

Russian Military Atrocities against Ukrainians and Putin's Criminal Responsibility

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Abstract

This paper examined whether President Vladimir Putin could be legally held accountable for atrocities committed by Russian troops during the war in Ukraine, which began with the Russian invasion on February 24, 2022. The purpose of this study was to evaluate how President Putin's actions could be defined within the existing international criminal law system and to identify the main obstacles that hinder his prosecution. This study adopted a qualitative and literature-based approach, analyzed the provisions of the International Criminal Court (ICC) Rome Statute, and used secondary data such as the United Nations (UN) Human Rights Report, academic analysis, and reliable media data. The results of this study revealed that although current legal standards suggest that President Putin is likely to be considered a war criminal, the possibility of actually executing his responsibilities is extremely limited because Russia is a non-party to the ICC, President Putin is the head of state, and Russia holds the veto power as a permanent member of the UN Security Council. Nevertheless, this study emphasized that it is still important for the international community to continue its efforts to hold accountability to curb future war crimes by major powers in the face of growing concerns about Russia's potential territorial expansion. By clarifying President Putin's legal responsibility and the structural limitations of the ICC system, this paper has contributed to a broader discussion of the scope and feasibility of international criminal justice in the ongoing conflict.

Keywords: Putin, Ukraine, War crime, ICC, The Rome Statute

1. Introduction

Wars have been constant in human history, and they are still going on around the world. The causes of wars vary, from fulfilling the ambitions of a dictator to national interests, but they all have one thing in common: they involve the horrific loss of life through the use of physical force. Moreover, the inhumane atrocities committed by participants in wars, when they had an excessive sense of purpose or were ethically corrupted, were sufficient to outrage the international community.

The tragedy of these war crimes is being repeated in Ukraine today. On February 24, 2022, Russian forces launched a full-scale invasion of Ukraine on the orders of President Vladimir Putin, and, contrary to Russia's plan to occupy Ukraine in a short period of time, in the course of a protracted war that was met with fierce Ukrainian resistance, Russian forces committed numerous atrocities against Ukrainian soldiers and civilians, including genocide, torture, rape, and forced displacement (UN Human Rights Office of the High Commissioner, 2024).

In this regard, this study examined whether President Putin could be punished for these atrocities committed by the Russian military. Specifically, it examined how the punishment of war crime had evolved with the development of international law and what the current system of war crime punishment looked like, followed by an examination of whether Putin, who was directing the war from behind the scenes as the Head of State and supreme power of Russia, was a war criminal under the current system and what the obstacles to actually punishing Putin were.

A qualitative, document-based method was used in this study, analyzing the ICC Rome Statute and incorporating secondary materials such as UN human rights reports, academic studies, and trustworthy media sources. Materials were selected for their relevance and reliability. Conflicting viewpoints were reviewed critically to maintain fairness and analytical rigor.

2. Advances in war crime punishment since World War II

Prior to World War II, punishments for war crimes were often imposed unilaterally by the victorious nation through the logic of power. However, with the development of international law, it has evolved since World War II to punish war criminals through trials with international consensus (Glasius, 2006). By agreement of the victorious powers of World War II, the International Military Tribunal for Germany was established in 1945 (Risman, 2018), and the International Military Tribunal for the Far East was established in 1946 (Yuma, 2009). Those convicted politicians, military commanders, and others for their roles in atrocities committed during the war.

In 1993, the International Criminal Tribunal for the former Yugoslavia (ICTY) was established by a UN Security Council resolution. It convicted politicians, military commanders, and others for their roles in ethnic cleansing and other acts of violence that occurred during the 1990s as the former Yugoslavia federation was divided into Slovenia, Serbia, Croatia, and Bosnia (ICTY, 2017).

In 1994, the International Criminal Tribunal for Rwanda (ICTR) was established by UN Security Council resolution and convicted politicians, military commanders, and others for their roles in the genocide against the Tutsi in Rwanda (ICTR, 2015).

3. The emergence of the ICC as a permanent court for war crimes

The above cases are significant in that war criminals were punished through international trials involving a large number of states under international consensus. However, in the absence of a clearly defined concept of war crimes under international law, the penalties were set and applied retroactively after the end of the war, which led to debates about whether it complied with the fundamental principles of criminal justice (Glasius, 2006).

