiated earlier by general political declarations from the UN, the EU, the Council of Europe, etc. in the creation of a proper system of international justice. An essential component of the stage can be found in UN General Assembly Resolution «Furtherance of remedy and reparation for aggression against Ukraine» dated November 14, 2022. It recommends creating a register of damage and recognizes the need for compensation for damages caused by Russian wrongful acts against Ukraine through the international reparation mechanism. The resolution was supported by the necessary majority of votes (94 votes in favor, which is 51.93% of the total membership of the UN). It should be noted that, the rhetoric of peacemaking in Resolution «Principles of the UN Charter underlying a comprehensive, just and sustainable peace in Ukraine» (dated February 23, 2023) won the support of 141 countries.

But even in the rather inflexible environment of the political positions of the UN countries on the issues of the Russian-Ukrainian war, there were shifts, an example of which was the vote on April 26, 2023. The UN General Assembly Resolution «Cooperation between the UN and the Council of Europe» drew attention to the «unprecedented challenges now facing Europe following the aggression by the Russian Federation against Ukraine, and against Georgia prior to that» [2, p. 2]. The position of China and other certain BRICS members – Brazil and India – as well as certain Collective Security Treaty Organization countries – Kazakhstan and Armenia, became rather sensational. The mentioned countries previously did not support documents, including resolutions of the UN General Assembly, which contained wording about Russian aggression, and voted in the category of those who abstained.

In 2023, the world community keeps working on the idea of introducing an international judicial institution. The resolution «Legal and human rights aspects of the Russian Federation's aggression against Ukraine» (dated January 26, 2023) calls on as many countries as possible and the UN General Assembly to support the creation of a special international criminal tribunal for the crime of aggression against Ukraine [5]. One of the culminating activities in the activity researched is the PACE Resolution dedicated to human rights issues «Deportations and forcible

transfers of Ukrainian children and other civilians to the Russian Federation or to Ukrainian territories temporarily occupied: create conditions for their safe return, stop these crimes and punish the perpetrators» dated April 27, 2023. The document informs about the cooperation of the UN, the Council of Europe, the European Parliament and the OSCE in countering this practice, and also contains the wording: «The Assembly welcomes the International Criminal Court's decision of March 17, 2023 to issue arrest warrants against President of the Russian Federation, Vladimir Putin, and the Russian Commissioner for Children's Rights Maria Lvova-Belova, for the war crimes of unlawful deportation and transfer of populations, in particular children» [3, c. 3]. Issuing an arrest warrant for the aggressor state's leader is undoubtedly a testimony of the highest determination of democratic countries to bring criminals to justice, although a lot of efforts must be undertaken to implement the idea.

Conclusions. Thus, influential international organizations: the UN, the EU, the Council of Europe, the OSCE and other democratic unions have begun the process of ensuring the inevitability of punishments for the Russian Federation as a country that unleashed a war against Ukraine. International unions issued political statements that condemned Russia's violation of the sovereignty and territorial integrity of an independent country. This became the basis for further political initiatives that combined the aggressor's crimes against Moldova, Georgia, and Ukraine into a single canvas of Russia's imperial aspirations.

The declarations of the UN General Assembly play an important role in shaping the world political position in relation to violations of international law norms, act as a tool for declaring this line on behalf of the UN in the conditions of blocked UN Security Council, and act as a catalyst for political shifts in the attitude towards the aggressor on the part of different actors.

The Council of Europe, the EU, and democratic countries, making statements about the course of the war and drawing the world community's attention to Russia's systematic violation of the international law, are preparing the legislative basis for international law-enforcement institutions. As a part of this activity, a special coordination group was created to provide Ukraine with technical and legal advisory assistance in the investigation of war crimes.

The initiators of the idea of international justice cooperate with the International Criminal Court, the Commission of Inquiry of the UN Human Rights Council, the UN Human Rights Monitoring Mechanism in Ukraine, Eurojust, the Joint Investigative Group with the participation of the International Criminal Court, Europol, the Consultative Mission of the European

Union in Ukraine, and other institutions of legal competence. An important achievement of the joint efforts was the decision of the International Criminal Court on March 17, 2023, to issue arrest warrants for the President of the Russian Federation and the Russian Commissioner for the Rights of the Child for war crimes in the illegal deportation of Ukrainian children.

The international democratic community came up with political decisions that are the necessary basis for launching the mechanism of international justice regarding Russian aggression.

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Політичні рішення для впровадження міжнародного правосуддя щодо російської агресії

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Стаття присвячена характеристиці політичних рішень впливових світових організацій, спрямованих на впровадження міжнародного правосуддя щодо російської агресії. Вторгнення Російської Федерації на територію суверенної України 24-го лютого 2022 р. викликало жорстку реакцію переважної більшості країн світу, проявом чого стали численні заяви політичного характеру від ООН, Ради Європи, Європейського Союзу та інших міжнародних союзів. Зазначено, що огляд різних колективних виступів із засудженням порушень Росією міжнародного права, Статуту ООН, Статуту Ради Європи, Женевських конвенцій дає можливість виділити як заяви, цілями яких є висловлення політичної позиції спільноти, демонстрація її згуртованості та інформування широкої громадськості, так і документи, що є поступовими, процедурно необхідними, логічними ланками в неповороткій системі міжнародного судочинства для притягнення до відповідальності винних у воєнних злочинах. Наданий огляд резолюцій Генеральної Асамблеї ООН, прийнятих на Одинадцятій надзвичайній спеціальній сесії Генеральної Асамблеї ООН, і показано, що механізм голосування на такій сесії заклав підґрунтя для створення системи відповідальності в умовах заблокованої Ради Безпеки.

Проаналізовані інші ініціативи ООН, а також Ради Європи, ЄС та інших союзів, які можна віднести до етапу започаткування необхідних процедурних кроків для впровадження легітимного міжнародного судочинства. В документах міститься наголос на потребі розслідування та покарання міжнародних злочинів відповідно до міжнародних стандартів правосуддя, а також інформація про взаємодію Генеральної прокуратури України з міжнародними судовими інституціями. Доведено, що згадані міжнародні союзи готують законодавче поле та документальну базу для розгляду матеріалів інституціями міжнародного судочинства і закликають країни підтримати створення спеціального міжнародного кримінального трибуналу для злочину агресії проти України. Доведено, що міжнародна демократична спільнота вийшла з політичними рішеннями, які є необхідним підґрунтям для запуску механізму міжнародного правосуддя щодо російської агресії.

Ключові слова: політичні рішення, російсько-українська війна, міжнародне правосуддя, Генеральна Асамблея ООН, Рада Європи, Європейський Союз.