

Topic 1: Law, Question 3 (Main Topic)

The year is 1945. World War 2, after 6 grueling and miserable years, was over. The 3 major axis regimes, being Nazi Germany, Fascist Italy, and the Empire of Japan, once the architects of some of the worst crimes humanity has done to itself were in smoldering ruins, yet many of the leaders behind these regimes remained, and something had to be done to deal with them. Each of the Big Three had different ideas for the leaders. The UK wanted summary execution for all defendants, while the USSR wanted to do a show trial[1]. However, the allies did not enact either proposal. Instead, the American option was chosen, where free and fair trials were set up, with the Nuremberg trial handling German defendants, and the Tokyo Trials handling Japanese defendants[IBID]. These trials are significant in that they created the concept of International Criminal Law, a concept that has been used and expanded throughout the decades with the Genocide Convention signed in 1948 and the Rome Statute signed on July 17th, 1998, which also created the International Criminal Court[IBID], a Court that on March 17th, 2023, issued arrest warrants for a certain Vladimir Vladimirovich Putin over the illegal transfer of children[2].

Vladimir Putin is a former KGB agent[3] and has been the President of the Russian Federation and Supreme Commander of the Russian Army from 2000-2008 and from 2012 to the current day[4]. During the Russo-Ukrainian War, the Russian Army under the leadership of Putin has been accused of numerous crimes, such as the crime of aggression, war crimes, and crimes against humanity, including genocide[5]. With all that has been going on since the war started, and with all of the crimes Russian troops have been accused of committing, a question has to be made, and that question being, is Vladimir Vladimirovich Putin a war criminal? This essay argues that Putin is a war criminal even if he has not been officially tried and convicted, this essay argues that Putin has committed the Crime of Aggression, and this essay argues that the arrest warrant was created not out of a political motivation by certain powers to attack their rivals, but out of an aspiration to follow in the footsteps of the past, in the name of justice.

There is an important concept when justifying a war, and that is the concept of the Just War theorem. This concept was created in the middle ages, it was based on Classical Roman and Hebrew Culture as well as from the work of secular and religious figures such as Saint Augustine, and it continues to be iterated and invoked to this day[7]. This concept dictates the definition of whether a war can be considered just based on the justification for war, the actions in a war, and the actions after a war[IBID]. In the modern day, for a war to be considered just, it must follow the conditions of Jus Ad Bellum. Those conditions are that the war must be declared openly by a proper sovereign authority, the war must have just cause, the aggressor must have just intentions, the war must aimed to create a just peace, the aggressor must have a reasonable chance of success, the benefits of the war must outweigh the costs, and force must be used as a last resort, when diplomacy has completely failed[IBID]. When looking at Russo-Ukrainian War, it is important to note that the invasion is a breach on the prohibition on the use of force enshrined by Article 2(4) of the UN Charter and checks off the vast majority of acts of

aggression described by the UN General Assembly's Definition of Aggression, which means that the burden of proof for proper and legitimate usage of Jus Ad Bellum is on Russia[8]. Russia's arguments can be primarily found in Putin's speech on February 24, 2022 that announced the beginning of the so-called "Special Military Operation", and in that speech, Putin invokes the right of states to individual and collective self defense[IBID]. He claims that the "Special Military Operation" was in response to the threat posed by NATO to Russia, the threat that Ukraine posed to Russia's territories and nationals, and the collective threat to Russia's allies in the at the time separatist Donetsk and Luhansk People's Republics[IBID]. However, these arguments listed above are illegitimate. According to Article 51 of the UN charter, self defense can only be used by nations in response to an armed attack against that nation, although states and scholars have also agreed that a response to an imminent threat to a nation can be considered as self defense[IBID]. However, Putin indicated that there was a future threat to Russia because of NATO, and that the invasion of Ukraine was a case of preemptive self defense, a concept that has not been accepted as legitimate by scholars and states, and to make things worse for Putin's arguments, there was no evidence of any imminent plans for the invasion of Russia, which means that there was no imminent threat to Russia posed by NATO, which makes this point illegitimate. As for the argument that Ukraine posed a threat to Russian Territory and Russian citizens, on the first point, there was no evidence to suggest that Ukraine had any plans, especially not imminent plans to invade Russia[IBID]. And on the second point, while the protection of nationals abroad is somewhat of a legitimate argument, it has its limits, and Putin's use of this argument as an example of self defense is totally illegitimate and not grounded in reality, as it is doubtful that attacks on a nation's citizens in a foreign country can count as an armed attack against the nation[IBID]. Also, the action to protect a nation's citizens in a foreign country still needs to follow the requirements of necessity and proportionality, a set of requirements that have been completely ignored by Putin, because protecting citizens in a foreign nation does not require the use of artillery, airstrikes, and offensive maneuvers, rendering this argument illegitimate[IBID]. Finally, on the claim of collective defense, the so-called Donetsk and Luhansk People's Republics de jure were at the time not states due to the lack of recognition(they were later annexed into Russia), and therefore cannot make collective defense requests. Even if they could, the arguments for collective defense, those being the claims of armed attack and systematic genocide committed by Ukraine in the region have been proven to be false upon closer inspection[IBID]. Overall, with his arguments rendered illegitimate, and his claims rejected, Putin has completely failed to invoke Jus Ad Bellum, and therefore, his invasion is unjust, it constitutes as an unlawful use of force, and it is a war of aggression that violates international law.

