

What responsibility do Russians bear for Putin?

GEOFFREY ROBERTSON, The Australian, April 9-10, 2022

The sickening pictures from Ukraine, in the press and on television, look like Nazi troops have been back in town. But this time the civilised world can only gnash its teeth and accept the refugees.

Russian President Vladimir Putin's unlawful aggression demands a new Nuremberg, but he has the UN by the throat – a superpower vote in the Security Council that permits him to veto the action it has a duty to take to keep international peace. Unless Australia and like-minded countries step up, this will be the beginning of the end of the world order agreed after World War II.

Without any doubt, Putin is personally guilty and his nation is liable for the crime of aggression, which entered the jurisdiction of the International Criminal Court as recently as 2017. It simply means invading an independent country without the excuse of acting in self-defence, and no one could believe that Ukraine was about to invade Russia.

But it only can apply to states that have signed up to the ICC charter, and those that are likely to commit aggression – Russia, China and the US – for that reason do not. They are immune from prosecution and have a veto to enforce that immunity. The only superpowers that can be hauled up for the crime of aggression are Britain and France. But then there are war crimes, such as the killing of civilians or torture of prisoners, which have been prosecuted for hundreds of years. Ukraine has signed up to the ICC, so that international court may prosecute Russian soldiers and their commanders – including the supreme commander, Putin.

He may not have ordered the particular killings of civilians tied up and shot through the back of the head, but under article 28 of the court's charter he might be prosecuted for the crime if he took no steps to investigate and punish its perpetrators.

This puts Putin in an interesting position. His propaganda insists the deaths were faked by Ukrainians after the Russian troops had left, but this is a kneejerk Kremlin lie – spy satellite pictures show the bodies in the road before the Russian troops left. To avoid liability he will have to order some prosecutions, but even a few scapegoats would mean an impossible loss of face.

The ICC prosecutor, a capable QC, has opened his investigation but needs the money to put independent forensic experts in place immediately to forestall Russian claims that he has been hoodwinked. Funds and expertise (including from Australia – our Afghan war investigators, for example) should be supplied immediately.

The next step will be an indictment, and the importance of that moment should not be underestimated: it was the point at which Serbian leader Slobodan Milosevic found his people turning against him.

Of course, Putin will not turn up for trial. But he is only 69, and who knows what may happen over the next 30 years. He may be traded by a new regime, like Milosevic, in return for easing sanctions, and stumble into a dock like an old Nazi. The West must keep up pressure in the future to hand him over.

For the present, all we can do by way of punishment is to tighten sanctions. Many countries, including Australia, have Magnitsky acts, which are fine for seizing the assets of oligarchs and

impounding their superyachts. But we will need to step up to sanctions on the country itself, which will hit its people. What responsibility do they bear for this wicked war?

The Levada Centre, the only reliable polling operation in Russia, says support for the war has increased since it started and now stands at 80 per cent.

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The question of German war guilt has been much debated – best by philosopher Karl Jaspers, who concluded that the German people did not bear collective criminal guilt for Adolf Hitler but they did bear collective political responsibility. So the Russian people must suffer, but at least their suffering will be much less than their army has caused to the Ukrainians.

There are moves to ostracise Russia at the UN and Australia must support them. Russia has been deselected from the Human Rights Council; it was a sick joke that it was on there at present. It should be possible for the General Assembly to change the Security Council's voting procedure so actions on Ukraine can be approved by a majority of the 15 members, without allowing a superpower veto.

One step Australia should take immediately is to expel (by declaring him, in diplomatic Latin, *persona non grata*) the Russian ambassador, given the interview in this paper a few days ago when he parroted Putin's propaganda. Of course, ambassadors are men sent abroad to lie for their country, but lies that excuse the murder of children cannot be tolerated, even from a diplomat. It may be the man himself does not believe them, so he could be offered the opportunity to defect if he makes his real feelings public.

And we should take a hard look at the Russian Orthodox Church, which has property and followers in Australia. Patriarch Kirell is Putin's biggest cheerleader and has turned his Christian congregation in favour of the slaughter in Ukraine. If there is a hell, he will burn in it, but for the present we should deport his acolytes.

As for Russia's international superstars, unless they condemn Putin's war they must never again be admitted to civilised countries. It will pain me not to go to the Salzburg Festival to hear soprano Anna Netrebko sing, or to Covent Garden to see Valery Gergiev conduct, or to Melbourne to watch Daniil Medvedev at the Australia Open. But these morally deficient individuals have refused to step up to the plate; they will say only that they hope for peace. So does Putin – the peace of the grave.

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