

AN EXAMINATION OF THE ACCOUNTABILITY PROCEDURES UNDER INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAWS TO PRESERVE WORLD PEACE IN LIGHT OF THE ATROCITIES COMMITTED BY RUSSIA AGAINST UKRAINE.

A M M Ziyad,

Former student, Edhat International

For correspondence; <ziyadproff@gmail.com>

ABSTRACT

Russia is engaging in an aggressive war, committing war crimes, and committing genocide against Ukraine. These are the three main categories of international law offenses. The Independent International Commission of Inquiry on Ukraine and the International Criminal Court, respectively, have gathered evidence of actions that appear to be war crimes, such as indiscriminate killings and sexual and gender-based violence against civilians. More than a dozen nations have submitted evidence to the International Court of Justice claiming that Russia is conducting genocide in Ukraine. Treaties cover both crimes against humanity and war crimes, and the Rome Statute of the International Criminal Court and customary international law both apply to both types of crimes. The International Criminal Court has jurisdiction over Ukraine, but Russia wields significant power at the Security Council thanks to its veto.

There has to be a worldwide structure of citizen concern to stop the influence of any superpower. The difficulty in showing a connection between the act constituting the crime and the perpetrator is what makes crimes against humanity and war crimes so difficult to prove. In order to quickly address the concerns of people around the world for world peace, a citizen-oriented approach is required. Russia and Ukraine have not ratified the Rome Statute or the UN Security Council Resolution 1315, which makes it impossible to establish a special court like the Special Court for Sierra Leone. To hold the Russian government responsible for the threat they posed to Ukraine, which now affects the entire globe, a mechanism must be set up immediately.

In order to pursue accountability for international crimes, a court must be formed in accordance with international law. Dangers to international security, dangers to peace, or crimes against humanity cannot be discussed by the UN Security Council. A citizen tribunal with access to international law and the consent of all states is required to address these challenges. To hold Russian authorities accountable for Moscow's invasion of Ukraine, Gordon Brown and Annalena Baerbock have proposed the creation of a special tribunal. A citizen-controlled accountability system is required to set an example.

As an illustration, establishing the International Convention on Global Citizens Voice This might be developed into a group that would gather signatures from countries that denounce Russia's abuses. It would hear important cases for the entire world and be represented by prominent lawyers. The prosecution should last no more than a week, and the burden of proof should fall on the accused. Create swift, reliable, responsible, and citizen-centered international procedures as a result to maintain world peace.

Keywords: War crimes, Peace, Accountability, UN, Citizen Centered solution

1. INTRODUCTION

There are serious levels of violations of international law by Russia against Ukraine, and I have referred to Human Rights Watch, BBC news, and many other online (Just Security, November 8, 2022) sources in formulating this analysis, and the following list is to bring them to a category that could easily lead me to my next section of analysis, and I have also provided proof that these crimes were identified through some other direct sources.

- I. Un authorized use of force against another territory (Council on Foreign Relations, November 4, 2022)
- II. Willful killing (the Guardian, March 9, 2022)
- III. Torture or inhuman treatment (CNBC, November 23, 2022)
- IV. Willfully causing great suffering or serious injury to body or health (Human Rights Watch, February 23, 2022)
- V. Extensive destruction and appropriation of property, which cannot be justified by military necessity and carried out unlawfully and with intention (BBC news, March 10, 2022)
- VI. Unlawful deportation or transfer or unlawful confinement of a civilian (Relief Web, November 10, 2022)

2. AVENUES FOR INTERNATIONAL ACCOUNTABILITY

The International Criminal Court (ICC) has the authority to bring charges against those who commit or order the commission of serious violations of Article 3 Common of the Geneva Conventions of 12 August 1949 for the Protection of War Victims and of Additional Protocol II thereto of 8 June 1977. These offenses are punishable by prosecution by the International Tribunal. Russia is committing three fundamental types of violations: an aggressive war, war crimes, and genocide. The U.N. General Assembly recognized Russia as the aggressor and several states accused it of violating the jus ad bellum (Pamuk H and Landay J, 2022). The Independent International Commission of Inquiry on Ukraine and the International Criminal Court have both compiled evidence of war crimes and genocide (OHCHR, 2022).

The international legal system is threatened by the crime of aggression, which poses the biggest threat. To maintain peace, Russia must be held accountable, and a global system of citizen concern must be established (United States Institute of Peace, 2022). The challenge in proving crimes against humanity and war crimes is proving a causal link between the act constituting the crime and the perpetrator (Human Rights Watch, December 20, 2022). A citizen-oriented system is needed to respond quickly to the concerns of the world's citizens about world peace (the Guardian, March 31, 2022).

3. ALTERNATE ACCOUNTABILITY MECHANISM

International humanitarian law (IHL) is applicable to all parties to armed conflict, regardless of the causes of the conflict. However, the International Criminal Court's authority is restricted by legal gaps that prevent direct accountability of individual leaders. To address this, an international court like the International Criminal Tribunal Yugoslavia (ICTY) or ICTR could be established (Just Security, October 25, 2022), but Russia and Ukraine have not ratified the Rome Statute. Despite these obstacles, there is an urgent need to establish a mechanism for holding Russian authorities accountable for the fundamental threat they posed to Ukraine, which allowed other nations to transgress the laws of sovereignty and jus ad bellum. The SCSL could be used to create a tribunal, but due to Russia's veto power, it is impossible.

To address crimes against humanity, global security, and peace, a citizen tribunal with international law and the collective will of all nations is possible. Gordon Brown (United States Institute of Peace) and Annalena Baerbock (Al Jazeera, January 16, 2023) have called for a special tribunal to hold Russian leaders accountable for Moscow's invasion of Ukraine (Reuters, March 3, 2022). It is time for the international community to put up barriers to prevent kleptocrats from meddling in international governance. Benefits a People's Tribunal could bring in the current context to address gross human rights violations and shed light on abuses.

4. STRUCTURE OF THE PROPOSED MECHANISM

The author proposes an International Convention on Global Citizen's Voice (ICGCV) an organization that would solicit signatures from nations that speak out against Russia's atrocities. It would hear cases that are significant to the world and be prosecuted by renowned attorneys. The maximum amount of time for a prosecution should be within a week, and the burden of proof should be on the suspect.

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