Jus Ad Bellum is only one part of the Just War theory, with the other concept being Jus In Bello[9]. This concept focuses on the conduct of combatants in compliance with the law of armed conflict, also known as International Humanitarian Law[10]. Within the concept of Jus In Bello, there are the two, sometimes three principles, those being the Principle of Discrimination,

which determines who is a legitimate target in war, the Principle of Proportionality, which determines how much force can be used in a conflict, and occasionally, the Principle of Responsibility intertwined with Command Responsibility, which determines who is responsible for war crimes, either directly in the case of troops on the ground[9], or indirectly in the case of the officers, generals, field marshals, government officials, and heads of state and government[11]. Now, when it comes to the Principle of Discrimination, especially in the circumstances of the Russo Ukrainian War, there are multiple interpretations on who is a legitimate target. Traditional theory believes in the moral equality of combatants, which states that all combatants are morally equal regardless of the circumstances in which the conflict started[12]. On the other hand, Revisionist Just War theory does not believe in the moral equality of combatants, and instead states that the circumstances in which the conflict started are important in determining who is a legitimate target[IBID]. What both theories state is that the killing of civilians and the bombing of civilian infrastructure is not legitimate and is therefore a war crime. This is a crime that the Russian Army has been repeatedly accused of committing. According to the UN Report of the Independent International Commission of the Inquiry on Ukraine, as of February 15th, 2024, there have been 8898 civilian deaths and 18818 civilian injuries from explosive attacks according to OHCHR, with the real number being much higher than that[13]. There is also a consistent pattern of Russian forces bombing and attacking civilian targets, with complete disregard for the fact that the targets were civilian [IBID]. The actions listed above are a war crime according to the Rome Statute, and due to Putin's complete inaction to address the issue and stop the crimes from happening, Putin is complicit in these crimes, and is therefore a war criminal.

On May 23rd, 2025, Deputy Secretary of the Russian Security Council, Alexander Venediktov, made a speech to Sputnik, Russia's foreign news service, pointing out multiple flaws within the ICC, criticizing the perceived inefficiency of the court, and claiming that the ICC had become "an obedient puppet of the collective west.[15]" Now, the Russian government may claim that the ICC is an ineffective western tool, incapable of actually enforcing its rulings, yet on November 21st, 2024, the ICC issued an arrest warrant for Israeli Prime Minister Benjamin Netanyahu[16], much to the outrage of western governments, and on March 11th, 2025, Former Philippine President Rodrigo Duterte was handed to the ICC after being arrested on charges of crimes against humanity[17]. Both of these actions are unprecedented moves and signal a shift within the ICC, now becoming a global player in politics, and it at the same time undermines Russia's arguments, because now, the ICC has issued arrest warrants to a western leader, betraying its so-called puppets, and it has shown the power it does have with Duterte's arrest, power that Putin has to acknowledge. And, in Putin's case, the evidence for his complicity in the crimes committed by his troops is clear and has already been repeatedly documented by not just the ICC, but also the UN and other international organizations. There is too much evidence for the ICC not to intervene and issue the arrest warrant, because otherwise, they would show bias in their actions and their actions would go against the ideals the ICC stands for, and would be a

disgrace to the legacy of the Nuremberg and Tokyo Trials, a legacy that continues to ring on 80 years later.

In a war, determining who is a war criminal and determining their crimes is extremely important in the field of international law. It is important that we do not commit a miscarriage of justice in our judgements, but at the same time, we must also identify and judge who is responsible for atrocities in war, and we must judge them irrespective of bias and politics, no matter how powerful the defendant may be. The accused could be a conscript, or the Head of State of a Great Power. No one has immunity from justice, and in the name of justice, the accused will be tried and judged for their actions. And just as the Nuremberg and Tokyo trials tried the leaders of states that have committed some of the worst crimes humanity has ever committed, we too should try Vladimir Putin for the crime of aggression and the war crimes he has committed, and we should do this to follow through with the ideals and goals that the Nuremberg and Tokyo trials created for the betterment of humanity.

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