**OPEN LETTER TO THE INTERNATIONAL CRIMINAL COURT:**

**ILLEGAL ACCUSATIONS THAT MUST BE JUSTIFIABLY ADDRESSED TO OTHERS**

Report # 217 dated March 18, 2023

To the International Criminal Court:

On March 17, 2023 the **International Criminal Court** (“the ICC” or “the Court”) issued its press-release containing information about warrants for the arrest of the Russian President Vladimir Putin and Russia’s Commissioner for Children’s Rights Maria Lvova-Belova, accusing them of “unlawful transfer” of population (children) from Ukraine to Russia. The document claimed that both persons bear individual and command responsibility for the alleged “war crime.”

The warrants partly said: “Today, 17 March 2023, Pre-Trial Chamber II of the ICC issued warrants of arrest for two individuals in the context of the situation in Ukraine, namely for Mr Vladimir Vladimirovich Putin, President of the Russian Federation, and Ms Maria Alekseyevna Lvova-Belova, Commissioner for Children’s Rights in the Office of the President of the Russian Federation.”

The ICC stated that Mr Vladimir Putin was allegedly responsible for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute). The crimes were allegedly committed in Ukrainian occupied territory at least from 24 February 2022. There are reasonable grounds to believe that Mr Putin bears individual criminal responsibility for the aforementioned crimes, (i) for having committed the acts directly, jointly with others and/or through others (article 25(3)(a) of the Rome Statute), and (ii) for his failure to exercise control properly over civilian and military subordinates who committed the acts, or allowed for their commission, and who were under his effective authority and control, pursuant to superior responsibility (article 28(b) of the Rome Statute).

Then ICC stated that Ms Maria Lvova-Belova, is allegedly responsible for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute). The crimes were allegedly committed in Ukrainian occupied territory at least from 24 February 2022. There are reasonable grounds to believe that Ms Lvova-Belova bears individual criminal responsibility for the aforementioned crimes, for having committed the acts directly, jointly with others and/or through others (article 25(3)(a) of the Rome Statute).

“Pre-Trial Chamber II considered, based on the Prosecution’s applications of 22 February 2023, that there are reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population and that of unlawful transfer of population from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children.”

**I am fully aware that such arrest warrants for these persons have no validity and juridical significance due to the fact that Russia is not under any obligation to acknowledge the “arrest warrant” for them announced by the International Criminal Court on March 17, 2023 in its press-release.**

“We consider the very premise outrageous and unacceptable,” **Dmitry Peskov,** the Kremlin spokesman,told reporters when asked about the warrant for purported war crimes. “Russia, like many other states, does not recognize the jurisdiction of this court. Accordingly, the Russian Federation considers any of its pronouncements **null and void** from the legal standpoint**.”** "We consider the very formulation of the issue outrageous and unacceptable. Russia, as well as several other states, do not recognize the jurisdiction of this court and, accordingly, any decisions of this kind are null and void for Russia in terms of law," he added.

**The fact that Russia Is not under any jurisdiction of the ICC is actually a formal factor. Neither Russia nor Ukraine have ratified the Rome Statute that established the ICC.** In 2016, Putin signed an order stating that Russia would not become a party to the ICC. According to the Russian Foreign Ministry, the Court "has failed to live up to the expectations placed on it and has not become a truly independent body of international justice."

**I. But there are many more substantial and more important factors that should have been taken into consideration by the ICC before issuing such “arrest warrants”,** *inter alia:*

1.The brutal armed aggression against Donbass was started **by Ukraine** after its President *ad interim* Aleksander Turchinov on **April 13, 2014** signed a Decree No. 405/2014 on unleashing “ATO or anti-terrorist operation” or *de facto* massive armed aggression against civilians living in Donbass **by using regular Armed Forces of Ukraine** or AFU. **That was and still is the war crime – actually very serious war crime against humanity totally neglected by the ICC**. During such aggression that lasted uninterruptedly **up to February 14, 2022**, that is the date of a large-scale escalation of Ukrainian armed aggression against Donbass, 14,000 civilians were killed and 34,000 civilians were injured, including many dozens of children. Since February 14, 2022 till now AFU killed more than 5,000 civilians in Donbass. AFU destroyed several thousands of their homes and social infrastructure facilities. Ukrainian neo-Nazis terrorize Ukrainian people, commit ethnic cleansing. Ukraine stands on the brink of a large-scale inter-confessional conflict, which has not had any precedents in the modern European history. What will be the fate of Ukrainian children? **The ICC kept silence for all these eight years for such atrocities.**

2. Later the large-scale and unprovoked escalation of the Ukrainian armed aggression began. It started on **February 14, 2022** by AFU that has amassed nearly 100,000 armed servicemen – again against Donbass. It resulted in a huge exodus of civilians from Donbass, sometimes with children, to the West (to Russia) and to the East (to many other European states). Russian officials have made no secret of Moscow's efforts to relocate civilians from front line areas, where they were and are still are threatened with regular shelling attacks by Ukrainian forces. "We do our best to keep young citizens in families, and in cases of the absence or death of parents and relatives, to transfer orphans to guardianship. We are ensuring the protection of their lives and well-being," the Russian Embassy in the USA said last month. The Embassy added that amid the "politicized insinuations" being against Russia, Washington and its allies have ignored the death and injury of well over 400 children in the Donbass, including at the hands of HIMARS rockets and other Western-provided weapons targeting schools, kindergartens and hospitals, over the past nine years. It happens every day. Every day hundreds of Ukrainian and NATO artillery shells and missiles explode in the completely peaceful. non-military populated areas in Donbass and in other former Ukrainian regions.

