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ICC Warrant for Putin

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On March 17, judges at the International Criminal Court (ICC) in The Hague, Netherlands, issued arrest warrants for Russian President Vladimir Putin and for Russia's Commissioner for Children's Rights Maria Alekseyevna Lvova-Belova. The warrants accused Putin and Lvova-Belova of involvement in the crimes of "unlawful deportation of population (children)" and of "unlawful transfer of population (children)," as defined in articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute, the treaty that brought the ICC into being in 2002. The warrants, by far the highest-profile action in the ICC's two-decade history, were prompted by persistent allegations from the early days of the Russia-Ukraine war that Russia had been forcibly removing Ukrainian children from Ukrainian territory and taking them, without consent of relatives or Ukrainian officials, to reeducation camps, or farming them out for adoption by Russian caregivers.

The warrants have been met with derision from Putin and other Russian officials, since Russia is one of more than 40 countries that do not recognize the jurisdiction of the ICC (a group that also includes the United States, China, India, Pakistan, Saudi Arabia, Turkey, and Indonesia). On the other hand, Ukraine, which has not yet ratified the Rome Statute, does accept the ICC's jurisdiction. This, along with lawless conditions in Ukraine's war zone that preclude the operation of other courts, has provided the legal pretext for the ICC's actions against Putin and Lvova-Belova. But regardless of the legalities, the ICC's action against Russia's leader has the potential to lead to world war and eventual world government — precisely in keeping with the designs of those who originally created the UN-centered international system of which the ICC is a critical part.

Nuremberg Precedent

When the United Nations was created at the end of World War II, the International Court of Justice (ICJ), known informally as the World Court, was brought into being as one of the six principal organs of the UN, a grouping that also includes the Security Council and General Assembly. The ICJ's main purpose was the adjudication of disputes between countries. But in accordance with the precedent of the war-crimes tribunals in Germany and Japan, whose purpose was to try Nazi and Japanese "war criminals," the globalists who framed the UN system also desired an international court for the purpose of trying individuals accused of war crimes and other especially heinous deeds that would otherwise go

unpunished. In the decades following the Nuremberg and Japanese war-crimes tribunals, which were conducted under military authority, two other ad hoc war-crimes tribunals were created to mete out "victor's justice" for alleged offenders in the Yugoslav civil war and the Rwandan genocide in the 1990s.

Such tribunals have been justifiably criticized, not only for the nebulous and decidedly biased legal doctrine of victor's justice, but also for reliance on ex post facto law (i.e., law that criminalizes past actions or otherwise takes effect retroactively), which is expressly prohibited by the U.S. Constitution and by many other countries, both Western and non-Western. Senator Robert Taft, a vocal critic of the leftist American establishment in the 1940s and 1950s, risked his entire political career to oppose the Nuremberg tribunals, telling an audience at Kenyon College in October 1946 that "the trial of the vanquished by the victors cannot be impartial no matter how it is hedged about with the forms of justice." On that occasion, Taft went on to say:

> About this whole judgment there is the spirit of vengeance, and vengeance is seldom justice…. In these trials we have accepted the Russian idea of the purpose of trials — government policy and not justice.

Years afterward, Supreme Court Justice William Douglas wrote:

> No matter how many books are written or briefs filed … the crime for which the Nazis were tried has never been formalized as a crime with the definiteness required by our legal standards, nor outlawed with a death penalty by the international community. By our standards that crime arose under an ex post facto law. Goering et al. deserved punishment. But their guilt did not justify us in substituting power for principle.

Similar criticisms dogged the Yugoslav and Rwandan war-crimes tribunals of the 1990s. The solution brought forth by globalists — a permanent international criminal court operating on the basis of an international code of statutes defining "war crimes," "crimes against humanity," and the like — purported to solve the problem of arbitrary, ex post facto law inherent in war-crimes tribunals, but created a huge pool of much greater problems, including especially the threat to national judicial sovereignty posed by such a court.

Putin under pressure: The Russian dictator is one of the first non-Africans, as well as the first non-African head of state, to be indicted by the ICC. Putin's indictment signals a new drive by the organization to wield power over even the strongest world leaders. (AP Images)

The Rome Statute

In the summer of 1998, delegates from 160 countries met in Rome to plan what would be touted as "the last global institution created in the 20th Century." For five weeks, hundreds of delegates toiled away, and on July 17 authorities triumphantly announced that 120 countries had approved of the new court by voting in favor of the "Rome Statute of the International Criminal Court." Opposed to the statute were only seven nations, including the United States, Israel, China, and several Middle Eastern nations. Twenty-one other countries abstained from the vote, so the new court enjoyed far short of a "consensus." Undeterred, globalists pushed ahead for the requisite 60 nations to ratify the treaty. Once that bar was cleared, the International Criminal Court formally came into existence on July 1, 2002, and began issuing arrest warrants three years later.

Veteran reporter for *The New American* William F. Jasper was present at the Rome conference in 1998, and warned at the time: "If allowed to stand — and to thrive and grow, as its champions intend — [the ICC] will sound the death knell for national sovereignty, and for the freedoms associated with limited, constitutional government." Jasper and many others noted that not only was the ICC designed to run roughshod over national judicial sovereignty, but the various crimes it was tasked with prosecuting were so vaguely defined that they could be applied very broadly, wherever political expedience might dictate.

