



Human Rights Now Welcomes the Issuing of Warrants of Arrest by the ICC against Vladimir Putin and Maria Lvova-Belova

Human Rights Now (HRN) welcomes and supports the decision within the International Criminal Court (ICC) to issue warrants of arrest on 17 March 2023 for the President of Russia, Vladimir Putin, and his Commissioner for Children’s Rights, Maria Lvova-Belova, for the alleged war crimes of unlawful deportation and transfer of children from occupied areas of Ukraine to Russia.¹

The warrants charge both Putin Lvova-Belova and with individual criminal responsibility for committing the unlawful deportations jointly with or through others, as well as in Putin’s case the further charge, as a superior and/or commander, of failing to prevent subordinates under his control from committing the deportations.² In approving the Prosecutor’s application to issue the warrants, the ICC’s Pre-Trial Chamber II found “reasonable grounds to believe” the charges.³

Under the ICC’s Rome Statute, the unlawful deportation or transfer of civilians is forbidden and constitutes a war crime.⁴ In this regard, children are particularly vulnerable and enjoy special protection under the Geneva Convention.⁵ To date, it has been reported that more than 19,500 Ukrainian children orphaned or separated from their families by the conflict have been forcibly deported from Ukraine and transported to Russian territory.⁶ It has also been reported that the Russian government is holding at least 1,400 Ukrainian children it describes as “orphans” and that at least 400 Ukrainian children have been taken in by Russian families, some in exchange for payment from the government, with another 1,000 waiting for adoption.⁷ Lvova-Belova herself claimed to have adopted a 15-year-old child from Mariupol in a television interview.⁸ We

¹ International Criminal Court (ICC), “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova”, Press Release: 17 Mar. 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>; ICC, “Statement by President Piotr Hofmański”, 17 Mar. 2023, <https://www.youtube.com/watch?v=FbKhCAaRLfc>.

² Individual responsibility is covered under article 25(3)(a) of the ICC’s Rome Statute, and superior or command responsibility under article 28(b). Rome Statute of the ICC, 2187 U.N.T.S. 90, entered into force July 1, 2002.

³ The Pre-Trial Chamber II concluded 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.” The Chamber also decided to publically disclose the warrant and its details given the ongoing nature of the violations. Situation in Ukraine, *supra*, note 1.

⁴ Rome Statute of the ICC, Art 8(2)(a)(vii) and 8(2)(b)(viii).

⁵ ICC, “Statement by President Piotr Hofmański”, 17 Mar 2023, <https://www.youtube.com/watch?v=FbKhCAaRLfc>.

⁶ “Children of war”, <https://childrenofwar.gov.ua/en/>; Le Monde, “Russian policy of deporting Ukrainian children under investigation by ICC”, 5 Mar. 2023, https://www.lemonde.fr/en/international/article/2023/03/05/russian-policy-of-deporting-ukrainian-children-under-investigation-by-icc_6018196_4.html.

⁷ The Guardian, “Putin’s alleged war crimes: who are the Ukrainian children being taken by Russia?”, 17 Mar. 2023, <https://www.theguardian.com/world/2023/mar/17/vladimir-putin-war-crimes-icc-arrest-warrant-ukraine-children>; El Deeb, Shvets, and Tilna, “How Moscow grabs Ukrainian kids and makes them Russians”, AP News, 17 Mar. 2023, <https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6>.

⁸ Guardian, *id.*, referencing a clip of the interview at <https://twitter.com/maxseddon/status/1626203290986741760>.

are deeply concerned with these serious allegations, many of which are reportedly supported by the Russian government's own statements and records.

While an important step towards accountability, the warrants represent only a fraction of the unlawful conduct perpetrated against the Ukrainian people. In March 2023, the Human Rights Council's Independent International Commission of Inquiry on Ukraine reported extensive evidence of grave violations by Russian forces in Ukraine including alleged war crimes and crimes against humanity such as willful killings, attacks on civilians and indiscriminate and disproportionate uses of explosive weapons in populated areas (the main cause of civilian deaths), unlawful confinement, torture, rape and other sexual violence, and unjustified destruction of civilian infrastructure including energy-related infrastructure, in addition to the forced transfers and deportations of children.⁹ Allegations of genocide have also been brought to the International Court of Justice by the government of Ukraine against the government of Russia.¹⁰ HRN supports further investigations by relevant and independent authoritative bodies, including the ICC, into all alleged war crimes, crimes against humanity, and other violations by Russian forces in Ukraine as a basis for future accountability.

We call on member states to the ICC, particularly those historically reluctant to cooperate, to observe the warrants of arrest and their obligations under the Rome Statute by detaining Putin and Lvova-Belova, should either individual enter their territory, and by cooperating with the ICC's process. In particular, the Republic of South Africa should refrain from hosting Putin at the BRICS summit in August 2023 and should be wary of repeating its historical disregard for ICC warrants.¹¹ We further call on the international community to cooperate to achieve accountability for all war crimes and other international crimes committed during Russia's invasion of Ukraine.

⁹ OHCHR, "Press Release: War crimes, indiscriminate attacks on infrastructure, systematic and widespread torture show disregard for civilians, says UN Commission of Inquiry on Ukraine", 16 Mar. 2023, <https://www.ohchr.org/en/press-releases/2023/03/war-crimes-indiscriminate-attacks-infrastructure-systematic-and-widespread>; OHCHR, "Report of the Independent International Commission of Inquiry on Ukraine", A/HRC/52/62, 15 Mar. 2023, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf; also see BBC News, "Ukraine conflict: What war crimes is Russia accused of?", 17 Mar. 2023, <https://www.bbc.com/news/world-60690688>; BBC News, "Anatomy of an attack: Is Russia using cluster bombs in Ukraine?", 3 Mar. 2023, <https://www.bbc.com/news/60591017>.

¹⁰ ICJ, "Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: Latest Developments)", <https://www.icj-cij.org/case/182>.

¹¹ Daily Maverick, "Vladimir Putin in South Africa: A diplomatic and legal dilemma for the government", 3 April 2023, <https://www.dailymaverick.co.za/article/2023-04-03-vladimir-putin-in-south-africa-a-diplomatic-and-legal-dilemma-for-the-government/>.