3. On February 24, 2022 that is ten days later the Russian Federation began Special Military Operation or SMO with the aim **to stop intimidation and genocide of civilians** by the current Kiev’s ultra-nationalist regime. Nearly one million civilians as refugees – some of them with children – have found a save heaven, normal human treatment and social welfare and protection on the Russian territory.

4. Nobody has ever sent any complaint that Donbass children have been transferred to Russia against their will or the will of their parents. Donbass children who decided to settle down on the Russian territory have enjoyed and are still enjoying the same rights and privileges as other Russian and non-Russian children throughout entire Russian land. Children from Donbass have full rights to attend kindergartens, to study at schools and universities, to get adequate medical treatment, like all children of other nations inhabiting Russia. The majority of them like their parents obtained Russian citizenship.

5. That was not “unlawful transfer” of children as the ICC has put it. **Unlawful were and are still unlawful the acts of genocide against civilians and their children committed by the AFU,** especially if they were or if they are nowadays Russians. All children that have been taken to Russia from Donbass have been brought by their parents – either mother or farther or with both of them, and naturally voluntarily and upon their common agreement. Some orphans have been taken to the territory of Russia because there was a great risk that they all will be killed or wounded by Ukrainian aggressors that all the time used high-caliber artillery and howitzer shells and MLRS missiles. Many children have died or got serious wounds after stepping on Ukrainian anti-personnel mines produced by AFU and dispersed by its units intentionally in the areas having no military facilities or assets at all. AFU used cluster munitions against civilians in Donbass, a weapon prohibited in more than 120 countries;more than 100,000 shells for the last 9 years against Donbass; constantly shells Zaporozhie nuclear power plant blackmailing people in Europe. **No reaction came from the ISS.**

6. Since October 2022 when four ex-Ukrainian territories like Donetsk and Lugansk People’s Republics, Zaporozhye and Kherson Regions have joined the Russian Federation after conducting openly the respective referenda, the issue of “unlawful transfer” of children from these territories now belonging to Russia actually ceased to be from any political and juridical points of view. But was it a legal action when many European states have deported Ukrainian children into their territory?

7. It is important to underscore: Russian authorities have never prevented families with children who came from Donbass and any other areas to Russia to return to any country of the world they so desire as all other Russian citizens can do. It is strange that the ICC does not know that fact. Or deliberately neglected it?

**II. There are some juridical mistakes and intentional inaccuracies in the press-release issued by the ICC.**

1**.** Thesentence that **“**The crimes were allegedly committed in Ukrainian occupied territory at least from 24 February 2022” is irrelevant because it is Ukraine who started barbaric massive armed aggression against Donbass since April 13, 2014 and continues it up to now getting several hundred thousand of artillery shells and MLRS rockets plus several hundred millions of rounds of small arms ammunition mainly from NATO countries. AFU saboteurs recently tried to deliberately kill a ten-year boy on the Russian territory by shooting him in the back when he tried to escape with two smaller girls. **In all these cases no words of criticism and condemnation came from the ICC.**

2. The press-release contains the following statement: “Pre-Trial Chamber II considered, based on the Prosecution’s applications of 22 February 2023, that there are reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population and that of unlawful transfer of population from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children”. Such statement has wrongly characterized some areas as “occupied areas of Ukraine”. They should be named by the ICC as “liberated areas”, where people did not wish and still have no desire to stay inside the territory of aggressors and *bona fide* war criminals, inside the country where neo-Nazi factions are still very active.

3. In order to hide real facts the decision made by the ICC used the word “secret” in its press-rfelease: “The Chamber considered that the warrants are secret in order to protect victims and witnesses and also to safeguard the investigation.” Such method testifies that the ICC does not have real facts of “deportation” of children; it covers up disinformation it obtained from a handful of Ukrainian propagandists as a rude excuse for not presenting real facts to the general public, and to hide Ukrainian atrocities Kiev’s leaders committed to its former citizens during the last nine years of contemporary Holocaust 2.0 in Europe – since 2014 till 2023.

**III. Recommendations**

1. The ICC **should reconsider its decision** on the “arrest warrant” as unjust, unprofessional verdict that camouflages real war criminals and uses the false assertions of “unlawful deportation of population (children)”. The entire Russia is against such warrant. It should be addressed directly to the current and ex-Ukrainian leaders who plunged the country into a total disaster, nationwide corruption, increased poverty, intensified national hatred, banned using Russian language and Orthodox Christianity. **The ICC turned a blind eye to all such dramatic phenomena**.

2. The ICC should condemn the current and former presidents of Ukraine, prime-ministers and all ministers of the Ukrainian Government since 2014 onwards for intimidation, deportation, killing or injuring Russian and Ukrainian citizens affected directly or indirectly by means of **massive and combined Ukrainian-NATO member-states’ armed aggression** they unleashed since April 13, 2014 and are continuing it uninterruptedly so far against civilians in Russia and Ukraine.

3. The ICC **should bring its apologies to two Russian state dignitaries** it has mentioned in the press-release issued on March 17, 2023.

4. I hope that you, the ICC as a whole, will be able to display its collective courage **to disband itself** for major juridical irrelevancy and lack of professionalism in your fully politicized “activity” – many countries in the world do not trust and do not share at all. **The ICC is a biased and dishonest court.**

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