The Rome Statute defined four classes of crimes — namely genocide, crimes against humanity, war crimes, and "aggression." Article 6 of the convention characterizes "genocide" as follows:

> "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Notice how broad the language is. Under the definition, a prosecutor could indict someone who killed five members of a given ethnic or other group under the heading of genocide, because the statute gives no indication of the scale of homicide to qualify as genocide. While "genocide" is conventionally understood to signify the killing of a very significant percentage of an entire ethnicity or other persecuted group, as with the Turks against the Armenians or the Nazis against the Gypsies and Jews, the legalese of the statute is entirely, perhaps purposefully, vague. Moreover, while the term "genocide" customarily referred to desolating campaigns of mass murder à la Nazi Germany, Soviet Ukraine, 1990s Rwanda, and so forth, the term is expanded to cover all manner of collective persecution short of outright murder — even though the very etymology of the word contains the root –*cide*, from a Latin word meaning "kill(ing)," which elsewhere always connotes murderous acts (homicide, fratricide, parricide, e.g.). Under the Rome Statute, the term has been cheapened to signify almost any type of ethnic or religious persecution, which, however evil it may be in its own right,

frequently falls far short of the mass murdering extremities of the blood-soaked 20th century. And if the term "genocide" can be so expansively and vaguely defined, it could be certainly misapplied to any grievance-driven minority in the United States that holds itself persecuted or unfairly treated under American law.

Similar vagueness plagues the definitions of other classes of "crimes against humanity." "War crimes," for example, are held to include "willful killing" (What exactly is meant by "willful"?), while "aggression" is defined as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations" — meaning, potentially, any offensive or preemptive use of military forces, or any use not authorized by the UN Security Council. It is not difficult to imagine U.S. troops being hauled before such a tribunal under such vague charges in response to practically any unilateral military action not explicitly authorized by the United Nations.

As for jurisdiction, the ICC supposedly declines jurisdiction in countries that have not ratified the Rome Statute. In practice, however, matters are far different. Neither Russia nor Ukraine has ratified the treaty; Russia originally signed the Rome Statute, but later withdrew its signature, while Ukraine has signed the statute but not ratified it. However, Ukraine has announced its willingness to abide by the conditions of the statute, which has given the ICC the jurisdictional justification it needs. Since Putin and Lvova-Belova's crimes were allegedly committed on Ukrainian soil, goes the legal logic, the ICC can step in by Ukraine's leave.

From Symbolism to Hard Law

While the ICC warrants against Putin and Lvova-Belova are largely symbolic given the ICC's limited enforcement options against the Russian superpower, the longer-term diplomatic and legal ramifications of these indictments are enormous. First of all, they have given legal imprimatur to the many accusations against Putin of war crimes, and thereby take away any chance at a negotiated settlement. Putin now knows that if he withdraws his forces or negotiates any type of peace with Ukraine, he will remain a "war criminal" subject to the humiliation of arrest, trial, and possible execution if he ever steps outside of Russia, retires, or is forced out of power by rivals eager to mend fences with the outside world. Losing the war or even negotiating a compromise is no longer an option for Russia's nuclear-armed dictator. As a result, Putin now has even more of an incentive to either win at any cost or go down fighting, either of which would quite likely involve the use of nuclear weapons for the first time since the end of World War II. After all, Putin now has nothing to lose — and with more such ICC warrants likely to be issued for Russian military commanders and other members of Putin's inner circle, neither do Russia's military leaders or those members.

As if this were not calamitous enough, the precedent established by the eventual arrest and trial of Putin — one of the world's most powerful men — should his government be toppled by a coup would go a very long way toward establishing the ICC as the irresistible criminal court of last resort. The hoped-for outcome on the part of Eurocrats and globalists everywhere would be some type of internal overthrow of Putin, followed by his delivery to global authorities as a condition for easing of economic sanctions. The spectacle of Putin in irons before a global tribunal, followed by his conviction and execution, could help to transform the ICC from an obscure organ for prosecuting Third World child traffickers into an unopposable global authority, the international "criminal court of last appeal" it was

always intended to become.

This, of course, would be a grievous precedent for sovereign national criminal-justice systems such as our own federal court system. Such an invigorated ICC would be construed to supersede, where deemed necessary, the authority even of the U.S. Supreme Court. It must be remembered that in law, precedent is everything, and if the globalists can engineer the surrender of Putin to the ICC, they could surely do the same for some future globalist U.S. president wishing to do away with a presidential predecessor or vexatious rival. It is not at all hard to imagine, for example, a future President Biden-type handing over a Donald Trump or some other vanquished rival to the ICC on — ahem — trumped-up charges of one sort or another.

However horrifying and deserving of punishment the actions of Putin and his confederates in Ukraine might be, they do not justify embracing a novel international judiciary consecrated to the idea — utterly hostile to Anglo-American jurisprudence — that courts should be instruments of biased policy and not of impartial justice.

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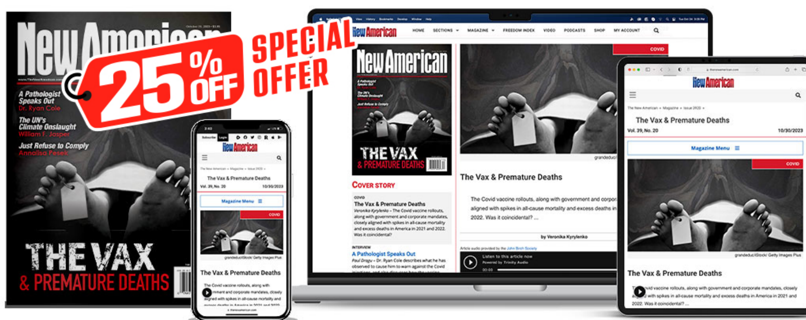

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