

[Translation of the statements issued by the Association of Lawyers of Russia dated 28 February 2022 as read under the following link: <https://alrf.ru/news/zayavlenie-sopredsedateley-assotsiatsii-yuristov-rossii-v-svyazi-s-provedeniem-voennoy-spetsoperatsii/>]

STATEMENT OF THE CO-CHAIRMEN OF THE RUSSIAN BAR ASSOCIATION WITH REGARD TO THE MILITARY SPECIAL OPERATION TO PROTECT DONBASS

Over the past decades, the world community has repeatedly witnessed and continues to witness violations of the basic principles of international law associated with the manifestation of armed aggression of certain countries against others.

For example, in March 1999 NATO military-political bloc started a military operation against Yugoslavia (codenamed "Allied Force"). The formal reason for the airstrikes were accusations against official Belgrade of carrying out ethnic cleansing against the Albanian population of Kosovo. At the same time, the UN Security Council did not give its permission to bomb Yugoslavia.

The NATO attacks in Yugoslavia resulted in the deaths of approximately 2,000 civilians. The military operation was carried out with blatant disregard for the norms of international humanitarian law, resulting in the bombing of defenseless civilian targets. The fundamental principles enshrined in the UN Charter and the Helsinki Final Act were flagrantly violated. The actions of the initiators of the military operation were also inconsistent with the North Atlantic Treaty of 1949, which formed the NATO military-political bloc.

In February 2021, the United States of America carried out airstrikes on Syrian territory on the command of U.S. President Joseph Biden. This act of aggression, without a doubt, also remains outside the bounds of generally accepted norms and principles of international law. Arbitrary detentions, extrajudicial executions and torture, bombardment with unconventional (prohibited) weapons, and illegal strikes against civilian objects are only some of the legal arbitrariness that has occurred.

Since 2014, international norms and agreements have continued to be violated in the territory of Donbass, where an unexplainable genocide of the civilian population has been taking place before the eyes of the world. During the entire period of Ukrainian aggression in the Donetsk and Luhansk People's Republics, more than 5,000 people were killed, including around 100 children! More than 1,600 people became disabled. More than 8 thousand people were wounded with various degrees of severity.

The people of Donbass were persecuted based on ethnicity, language, and political beliefs.

In recent days, the situation in Donbass has sharply escalated. On February 24, 2022, Russian President Vladimir Putin announced that he had decided to conduct a special military operation to demilitarize and denationalize the territory of Ukraine.

It should be noted that the actions of the Russian Federation are certainly taken in order to provide military and technical assistance to the sovereign states recognized by Russia and other countries - the Luhansk People's Republic and the Donetsk People's Republic in connection with the existence of facts of aggression against them.

Provision of military and technical assistance to the recognized sovereign states complies with all the necessary legal norms adopted at the level of the United Nations, because the republics and the Russian Federation has signed the respective treaties on friendship, cooperation and mutual assistance. These treaties contain provisions on mutual obligations to provide assistance to help eliminate emerging threats and mutually ensure defense and security.

In addition, the actions of the Kiev authorities with respect to the republics recognized by the Russian Federation are interpreted as manifestations of aggression according to the criteria defined by UN General Assembly resolution 3314 (XXIX) of December 14, 1974.

Thus, the legality of the decisions taken by the President of the Russian Federation follows from the applicable international law, interstate agreements and federal laws of the Russian Federation, which regulate that

decision-making as to the provision of the Russia's military and technical assistance to foreign countries falls within the competence of the President of the Russian Federation.¹

It is also necessary to note the obligation of the Russian Federation as a state governed by the rule of law to take maximum possible measures to bring to justice persons who organized the genocide of the population of Donbass since 2014.

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by UN General Assembly resolution 260 (III) of December 9, 1948, provides that genocide means actions committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including intentionally creating the living conditions for a group with are intended to result in its physical destruction in whole or in part.

Thus, the international community and UN member states are obliged to take into account that in accordance with the norms of the above-mentioned Convention, the actions of official Kiev to cut off access to electricity, gas and drinking water to the residents of Donbas indisputably fall under the concept of genocide even if the Kiev authorities deny their involvement in nationalist criminal gangs on the territory of the republics.

We cannot ignore the criminal methods of warfare on the Ukrainian side, which we have been encountering since the start of the special military operation: the deployment of multiple-launch rocket launchers in residential areas, the shooting of civilians by nationalist battalions, the misinformation by the international community regarding the goals and course of the peacekeeping operation, and the uncontrolled distribution of automatic weapons to all comers, which inevitably leads to an outburst of pillaging and terrorism and new human casualties.

Unfortunately, as of today, a number of UN member states are unwilling to see the massive and well-documented evidence of a blatant violation of the fundamental norms of international humanitarian law.

The politicized opinion of some subjects of international law often is based on a fact that the government of Ukraine acts in accordance with the laws of its state. In this regard, the outcome of the Nuremberg Tribunal cannot be ignored. Today, the lessons of this major trial of the 20th century are of particular significance.

We would like to recall that in accordance with the principles of international law, recognized by the statute of the Nuremberg Tribunal and expressed in the decision of this Tribunal: "The fact that no punishment is established under domestic law for any act recognized as a crime under international law does not exempt the person who committed this act from responsibility under international law".

The Russian Bar Association expresses the hope that any actions and events in the current situation will be regarded by the international community solely from the standpoint of international law, and not the international political claims of individual states and their capacities in the international information and economic space.

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¹ Federal Law No. 114-FZ of 19.07.1998 "On Military-Technical Cooperation between the Russian Federation and Foreign States".