In response to the growing international consensus that a permanent court was needed to provide a deterrent to war crimes, rather than the traditional reactive and one-off approach of establishing tribunals, the Rome Statute of the ICC (the Rome Statute), a multilateral treaty providing for the establishment and activities of the ICC, was signed in 1998, and the ICC was established in the Netherlands in 2003 (Schabas, 2020; the ICC, 1998).

The Article 5 of the Rome Statute declares four crimes within the jurisdiction of the ICC: (a) The crime of genocide, (b) Crimes against humanity, (c) War crimes, and (d) The crime of aggression, and Articles 6 through 8 specifically define the acts falling under (a) through (c) above. On the other hand, (d) The crime of aggression has not yet been specifically defined and consequently does not constitute a jurisdictional crime of the ICC. There might be many different views on the concept and scope of war crimes, but since the ICC has already been established and is actively working, this article is premised on the crimes defined in the Articles 6 through 8 of the Rome Statute.

With respect to a crime referred to in Article 5, the ICC may exercise its jurisdiction in a situation: referred by a state party or the UN Security Council, or an investigation has been initiated by the prosecutor under the pre-trial chamber's authorization (Article 13). However, in the case of a referral by a state party or the opening of an investigation by the prosecutor, the territorial state in which the acts occurred or the state of nationality of the alleged criminal shall be a party to the Rome Statute or shall accept the jurisdiction of the ICC (Article 12). The ICC has jurisdiction only with respect to crimes committed after the entry into force of the Rome Statute (Article 11), and a person shall not be criminally responsible under the Rome Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the ICC (Article 22).

As of June 2025, a total of 125 states had ratified the Rome Statute and become states parties to the ICC, demonstrating broad international support for the ICC (Assembly of States Parties to the Rome Statute, 2025, June 30).

4. Application to President Putin

4.1 Review for objective behavioral requirements

The numerous war crimes committed by Russian forces in Ukraine, which have caused significant civilian casualties in addition to soldiers, have been widely publicized by UN organizations or the media (Figure 1). Those acts are sufficient to satisfy the objective behavioral requirements of crimes under Articles 6 through 8 of the Rome Statute.

This article focuses on whether President Putin is a war criminal based on the premise that Russian military's atrocities exist, and therefore does not elaborate on the facts and evidence of the Russian military's atrocities themselves.

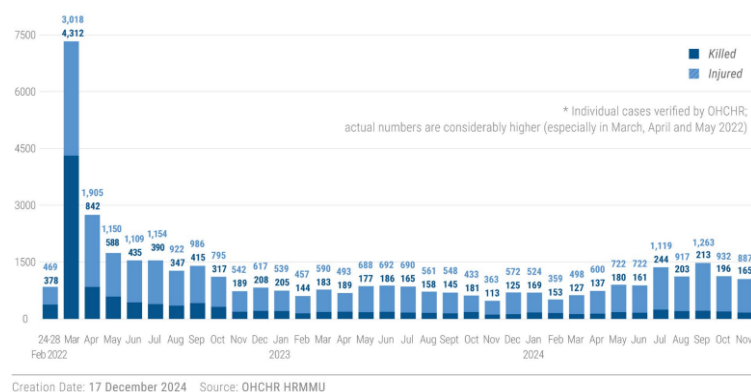


Figure 1. Monthly civilian casualties since 24 February 2022 in Ukraine (UN Human Rights Office of the High Commissioner, 2024). Although reduced compared to the early stages of the war, civilian casualties continue to occur on a very large scale, reflecting the Russian military's targeting of civilians.

4.2 Review for President Putin not being the direct perpetrator of atrocities

According to Article 25(3) of the Rome Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: (a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible; (b) orders, solicits or induces the commission of such a crime which in fact occurs or is attempted.

Additionally, Article 28(2) states a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his/her effective authority and control, as a result of his/her failure to exercise control properly over such subordinates, where: (a) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes; (b) The crimes concerned activities that were within the effective responsibility and control of the superior; and (c) The superior failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

The record to date indicates that President Putin has prioritized military victory over responding to international criticism of Russian military's atrocities from the beginning of the war, and, on the contrary, has encouraged his troops to continue fighting, even sending North Korean troops into combat to make up for the shortage of Russian troops (Kirby, 2024; Rosenberg, 2024; Gardner, 2025). Therefore, as the architect of the war and supreme commander of the Russian military, Putin is subject to punishment for the atrocities committed by the Russian military under the above rules.

