

Does ICC's Arrest Warrant Limit Putin's External Visits? "The West is Hysterical"

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The first simple interpretation of the warrant issued by International Criminal Court is that Russian President Vladimir Putin could be arrested in 123 member states around the world. These members are now legally bound to arrest, detain and hand him over to the court.

On 17 March 2023, pre-trial Chamber II of the International Criminal Court (ICC) issued warrants of arrest for two individuals in the context of the situation in Ukraine: Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, says the website of ICC.

Generally, the court participates in a global fight to end impunity, and through international criminal justice, the court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again.

The court does not reach these goals alone. As a court of last resort, it seeks to complement, not replace, national courts. Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent international criminal court.

According to Russian BBC service, citing Kevin Jon Heller, professor of international law at the University of Copenhagen said

"This is an incredibly important event. It's not every day a sitting head of state is accused by the international court. But of course, the likelihood of Putin being detained any time soon is quite low.

From a legal point of view, any ICC member state is obliged to execute this ruling. If Putin arrives on the territory of this country, it should arrest him and hand him over to the court. But in reality, states don't always do that.

For instance, serious accusations were made against the President of Sudan, and he visited several ICC member states after that but was not arrested in any of them. So an arrest warrant is no guarantee that Putin will be handed over to the ICC. Yet from a

legal point of view, countries are obliged to do that.”

“Yankee, stay away from Putin! All that nonsense from the Hague means that West is hysterical. The papers of the alien Hague court do not apply to Russia,” emphasized Vyacheslav Volodin, the Chairman of the State Duma.

According to him, Washington and Brussels have exhausted all possibilities of sanctions and hostile actions.

“They have failed to break the citizens of the Russian Federation and destroy the economy of our country. Washington and Brussels understand that if there is Putin, there is Russia. That is why they try to attack him. Putin’s strength is in the people’s support, consolidation of society around him. We consider any attacks on the President of the Russian Federation as acts of aggression against our country,” added Volodin.

Chairman of the Russian Investigative Committee Alexander Bastrykin has requested providing the legal assessment of German Justice Minister’s statements on arrest of Russian citizens on German territory, the press service of the Investigative Committee said in a statement.

“Chairman of the Russian Investigative has tasked its central office within the framework of the ongoing inspection with providing the required legal assessment of statements by German Justice Minister on fulfilling the International Criminal Court’s unlawful requirement to arrest Russian citizens on German territory,” the statement reads.

German Justice Minister Marco Buschmann said earlier that the country would comply with the demands of the International Criminal Court (ICC) for issuing an arrest warrant against Russian President Vladimir Putin and arresting the Russian leader if he set foot on German soil.

The ICC issued arrest warrants for Putin and Russia’s Children’s Rights Commissioner Maria Lvova-Belova. The court’s statement said they could be responsible for the war crime of unlawful deportation of children and unlawful transfer of children from occupied areas of Ukraine to the Russian Federation.

Commenting on this decision, Kremlin spokesman Dmitry Peskov noted that Moscow did not recognize the jurisdiction of the ICC. “We view the very approach to the matter as outrageous and unacceptable. Russia does not recognize this court’s jurisdiction. Hence, any such decisions are null for Russia from the legal standpoint,” he said. In turn, Russian Foreign Ministry Spokeswoman Maria Zakharova said that the decisions of the ICC had no meaning for Russia, with possible arrest warrants legally void.

The ICC jurisdiction is valid in the countries that have ratified the Rome Statute. Ukraine is not party to the Rome Statute, but Ukraine has granted the ICC the right to investigate crimes committed on its territory.

The Rome Statute has been ratified by 123 countries, including South American countries and nearly half the countries of Africa, so they must consider warrants issued by the ICC. China, India, Belarus, Türkiye and Kazakhstan are among the countries that have not ratified the statute. Russia, like the United States, signed the statute but later revoked its signature.

The first head of state in history to be prosecuted by the ICC was Laurent Gbagbo, fourth President of Côte d'Ivoire, in 2011. He was accused of crimes against humanity committed during an armed conflict in the country in 2010-2011. Eight years later, in 2019, Gbagbo was acquitted.

Uhuru Kenyatta, who later became President of Kenya, was accused by the ICC of committing crimes against humanity during the political crisis in Kenya in 2007-2008. The accusations were revoked in 2014 due to the lack of evidence.

Omar al-Bashir, the seventh President of Sudan, is in custody in Sudan and is waiting to be handed over to The Hague. He is accused by the ICC of organising and carrying out a genocide.

The first head of state to be convicted was Charles Taylor, 22nd President of Liberia. He was prosecuted by the Special Court for Sierra Leone. The court found him guilty of assisting in and inciting war crimes and of complicity in crimes against humanity. He was sentenced to 50 years in prison on 30 May 2012.

Former Serbian President Slobodan Milošević died in the UN prison in The Hague before being sentenced. He was prosecuted by a predecessor of the ICC – the Tribunal for the Former Yugoslavia.

The International Criminal Court is an intergovernmental organization and international tribunal located in The Hague, Netherlands. It is the first and only permanent international court with jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes and the crime of aggression. The ICC began operations on 1 July 2002.

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