Tomorrow's Affairs
Analysis of today
Assessment of tomorrow

By: Gordon Brown

Putin has reason to worry - criminal indictments are coming

Recent days have witnessed some of the worst attacks against Ukrainian civilians since the start of the war in February 2022.

According to Danielle Bell, the head of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU), "The surge in long-range missile and drone strikes across the country has brought even more death and destruction to civilians far away from the frontline."

In fact, according to new data from the HRMMU, which has monitored loss of life throughout all of Russia's major bombing offensives, the monthly casualty rate among Ukraine's civilian population in June was the highest in more than three years.

Civilian casualties included 232 deaths, with a further 1,343 Ukrainians injured in the span of one month.

As dire as conditions for civilians have become, the surge in Russian violence may also mark a turning point in Ukraine's favor.

US President Donald Trump has now signaled a shift in his position, which Ukrainians and their allies across the West hope will be sustained.

Trump's decision to supply the type of lethal missiles (paid for by Europe) that will allow Ukraine to continue its fight against Russian aggression reflects his slow loss of trust in Russian President Vladimir Putin's willingness to negotiate a peace agreement.

Likewise, Trump's accompanying threat to impose new sanctions comes in response to Putin's failure to honor his promises.

Putin has reason to worry

Putin has another reason to worry. On July 15, Ukraine's parliament voted overwhelmingly in favor of establishing, together with the Council of Europe, a special tribunal to try Russia for the crime of aggression against Ukraine.

The Ukrainian decision ratifies the agreement that was signed in Strasbourg on June 25, during Ukrainian President Volodymyr Zelensky's first visit to the Council of Europe.

An unmistakable signal has now been sent that there will be no safe haven for Putin and the clique who made the decision to wage aggressive war against Ukraine.

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The future tribunal will allow investigations of all the highest-ranking leaders of the Russian state.

While heads of state, heads of governments and foreign ministers benefit from personal immunity from prosecution, this will be no bar to gathering evidence against them and being prepared to issue a formal indictment the instant they leave office.

The agreement follows the Council of Europe's suspension of Russia's representation rights in February 2022, after 26 years of Russian membership, and then expelling Russia a month later, in accordance with Article 8 of its statute.

A tribunal has become necessary

The tribunal is the culmination of three years of pressure to hold the Kremlin accountable for its actions in Ukraine.

Already the International Criminal Court has issued arrest warrants for Putin and Maria Lvova-Belova, Russia's commissioner for children's rights, for her role in the unlawful deportation of thousands of Ukrainian children to Russia.

Last year ICC judges issued arrest warrants for former Defense Minister Sergei Shoigu and

Chief of the Russian General Staff of the Armed Forces Valery Gerasimov for attacks on Ukraine's electricity infrastructure.

> Russia is not a party to the Rome Statute, which established the ICC

But a tribunal has become necessary because, despite having jurisdiction over war crimes, crimes against humanity (which now include the destruction of schools, hospitals, and infrastructure, and the deliberate targeting of civilians), and genocide committed on Ukraine's territory, the ICC cannot prosecute Russia's political and military leaders for the crime of aggression.

This is because Russia is not a party to the Rome Statute, which established the ICC, and because the country's veto power at the United Nations prevents the Security Council from referring the matter to the Court.

Criminal indictments are coming

That leaves only a special tribunal to prosecute Putin's foundational crime: planning, preparing, and executing the invasion, occupation, and attempted annexation of Ukraine, dating back to the invasion of Crimea in 2014.

Prosecuting the regime for the crime of aggression against Ukraine falls squarely within the mission of the Council of Europe, founded in the aftermath of World War II, when much of the continent lay in ruins, with the goal of upholding the rule of law and human rights.

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It would also send the important message that a rules-based system is still the best way to create a more stable and peaceful world.

That message is needed now more than ever as Putin ramps up Russia's war machine and increases the pressure not only on the front line in Ukraine but also on civilians.

The Kremlin has reportedly imported laborers from Asian and African countries to bolster the workforce in factories manufacturing drones, with China accused of providing vital components in large quantities.

So, what has happened this week is of great significance. New American armaments will begin to arrive soon, and the message has gone out to Putin and his criminal cabal: criminal indictments are coming, and there will be nowhere to hide.

Quite simply, there will be few places outside of Russia where Putin can be certain of not facing the humiliation of a potential arrest. His impunity is coming to an end.

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