4.3 Review for the jurisdiction and President Putin's status as the Head of State

Ukraine was not a state party to the Rome Statute, but it has twice exercised its prerogatives to accept the ICC's jurisdiction under the Rome Statute, pursuant to article 12(3) of the Statute. Furthermore, by April 2022, the ICC received state party referrals from more than 40 countries (the ICC, n.d.). Therefore, the ICC's jurisdiction over President Putin's alleged war crimes is recognized under Article 13(a) and Article 12(3) of the Rome Statute, despite the fact that Russia is not a state party to the Rome Statute.

Additionally, the Rome Statute shall apply equally to all persons without any distinction based on official capacity.

In particular, official capacity as a Head of State or Government shall in no case exempt a person from criminal responsibility under the Statute (Article 27-1). Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person (Article 27-2). In some case, criminal immunity for official acts committed by a Head of State is recognized in whole or in part by national laws or international treaties such as the UN Convention on Special Missions of 1969 states (Frey, 1999). However, the Rome Statute explicitly denies this for the ICC's jurisdictional crimes, so the ICC has jurisdiction over Putin, the current Head of State of Russia.

As a result, in March 2022, the ICC opened an investigation into allegations of war crimes committed in Ukraine. In March 2023, arrest warrants were issued for five individuals, including President Putin. At that time, the ICC's main charges against President Putin were as follows (the ICC, n.d.):

“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 Feb. 2022.”

5. Conclusion

President Putin has cited the need to protect Russians in Ukraine from the neo-Nazi regime there as a justification for the invasion (Kirby, 2025). However, his claims have little support in the international community and have been met with strong international sanctions (Wright & Vernon, 2024). The presumption of innocence does not allow President Putin to be definitively declared as a war criminal because his trial has not yet taken place. Nonetheless, for the reasons described above, it is highly likely that President Putin is a war criminal for Russian military's atrocities against Ukrainian soldiers and civilians. This conclusion is consistent with most existing research that President Putin is a war criminal (Haque, 2022; Hathaway, 2023).

On the other hand, it seems virtually impossible to actually punish President Putin as a war criminal. Under the Part 9 of the Rome Statute, the ICC relies on the cooperation of states parties and has no direct enforcement powers. Furthermore, not only have key powers such as the United States, Russia, and China refused to ratify the Rome Statute and are therefore not states parties, but Putin is the supreme power of Russia, a permanent member of the UN Security Council with veto power, so there is no possibility of Russia cooperating with the ICC and no hope of action through the UN Security Council. Looking at cases involving heads of state, the arrest warrant for former Philippine President Rodrigo Duterte was dramatically executed on March 11, 2025, after the Philippine government reversed its stance and cooperated with the ICC, while the ICC's arrest warrant for Israeli Prime Minister Benjamin Netanyahu has still not been carried out (Holligan, 2025). This situation not only reveals the limitations of the ICC system, but also raises a deep question: what does international legal justice mean?

In this regard, there are some views that efforts to punish President Putin as a war criminal is inappropriate both in practical and political terms. They argue that holding President Putin accountable as a war criminal is unrealistic and carries the risk of merely heightening tensions (Finucane & Pomper, 2023). However, international efforts to punish President Putin as a war criminal need to continue in order to provide some deterrence to other possible future acts of war crimes by great powers. In light of growing concerns about the possibility of President Putin's territorial expansion ambitions spreading to the Baltic states, Poland, or elsewhere, especially as the likelihood of the war in Ukraine ending in a highly favorable outcome for Russia has increased significantly (Adler, 2025), the need for such efforts seems even more urgent.

This study added to the existing literature by providing a systematic examination of whether President Putin could be considered a war criminal under the current framework. Nonetheless, this study had certain limitations. It focused mainly on legal aspects, and did not take into account broader political or sociological factors that might have affected enforcement dynamics. Moreover, because the situation in Ukraine and the international response to Russia were changing so quickly, some of the conclusions offered here could have required adjustment as circumstances evolved.

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